



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT IRAN**

7 June 2018

# MAP



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## ACRONYMS

FGM-C	Female genital mutilation/ cutting
HTP	Health Transformation Plan
IIHRC	Iranian Islamic Human Rights Commission
ILO	International Labor Organisation
IOM	International Organisation for Migration
IRGC	Islamic Revolutionary Guards Corps
IRIB	Islamic Republic of Iran Broadcasting
JCPOA	Joint Comprehensive Plan of Action
LEGAM	The Gradual Elimination of the Death Penalty (Farsi acronym)
LGBTI	Lesbian, gay, bisexual, transgender, intersex
MeK	Mojahaden-e Khalq, an Iranian political exile organisation
MOIS	Ministry of Intelligence and Security
NHRI	National Human Rights Institution
NIDs	National Identity Cards
ONOCR	Ministry of Interior's National Organisation of Civil Registration, also known as Vital Records
PSB	Press Supervisory Board
UPR	Universal Periodic Review (conducted by the UN Human Rights Council)
SRS	Sexual reassignment surgery
VPNs	Virtual private networks

# GLOSSARY

<i>Fatwa</i>	Religious instruction
<i>Gozinesh</i> review	A process through which officials screen candidates for elected offices and applicants for public sector employment based on their adherence to, and knowledge of, Islam and loyalty to the Islamic republic
<i>Hijab</i>	Islamic dress code
<i>Majles</i>	Islamic Consultative Assembly (Iran's unicameral parliament)
<i>Mujtahid</i>	A cleric with an authoritative knowledge of Islamic law
<i>Sharia</i>	Islamic law
<i>Shenasnameh</i>	Birth certificates
<i>Velaya-e faqih</i>	'Guidance of the jurist': the political philosophy of the Islamic Republic

## Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

### official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

### societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

## PURPOSE AND SCOPE

- 1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Iran.
- 1.2 The report provides a general, rather than an exhaustive country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.
- 1.3 Ministerial Direction Number 56 of 21 June 2013 under s 499 of the Migration Act 1958 states that:
- Where the Department of Foreign Affairs and Trade has prepared a country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.
- 1.4 This report draws upon DFAT's on-the-ground knowledge and discussions with a range of sources in Iran. It takes into account relevant open source reports, including (but not limited to) those produced by the United Nations and its agencies, the US State Department, the World Bank, Transparency International, Human Rights Watch, Amnesty International, Freedom House, Reporters Without Borders, the Committee to Protect Journalists, and local and international media. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.
- 1.5 This updated Country Information Report replaces the previous DFAT report on Iran published on 21 April 2016.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Formerly known as Persia, Iran is one of the world's oldest continuous nation-states, with a written history dating back several millennia. The United Kingdom and Soviet Union occupied Iran during the Second World War, exiling the ruling Shah (King) but allowing his son Mohammad Reza Shah Pahlavi to succeed to the throne. In the 1943 Tehran Conference, the two occupying powers agreed to respect Iran's independence and withdraw their forces. But foreign influence and intervention remained a sensitive issue for all sides of Iranian politics in the years following, heightened by Cold War tensions. Of particular concern to Iranians was the ongoing extraction and marketing of Iranian oil resources by the British-owned Anglo-Iranian Oil Company. In 1951, parliament voted to nationalise the oil industry and elected leading nationalist Mohammad Mossadeq as Prime Minister. A military coup d'etat in 1953 removed Mossadeq from office. The coup, achieved with the support of the US and UK, united large sections of Iranian public opinion against foreign intervention, particularly from the West.

2.2 The Shah became a key Western ally in the region. Domestically, he advocated reform policies, including land reform, the extension of voting rights to women, and the elimination of illiteracy. However, he also suppressed and marginalised political opponents using arbitrary arrest, imprisonment, exile and torture, creating profound and widespread discontent. Opponents to the Shah's rule included both religious leaders, who resented the loss of their traditional authority, and secularists, concerned about the Shah's increasingly authoritarian rule. Religious leaders, particularly the exiled Ayatollah Khomeini, channelled this discontent into a populist Islamist ideology. In 1979, while the Shah was receiving medical treatment abroad, Ayatollah Khomeini returned to Iran, sparking a general uprising and the subsequent establishment of the Islamic Republic of Iran. Hundreds of officials of the Shah's regime were executed, along with others perceived to oppose the new regime. Iran adopted a foreign policy particularly hostile towards the United States and other western countries, who in turn responded with extensive trade boycotts and other sanctions. In September 1980, Iraq invaded Iran. The war lasted until 1988, devastated the Iranian economy, and exacted as many as one million casualties on both sides. Ayatollah Khomeini died in June 1989 and Ayatollah Khamenei took his place as Supreme Leader (see [Political System](#)).

2.3 The past two decades have seen fierce rivalry and continuing tension between those advocating reforms to the country's political, economic and foreign policy directions, and those committed to the conservative ideals of the Islamic Republic. Reformist president Mohammad Khatami attempted the former during his term in office (1997-2005), but was largely stymied by institutional elements within the political system. He was succeeded in office by conservative Mahmoud Ahmadinejad in 2005, who was returned to office in a highly disputed election in 2009 (see [Critics of the State](#)). Ahmadinejad's term of office, which concluded in 2013, coincided with a downturn in Iran's international relations: the UN Security Council imposed increasingly strict economic and political sanctions on the country from 2006 onwards due to concerns over human rights and Iran's missiles and nuclear programs. The country's current moderate President, Hassan Rouhani (elected in 2013) has pursued a policy of international engagement and succeeded in achieving an international deal that placed limits on Iran's nuclear program in exchange for sanctions relief. However, the deal, which came into effect in January 2016, has yet to result in significant

improvements to the Iranian economy, and is strongly opposed by the current United States administration, which announced in May 2018 that it would re-impose sanctions. A short but intense series of protests that occurred across the country in December 2017 and January 2018 highlighted deep faultlines that continue to divide Iranian society.

## DEMOGRAPHY

2.4 Iran is an ethnically diverse and multilingual country with a population of approximately 82 million, growing at an estimated 1.2 per cent per annum. Persians are the majority ethnic group, accounting for around 60 per cent of the population. Accurate numbers for ethnic minorities, including in relation to their representation within national institutions such as politics and the military, are difficult to obtain. Minority ethnic groups include Azeris (approximately 15 per cent), Kurds (approximately ten per cent), Lur (approximately six per cent), Arabs (approximately two per cent), Baluch (approximately two per cent), and Turkmen tribes (approximately two per cent). Farsi (Persian) is the official language, and around two-thirds of Iranians speak it as a first language.

2.5 Iran is heavily urbanised – around three-quarters of the population resides in cities. The population is concentrated in the north, northwest and west of the country: the vast dry areas in the centre and east have a much lower population density. Tehran is the capital and largest city, with a multi-ethnic population of approximately 15 million people (including its surrounding urban area). Other major cities include Mashhad (three million), Esfahan (1.9 million), Karaj (1.8 million), Shiraz (1.6 million) and Tabriz (1.5 million).

2.6 Iran experienced a significant population spike in the years after the 1979 revolution – the population grew from 34 million to 62 million in the first decade of the Islamic Republic. Iran now has one of the youngest societies in the world, with over 60 per cent of the population aged between 25 and 40. This has had significant effects on the country's politics, economy and society, as discussed throughout this report. Family size is now below replacement rate, so the population will begin to decline by 2050.

2.7 According to UNHCR, Iran hosts a population of 950,000 registered Afghan refugees and between 1.5 and three million undocumented Afghans. Around 30,000 registered Iraqi refugees live in Iran. Registered refugees may face some restrictions in movement, foreign travel, emigration, and repatriation. Registered refugees are prohibited from residing in specified areas, which are different for refugees of different origins and are subject to change. Registered refugees have access to healthcare, education and state benefits, although such access is at a lower level than that provided to Iranian citizens. International observers report that Iraqi refugees generally receive better treatment in Iran than those of Afghan origin. Unregistered refugees are likely to face more difficulty in moving, and most lack access to the full range of government services.

## ECONOMIC OVERVIEW

2.8 Iran has the second largest economy in the Middle East and North Africa region (after Saudi Arabia), with an estimated GDP in 2017 of USD427.7 billion. Its economy is dominated by the hydrocarbon and services sectors, and a noticeable state presence in manufacturing and financial services (see [Islamic Revolutionary Guards Corps \(IRGC\)](#)). Iran ranks first or 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 thus remain volatile. Distortions – including corruption, price controls, subsidies, and a banking system holding billions of dollars' worth of non-performing loans – weigh down the economy, undermining the potential for private sector-led growth.

2.9 The lifting of most nuclear-related sanctions following the 2015 Joint Comprehensive Plan of Action (JCPOA) between Iran, China, France, Germany, Russia, the United Kingdom (UK), the United States (US) and the European Union (EU) (see [Sanctions](#)) sparked a restoration of oil production and revenue that drove rapid GDP growth, but economic growth declined in 2017 as oil production plateaued. Iran did not receive an anticipated significant increase in foreign investment: many foreign companies were cautious of breaching the large number of US and other sanctions (relating to human rights abuses and support for extremist groups) that remain in place, and deterred by Iran's non-transparent investment environment and high corruption levels. While projecting a GDP growth rate of 4.2 per cent for the 2017/18 fiscal year, the International Monetary Fund (IMF) said in December 2017 that the government needed to enact financial sector reforms to attract more foreign business.

2.10 Income and wealth inequality is pronounced: while the country has seen the growth of a consumerist culture since the early 2010s, reflected in increased consumption of high-end luxury items, the cost of living for ordinary Iranians has steadily increased over the last decade. An estimated 40 per cent of Iranians live below the World Bank defined moderate poverty line of less than US\$3.10 per day. According to a June 2017 survey, 63 per cent of respondents said the economy was bad, 50 per cent said economic conditions were worsening, and 70 per cent said the nuclear deal had not improved people's living conditions. The Rouhani government has had some economic successes, particularly in curbing inflation (which reached nearly 40 per cent in 2013). Prices have nevertheless continued to rise at approximately 10 per cent per annum. In March/ April 2018, the rial hit historic lows against major foreign currencies as investors stocked up on hard currency as a hedge against a growing economic uncertainty, particularly the looming threats to the JCPOA. In response, the Central Bank of Iran announced a new mandatory fixed exchange rate against the US dollar after a range of earlier (and more moderate) measures failed to halt the rial's slide. According to the government, the new mandatory rate unifies the long-standing separate 'official' and 'market' rates. Analysts remain sceptical that it will succeed in doing so.

2.11 Unemployment is causing economic difficulty and social unrest. The economic growth that followed the JCPOA has not translated into significant job creation. The Ministry of Economic Affairs and Finance reported that unemployment in 2017 was 12.4 per cent, up from 11 per cent the previous year; while the Interior Minister reported that unemployment in some sectors of the population was as high as 60 per cent. Government figures are likely to understate the true unemployment rate, as the government considers anyone who works for an hour a week to be employed. Approximately half of the Iranian workforce is in irregular employment, which leaves them vulnerable to exploitation. Unemployment rates vary markedly between provinces. Youth unemployment is of particular concern given that roughly half of all Iranians are aged under 30. According to the International Labour Organization, more than a quarter of Iranians aged between 15 and 24 were unemployed in 2017. Iran has one of the world's lowest labour participation rates for women: in 2016-17, only 14.9 per cent of women had paid employment. Many of the unemployed, both men and women, are university graduates.

2.12 DFAT assesses that frustration over the state of the economy was a key driver of the December 2017-January 2018 protests (see [Critics of the State](#)); and that poor economic opportunities act as a significant 'push factor' for emigration from Iran.

## Sanctions

2.13 A wide range of international sanctions has applied to Iran since the 1979 revolution. The US has imposed sanctions for most of this time, broadening them since 1995 and further expanding them in the Ahmadinejad era. US sanctions have targeted Iranian banks for helping finance Iran's nuclear and ballistic missile programs and terrorist groups. Since 2006, the United Nations Security Council (UN) has imposed six resolutions critical of Iran for its nuclear program, and a series of multilateral sanctions. Iran and the six

world powers agreed on the JCPOA in July 2015 to limit Iran's nuclear activities in exchange for sanctions relief (see [Economic Overview](#)). The JCPOA, however, has not resulted in substantial benefit to Iran's economy as autonomous US sanctions remain in place. On 8 May 2018, President Trump announced that the US was pulling out of the deal.

## Corruption

2.14 Iran is a State Party to the *UN Convention against Corruption*, and Article Three of the Constitution commits the government to fighting all forms of corruption. The anti-corruption legal framework is diffuse and spread across a number of laws, including the *Act on Public and Revolutionary Courts' Rules of Procedures in Criminal Matters* (1999) and the *Aggravating the Punishment for Perpetrators of Bribery, Embezzlement and Fraud Act* (1997). The Penal Code contains several provisions criminalising corruption, and there are numerous special anti-corruption by-laws, directives, enactments and guidelines. Anti-corruption provisions for public officials include active and passive bribery, trading in influence, money laundering, embezzlement, and abuse of functions. In grave cases of corruption, the death penalty may apply. Embezzlement in the private sector is a criminal offence. The Rouhani administration has identified tackling corruption as a key government priority.

2.15 Despite this strong legal framework and regular calls by authorities to tackle corruption, international observers report it remains endemic in all sectors of the Iranian economy and across society. In January 2017, Transparency International ranked Iran 131 out of 176 in its annual Corruption Perceptions Index. The GAN Business Anti-Corruption website reports that a powerful system of political patronage, nepotism, and cronyism pervades all sectors of the economy, irregular payments and bribes are often required to obtain services, permits, or public contracts, authorities do not effectively enforce anti-corruption laws in practice, and impunity is pervasive. Freedom House reports that restrictions on the media and civil society activists prevent them from ensuring transparency and accountability (see [Media and Civil Society Activists/ Human Rights Defenders](#)). In September 2016, six media outlets were blocked or officially reprimanded for violating the Cybercrimes Law for reporting on corruption in several Tehran property developments.

2.16 A number of high-level prosecutions of corruption cases have taken place in recent years. In March 2016, a billionaire businessman was sentenced to death for fraud and economic crimes after he was convicted of withholding billions of dollars in oil revenue channelled through his companies. In July 2017, a top presidential aide (and brother to the president) was arrested on charges related to financial crimes (although many observers believe the arrest was politically motivated). In October 2017, a court found former president Mahmoud Ahmadinejad guilty of illegally transferring USD1.3 billion from the National Iranian Oil Company to the Treasury.

2.17 According to international observers, popular resentment and frustration over high level corruption was a major contributor to the protests that occurred across the country in 2017-18 (see [Critics of the State](#)). The collapse of a number of Iranian financial institutions in recent years, which has imperilled the savings of thousands of people and threatened the banking system, was of particular concern. Many collapsed institutions had undertaken questionable financial practices, including investing speculatively during a real estate bubble, lending to well-connected contacts, and charging high interest rates to desperate borrowers. Such practices were allegedly possible because the institutions' owners were well-connected elites, many linked to religious foundations and the Islamic Revolutionary Guards Corps (IRGC). A series of statements from government officials, blaming the victims for not being more careful with their money, further fuelled popular anger.

## Health

2.18 Article 29 of the Constitution states that every Iranian has the right to enjoy the highest attainable level of health. The Ministry of Health and Medical Education is responsible for planning, monitoring, and supervising health-related activities for the public and private sectors. Health care and public health services are delivered through a nation-wide network, based on a referral system that starts at primary care centres in the periphery and proceeds through secondary-level hospitals in provincial capitals and tertiary hospitals in major cities. While the government remains the main provider of primary health care services across the country, the private sector also plays a significant role in health care provision, mostly through secondary and tertiary health care in urban areas. Numerous NGOs are active on health issues, particularly in specialised fields.

2.19 Health care is a major government priority, with expenditure accounting for 6.9 per cent of GDP in 2014. Iran has good health indicators by regional standards. According to the World Health Organization, life expectancy for both sexes increased by four years between 2000 and 2012. In 2017, the CIA World Factbook estimated life expectancy at 74 years (72.7 years for males and 75.5 years for females). Iran has achieved significant reductions in the rates of both under-five and maternal mortality. All Iranian citizens are entitled to basic health care coverage provided by the government, and 90 per cent have health insurance. In 2014, the country introduced a Health Transformation Plan aimed at improving efficiency, equity and effectiveness, particularly in poorer and rural areas.

2.20 Iran ratified the Convention on the Rights of People with Disabilities in 2009. Although there are no reliable recent official statistics on the numbers of people living with disabilities, the Iranian Disability Support Association (IDSA) estimates that as many as 12 per cent of Iranians have a disability of some kind. The *Comprehensive Act of Supporting the Disabled* (2004) commits the government to providing resources to meet disability needs and rights. The Ministry of Cooperatives, Labour and Social Welfare is the responsible department, while a number of other related ministries and NGOs also work in the area.

2.21 According to the IDSA, the government has not yet fully implemented the provisions of the *Comprehensive Act of Supporting the Disabled*. Disabled people continue to experience significant difficulties in obtaining access to housing, public spaces, public transportation, employment, and support services. Provision of support services differs between different categories of the disabled: those whose disability resulted from war service receive tailored insurance coverage, while other disabled people find this difficult to obtain. Understanding of the needs of persons living with disabilities is low in general society.

2.22 Illicit drug use is a serious and growing problem in Iran. According to the UN Office of Drugs and Crime (UNODC), Iran has one of the gravest addiction crises in the world. Health Ministry officials estimate 2.2 million Iranians (2.75 per cent of the population) are drug addicted; doctors and NGOs working in the field believe actual numbers are much higher. Drug abuse occurs across social classes and across genders. A wide range of drugs is readily available, including crystal methamphetamine, painkillers, synthetic hallucinogens, heroin and opium — the latter two trafficked from neighbouring Afghanistan where drug production has risen in recent years. According to local NGOs, a range of factors has contributed to the increase in drug use, including availability (particularly given Iran's role as entrepot for the trafficking of Afghan heroin to Europe), economic and social frustration, increased urbanisation, greater use of social media, a lack of early intervention programs in schools, and insufficient public awareness of the issue. Drug use has contributed to an increase in the rate of HIV/AIDS.

2.23 Social taboos against drug addiction inhibit efforts by authorities and NGOs to address the problem. Families frequently ostracise drug users, particularly women who may resort to prostitution to survive. Authorities have focused on reducing the supply of drugs, seizing huge quantities and executing drug smugglers (see [Death Penalty](#)). However, these actions have failed to deter the trade. Local NGOs report that

police do not generally victimise or harass drug addicts, but occasionally receive orders to round them up. Treatment options for drug users are limited. A December 2016 news bulletin stated that the Health Ministry had authorised 8,000 rehabilitation clinics to begin methadone maintenance therapy, and noted the existence of many private rehabilitation ‘camps’. The news report described some of the latter as resembling minimum security jails. According to NGOs, however, few services are available to assist drug users outside Tehran, and those working in the field have little financial support.

2.24 Article 265 of the Penal Code penalises the use of alcohol with 80 lashes, regardless of whether the consumption caused drunkenness or not. Members of recognised religious minorities are permitted to manufacture and use alcohol in their own private religious gatherings, and are only subject to the punishment if they consume alcohol in public. Local and international observers report widespread use of alcohol across Iranian society. Iranians wishing to obtain and consume alcohol can do so relatively easily. The World Health Organisation reported in 2014 that Iran had the 19<sup>th</sup> highest rate of alcohol consumption in the world, with an annual average of 25 litres per person.

2.25 Media reports of prosecutions for alcohol consumption exist, but these are not common. DFAT understands that police do not usually seek to investigate actively or entrap individuals consuming alcohol in their own homes, but will act if the activity comes to public attention or if instructed to crack down on it. NGOs working in the health sector report that the government has changed its approach to the use of alcohol in recent years from a purely law and order focus to one emphasising treatment and rehabilitation. Several official alcohol treatment and rehabilitation centres now operate in major cities, along with support groups such as Alcoholics Anonymous, and authorities are more prepared to allow NGOs to work in the area.

## Education

2.26 Article 30 of the Constitution commits the government to providing all citizens with free education up to the secondary level, and with expanding free higher education to the extent required for the country to attain self-sufficiency. The Qom-based Supreme Council of the Cultural Revolution is the highest authority in education affairs, and wields far-reaching control over policies and regulations. Several bodies oversee education policies, including parliament and the cabinet. The Ministry of Education is responsible for financing and administering primary and secondary education. At the local level, provincial authorities and district offices oversee education. All primary and secondary schools are single-sex.

2.27 The Ministry of Science, Research and Technology supervises all institutions of higher education except medical institutions, which are supervised by the Ministry of Health, Treatment and Medical Education. The Technical and Vocational Training Organisation oversees post-secondary vocational education. After the 1979 Revolution, the government banned private universities, but allowed them to operate from 1988 when a large increase in the youth population overwhelmed the public university sector. Their independence is limited: they may charge tuition fees, but the Supreme Council of the Cultural Revolution must approve all their courses. The private education sector has grown exponentially over the past decade, and now accounts for the overwhelming majority of Iran’s tertiary enrolments.

2.28 Iran has a high literacy rate by regional standards. According to the CIA World Factbook, in 2015 86.8 per cent of Iranians aged over 15 were literate (91.2 per cent of males and 82.5 per cent of females). The literacy rate among 15 to 24 year olds was even higher at 98 per cent. Almost all Iranian children of both sexes complete primary education (97.5 per cent in 2014), and most complete at least some secondary education. The World Economic Forum’s Global Competitiveness Index for 2016-17 ranked Iran 70<sup>th</sup> out of 137 countries for the quality of its primary education system, and 94<sup>th</sup> for the quality of its education system overall. At the same time, standards in science, technology, mathematics and engineering at the top of the education system are among the world’s highest.

## POLITICAL SYSTEM

2.29 Iran is a theocratic republic, established under the principle of *Velayat-e faqih* ('governance of the jurist') whereby an Islamic jurist (the Supreme Leader) makes final policy decisions. The Supreme Leader is Iran's highest political authority, its head of state, and the commander of its armed forces. He is responsible for setting overall state policy and has significant influence over issues such as foreign policy and national security. The Supreme Leader appoints the head of the judiciary and half the members of the Guardian Council. Ayatollah Ali Khamenei has been Supreme Leader since the death in 1989 of the Islamic Republic's founder, Imam Ruhollah Khomeini.

2.30 The Assembly of Experts comprises 86 clerics elected for eight-year terms by popular vote. It chooses the Supreme Leader and has the constitutional power to remove him from office should he be unable to perform his duties. The Assembly has never challenged the actions of either of the two Supreme Leaders who have led Iran since the 1979 revolution. The Assembly meets twice a year.

2.31 The Council of Guardians of the Constitution ('Guardian Council') reviews all bills passed by Parliament to determine whether they are in line with both the Iranian Constitution and *sharia* (Islamic law). It vets all candidates for election to the presidency, parliament and Assembly of Experts. The Guardian Council comprises 12 clerics, half of whom are directly appointed by the Supreme Leader for phased six-year terms. The head of the judiciary (also appointed by the Supreme Leader) nominates the other six, who are then approved by Parliament.

2.32 The Islamic Republic's initial Constitution provided for a president with limited powers and a prime minister as head of the cabinet and government. However, constitutional amendments in 1989 abolished the prime minister's post, creating a presidential system. While subservient to the Supreme Leader, the presidency has developed into a powerful office and Iran's presidents have each stamped their own personality and politics on the country's social and economic life, domestic politics and foreign policy. The president is popularly elected for a four-year term. Presidents can stand for two consecutive terms and are able to stand for a third term after a break. The current President, Hassan Rouhani, was re-elected to a second term in office in May 2017 with an increased majority. He governs with the support of 12 vice presidents and a cabinet of 17 ministers, approved by parliament.

2.33 The Council for the Discernment of Expediency ('Expediency Council') resolves impasses between Parliament and the Guardian Council. It also acts as an advisory body for the Supreme Leader, who appoints its 42 members for five-year terms.

2.34 The Islamic Consultative Assembly (commonly referred to as the *Majles*) is Iran's unicameral parliament. It has 290 members elected for four-year terms, with the most recent elections taking place in February 2016. Deputies, who must be at least 30 years of age, represent 207 districts. Districts with large populations have multiple seats. Five seats are allocated to religious minorities (two Christian Armenians, one Assyrian-Chaldean Christian, one Jew and one Zoroastrian). All of Iran's parliaments have had female members. Parliament can hold the executive branch to account through its powers over the budget and over the confirmation or impeachment of ministers. It has served an important role as a public outlet for protected political debate. However, its powers are weak compared with the presidency, and with unelected institutions such as the Guardian Council and the Supreme Leader's office. The absence of conventional political parties and a very high turnover of members (see also [Political Opinion \(Actual or imputed\)](#)) weakens the role of parliament.

2.35 Cities and villages throughout Iran have local councils, elected for four-year terms. The president appoints the governors of Iran's 31 provinces.

## HUMAN RIGHTS FRAMEWORK

2.36 The Constitution provides for freedom of expression, association, opinion, assembly and religion, but stipulates that freedoms must not violate a number of principles, including Islam and public rights. These principles are not clearly defined in legislation, and authorities have significant discretion in applying them.

2.37 Iran is a State Party to the following international human rights instruments: the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and the Convention on the Rights of Persons with Disabilities. Iran has signed but not ratified the Optional Protocol on the Rights of the Child on the Involvement of Children in Armed Conflict.

2.38 In March 2011, the UN Human Rights Council established a Special Rapporteur on the situation of human rights in Iran. The Special Rapporteur's mandate is to monitor and investigate human rights violations and raise such violations with Iranian officials; undertake country visits to Iran and the region and engage with official stakeholders; submit reports to the UN General Assembly and Human Rights Council on the situation of human rights; and engage publicly on issues of concern. Iran does not cooperate with the Special Rapporteur, and has repeatedly denied permission to visit the country, although Iranian officials met the Special Rapporteur in Geneva in 2015. The most recent Special Rapporteur assumed her position in September 2016, and reported to the Human Rights Council in March and August 2017. The position currently remains unoccupied following the unexpected death of the Special Rapporteur in February 2018.

2.39 Iran participated in a second cycle of the UN Human Rights Council's Universal Periodic Review (UPR) in October 2014. The government supported 65 per cent of the 291 recommendations it received, including many it claimed to have wholly or partly implemented.

2.40 Iran conducts bilateral human rights dialogues with a number of countries, including Australia. The most recent annual Australia-Iran Human Rights Dialogue took place in Canberra in August 2017. The two sides discussed national approaches to human rights, engagement with international human rights mechanisms such as the Human Rights Council and the UPR, and the empowerment of women.

## National Human Rights Institution (NHRI)

2.41 Iran does not have a national human rights institution (NHRI). In its national report submitted to the UPR in August 2014, the government stated that the High Council for Human Rights (see below) was working on a bill to establish a NHRI. DFAT is unaware of the status of the bill.

2.42 In 1995, the government established the Iranian Islamic Human Rights Commission (IIHRC), whose stated aim is the promotion of human rights. The Commission has tended to focus its activities on highlighting violations of human rights in other countries and on defending Iran's human rights record to the international community. It rarely scrutinises the human rights situation in Iran in an open forum, and DFAT is not aware of any mechanism by which Iranians can report human rights violations to it. According to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the IIHRC does not comply with the Paris Principles relating to the Status of National Institutions.

2.43 Other official bodies with a role in promoting human rights in Iran include the High Council for Human Rights, which is part of the judicial branch; the parliament's Article 90 Commission; and the General Inspection Office of the Supreme Leader. These offices have powers to receive and investigate violations of human rights, but lack independence and their investigations rarely lead to prosecutions of abusers.

## SECURITY SITUATION

2.44 Several security forces exert tight and effective control over the vast majority of Iran (see [State Protection](#)). In most of the country, a conspicuous official security has kept the number and severity of security-related incidents low, and the country is peaceful and safe by regional standards. Iran's border areas with Afghanistan and Pakistan are significantly less stable, however. Drug traffickers and bandits operate in these areas, and violent clashes have occurred between security forces and drug traffickers. Iran's border areas with Iraq are also less stable than elsewhere, and security forces are particularly vigilant in these areas.

2.45 Although official statistics on crime are not readily available, observers assess that Iran has a relatively low rate of violent crime. Much of the violent crime that does occur is drug-related and is subject to severe punishments, including the death penalty. Anecdotal evidence suggests that Iran's economic difficulties have led to a rise in petty crime in recent years.

2.46 Terrorist groups have conducted attacks in Iran, particularly in the eastern Sistan-Baluchistan province (see [Baluch](#)). These attacks have mainly targeted Iranian security services and national symbols, but also civilians on occasion. In June 2017, terrorists conducted simultaneous attacks in Tehran on the parliament building and the Imam Khomeini Shrine, killing 18 people and leaving dozens more injured. The attacks, carried out by a suicide bomber and by gunmen disguised as women, were the first to occur in Tehran in more than a decade. The Islamic State terrorist organisation claimed responsibility.

2.47 Large-scale anti-government protests and demonstrations have occurred in various areas of the country in recent years, leading to fatalities and injuries (see [Critics of the State](#)). Demonstrators have periodically targeted foreign diplomatic missions and UN agency headquarters. The most recent serious attack of this nature occurred in January 2016, when protesters stormed the Saudi Embassy in Tehran and a Saudi Consulate in Mashhad, setting the building on fire and ransacking offices. The attacks followed the execution in Saudi Arabia of a prominent Shi'a cleric. In November 2011, protesters stormed the British Embassy and another diplomatic compound in Tehran, ransacking offices and stealing documents. In both cases, the government expressed regret for the violent actions but did not prosecute any offenders.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 Article 19 of the Constitution states that all people of Iran enjoy equal rights, regardless of the ethnic group to which they belong; and colour, race, and language do not bestow any privilege. Article 15 states that while Farsi (Persian) is the official language of Iran and must be used in all official documents, textbooks, and signage, the use of regional and tribal languages in the press and mass media and for the teaching of literature in schools, is permitted. No laws discriminate on the basis of ethnicity, including in relation to access to education, employment, or housing. In his successful bid for the presidency in 2013, Hassan Rouhani pledged to promote ethnic minority rights through increasing minority representation in administration and government (including in Cabinet), and by allowing the teaching of 'Iranian native languages' such as Kurdish, Azeri, and Arabic. Many of the most prominent figures in the Islamic Republic era have come from an ethnic minority background. Many ethnic minorities observe religious minority faiths (see [Religion](#)).

3.2 Ethnicity remains a sensitive political topic in Iran. The Islamic Republic has generally sought to emphasise religion as a means of fostering national identity and avoiding problems of ethnic division. Iran does, however, remain a strongly Persian-centric society in practice. While ethnic minority communities exist in Tehran and other major cities, a large percentage of non-Persian Iranians are concentrated in less developed rural areas of the country where access to services and employment opportunities is limited. This issue affects all rural residents, regardless of ethnicity.

3.3 DFAT assesses that, although the experience of different groups is not uniform, both official and societal discrimination against ethnic minorities does occur. The national civil registry maintains a list of acceptable names and prohibits the registration of children whose given name is not on it. As the list contains overwhelmingly Farsi names, the registry in practice limits the ability of ethnolinguistic minorities to name their children in their own language or tradition (although, in practice, DFAT understands that many Iranians use their own names in informal settings, which are different from those registered). Ethnic minorities report political and socioeconomic discrimination, particularly in relation to economic aid, business licenses, university admissions, job opportunities, permission to publish books, and housing and land rights. Human rights organisations claim that the government's application of the death penalty (see [Death Penalty](#)) disproportionately affects ethnic minorities. Rights groups claim authorities commonly submit members of ethnic minorities in pre-trial detention to more severe physical punishment or mistreatment than other prisoners, regardless of the crime they are accused of committing.

3.4 The overwhelming majority of ethnic minority communities are integrated into Iranian society, participate in politics, and identify with the Iranian nation. For the most part, activists advocating the rights of ethnic minority communities have agitated for greater rights rather than greater autonomy or separation. However, authorities are highly sensitive to political activism, particularly when they perceive it to be a threat to the Islamic Republic (see [Civil Society Activists/ Human Rights Defenders](#)). Authorities have targeted ethnic minority activists for arrest and prosecution on national security grounds (see below).

3.5 Ethnic minorities played a significant role in the 2017-18 protests (see [Critics of the State](#)). The protests emerged in the provinces, their momentum was strongest in the border areas rather than Tehran, and the majority of protest-related deaths occurred in the northwest and southwest, mostly in majority Kurdish and Arab areas. Protesters in these areas highlighted several grievances against the central government, including economic hardship faced by people in outer provinces and the extensive health and livelihood challenges emanating from ecological damage and environmental degradation in these areas (see [Civil Society Activists/ Human Rights Defenders](#)). Dozens of social media posts from the protests showed demonstrators making ethno-nationalist demands while chanting slogans in minority languages, including Azeri, Kurdish and Arabic.

3.6 DFAT assesses that members of ethnic minority groups face a moderate risk of official and societal discrimination, particularly where they are in the minority in the geographic area in which they reside. This may take the form of denial of access to employment and housing, but is unlikely in most cases to include violence on the grounds of ethnicity alone. The risk to members of ethnic minority groups who are involved (or are perceived to be involved) in activism is higher (see [Civil Society Activists/ Human Rights Defenders](#)).

## Arabs

3.7 Between 1.5 and three million Arabs live in Iran, based predominantly in the south-western provinces of Khuzestan (which borders Iraq), Bushehr, and Hormozgan. Arabs fought on the Iranian side during the 1980s Iran-Iraq conflict, which particularly affected the south-western provinces. Only one Arab has ever served in an Iranian cabinet: Rear Admiral Ali Shamkhani served as Defence Minister from 1997-2005 in the Khatami administration, and is currently Secretary of the Supreme National Security Council (SNSC). Like other ethnic minorities, the Arab community has long expressed concerns about economic marginalisation, and discrimination in education, employment, politics, and culture. While the south-western provinces have rich gas and oil reserves and significant agricultural, ship-building, manufacturing, and petrochemical industries, Arab community representatives complain that Iranian Arabs are systematically excluded from employment in these industries and from opportunities to work in local government. The residents of the south-western provinces suffer from high levels of air and water pollution.

3.8 In April 2005, violent protests erupted in Ahvaz, the provincial capital of Khuzestan after a letter allegedly written by the then-Vice President was published that suggested the government was planning to implement policies that would reduce the proportion of Arabs in Khuzestan ('Ahwazi Arabs'). Although authorities denied the authenticity of the letter, clashes between security forces and protesters led to the deaths of at least 50 Ahwazi Arab demonstrators and the detention of hundreds more. The ensuing crackdown led to a cycle of violence throughout Khuzestan, including several fatal bomb attacks in 2005 and 2006. In response, authorities imprisoned large numbers of activists who they claimed were separatists responsible for terrorist attacks against civilians. Since 2005, authorities have executed at least 37 Ahwazi Arabs following trials that international human rights organisations regard as unfair. In April 2015, authorities arrested large numbers of Ahwazi Arabs in the lead-up to the tenth anniversary of the 2005 protests, including up to 100 people (among whom were several children) in Ahvaz and its surrounding district. While most of those arrested were prominent activists, human rights organisations have expressed concern that many were targeted for their perceived political opinions, for peacefully expressing dissent, or for openly exhibiting their Arab identity and culture.

## Baluch

3.9 There are between 1.5 and 2.5 million Baluch in Iran, part of a wider regional population of around ten million spread across Iran, Pakistan, Afghanistan and Oman. Baluch primarily reside in the arid south-eastern province of Sistan and Baluchistan, a poorly developed area bordering Pakistan and Afghanistan with limited access to education, employment, healthcare, and housing. Drug smuggling is prevalent and the rule of law in the province is weak. Around ten per cent of the predominantly Sunni Baluch are nomadic or semi-nomadic. Baluch are under-represented in the provincial government. Baluch rights activists claim that more than 70 per cent of Baluch live below the poverty line. They further claim that Baluch journalists and human rights activists are subject to arbitrary arrest, physical abuse and unfair trials; and that authorities pressure the families of detainees to remain silent, under threat of retaliation for speaking out about cases.

3.10 Jundallah (Soldiers of God) is a militant insurgent group established in 2003 to fight for Baluchi rights. Its stated goals are to secure recognition of Baluchi cultural, economic and political rights from the Government of Iran, and to spread awareness of the Baluchi situation through violent and non-violent means. The group is part of a larger Baluchi separatist conflict playing out in Baluchi areas of neighbouring Pakistan. Jundallah has reportedly organised suicide bombings, small-scale attacks, and kidnappings, including of an Iranian nuclear scientist in 2010. Although the group's insurgency has primarily targeted members of the Iranian security services and other government symbols, it has also targeted civilians. Jundallah attacks have reportedly claimed hundreds of lives. Iranian authorities captured and executed Jundallah's leader in 2010, and DFAT understands the group's activities have largely ceased in recent years.

## Kurds

3.11 Most of Iran's estimated eight million predominantly Sunni Kurds reside in the north-west of the country, primarily in the provinces of Kurdistan, Kermanshah, Ilam, and West Azerbaijan, bordering Iraq and Turkey. Unlike other ethnic minorities, many Kurds harbour strong separatist tendencies that have occasionally turned violent: after the 1979 revolution, Kurdish militants attempted unsuccessfully to break away from the Islamic Republic. Notwithstanding, Kurdish separatist activity in Iran has mostly been at a lower level than that of their Kurdish brethren in neighbouring countries, partly due to the fact that their living standards tend to be higher. Kurdish groups in Iran do not agree on the degree of autonomy they seek, and many prefer to work within the Iranian political system to strengthen their rights as citizens.

3.12 International sources report that the government uses security, media and other laws to arrest and prosecute Kurds for exercising freedom of expression and association. The government has reportedly banned Kurdish-language newspapers, journals and books. Authorities have denied Kurdish NGOs registration permits, and brought security charges against persons working with such organisations. NGOs claim this has suppressed legitimate activity. Authorities prohibited most schools from teaching the Kurdish language (although not its use in informal settings). In January 2017, a court sentenced an Iranian Kurd to death for alleged cooperation with the proscribed Democratic Party of Iranian Kurdistan, and gave six others lengthy sentences on the same charges.

## Faili/ Feyli/ Iraqi Kurds

3.13 The Faili (also spelled Feyli, and commonly known as Iraqi) Kurds are a subgroup of the larger Kurdish population. They originate from the Zagros Mountains which straddle the Iran-Iraq border, and many have family members on either side of the border. Faili Kurds in Iran typically reside either close to the Iraqi border, including Khuzestan, Lorestan, Kermanshah, and Ilam provinces, or in major cities. They are

distinguishable from other Iranian Kurds by their religion (most are Shi'a), location, and distinctive dialect. Three main groups of Faili Kurds live in Iran: Iranian citizens, those of Iraqi origin who are registered refugees, and those of Iraqi origin who are not registered refugees. Accurate population estimates for the three groups or for the overall number of Faili Kurds in Iran are not available.

3.14 Upon seizing power in the 1960s, the Ba'athist government in Iraq adopted several policies with the effect of excluding Faili Kurds, most notably *Decree No. 666* (1980) that cancelled the Iraqi citizenship of all Iraqis of 'foreign origin'. Under the Decree, authorities seized the properties and documentation of Faili Kurds, and eventually expelled them by force from Iraq. The expulsion of Faili Kurds intensified during the Iran-Iraq War: some estimates of the numbers of Faili Kurds who crossed into Iran between the late 1970s and 1988 range up to 250,000 (although this estimate is very much at the high end). Iran recognised many (but not all) Faili Kurds as refugees. The number of those remaining in Iran is unclear. Many returned to Iraq after the fall of Saddam Hussein in 2003: UNHCR reported in 2008 that 7,000 registered Faili Kurds remained in Iran. Reports suggest that many Faili Kurds of Iraqi origin have applied for Iranian citizenship. However, the actual number of those who have succeeded in obtaining Iranian nationality is believed to be low due to the lengthy and complicated process and the high costs involved – this is also true for naturalisation applications for nationality from other groups, including those who have married Iranians or been in-country for generations. Others have not applied for naturalisation because they do not have the required family members in Iran to prove their Iranian nationality. DFAT is not aware of specific instances whereby authorities have singled out Faili Kurds for mistreatment, regardless of the category to which they belong.

## Azeris

3.15 Approximately 12.3 million Iranians are Azeri, making the community Iran's largest ethnic minority. The Turkic-speaking Azeris are Shi'a, and reside mainly in the provinces of north-west Iran that border the nation of Azerbaijan, and in Tehran. Azeris are known as Azeri Turks, Iranian Azerbaijanis, Iranian Azeris, Iranian Turks and Persian Azerbaijanis. Azeris are politically and socio-economically diverse: they work in a variety of professions, have a wide range of income and wealth levels, and have attained a range of education levels. Azeris are on the whole better integrated into Iranian society, business and politics than are other ethnic minorities. The Azeri community has substantial economic weight, and several of its members hold important positions in the state apparatus and in the armed forces. Ayatollah Khamenei is (reportedly) half-Azeri, as is former Prime Minister and leading opposition figure Mir Hossein Mousavi.

3.16 While Azeris are well-integrated into Iranian society, DFAT is aware of some reports of official discrimination. Reports include claims that the government has prohibited the use of the Azeri language in schools, harassed Azeri activists or organisers, and changed Azeri geographic names. In June 2016, the media reported protests in Azeri-majority areas over the publication in state media of lines of poetry that insulted Azeris, resulting in the arrest of 25 protesters. Authorities also arrested an Azeri couple in August 2016 in connection to their online activism. In March 2017, an Azeri activist was charged with national security offences for advocating state recognition of the Azeri language and making a speech at a friend's wedding in which he called for an end to discrimination against Azeris in Iran. During the same month, authorities re-arrested an activist who had just been released following a prolonged hunger strike.

## RELIGION

3.17 Approximately 98 per cent of Iranians are Muslim – 90 per cent Shi'a, and 8 per cent Sunni. The remainder consists of religious minority communities, including Yarsan (approximately one million followers), Baha'is (more than 300,000), various Christian denominations (around 300,000), Zoroastrians (30,000-

35,000), Jews (20,000) and Sabean-Mandeans (5,000-10,000). Religious minority communities have shrunk considerably since 1979, with many members leaving Iran.

3.18 Iran is a theocracy that, with the possible exception of The Holy See, mixes religion and state more completely than any other country in the world. Article 4 of the Constitution requires that all of the country's laws and regulations be based on (Shi'a) Islamic principles. In practice, government policy and legislation heavily favours the majority Shi'a population, leading to pervasive structural discrimination against non-Shi'a Muslims and religious minorities. The Ministry of Culture and Islamic Guidance, and the Ministry of Intelligence and Security (MOIS) monitor religious activity. The IRGC also monitors churches.

## Sunni Muslims

3.19 Approximately 9 per cent of Iranians are Sunni Muslim. Sunnis are predominantly members of ethnic minority groups, including Turkmen, Arabs, Baluch, and Kurds, who largely reside in rural provinces (see [Race/Nationality](#)). Article 12 of the Constitution stipulates that other schools of thought within Islam are to be accorded full respect and their followers free to practise their own religious rites. It also states that in regions of the country where non-Shi'a Muslims are in the majority, local regulations are to conform to the relevant school of Islam, without infringing upon the rights of other schools.

3.20 Despite these constitutional protections, Sunnis report experiencing official discrimination. This includes continued underrepresentation in government positions in the provinces where they form a majority, suppression of religious rights (including detention and harassment of clerics, and bans on Sunni teachings in public schools), lack of basic government services, and inadequate public funding for infrastructure projects, including for building mosques. They note, however, that it is sometimes difficult to distinguish whether the cause of government discrimination against them is religious or ethnic, since most Sunnis are also members of ethnic minority groups. According to Baluch activists, the government sent hundreds of Shi'a missionaries in 2016 to areas with large Sunni populations to convert the local population.

3.21 In August 2016, approximately 25 Kurdish Sunnis were executed for the crime of 'enmity against God'. The executed men were part of a larger group, most of whom were arrested between 2009 and 2011 when several armed confrontations and assassinations took place in Kurdistan province. Several other Sunnis convicted on the same charge remain on death row. Authorities released videos after the execution featuring the convicted men confessing to involvement with a jihadist group that plotted armed attacks and assassinations of 'non-believers'. Many of the executed men had repeatedly denied their involvement in such activities during their years on death row, and in some cases the men were linked to crimes that occurred months after they had been arrested. Amnesty International described the confessions as forced, and the trial process as grossly unfair. The Iranian government claims it acted to suppress Sunni extremism.

3.22 DFAT assesses that Sunnis face a moderate risk of official discrimination in that the structure of the Islamic Republic inevitably favours the Shi'a Muslim majority to the exclusion of others. The considerable overlap between ethnicity and religion for many Sunnis makes it difficult to distinguish between discrimination on the grounds of religion and discrimination on the grounds of ethnicity.

## Recognised Religious Groups

3.23 Article 13 of the Constitution states that the Zoroastrian, Jewish, and Christian religions are the only recognised non-Muslim faiths in Iran. It gives adherents of these religions the freedom (within the limits of the law) to perform their own religious rites and ceremonies, and to comply with their own canon in their personal affairs and religious education. Adherents of the three recognised religions are permitted to hold

religious services, run places of worship and religious schools, and celebrate religious holidays. Five parliamentary seats are reserved for these groups: two for Armenian Christians, and one apiece for Assyrian Christians, Jews, and Zoroastrians. Armenian Christians have observer status in the Guardian Council and Expediency Council. Members of the three recognised religions must register with the authorities. Recognised religious groups are permitted to operate private schools, but the Ministry of Education must approve all textbooks used in coursework, including religious texts. The directors of these schools must pass the *gozinesh* review, (a process whereby officials screen candidates for elected offices and applicants for public sector employment based on their adherence to, and knowledge of, Islam and loyalty to the Islamic republic).

3.24 Despite the protections afforded to them through their constitutional recognition, members of the recognised religious groups face significant official and societal restrictions. By law, non-Muslims may not serve in the judiciary, the security services, or as public school principals. Non-Muslims seeking public sector employment or intending to run for public office are at a disadvantage compared to Muslims due to the requirement that all such candidates or applicants undergo the *gozinesh* review. Government workers who do not observe Islamic principles and rules are subject to penalties, and may be dismissed or barred from work in particular sectors. In October 2017, the Guardian Council upheld a decision to suspend a Zoroastrian city councillor in Yazd after a losing Muslim candidate lodged an appeal against the Zoroastrian's election in May. The appeal successfully argued it was unconstitutional for a member of a religious minority to make decisions on behalf of the whole population of a Muslim-majority city.

3.25 Most members of recognised religious minorities are indistinguishable from Muslims in terms of physical appearance and everyday dress. Christian, Jewish, and Zoroastrian women adhere to dress code requirements relating to the wearing of headscarves in public. However, many Christians have ethnically-distinct names that can identify them as Christian. This can result in low-level societal discrimination such as the loss of employment opportunities, but is unlikely to result in violence.

3.26 Ethnic Armenians concentrated in Tehran, Isfahan, Tabriz, and Orumiyeh are the largest group of recognised Christians. Other recognised groups include Assyrian Christians, concentrated in Tehran and Orumiyeh; Chaldeans, and Sabeen-Mandean, although this last group does not self-identify as Christian. The ethnic churches have different denominations – there are Assyrian Catholic, Orthodox, and Presbyterian congregations – but the members of the various denominations maintain close links within their own community. Because the law prohibits citizens from converting from Islam to another religion, the government only recognises these groups because their presence in Iran predates Islam. Any citizen who is not a registered member of one of these groups, or who cannot prove that their family was Christian (or of another recognised religion) prior to 1979, is considered Muslim. Recognised churches are required to deliver sermons in their traditional language rather than in Farsi. Community leaders associated with the recognised churches have reported that authorities respect their religious rights, and their communities are able to act freely in their own spaces (including holding mixed-sex gatherings, using alcohol for ceremonial purposes, and allowing women to uncover their heads) without government interference.

3.27 Jewish community representatives have reported that although some government restrictions and discrimination against Jews exist, the government rarely interferes with their religious practices. Senior government officials and government-affiliated religious officials periodically make anti-Semitic statements directed at Israel, although the frequency of such statements has reduced since the Ahmadinejad presidency. Such statements have little effect on the day to day lives of Iranian Jews. Iranian Jewish leaders have generally tried to distance Iranian Jews from Israel. Jewish community representatives said they were free to travel in and out of the country, and the government did not usually enforce a prohibition against travel to Israel by Jews, although it does enforce the prohibition with other Iranians.

3.28 Zoroastrians are the oldest religious community in Iran. Most Zoroastrians live in Tehran, with smaller communities in Yazd and Kerman. Zoroastrianism was the dominant faith during the Persian Empire, but waned after the Arab Islamic conquest of Persia, which led to large numbers of Zoroastrians either converting to Islam or leaving Iran, primarily to India. In recent years, some Iranians have adopted Zoroastrian symbols and traditions to celebrate an Iranian cultural heritage predating Islam. The Iranian new year *Nowruz* – originally a Zoroastrian tradition – is a state holiday celebrated by all Iranians. However, the Iranian media, senior government officials and government-affiliated religious officials have occasionally portrayed Zoroastrians as devil worshippers and polytheists. This has reportedly led to some Zoroastrians concealing their religious background, fearing harassment or discrimination.

3.29 DFAT assesses that members of recognised religions face a low risk of official discrimination. While they enjoy the benefits of official recognition, the structure of the Islamic Republic inevitably favours the Shi'a Muslim majority to the exclusion of others. The risk of societal discrimination, including violence, is low, but may be heightened at times when external factors come into play.

## Unrecognised Christian Groups (House Churches)

3.30 The Penal Code strictly prohibits proselytisation by religious minority groups – it is a capital crime for non-Muslims to convert Muslims. None of the three recognised minority religions proselytises or accepts converts as members. Strict instructions not to minister to Iranians apply to the small number of Latin Catholic and Protestant churches in Tehran and elsewhere that cater to expatriates. The prohibition is enforced through bans on the use of Farsi in services; bans on Iranians attending non-Muslim religious facilities, including for non-religious events such as musical performances; and the regular contacting of churches by telephone by false potential converts in order to test the reactions of church officials to receiving such enquiries. Security officials reportedly monitor registered congregation centres to verify that services are not conducted in Farsi, and perform identity checks on worshippers to confirm that non-Christians or converts do not participate in services. Authorities have closed several churches in recent years for failing to comply with these restrictions, including churches that had existed prior to 1979.

3.31 As a result of these prohibitions, Iranian Christians who are not members of the recognised ethnic minority churches generally practise in underground 'house churches'. The secrecy surrounding the house churches makes it impossible to provide an exact number of unrecognised Christians in Iran. Some international Christian advocacy groups estimate that between 800,000 and one million people worship in underground churches. While these numbers likely overstate considerably the true number, Iran nevertheless has a significant and growing unrecognised Christian population. DFAT understands a high percentage of unrecognised Christians in Iran are Farsi-speaking converts from Islam, or the children of converts. Local sources claim many converts are unhappy with being designated Muslim at birth, and wish to explore their religious identity. Others see adopting Christianity (albeit surreptitiously) as a means of rebelling against the government.

3.32 According to international observers, house churches exist across Iran (particularly in major cities) and frequently change locations and members. The house churches, almost all of which follow Protestant or Evangelical teachings, vary considerably in size and style: some are very informal, and are merely small gatherings of close family and friends on a regular or semi-regular basis for prayer, worship and bible reading. Others may be larger, and may grow organically as members share their faith with family and friends. While some groups do not have any formal links with any other Christian groups, others are part of house church networks within a particular city or area. While some house churches have leaders trained in Christian theology (either online or in person through residential courses provided outside Iran), others may be untrained. An increasing number of house churches have 'internet pastors', where a pastor who has fled Iran may continue to lead the church remotely via the internet. Some isolated Christians who do not have

regular contact with other Christians may receive all of their religious instruction via Christian television programs (which they can view via satellite) or through the internet, from the many foreign-based Farsi-speaking preachers who provide religious instruction online.

3.33 Authorities have interpreted the growth in house churches as a threat to national security: official reports and the media have characterised house churches as ‘illegal networks’ and ‘Zionist propaganda institutions’. Authorities have periodically cracked down on house churches, focusing particularly on the leaders of churches that actively broadcast, proselytise, or seek out new members. Security forces have reportedly increased the frequency of these crackdowns under the Rouhani administration, although probably not as a result of any direct instruction from the government. The judiciary has handed down long sentences in relation to house church activities: in July 2017, the Revolutionary Court convicted eight Christians of ‘acting against national security through the establishment of a house church’ and ‘insulting Islamic sanctities’, and sentenced the group to between ten and 15 years’ imprisonment. According to international observers, as of December 2016 approximately 90 Christians were in detention or awaiting trial because of their religious beliefs and activities. Christian advocacy groups have reported that authorities have pressured some church leaders to emigrate, either through direct threats or through intentional harassment (including daily summons to security offices for questioning, confiscation of identity documents, or forcing them out of their jobs). Human rights observers have reported that authorities have subjected Christians in detention to severe physical mistreatment, including beatings and solitary confinement.

3.34 International observers advise that Iranians who convert to Christianity outside the country are unlikely to face adverse attention from authorities upon return to Iran, provided they have not previously come to the attention of authorities for political activities conducted in Iran, maintain a low profile and do not engage in proselytisation or political activities within the country.

3.35 DFAT assesses that small, self-contained house church congregations that maintain a low profile and do not seek to recruit new members are unlikely to attract adverse attention from authorities beyond monitoring and, possibly, low-level harassment. Members of larger congregations that do engage in proselytisation and have connections to broader house church networks are more likely to face official repercussions, which may include arrest and prosecution. The leaders of such congregations are at particular risk in this regard.

## Baha’i

3.36 The Baha’i faith has its roots in 19<sup>th</sup> century Persia, and promotes a belief in the unity of God, religion and humanity. According to Human Rights Watch data, the Baha’i community numbers at least 300,000 and is concentrated in Tehran and Semnan. Baha’i is not a recognised religion. In 1991, the Supreme Council of the Cultural Revolution issued a determination on ‘the Baha’i question’ that concluded that Baha’i contradicted the tenets of Islam. A subsequent ruling in 2009 declared that all existing Baha’i administrative arrangements were illegal. As a result of these rulings, thousands of Baha’i have been expelled from their jobs, with their pensions terminated, and Baha’i have been barred from employment in the public sector; authorities have pressured companies to dismiss Baha’i employees; banks have blocked the accounts of Baha’i clients; and authorities have barred Baha’i students from enrolling in universities. In her August 2017 report, the UN Special Rapporteur found that at least 21 Baha’i students who had enrolled in higher education institutions (and attempted to hide their religious identity) were expelled between December 2016 and May 2017.

3.37 International sources have reported that authorities continue to harass, interrogate and arrest Baha’i; the government uses anti-Baha’i rhetoric in official statements; employers face considerable societal pressure not to employ Baha’i or to dismiss them from private sector jobs; there have been several cases of

vandalism in Baha'i cemeteries; Baha'i are unable to legally reproduce or distribute religious literature; and Baha'i families are excluded from official recognition of family law matters, including marriages, divorces and custody arrangements.

3.38 DFAT assesses that Baha'i face a high risk of both official and societal discrimination based on their non-recognised status, the hostile rhetoric used against them in official statements, and limits imposed on their employment, education and family law status.

## Yarsanis

3.39 The Yarsan community (Yarsanis) are mainly located in Loristan and the Kurdish regions. While the government classifies Yarsanis as Shia Muslims practising Sufism, the community itself self-identifies Yarsan as a distinct faith. Authorities reportedly deny Yarsanis access to higher education and government employment unless they declare themselves to be Muslim on their application forms. According to the community, societal discrimination against Yarsanis is widespread, and is often encouraged by clerics in Friday prayers. Yarsani men, recognisable by their particular moustaches, have faced employment discrimination, while authorities reportedly prohibit Yarsani parents from giving their newborn children Yarsani names. Yarsanis in the military and school systems report harassment. Like other unrecognised religious minorities, Yarsanis are unable to legally produce or distribute religious literature, to perform religious ceremonies in public, or to obtain building permits for places of worship.

3.40 DFAT assesses that Yarsanis face a moderate risk of both official and societal discrimination in that they are forced to misrepresent themselves on official documents and are unable to worship freely.

## Religiously-based charges

3.41 Under Iranian law, a Muslim who leaves his or her faith or converts to another religion can be charged with apostasy. Separately, a person of any religion may be charged with the crime of 'swearing at the Prophet' (blasphemy) if he or she makes utterances that are deemed derogatory towards the Prophet Mohammed, other Shi'a holy figures, or other divine prophets. The Penal Code does not specifically criminalise apostasy, but provisions in the Penal Code and Constitution state that *sharia* applies to situations in which the law is silent, and judges are compelled to deliver sharia-based judgements in such cases. Although the Koran does not explicitly say that apostasy should be penalised, most Islamic judges in Iran agree that apostasy should be a capital crime. This ruling is based both on oral traditions attributed to the Prophet Mohammed and to Shi'a Imams, whom Shi'a consider the Prophet's rightful successors. Chapter Five of the Penal Code specifically criminalises swearing at the Prophet as a capital offence, although a clause states that the sentence can be reduced to 74 lashings of the whip if the accused states the insults were the result of a mistake or were made in anger.

3.42 Politically motivated apostasy charges were frequent in the years following the Iranian revolution, often leading to death sentences. In the vast majority of cases, however, defendants charged with apostasy also faced a litany of other charges related to national security. Many of these cases were quickly tried, ending in execution, so apostasy was not fully discussed in the prosecution of these defendants.

3.43 While apostasy and blasphemy cases are no longer an everyday occurrence in Iran, authorities continue to use religiously-based charges (such as 'insulting Islam') against a diverse group of individuals. In recent years, the group has included Shi'a members of the reform movement, Muslim-born converts to Christianity, Baha'i, Muslims who challenge the prevailing interpretation of Islam (particularly Sufis), and others who espouse unconventional religious beliefs (including members of recognised religious groups).

Some religiously-based cases have clear political overtones, while other cases do seem to be primarily of a religious nature, particularly when connected to proselytisation.

3.44 Death sentences in apostasy and blasphemy cases are now rare. However, in March 2017 the Supreme Court upheld the decision of a criminal court in Arak to sentence a 21 year old man to death for apostasy. Authorities had arrested the man after he made social media posts considered critical of Islam and the Koran while on military service in October 2015. Human rights groups claim authorities tricked the man into confessing to the charges with the promise of release if he did so. The death sentence had not been carried out as of March 2018. The court also convicted two co-defendants of posting anti-Islamic material on social media, sentencing them to prison.

3.45 DFAT assesses that those accused of religiously-based charges are also likely to face charges related to national security. They are unlikely to have adequate legal defence, and are likely to be convicted.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.46 The Constitution contains several articles that relate to the expression of political opinion. Article 23 states that the investigation of individuals' beliefs is forbidden, and that no one may be molested or taken to task simply for holding a certain belief; Article 24 states that publications and the press have freedom of expression except where it is detrimental to the fundamental principles of Islam or the rights of the public; Article 26 permits the formation of political parties (and other professional/ religious associations) provided they do not violate the principles of independence, freedom, national unity, criteria of Islam, or the basis of the Islamic Republic; and Article 27 permits public gatherings and marches, provided arms are not carried and they are not detrimental to the fundamental principles of Islam.

3.47 The *Political Parties Law* (1981, last amended in 1989) gives the Interior Ministry authority to issue permits to political parties. In February 2016, the Ministry reported the existence of over 250 registered political parties in Iran. However, political parties in Iran do not generally have clear party manifestos, central and regional headquarters, projects, party memberships or activities, and do not pursue the goal of taking power – an impossibility given the governing structure of the Islamic Republic (see [Political System](#)). Political parties are better described as ideologically driven factions with common interests, who come together before elections to support particular candidates and go into 'hibernation' between elections. The Guardian Council has power of veto over political candidates, and disqualified a large number of candidates from the reformist bloc ahead of the 2016 parliamentary elections.

3.48 Iranians are able to criticise the government of the day robustly, both in public conversation and online in social media. This freedom is not unlimited, however – a number of well-established 'red line' topics are off-limits and critical commentary may lead to prosecution under national security legislation (see [Media](#)). Authorities are more likely to crack down on dissent during times of political uncertainty, such as during ongoing political demonstrations, and may restrict the ability of individuals to comment or communicate online at such times (see [Critics of the State](#)). Some human rights observers report there is some uncertainty over whether or not a topic is actually 'red line'.

## Political Exile Organisations

3.49 The government systematically dismantled opposition political organisations in the years following the revolution, including the National Front, Freedom Movement, and Toudeh Communist Party. There are small vestiges of these and other organised groups that pursue some activities in exile, but not within Iran. It is highly unlikely that political groups within Iran maintain organised relationships with any such groups.

3.50 The most prominent exile group is the Mojahedin-e Khalq Organisation of Iran (MeK), a left-leaning group committed to the military overthrow of the Islamic Republic. The MeK cooperated with pro-Khomeini forces during the 1979 revolution, but fell out with them shortly afterwards. The group unsuccessfully rose up against the government in September 1981, conducting a number of terrorist attacks and assassinations, after which much of the organisation went into exile in various locations, including Iraq. Iranian authorities imprisoned and/or killed large numbers of those who remained: In 1988, Ayatollah Khomeini issued a *fatwa* (religious instruction) that mentioned apostasy as a legitimate reason to execute MeK members, leading to the execution of at least 3000 MEK prisoners (a conservative estimate). Most MeK prisoners who escaped execution have reportedly renounced their membership in exchange for easier conditions of detention, or have subsequently been released from prison.

3.51 The MeK fought on the Iraqi side during the Iran-Iraq war, and received most of its military assistance and financial backing from Saddam Hussein until his overthrow in 2003. A number of countries, including Australia, have designated the group a foreign terrorist organisation due to its involvement in terrorist activities and ties to Saddam (these designations have now mostly lapsed). The MeK remains active in exile, and its top leadership is reportedly based in France. Several members of the Trump Administration in the US have endorsed the group's claims to national significance. DFAT concurs with the assessment of international observers that the group has a negligible remaining presence within Iran itself (outside the prison system) and little to no popular support. Nevertheless, Iranian authorities continue to label the group a terrorist organisation, and have repeatedly called for its leaders to be returned to Iran.

## Critics of the State

3.52 In the past decade, Iranians have twice taken to the streets in large numbers to protest the government. Following the June 2009 presidential election, up to three million supporters of reformist candidate Mir Hossein Mousavi turned out on Tehran streets to protest the official verdict that conservative candidate Mahmoud Ahmadinejad had won in a landslide (see [Recent History](#)). The 'Green Movement' took its name from Mousavi's campaign colour which, in turn, was derived from a poster showing former President Mohammad Khatami (the reform movement's first standard-bearer) placing a green sash over Mousavi. The Green Movement evolved in the next six months following the disputed election from a mass group of angry voters to a nation-wide force peacefully demanding the democratic rights originally sought in the 1979 revolution. Green Movement protesters used public holidays and national commemorations as opportunities to rally on the streets of major cities, chanting slogans that challenged both the system and the Supreme Leader himself. In response, the government despatched security forces, including the IRGC, *Basij* units (see [Basij Resistance Force](#)), and plain-clothed paramilitary forces. These forces beat thousands of protesters and arrested hundreds, while snipers killed dozens. By early 2010, the government had succeeded in quashing public displays of opposition. ['Green Movement'](#) discusses the aftermath of the 2009-10 demonstrations and provides an assessment on the ongoing risk profile of those involved.

3.53 In late December 2017, a small protest in Mashhad rapidly escalated and spread to more than 50 other cities and towns across the country, involving an estimated 40,000 protesters. The protests, which spanned ethnic, religious, and 'party' lines, focused on economic hardships but also had a virulent anti-government and anti-regime element. While the demonstrations were largely peaceful, there were some isolated low-level incidents in which protesters set fire to security forces' offices or other infrastructure. While police initially took the lead in attempting to disperse the protesters, the government again deployed *basij* units and the IRGC and succeeded in ending the demonstrations by early January 2018. Estimates of the total number of arrests vary significantly: while one Reformist MP said that authorities had arrested 3,700 (including 68 university students), a Dubai-based news source claimed that over 8,000 were detained. Some fatalities resulted from the protests, including among members of the security forces, but

the overall scale and death toll (still unclear) of the protests was far lower than that of the 2009-10 demonstrations. During the demonstrations, a number of heavily promoted pro-government counter-rallies were held in several Iranian cities.

3.54 The 2017-18 protests and those in 2009-10 share some common elements. In both cases, the demonstrations developed an expanding set of demands, including against the government itself. On both occasions, authorities, including the Supreme Leader, declared the unrest the result of 'foreign conspiracies', and sought to restrict the protesters' ability to communicate by disabling social media communications tools (see [Media](#)). Authorities arrested large numbers of demonstrators during and after both sets of protests, some of whom subsequently died in custody (see [Deaths in Custody](#)). International observers have, however, noted a number of key differences between the two events:

- the spark for the 2017-18 protests was underlying frustration over the economic situation (see [Economic Overview](#)), rather than anger over allegations of electoral fraud;
- the 2017-18 protests were concentrated in smaller cities on the periphery and spread, whereas the earlier protests took place only in major cities;
- participants in the 2017-18 protests were predominantly conservative, working class Iranians rather than the reformist, middle-class urban Iranians of 2009-10 (many of whom did not back the latest protests);
- the 2017-18 protests had no defined leader and never represented a genuine threat to either the domestic control of the security forces or the government itself;
- the 2017-18 protests had a significant ethnic element (see [Race/Nationality](#)), which was not the case in the earlier protests;
- Political leaders, particularly the more moderate elements, adopted a largely conciliatory response to the 2017-18 protests, recognising the legitimate concerns of those demonstrating (particularly on the economic side), while security services took a relatively measured approach, neither of which was the case in 2009-10.

3.55 DFAT assesses that those identified as having played a leading role in the 2017-18 protests are likely to face official discrimination, including arrest, monitoring and continuing harassment. DFAT assesses it unlikely that authorities will similarly target ordinary protesters whose motivation to demonstrate was to protest economic difficulties.

## 'Green Movement' Activists

3.56 Security forces arrested hundreds of demonstrators and beat and harassed thousands more during and after the 2009-10 Green Movement protests, some of whom died in prison (see [Deaths in Custody](#)). Others associated with the movement fled the country (in numbers likely to be in the hundreds). Iranian courts reportedly handed down sentences *in absentia* to a small number of those who fled. Authorities shut down newspapers, magazines and websites associated with the movement, essentially closing it down.

3.57 From late 2009, more than 100 of the movement's most important leaders, activists, and theorists appeared in a series of 'show trials', in which they confessed on television to several crimes against the nation. This group did not include former presidential candidate Mousavi himself, but, in February 2011, Mousavi, his wife and fellow presidential candidate Mehdi Karroubi were put under house arrest without formal charge or trial after calling for Iranians to protest in support of the Arab Spring. According to media reporting, Ayatollah Khamenei stymied attempts by reformists to have the opposition leaders released ahead of the 2017 elections as part of a move towards national reconciliation. Another prominent reformist leader associated with the Green Movement, former president Mohammed Khatami, has reportedly been

the subject of a media blackout since 2015, with authorities ordering publications and television not to print his name or photograph – this blackout has been inconsistently enforced.

3.58 While the Green Movement's top echelon remain politically *persona non grata*, the end of the Ahmadinejad presidency in 2013 took away much of the movement's purpose and momentum. The Green Movement did not play an active role in the subsequent elections, and has had very little profile inside Iran in the years since. As noted above, neither the movement nor its supporter base played a significant role in the 2017-18 protests.

3.59 It is difficult to estimate how many of those arrested during the Green Movement protests remain in prison. Given the period of time that has elapsed, DFAT assesses it would be highly unlikely that those arrested at the time for simply participating in the protests would remain imprisoned, or would face continuing surveillance or harassment, including being prevented from accessing employment in either the public or private sector. Nevertheless, the 2009-10 protests represented the most significant challenge to the authority of the Islamic Republic in the Ayatollah Khamenei era. Given the sensitivity of the government to such challenges, DFAT assesses it likely that those who had a more active organisational role in the movement and therefore have a higher profile are more likely to face continuing official attention and possible harassment.

## GROUPS OF INTEREST

### Civil Society Activists/ Human Rights Defenders

3.60 By regional standards, Iran has a highly developed civil society with a large number of religious and secular non-governmental organisations (NGOs) working across a wide range of fields. According to local interlocutors, NGOs that work on non-political issues such as poverty operate relatively freely. International observers agree that the ability of activists to carry out human rights-related activities, however, is considerably restricted. Freedom House has reported that the Centre for Human Rights Defenders remains closed, with several of its members in prison.

3.61 In her August 2017 report, the UN Special Rapporteur said that the situation of human rights defenders, including anti-death penalty campaigners (see [Death Penalty](#)), women's rights activists (see [Women](#)), independent trade unionists (see [Trade Unionists](#)), human rights activists, minority rights activists (see relevant sections in [Race/Nationality](#)), and the relatives of those summarily executed or forcibly disappeared in the 1980s (see [Extra-Judicial Killings](#)) was deeply concerning. She noted a significant deterioration in the situation of human rights defenders in the lead up to the May 2017 presidential election, including a high number of arrests and detentions. The previous UN Special Rapporteur noted acts of intimidation and reprisals against human rights activists in detention, including torture and other mistreatment (see [Torture](#)); and expressed particular concern over reports of reprisals against human rights defenders who had engaged with him and cooperated with other UN mechanisms.

3.62 International sources have reported that authorities have prevented some civil society activists and human rights defenders from travelling abroad; that human rights activists have reported receiving intimidating phone calls, threats of blackmail, online hacking attempts, and property damage from unidentified security officials; and that these officials have sometimes harassed or arrested the family members of human rights activists. Courts routinely suspended the sentences of human rights activists, allowing authorities to arrest or imprison individuals arbitrarily at any time on the previous charges.

3.63 In recent months, international observers have identified a growing trend whereby authorities have targeted civil society activists engaged in environmental issues. In the most prominent recent case, a 64-year old dual national Iranian-Canadian university professor and founder of Iran's most prominent environmental NGO was arrested on 24 January 2017 along with six associates. Officials reportedly accused the group of being a CIA/ Mossad front for collecting sensitive information about Iran's missile program. On 9 February, officials told the professor's wife that he had confessed to the allegations and committed suicide in prison (see [Deaths in Custody](#)). Separately, on 10 February 2017, authorities briefly arrested and interrogated the Vice Chairman of the Environment Protection Organisation, an American-educated academic on leave from London's Imperial College, who had returned to Iran at the invitation of the government as part of an official initiative to welcome back expatriate Iranians, and who subsequently fled the country. Environmental issues have become increasingly politicised in recent times, and were a key driver of the 2017-18 protests (see [Race/Nationality](#)).

3.64 DFAT assesses that civil society activists who work in areas connected to the promotion of human rights face a high risk of official discrimination, which may include arrest, monitoring, harassment, and travel bans.

## Trade Unionists

3.65 Iran is a member of the International Labor Organisation (ILO) and has ratified ILO Convention 87, which calls for freedom of association and the right to organise. Iran's Labour Code, however, permits worker representation only through an Islamic labour council or a trade association. Candidates standing for election to Islamic labour council boards must pass the *gozinesh* review. Labour rights groups have come under pressure in recent years, with a number of key leaders and activists given lengthy prison sentences on national security charges. Workers who engage in strikes (which nevertheless still occur periodically) are vulnerable to dismissal and arrest. Iranians do not have the right to collective bargaining, and workers are not protected by the right to mediation and arbitration. In June 2017, the judiciary imposed a travel ban on two prominent labour rights activists, preventing them from attending a session of the International Labour Conference in Geneva.

3.66 DFAT assesses that those in leadership roles in independent trade unions face a moderate risk of official discrimination, which may include arrest, monitoring, harassment, and travel bans.

## Artists and Musicians

3.67 Although Iran has a vibrant cultural scene, the music, arts and film industries are all subjected to strict censorship. The Ministry of Culture and Islamic Guidance reviews books, films, and exhibitions for their adherence to Islamic values before publication or exhibition. Western music has been officially banned since the 1979 revolution, but it is commonly played in coffee shops, restaurants, taxis and private homes. The Tehran Symphony Orchestra regularly performs classical Western music. Security forces occasionally shut down music performances, particularly those involving solo female singers and performers, who are not permitted to perform in front of mixed-sex audiences. The frequency with which security forces have shut down concerts featuring female musicians and vocalists has increased under the Rouhani administration – DFAT assesses that this increase is politically-motivated and unlikely to be the result of a direct instruction by the government. In July 2017, more than 500 artists and producers in the music industry signed a letter of protest against the shutting down of licensed music performances.

3.68 In her August 2017 report on the situation of human rights in Iran, the UN Special Rapporteur expressed concern that many prominent musicians, artists, and film industry professionals have faced

prosecution for their art. She highlighted the case of two music producers who were sentenced to six years in prison in 2015 (reduced to three years on appeal) for ‘insulting the sacred’ and ‘propaganda against the State’ after a fifteen minute trial by a Revolutionary Court.

3.69 DFAT assesses that while most artists and musicians in Iran are able to perform their works without significant obstacle, authorities are likely to prevent performances by solo female artists and musicians (or mixed-sex groups of performers). This is more likely to occur in more socially conservative areas.

## Media

3.70 The Constitution and various legislative provisions place significant constraints on media freedom. The Preamble to the Constitution specifically states that the mass communication media, radio and television, ‘must serve the diffusion of Islamic culture in pursuit of the evolutionary course of the Islamic Revolution’, and ‘while the media should be used as a forum for the healthy encounter of different ideas, it must strictly refrain from diffusion and propagation of “destructive and anti-Islamic practices”’. Chapter XII: Radio and Television (Article 175) reiterates this instruction, and gives the Supreme Leader power to appoint and dismiss the head of the state broadcasting authority. The *Press Law* (1986; amended 2000) sets out the role, rights and restrictions of the media. It gives the press the right to publish the opinions, constructive criticisms, suggestions and explanations of individuals and government officials; and prohibits government or non-government officials attempting to censure or control the press. It bars the media from publishing articles that violate Islamic principles, codes, and public rights, including (but not limited to): ‘atheistic articles’, ‘promoting subjects that might damage the foundation of the Islamic Republic’, ‘creating discord by raising ethnic and racial issues’, ‘offending the Supreme Leader and senior religious authorities’, and ‘insulting lawfully respected persons or institutions, even by means of pictures or caricatures’, and criminalises the direct or indirect use of foreign aid by media organisations. Violations of the *Press Law* are punishable by terms of imprisonment of between two months and two years, or up to 74 lashes. Beyond these ‘red lines’, media outlets engage in robust debate, and criticise government policies, the President, Ministers, and other senior officials.

3.71 Islamic Republic of Iran Broadcasting (IRIB) operates national and provincial television services, while its radio services include a parliamentary network, Radio Koran, and a multilingual external service. IRIB also operates multilingual international television and radio services and a 24-hour English and French languages news and documentary network, Press TV. There are approximately 50 national daily newspapers, of which those with the widest circulation and influence adhere to a conservative editorial position (although those focusing on sport are the biggest sellers). Iranians from across the social and political spectrum are active and enthusiastic users of social media – according to Internet World Stats, as of June 2017, 56.7 million Iranians (70 per cent of the population) were internet users. Authorities routinely block or filter websites they consider objectionable, including major international social media sites such as Facebook, Twitter, YouTube, and Flickr (although several senior officials are active users of them). Iranians can generally use virtual private networks (VPNs) and other methods to circumnavigate these blocks and to anonymise their online activities. Iranians are avid users of social messaging services, although these are also frequently blocked. The government announced in 2016 that it had completed the first phase of a national information network, a project aimed at creating a stand-alone domestic intranet. It is unclear how far the project has progressed.

3.72 All television and radio broadcasting from Iran is state-controlled and reflects official ideology – Article 175 of the Constitution prohibits private broadcasting. Diversity of opinion does exist within the Iranian domestic media landscape, but comes in the form of political debate between particular factions of the ruling establishment. While such debate can be robust at times, it occurs within relatively narrow margins, does not cross ‘red line topics’ (such as those mentioned previously), and occurs strictly within a

framework of support for the Islamic Republic. The Press Law requires journalists and publishers to obtain a press license from the Press Supervisory Board (PSB), which sits within the Ministry of Culture and Islamic Guidance. These licences are difficult to obtain and the PSB has often rescinded them in retaliation for reporting deemed critical of the ruling establishment. While such actions are more likely to target media outlets carrying pro-reformist content, they have also occurred against outlets promoting a conservative line. For example, in June 2016 the PSB ordered the closure of a conservative online news site in June 2016 after it claimed that government officials had met with an Afghani Taliban leader prior to his death in a US drone strike in Pakistan. In the same month, the PSB ordered the closure of a reformist newspaper after it published a story criticising prison conditions. The paper had earlier published a story criticising the IRGC's handling of the arrest of US sailors in Iranian territorial waters. It reportedly resumed publication later in the year.

3.73 Courts have frequently handed down long sentences against individual journalists deemed to have breached the 'red lines', including those who publish material online. Rather than using the provisions available to them under the Press Law, authorities have often invoked legislation related to national security or religious-based offences. This legislation allows for more severe punishments, including prison sentences ranging from six to ten years or more. In one such case in April 2017, three citizen-journalists received 12 year prison sentences after being convicted (variously) of 'insulting the Supreme Leader(s)', 'insulting what is most sacred in Islam', and anti-government propaganda. Authorities had arrested the three in September 2016 for content they had posted online. Courts frequently set very high bail for detained journalists, and authorities have taken a hard line against journalists' associations that have advocated for freedom of expression and journalists' rights. Authorities closed down the Association of Iranian Journalists in 2009 and have refused to permit it to resume its activities.

3.74 Authorities are sensitive to satellite broadcasting from outside the country that they deem hostile to the government. Dozens of Farsi-language television and radio stations broadcast into Iran from abroad. It is illegal to use satellite equipment, and authorities have periodically undertaken campaigns in which they raid homes, confiscate satellite dishes and fine the owners or installers of the equipment. However, many Iranians continue to own satellite dishes and use them to watch the banned channels – there are reportedly 8 million satellite dishes in the country, and up to 85 per cent of the population has access to satellite channels. Authorities also engage in systematic (but not comprehensive) jamming of foreign satellite signals for viewers in Tehran and other cities, targeting in particular BBC Persian. Channels such as BBC Persian can also be accessed via the Internet, using VPNs. International media advocacy groups have reported that the Iranian judicial and intelligence services have sought to influence the Farsi-language sections of international media outlets by putting pressure on Iranian journalists based abroad. This pressure can manifest in intimidating message or death threats; in freezing of the journalists' financial assets within Iran, thus preventing them from conducting business there; or in harassment and intimidation of family members in Iran, often through summoning them to meetings with security officials.

3.75 A small number of international media bureaus and foreign journalists have permission to operate within Iran. Foreign media personnel are subjected to close monitoring and oversight by monitors, and are restricted in the topics they may cover and areas they may visit. The government routinely denies visas to foreign reporters who have previously criticised it. Authorities also target Iranian nationals (including dual nationals) working with foreign media outlets within Iran. In January 2016, a Washington Post correspondent (and dual Iranian-American national) was released as part of a prisoner exchange after spending 18 months in prison (including 50 days in solitary confinement). The correspondent had been convicted in 2015 of espionage charges, which were denied by his family and the Post. In February 2016, a former BBC Persian Service reporter (and dual Iranian-British national) was arrested in Tehran on unspecified charges, having previously been interrogated repeatedly about his work. Reports indicate that the reporter has since been released on bail, although his current legal status remains unclear.

3.76 Authorities have stepped up efforts to control traditional and online media at times of particular political sensitivity, such as during election campaigns and major protests. In the lead-up to the May 2017 presidential elections, security officials pre-emptively detained a number of journalists associated with reformist newspapers. Authorities also arrested several channel administrators for the Telegram messaging app, blocked a reported 173,000 Telegram accounts, and arrested around 100 Internet users, predominantly Telegram users. Authorities also targeted Telegram during the 2017-18 protests (see [Critics of the State](#)), blocking access to it and several other applications, and arresting around ten citizen-journalists. In April 2018, the government announced it would permanently block Telegram over national security concerns and would replace it with its own messaging service. Nonetheless, users with access to VPNs are able to skirt around these restrictions. Domestic media outlets' coverage of the protests was highly slanted and dismissive, reportedly at the instruction of the government.

3.77 DFAT assesses that journalists who attempt to cover the 'red line' topics identified above face a high risk of official discrimination, which may include arrest, monitoring, harassment, and travel bans.

## Women

3.78 By regional standards, Iran is reasonably progressive in relation to women's rights. The Constitution highlights the contribution made by women to the success of the Islamic Revolution and commits the government to ensuring the rights of women in all respects, in conformity with Islamic criteria. Women enjoy considerable legal protections in many areas, including personal safety, participation in the workforce, and mandatory schooling for girls. Although not a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (1981) or its Optional Protocol (2000), Iran has committed itself to the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, including Goal Five on achieving gender equality and empowering women and girls. President Rouhani has identified gender equity as a key government priority. Two of Iran's 12 vice-presidents are women, although no cabinet ministers are. In an August 2017 report, the UN Special Rapporteur welcomed the government's stance towards advancing women's empowerment. In March 2018, Tehran City Council launched a campaign to celebrate the achievements of ground-breaking Iranian women by installing large billboards around the city showcasing their pictures and stories.

3.79 Notwithstanding the government's official commitment to women's equality, hard-line *sharia* interpretations and conservative cultural and societal norms continue to limit the extent to which women are able to participate in Iranian society. According to the Guardian Council's interpretation, the Constitution prohibits women 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. The Guardian Council excluded female candidates from running in the 2017 presidential elections, and only 6.3 per cent of the candidates in the 2017 city and village council elections were female.

3.80 Women face considerable barriers to their full participation in society. Women generally require the permission of a male guardian to travel alone and face considerable societal harassment for doing so, particularly in more conservative rural areas. Married women require the permission of their husbands to leave the country (see [Exit and Entry Procedures](#)). Under Article 1117 of the Civil Code, a husband may prevent his wife from working in occupations deemed incompatible with family interests, or the dignity of himself or his wife. While Iranian women have gained greater rights to divorce in recent years, Article 1133 of the Civil Code continues to dictate that men can divorce at will but women cannot. While men are permitted to marry up to two permanent wives in polygamous marriages and an unlimited number in 'temporary' marriages, women are unable to do so. If a wife refuses to obey her husband without a 'reasonable excuse', she can lose certain rights, including the right to maintenance and spousal support.

Regardless of age, a woman cannot marry without the permission of her male guardian; and, unlike men, women cannot pass on Iranian nationality to their foreign-born spouse or children.

3.81 While the law prescribes severe penalties (including the death penalty) for rape, it does not recognise rape within marriage as a crime. Likewise, there is no specific law penalising domestic violence that, according to domestic interlocutors, occurs frequently across Iranian society: in his February 2015 report, the previous UN Special Rapporteur found that 66 per cent of women had experienced it. While state and NGO shelters for abused women exist, they are only in major cities, are poorly resourced and advertised, and tend to focus on reconciling women with their abusive husbands.

3.82 Since shortly after the 1979 Revolution, both men and women of all religions have been required to adhere in public to conservative dress codes. While in public, 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), which in practice translates as loose all-covering clothing and a headscarf. Men are required only to cover their 'private areas', although social norms dictate wearing long trousers rather than shorts. Article 638 of the Penal Code states that women who appear in public without a proper *hijab* (the generic term for the proper Islamic dress for women) shall be imprisoned from ten days to two months, or pay a fine of 50,000 to 500,000 rial (AUD 2-20). There is no similar rule for men. These penalties are very rare: DFAT understands that in practice, women accused of having bad *hijab* would most likely be escorted to a police station and asked to have a family member bring acceptable *hijab*, after which they could leave without sanction.

3.83 The level of enforcement of these dress codes has varied considerably over time and between locations. Implementation has been left to the discretion of individual security authorities, including the *Basij*, who have tended to be more fanatical than regular law enforcement forces. Checks on dress code violations increase during holy periods such as Muharram and Ramadan. Authorities have periodically launched campaigns to ensure compliance: in 2016, for example, police in Tehran announced plans to deploy 7,000 male and female officers for a new plainclothes division to monitor public morality and enforce the dress code. In December 2017, the same police said they would no longer arrest women who failed to meet the dress code, but then almost immediately retracted this statement.

3.84 In the midst of the 2017-18 protests (see [Critics of the State](#)), an anti-*hijab* movement gained some traction among Iranian women. The movement has maintained momentum into 2018, particularly through a number of online platforms which have garnered significant follower numbers. On 8 March, in response to online calls for a special protest effort to mark International Women's Day, a large group of women demonstrated in front of the Ministry of Labor. Plain clothed and uniformed police broke up the protest, arresting at least 84 people. The response of authorities has hardened noticeably since the first emergence of the anti-*hijab* movement: while there was initial reluctance to arrest the small number of women who publicly removed their *hijab*, authorities have subsequently arrested more than 100 activists who have done so in 2018, including those arrested on 8 March. Courts have handed down prison sentences to two anti-*hijab* activists: one received a 24 month sentence, with 21 months suspended for five years (with the sentence handed down the day before the 8 March protests); the other a 12 month sentence to be served in full. Both were convicted under Article 639 of the Penal Code, which prohibits facilitating or encouraging people to commit immorality, rather than under Article 638. DFAT assesses that the actions of authorities in arresting and prosecuting anti-*hijab* activists relate more to their desire to rein in political activism than the particular action involved.

3.85 International and domestic observers agree that the dress codes impose far more on women than they do on men, and that authorities are far more likely to target women than men for dress code violations. DFAT is aware that some men have claimed to have been discriminated against on the basis of their dress – for example, for having 'Western-style' hairstyles or clothing styles, visible tattoos, or visible hair removal (such as plucked or waxed eyebrows). Notwithstanding such reports, it is common to see young men fitting

all of the above descriptions on Iranian streets, particularly in larger cities such as Tehran. DFAT assesses that where there have been incidents of harassment of men for violating the dress code, it is likely to have been the result of either over-zealous enforcement by individual security authorities in particular locations (particularly outside of major cities), or because the individual has come to the attention of authorities for separate activities, particularly political activism. DFAT assesses that the restrictions the dress codes place on men do not amount to discrimination.

3.86 Authorities discriminate against activists promoting women's rights: in her August 2017 report, the UN Special Rapporteur noted that the capacity of civil rights organisations to promote and protect women's rights had been undermined by physical and verbal attacks, judicial harassment, detention, and smear campaigns against female human rights activists. She noted in particular that in May 2017, several women's rights activists were sentenced to up to four years' imprisonment for allegedly reading and spreading 'feminist literature', and had their bookshop sealed.

3.87 There are no reliable statistics on the prevalence of 'honour killings' in Iran. Honour killings are defined as a murder committed or ordered by a relative as a punishment to a family member who is seen (or suspected) to have damaged the family's reputation by their actions. Such actions can include extramarital sex, refusal of an arranged marriage, choosing one's own spouse without the family's approval, becoming a victim of rape, homosexual acts (see [Sexual Orientation and Gender Identity](#)), or liberal behaviour and dress. International human rights observers state that honour killings are an established phenomenon in many of Iran's outermost provinces, particularly in areas where state infrastructure is scarce and tribal traditions strong. While honour killings can take place in all kinds of families from different social classes and educational backgrounds, the likelihood of honour killings is likely to decrease with education, urbanisation, and access to social services. For cultural reasons, women and girls are the most likely victims. The Penal Code does not specifically criminalise honour crimes, and (in line with *sharia* principles) provides for reduced sentences for those who commit them: Article 630, for example, contains provisions on the husband's right to kill his wife and her lover if they are caught *in flagrante*; Article 303 states that judges cannot issue a 'retribution crime' punishment against fathers or grandfathers who kill their children. In cases where authorities have attempted to stop the phenomenon of honour killings by sentencing some perpetrators to long prison terms (as reportedly occurred in Khuzestan), new strategies have quickly evolved to circumvent these punishments, including through hiring third parties to commit the murder. In cases of honour killings, it is extremely unlikely for the head of the victim's family to demand punishment. Most perpetrators of honour killings therefore serve only a short prison sentence or avoid punishment altogether.

3.88 Female genital mutilation / cutting (FGM-C) occurs in the southern province of Hormozgan and also in the western provinces of Kurdistan, Kermanshah and West Azerbaijan. FGM is mostly practiced among Sunni communities. The Penal Code criminalises mutilation including the 'cutting or removing of the two sides of female genitalia'. FGM-C is usually practised by traditional midwives.

3.89 DFAT assesses that most Iranian women face persistent societal discrimination and the threat of gender-based violence. Legislation, long-standing traditional values and gender roles continue to restrict the participation of women in the workforce and community. Activists attempting to promote women's rights face a high risk of official discrimination, which may include arrest, monitoring, harassment, and travel bans.

## Sexual Orientation and Gender Identity

3.90 The Penal Code criminalises all sexual relations outside of traditional marriage, including heterosexual relations. Chapter Two of the Penal Code explicitly criminalises same-sex relations for both men and women. Punishments for male homosexual acts are more severe than those given to women: whereas men can be executed on the first conviction in cases involving penetration, women can only be

sentenced to death on their fourth conviction. Article 234 of the Penal Code distinguishes between the 'active' and 'passive' parties in male-on-male sexual acts involving penetration (sodomy): whereas it allows for the execution of the passive partner in all cases, the active partner may only be executed if he is married, if he rapes the passive partner, or if he is a non-Muslim who has engaged in penetrative acts with a passive Muslim partner. Article 237 states that non-penetrative homosexual acts such as kissing or 'touching as a result of lust' are punishable by flogging, applicable to both men and women, while Articles 238 and 239 specifically define and prohibit sexual acts between women, stipulating flogging as punishment. There is no distinction between the active and passive parties or between Muslims and non-Muslims in cases involving sexual acts between women.

3.91 As noted in [Death Penalty](#), Iran does not publish official statistics or details relating to executions so it is difficult to estimate how many individuals have been executed for same-sex acts, and whether those acts were consensual. Numerous media reports relate to the execution of men who have engaged in same-sex acts: DFAT is not aware of any such executions involving women. In many cases, however, the media has reported that these acts involved non-consensual sexual encounters, including against minors. The issue is further confused as the Penal Code does not recognise rape as a separate crime: it treats heterosexual and homosexual rape as forms of adultery and sodomy respectively. As a consequence, if a consensual homosexual relationship is discovered by law enforcement, the passive partner has a significant incentive to claim that he has been raped as this may be the only way to enable him to escape a death sentence. Moreover, in an actual male-on-male rape case, the victim faces substantial risk in filing a complaint, as if the alleged rapist succeeds in arguing that the act was consensual, the victim could be executed for being the passive partner to an act of sodomy.

3.92 In August 2016, a 19-year old man was executed in Arak after being convicted of an act of 'forced sodomy' (as defined in Article 234) that occurred while he was still a juvenile. Authorities had arrested the man after receiving a complaint accusing him and two other youths of forcing a teenage boy (of undisclosed age) to have sexual intercourse with them. The executed man had maintained that the sexual acts were consensual. It is more difficult to find evidence of recent cases involving the execution of adults who have indisputably engaged in consensual same-sex relations. International organisations report that authorities are aware of the negative international reactions large-scale persecution and severe punishment of homosexual individuals creates. Where courts find offenders guilty in same-sex relations cases, reporters observe that, in most cases, they generally refrain from imposing the death penalty and instead order floggings.

3.93 Human rights organisations claim that individuals charged with sexual crimes often undergo summary trials that do not adhere to principles of fairness. Judges overseeing sodomy cases often ignore strict evidentiary guidelines laid down by the Penal Code, use questionable investigative methods, and rely on evidence that should be inadmissible. Convictions frequently rely on confessions obtained through torture and extreme psychological pressure, and courts have convicted defendants of sodomy charges based solely on 'knowledge of the judge' despite the existence of exculpatory evidence and a lack of inculpatory evidence. While the severity of sentencing for sexual crimes (including same-sex relations) varies considerably between courts, sentences tend to be heavier in small towns and peripheral regions than in major cities because of the more conservative values that prevail in these areas.

3.94 International organisations report that the primary concern of authorities is the maintenance of social order. Where prosecutions of same-sex relations occur, they are generally in connection with activism or activities that have come to public attention, and which authorities believe pose a threat to social order. The majority of arrests relating to same-sex relations reportedly take place in connection with private house parties, and in these cases, authorities often initially justify the arrests on the grounds of illegal alcohol consumption, dress code violations, and 'debauchery'.

3.95 There is a strong societal taboo against homosexuality. International LGBTI (lesbian, gay, bisexual, transgender and intersex) NGOs report that many young gay men face harassment and abuse from family members, religious figures, school leaders, and community leaders. Authorities have reportedly expelled individuals from university for alleged same-sex relations. While official rhetoric against homosexual individuals and practices has reduced since the Ayatollah Khomeini era, high level officials (including Ayatollah Khamenei), have continued to issue derogatory statements about homosexuality. LGBTI individuals are unlikely to obtain protection from state officials, and may face harassment, abuse or arrest should they come to the attention of security forces. As noted in Military Objectors, men whose homosexuality or transgenderism has been established (through an intrusive medical examination) are exempted from military service and given the designation 'mentally ill' on their military cards, which can lead to later difficulties when seeking employment. Both gay men and lesbians face considerable societal pressure to enter into a heterosexual marriage and produce children. The government censors all materials related to LGBTI issues, including blocking websites or content within sites that discusses such issues. NGOs are unable to work openly on LGBTI issues.

3.96 International observers report that homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society, particularly in larger cities that offer greater anonymity. It is not uncommon in Iran for people of the same sex to live together, and this is not necessarily associated with homosexuality. The rise of social media over the past decade means activities such as dating now largely take place online in chat rooms and dating sites rather than in established 'beats' (an area frequented by gay men, where sexual acts may occur), although these continue to exist. While intelligence services have the capacity to monitor the behaviour of individuals, human rights observers report that security agencies do not usually seek to identify or punish individuals solely for engaging in same-sex relations.

3.97 While the Penal Code's punishment for sexual conduct is less harsh for lesbians, human rights observers report that their social and economic situation is significantly more restrictive than that of gay men. The restrictions already imposed on lesbians as women in Iranian society are compounded by the discrimination they face because of their sexual orientation. Financial and social survival for lesbians depends on their ability to repress or hide their sexual identity, particularly from family members. 'Honour killings' of lesbians by male kin reportedly occur (see Women), as do beatings and other physical and psychological abuse. Most often, lesbians find themselves abandoned by their families, a situation which can compel them to enter into prostitution to survive. This leaves them further vulnerable to abuse, harassment and possible arrest.

3.98 Iran has recognised transgender individuals since 1987, when Ayatollah Khomeini issued a *fatwa* declaring transsexuality to be in conformity with Islam. Authorities regard transsexuality as a disorder for which medical solutions are available, and permits hormone treatment and sexual reassignment surgery (SRS). The government provides financial assistance to undergo these treatments, and requires health insurers to cover the cost of SRS. Following a referral from a psychologist or psychiatrist, the Department of Forensic Psychiatry determines whether a person qualifies for such treatment. Only after SRS has been completed and their legal documents (including identity card, birth certificate and passport) adjusted is a person legally allowed to dress according to the opposite sex and to move into the spaces reserved for this sex. Authorities do not generally permit crossdressing because men or women dressing as the opposite sex reportedly represents a disruption to the social order. However, once an individual is diagnosed as suffering from gender dysphoria and agrees to undergo SRS, local authorities may issue them a permit to allow them to appear in public dressed as the opposite sex prior to the actual surgery. Post-surgery, transgender persons are advised to maintain discretion about their past due to stigma associated with being transgender.

3.99 No reliable information is available on the number of SRS operations occurring in Iran. A BBC report in 2014 quoted a doctor as claiming that he alone carried out more than 200 such operations every year.

Human rights activists and NGOs have reported that authorities and families pressure many gay men and lesbians and other gender non-conforming individuals to undergo SRS to avoid the legal and social consequences of their sexual orientation or gender-identity ambiguity. Observers have also raised concerns about the quality of medical services offering SRS operations, citing reports of operations that have fallen short of international clinical standards and resulted in long-term health complications. Few legal remedies are available to those who endure botched operations. Despite the financial assistance provided by the government, the cost of SRS and hormone therapy is still beyond the means of many people. Those who do not undergo SRS are often abandoned by their families, and many resort to prostitution to survive. In addition to leaving them further vulnerable to abuse and harassment, transgender women who have not undergone SRS and are involved in prostitution including penetration are at risk of arrest and prosecution as homosexuals as they are deemed to be men.

3.100 DFAT assesses that LGBTI individuals face a high risk of societal discrimination, with ongoing traditional views about sexuality and gender restricting their participation in the community and workforce. High profile or highly visible LGBTI individuals of either sex face a high risk of violence, including from within their family, from the public or from authorities. Notwithstanding the uncertainty over how often executions occur and in which circumstances, legal provision for the use of the death penalty for consensual same-sex acts creates significant risk to those who engage in such acts.

## Military Objectors

3.101 Article 151 of the Constitution commits the government to providing a program of military training for all of its citizens to ensure that they will be able to engage in the defence of the country. Military service is compulsory for men above the age of 18, and most complete between 18 and 24 months of service in a variety of positions. No alternative to military service exists and the government does not recognise conscientious objection. Conditions for conscripts are often poor, with low pay, poor living conditions, malnutrition, and frequent physical and psychological abuse by senior officers all contributing to low morale. However, military service conditions can vary considerably depending on individual placements and circumstances.

3.102 Article 144 of the Constitution states that the military must be Islamic, must be committed to Islamic ideals, and must recruit individuals who are committed to the objectives of the Islamic revolution. The law does not provide for exemptions from military service based on religious affiliation. The law prohibits non-Muslims from holding positions of authority over Muslims in the armed forces, thus preventing members of religious minorities from making a military career beyond their compulsory military service (although DFAT understands that there are some Sunni officers). The UK Home Office cites reports of harassment and abuse of conscripts due to their faith, which have led in some cases to suicide or self-harm.

3.103 Authorities can grant an individual exemption from military service on several grounds. These include (but are not limited to) medical reasons, being the only son in the family, having elderly parents, and having a brother currently serving in the military. Homosexuality or a designation as a transsexual are regarded as medical and psychological conditions that warrant an exemption. Those dismissed from military service due to their sexual orientation receive special exemption cards indicating the reason for their dismissal, which may become the basis for later discrimination (see [Sexual Orientation and Gender Identity](#)).

3.104 Wealthy families can purchase exemptions for their sons through paying absence fines. This practice is common: in June 2016, the chief conscription officer for the armed forces told a local newspaper that more than 10,000 people had applied to pay absence fines in the past month alone. The amount of the fine reportedly differs based on levels of education, with those with a higher education liable for higher fines

than those without. According to an October 2016 UK Home Office report, absence fines start at approximately USD 6,500 and can run to over USD 13,000.

3.105 Draft evaders are liable for prosecution. A person who deserts from the military must complete his service on return if he is under the age of 40. Evading military service for up to a year during peace time or two months during war can result in the addition of between three and six months to the total length of required service. More than one year's draft evasion during peace time or two or more months during war may result in criminal prosecution. Draft evaders may lose social benefits and civic rights, including access to government jobs or higher education, or the right to set up a business. The government may also refuse to grant draft evaders drivers licences, revoke their passports, or prohibit them from leaving the country without special permission. Iranian authorities periodically crack down on draft evaders. In June 2016, the chief conscription officer for the armed forces announced that authorities would intensify the process of identifying and arresting those who had attempted to avoid their military service. DFAT understands that the desire to evade military service is a key motivating factor for the emigration of middle –class families with teenaged sons.

3.106 DFAT assesses that most (but by no means all) Iranian males will undergo military service. Obtaining an exemption from military service is possible, but depends heavily on individual and socio-economic circumstances. Religious minorities face a moderate risk of harassment on the grounds of their religious faith while undergoing military service. Those seeking to avoid military service are likely to face arrest and restricted access to a wide range of social benefits and civic rights, which may include the ability to leave the country.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extra-Judicial Killings

4.1 The most significant case of extra-judicial killings in the Islamic Republic era occurred in 1988, when authorities executed around 5,000 political prisoners following a fatwa issued by Ayatollah Khomeini. The majority of those executed (at least 3000) were members of the MeK (see Political Exile Organisations), while the remainder included intellectuals, students, left-wingers, members of other opposition parties, and ethnic and religious minorities. Many of those killed had been sentenced for non-violent offences such as distributing newspapers and leaflets, taking part in demonstrations, or collecting funds for prisoners' families. Some had already completed their sentences but had not been released as they refused to 'repent'. To date, no officials have been investigated and brought to justice for the extrajudicial executions. Some of the alleged perpetrators continue to hold political office or other influential positions, including in the judiciary.

4.2 There have been periodic reports from residents of provinces with large Sunni populations that the security services have conducted extrajudicial killings in these areas (see [Sunni Muslims](#)). DFAT does not have any further details as to the specifics of these cases.

#### Enforced or Involuntary Disappearances

4.3 In its July 2017 report, the UN Working Group on Enforced or Involuntary Disappearances expressed concern over allegations of individuals who had disappeared from within the prison system in Iran, including after their detention in Evin Prison. The Working Group also expressed concern over allegations of harassment and intimidation against persons who had reported cases of enforced disappearances or who had actively campaigned to learn the truth about their disappeared relatives and sought justice for them. The Working Group reported 528 outstanding cases of enforced disappearance. Although the government agreed to a visit by the Working Group in 2004, it has repeatedly delayed and the visit is yet to occur.

#### Deaths in Custody

4.4 Iran does not publish official statistics on deaths in custody. The media and NGOs occasionally report on deaths in custody due to torture or because of denial of access to proper medical care. In one such case in June 2016, a detainee died in custody as a result of injuries that his family claimed were inflicted during torture at a Tehran police station. No independent investigation was reported. According to human rights activists, at least three detained demonstrators died in Evin prison after the 2017-18 protests. A prominent environmentalist died in prison in Tehran in February 2018 under disputed circumstances (see [Civil Society Activists/ Human Rights Defenders](#)). President Rouhani has ordered a commission of enquiry into the four

deaths, which authorities had initially ruled suicides. An undisclosed number of protesters died in custody during the 'Green Movement' post-election demonstrations in 2009. DFAT is not aware of any investigation into these deaths.

## DEATH PENALTY

4.5 Iran implements the death penalty at one of the highest rates in the world, both in actual numbers and per capita. The death penalty applies for many crimes, including drug-related offences, murder, rape, security-related offences and 'moral crimes', including adultery, blasphemy and homosexuality. Iran does not publish statistics on executions, and exact figures are difficult to obtain. However, NGOs and diplomats estimate that the number of executions has sat between 500 and 700 per year for the past decade. Hanging is the general method of execution, although the Penal Code also permits death by stoning. According to the Iranian government, a judicial moratorium on the use of stoning has been in place since 2008. While most executions now take place in prisons, the media occasionally report on executions carried out in public. Iran remains one of the only countries in the world to sentence minors to death, and the media has, in recent years, reported cases of minors as young as 15 being sentenced to death. However, courts usually stay execution in these cases until the offender turns 18, and occasionally commute death sentences to prison terms.

4.6 An estimated 60 per cent of executions are for drug-related offences, with almost all others relating to murder or rape. A small number of executions relate to security-related offences. Although the media occasionally reports death sentences for adultery, apostasy, and blasphemy, very few executions for these offences have occurred in recent years. Executions in relation to homosexuality are now extremely rare, and are usually coupled with other serious convictions such as rape (see also [Sexual Orientation and Gender Identity](#)). Those executed in Iran are overwhelmingly Iranians, although Afghans make up a significant minority. A very small number of those executed (as few as two per cent) are women.

4.7 There is significant domestic opposition to the death penalty. A number of groups and individuals campaign actively on the issue, including through internet and social media campaigns. Campaigns have focused on persuading the families of murder victims to pardon the perpetrator, allowing them to avoid execution; and on raising 'blood money' to be paid to the families of murder victims on behalf of defendants who are themselves unable to raise the required sum. These campaigns appear to have had some success, with the number of family pardons increasing considerably in recent years. The Iranian system views these campaigns as being in line with *sharia*, and broadly encourages them: the High Council for Human Rights (an arm of the judiciary) itself organises fundraising for 'blood money'. However, authorities have discouraged efforts by activists to eliminate the death penalty. Several activists of LEGAM (the Persian acronym for the Gradual Elimination of the Death Penalty) have been imprisoned for their activities, which authorities perceive as promoting anti-Islamic and anti-government messages.

4.8 Iran takes a conservative, law and order-centred approach to issues involving illegal drugs, which cause significant and widespread social problems in Iran eliciting strong community views (see [Health](#)). However, in January 2018, the judiciary confirmed a parliamentary amendment that suspended death sentences for drug-related crimes pending sentence reviews, and required judges to rescind death sentences that did not meet new conditions set by parliament for the death penalty. Offenders covered under the new conditions include those who used children in drug-related operations, those with previous convictions for drug-related offences, those dealing with large quantities of drugs (based on set thresholds much higher than previous ones), and those involved in large scale and armed smuggling operations. The new ruling could commute more than 5,000 death sentences to prison terms. However, it is still too early to ascertain whether the ruling will be enforced in the long term.

## TORTURE

4.9 Iran is not a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, Article 38 of the Constitution prohibits all forms of torture for the purpose of extracting confession or acquiring information. Article 169 of the 2013 Penal Code states that a confession obtained under coercion, force, torture, or mental and physical abuses, shall not be given any validity and weight.

4.10 Despite these legal protections, human rights organisations report that torture and other ill-treatment of detainees remains common in Iranian detention facilities, especially as a means to force confessions during interrogation. International sources report that commonly reported methods of torture and abuse include prolonged solitary confinement, threats of execution or rape, forced virginity tests, sexual humiliation, sleep deprivation, electroshock, burnings, the use of pressure positions, severe and repeated beatings, and the denial of medical care.

4.11 Although the 2013 Penal Code prohibits the admission into evidence of confessions obtained under torture, it does not set out any procedure for judges and prosecutors to investigate allegations of torture and ensure that confessions are voluntary. Human rights organisations have reported that authorities have systematically failed to investigate allegations of torture and other ill-treatment, and have sometimes threatened to subject complainants to further torture and long sentences. Amnesty International has reported that judges continue to admit confessions obtained under torture as evidence against defendants. Authorities did not conduct an independent investigation into the death of a detainee who died in a Tehran police station in June 2016 from injuries that his family claimed were inflicted during torture (see [Deaths in Custody](#)).

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.12 Article 39 of the Constitution prohibits all affronts to the dignity and repute of detained persons. However, the 2013 Penal Code provides for the use of physical punishment, including floggings (see [Corporal Punishment](#)), amputations, and blindings for a range of offences. The judiciary has consistently rejected the notion that amputations and blindings amount to torture, maintaining that they are permitted under *sharia* and are effective deterrents to criminal activity.

4.13 According to human rights organisations, while such punishments are not common, they continue to occur. Human rights groups reported several cases of physical punishments occurring in 2016/17:

- In April 2016, judicial authorities at Mashhad Central Prison amputated four fingers from the right hand and the toes from the left foot of a man convicted of armed robbery;
- In May 2016, the same authorities amputated the fingers of another man convicted of robbery;
- In November 2016, a man was forcibly blinded in both eyes in Tehran, in retaliation for blinding a four year old girl in an acid attack in 2009;
- In December 2016, judicial authorities at Urumieh Central Prison amputated four fingers from the right hands of two brothers convicted of armed robbery. In her March 2017 report to the UN Human Rights Council, the UN Special Rapporteur reported that 70 prisoners were allegedly forced to watch the amputations (the government has denied this allegation);
- In September 2017, authorities at Qom Central Prison amputated the hands of three prisoners accused of theft.

## Arbitrary Arrest and Detention

4.14 Article 32 of the Constitution states that no one may be arrested except by the order and in accordance with legal procedure. Authorities must communicate the charges to the arrested person in writing without delay, and forward a provisional dossier to the competent judicial authorities within 24 hours. Article 36 states that only a competent court may pass and execute a sentence, and it must be in accordance with law, while Article 37 guarantees the presumption of innocence.

4.15 Despite these constitutional protections, many organisations report that authorities commonly use arbitrary arrests to impede perceived anti-government activities by a range of actors, including ethnic, religious, labour, and civil rights activists. Individuals under arrest often remain in detention facilities for long periods without charge, and authorities sometimes prevent them from informing others of their whereabouts for several days. Authorities often deny detainees access to legal counsel while in detention, and impose travel bans on individuals released on bail or pending trial. State television often broadcasts documentary accounts of crimes before formal charges have been laid.

4.16 In 2016, the UN Working Group on Arbitrary Detention identified an emerging pattern involving the arbitrary detention of citizens with dual nationality or residency. In her August 2017 report, the UN Special Rapporteur claimed this pattern was continued during the first half of 2017. She noted that Iran does not recognise dual nationality, thus depriving foreign citizens of consular access while in custody, and highlighted a number of cases of concern, including:

- the sentencing of an 80 year old Iranian-American (a former UNICEF official) to ten years' imprisonment in October 2016 on national security charges after he attempted to secure his son's release from prison;
- the sentencing of an Iranian-British project manager to five years' imprisonment on 'secret charges' following a trial in which her lawyer had only five minutes to argue her defence;
- the continued detention of a 77 year old Iranian-Briton who was arrested in May 2011 and kept in solitary confinement for more than 18 months without being informed of the charges against him;
- the arrest in April 2016 of an Iranian national with Swedish residency, whose treatment included incommunicado detention, denial of access to a lawyer, alleged emotional and psychological pressure to sign statements, and a death sentence.

## Corporal Punishment

4.17 Iranian law provides for corporal punishment for several offences (see [Cruel, Inhuman or Degrading Treatment or Punishment](#)). Under the 2013 Penal Code, 149 offences are punishable by flogging. These offences relate to sex, false accusation, consuming intoxicants, and bodily injury. Floggings are administered differently for men and women, and for different offences. Generally, males are lashed on the bare body (except on the face, hands and genitals), while females are lashed while clothed. At least three witnesses must be present.

4.18 Human rights groups reported a number of high-profile cases of floggings in 2016/17.

- In April 2016, the Public Prosecutor of Golpayegan, Esfahan Province, announced that a man and woman convicted of having an 'illegitimate relationship' had been sentenced to 100 lashes each.
- In May 2016, the Public Prosecutor of Qazvin Province announced that authorities had arrested 35 young men and women for dancing, mingling and consuming alcohol together at a graduation party. The 35 were convicted within 24 hours of engaging in acts 'incompatible with chastity which disturbed the public order', and authorities implemented the 99 lashes to which they were sentenced at a special court hearing the same day.

- In June 2016, authorities in West Azerbaijan Province carried out sentences of between 30 and 100 lashes against 17 miners who had protested employment conditions and dismissals at a gold mine in 2014. In the same month, a criminal court in Yazd Province sentenced nine miners to between 30 and 50 lashes.
- In July 2016, an appeals court in Saveh sentenced a journalist and blogger to 459 lashes on charges of 'publishing false information' and 'creating unease in the public mind' through his writings.
- In November 2016, authorities ordered a prominent Kurdish filmmaker to present himself to receive 223 lashes for 'illicit relations falling short of adultery'. The filmmaker had previously received a six-year prison sentence in October 2015 (later commuted to one year) in connection to a music video clip authorities found on his computer while investigating him for a politically themed documentary. The charges punishable by flogging were added later.
- In January 2017, a reporter in Najafabad received an undisclosed number of lashes for inaccurately reporting the number of student-owned motorcycles impounded by the Najafabad police department.

4.19 Article 158 of the 2013 Penal Code explicitly provides for the right of parents and guardians to impose corporal punishment on children, 'provided the measures taken are within the bounds of religion and custom'. The Schools Executive Directive ratified by the Higher Council of Education in August 2000 advises against the use of corporal punishment in schools. Corporal punishment is prohibited in juvenile correction centres.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

5.1 Security forces are conspicuous in many aspects of Iranian life. An extensive network of police, security, and intelligence services exercises effective control over almost all areas of the country. Lines of authority between various security bodies can be blurred, with overlapping and competing responsibilities and occasionally unclear command and control structures. For ordinary Iranians, interaction with the security forces can be unpredictable, and can be influenced by the prevailing political environment and individual personalities. A number of offices exist to enable individuals to register complaints of human rights abuses and improper treatment by security forces, and the judiciary is responsible for prosecuting these cases. DFAT is unable to establish whether a complaints office exists for the IRGC or *Basij*. DFAT assesses it unlikely that a complaint from a member of the public against a law enforcement officer from any agency would result in prosecution.

### Islamic Revolutionary Guards Corps (IRGC)

5.2 The Islamic Revolutionary Guards Corps (IRGC) is Iran's most powerful security and military organisation, responsible for the protection and survival of the Islamic Republic. Ayatollah Khomeini established the IRGC after the 1979 revolution to enforce his concept of an Islamic state ruled by a *velayat-e-faqih* (see [Political System](#)). The IRGC played a crucial role in both suppressing early opposition to Khomeini's vision and repelling the 1980 Iraqi invasion. Since then, it has eclipsed the conventional military to function as the country's pre-eminent internal and external security force. The IRGC operates substantial and independent land, sea and air forces (see also [Military](#)), though they nominally fall under the command of a joint Armed Forces Chief of the General Staff, and has a powerful intelligence arm that carries out domestic intelligence operations, including against political activists. The IRGC maintains its own detention facilities. The IRGC played a pivotal role in suppressing the 'Green Movement' demonstrations in 2009, but a less prominent role in suppressing the 2017-18 protests.

5.3 Over time, the IRGC has also transformed into a leading economic and political actor. The IRGC and its associated companies are deeply involved in many sectors of Iran's economy, including energy, construction, telecommunications, banking, and finance. In addition to the IRGC's strength in the security and economic spheres, it has significant influence over political decisions. The IRGC's total strength is estimated at up to 150,000 men, divided into land, sea and air forces. The land forces are largest, estimated between 100,000 and 125,000; the navy at up to 20,000; the air force at up to 20,000; and the elite Quds Force at up to 5,000. According to international observers, the IRGC's top leadership comprises conservatives and hard-line 'principlists' deeply opposed to political reform. However, the rank and file of the organisation reflects Iranian society and politics at large, and includes many reformist members.

## Basij Resistance Force

5.4 The *Basij* Resistance Force ('the *Basij*') is a volunteer paramilitary organisation operating under the command of the IRGC. The *Basij*, established shortly after the Iranian Revolution, is an auxiliary force whose duties include internal security, law enforcement, special religious or political events, and morals policing. There are branches of the *Basij* in virtually every city and town in Iran. The *Basij* has several branches, and three main armed wings: Ashoura and Al-Zahra Brigades are the security and emergency branch tasked with defending neighbourhoods in case of emergencies; Imam Hossein Brigades are composed of war veterans who cooperate closely with IRGC ground forces; and Imam Ali Brigades deal with security threats. The force also has multiple branches with specialised functions. According to the United States Institute of Peace, each of these specialised branches functions as a counterweight to non-governmental organisations and the perceived threat they pose to the state. For example, the Labor *Basij* provides a counterpart to labour organisations, unions and syndicates, while the Student *Basij* balances independent student organisations.

5.5 Estimates of the total number of *Basij* vary widely – in 2009, the IRGC commander claimed the *Basij* had 11.2 million members. However, a 2005 study by a US think-tank put the number of full-time, uniformed and active members at 90,000, with another 300,000 reservists and around one million who could be mobilised when necessary. The *Basij*'s membership includes both sexes and a wide range of ages, although the majority are between high school age and mid-30s. Membership of the *Basij* provides access to privileges such as university places, access to government jobs, and other preferential treatment. Local mosques provide background information about each volunteer applicant, and also serve as the *Basij* headquarters for the neighbourhood. For full-time paid positions, applicants must apply to the *Basij*'s provincial headquarters.

5.6 The state has mobilised the *Basij* on occasion to suppress anti-government protests, including during the 'Green Movement' demonstrations in 2009. *Basij* members often receive less formal training than other Iranian security forces. International sources report that *Basij* units often engage in repression of political opposition elements or intimidation of civilians accused of violating Iran's strict moral code without formal guidance or supervision from superiors. DFAT assesses that there is considerable popular resentment against the *Basij*, although this may vary according to location.

## Military

5.7 Although much larger in total numbers, Iran's conventional military plays a secondary role to the IRGC in terms of providing the country's internal and external defence (see also [Islamic Revolutionary Guards Corps \(IRGC\)](#)). Iran's military consists of an army (comprising 130,000 enlisted personnel and 220,000 conscripts), a navy (18,000), and an air force (25,000 to 35,000). In addition, the military maintains an additional 350,000 reserves, and can theoretically mobilise up to one million more *Basij* forces. By comparison, the total IRGC force numbers around 125,000. Most of Iran's conventional military forces are poorly trained conscripts, who endure poor service conditions (see [Military Objectors](#)). International analysts describe Iran as a comparatively weak conventional military power with limited modernisation since the Iran-Iraq War.

## Police

5.8 The Law Enforcement Force ('the police') is Iran's uniformed national police force, and operates under the Ministry of Interior. The exact size of the force is unclear. The police comprise a number of specialised branches, including (but not limited to): traffic; cyber; prevention; intelligence and public security; anti-narcotics; immigration and passport; diplomatic; criminal investigation; border guard

command; and the special unit. The last named is responsible for suppressing riots, anti-terrorist activities, urban defence, and for resolving hostage situations.

5.9 International observers concur that corruption is widespread in the police, with systems of patronage and cronyism pervasive in overall law enforcement. While professionalism varies across the police, the force in general operates highly inefficiently. The Attorney-General has responsibility for investigating and punishing abuses by the security forces, but the process is not transparent and there are few reports of action to punish abusers. In 2015, allegations of large-scale embezzlement of funds within the police force surfaced, but the Supreme Leader forbade probes into the allegations. The former police chief, who was replaced soon after the allegations surfaced, claimed that he had been forced out of office only after he threatened to expose fellow senior officials. Human rights groups frequently accuse the police of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations. In its January 2016 report, the UN Committee on the Rights of the Child noted continued allegations of abuse and ill-treatment of refugee and asylum-seeking children by police and security forces.

## Ministry of Intelligence and Security (MOIS)

5.10 The Ministry of Intelligence and Security (MOIS) has responsibility for gathering and analysing domestic and foreign intelligence, counter-intelligence and security advice, for foreign intelligence liaison, and for countering threats to the Islamic Republic. Like the IRGC, MOIS has the power to investigate cases and to arrest and detain individuals, and maintains its own detention facilities.

## Judiciary

5.11 Chapter XI of the Constitution outlines the functions of the judiciary, confirms its independence, and states that the judicial system is based on *sharia* (Islamic law). The Supreme Leader appoints the head of the judiciary for five-year terms. The head of the judiciary is responsible for hiring, assigning, promoting and firing judges, and must be a cleric with an authoritative knowledge of *sharia* (a '*Mujtahid*'). He nominates the Chief of the Supreme Court and the Prosecutor-General, who must also be *Mujtahids*.

5.12 The Constitution establishes civil, criminal and military courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court capital cases and rules on death sentences. It has responsibility for ensuring proper implementation of the laws and uniformity of judicial proceedings. Regular courts, known as public courts, mainly deal with the civil and criminal matters of the common public. These courts are functionally classified according to their area of jurisdiction, civil or criminal, and according to the seriousness of the crime or the litigation. In the first instance, family law matters (including marriage, divorce and custody) come under the jurisdiction of the court allocated to family matters. Criminal courts comprise first level courts, which have jurisdiction over prosecution for felony charges, and second level courts, which try cases involving lighter punitive action. Iran has nearly 600 public courts.

5.13 The judiciary also includes Revolutionary Courts and the Special Court for the Clergy, both established following decrees from Ayatollah Khomeini. Neither has been incorporated into the constitutional clauses defining the role and structure of the judiciary. Some legal experts have repeatedly but unsuccessfully challenged their legal standing. Revolutionary Courts primarily deal with prosecutions involving acts against national security, as well as drug smuggling and espionage. They do not use juries, and trials are frequently closed to the public. The judges in the courts fulfil additional roles as prosecutors and mediators. The courts do not allow defence attorneys. Court orders issued by the Revolutionary Courts are

final and binding in penal/criminal affairs in most cases, although in limited cases, the defendant has the right of appeal (including capital cases).

5.14 Human rights observers criticise the judiciary for its lack of independence and denial of due process to detainees, and for the failure of trials to meet international standards of fairness. According to Freedom House, the government uses the judicial system to silence critics and opposition members. In her August 2017 report, the UN Special Rapporteur said that the lack of independence of the judicial system, in particular the Revolutionary Courts, was 'alarming', and that these courts were less a forum for granting justice than an extension of the coercive executive branch operating to control criticism and independent actions for securing rights. DFAT concurs with these views.

## Detention and Prison

5.15 Article 39 of the Constitution states that all affronts to the dignity and repute of persons arrested, detained, imprisoned or banished in accordance with the law are forbidden and liable to punishment. The Prisons Organisation is responsible for the administration of prisons, while the judiciary is the responsible ministry. According to the Institute of Criminal Policy Research's World Prison Brief, as of December 2014 (most recent figures available) Iran had a total prison population of 225,600 held in 253 institutions nationwide. While this number represented an occupancy level of 161 per cent of the prison system's official capacity, it did represent a reduction from an estimated prison population of 250,000 in 2011. Approximately a quarter of the December 2014 prison population were pre-trial or remand prisoners, while female prisoners accounted for 3.1 per cent of the total population.

5.16 Human rights observers report that Iranian prisons are overcrowded, with many prisoners forced to sleep on floors, in hallways, or in prison yards. Authorities often deny prisoners medical treatment for pre-existing conditions, injuries suffered at the hands of prison authorities or fellow prisoners, and for illnesses caused by poor sanitary conditions. Prisons are not equipped with adequate medical facilities. Pre-trial detainees are occasionally held with convicted prisoners, juvenile offenders held with adult offenders, and female prisoners in male prisons. Authorities reportedly often hold political prisoners in solitary confinement for long periods. Former prisoners have reported that authorities often threaten political prisoners with transfer to criminal wards, where attacks from non-political prisoners were likely. Authorities often arbitrarily revoke privileges such as access to visitors, telephone contact, and other correspondence.

5.17 DFAT understands that the granting of rights to prisoners is highly variable and depends on the individual circumstances of the prisoner, including their category and location. Official channels exist for prisoners to submit complaints to judicial authorities, but they often face censorship and retribution for doing so. While the government does not permit independent monitoring of prison conditions, it has occasionally permitted visits by foreign delegations. In July 2017, around 50 Tehran-based diplomats visited Evin Prison (one of the country's primary detention facilities) at the invitation of the Iranian Human Rights Council. DFAT assesses that such visits are of limited value in providing an accurate picture of conditions within Iranian prisons.

## INTERNAL RELOCATION

5.18 Article 33 of the Constitution states that no one can be banished from their place of residence, prevented from living in the place of their choice, or compelled to reside in a given locality, except in cases provided by law. In practice, the government has placed some restrictions on internal movement. Certain

groups, including registered refugees and individuals subject to security monitoring, are prevented from travelling to certain provinces without permission.

5.19 Iranians can and do relocate for a variety of reasons, with many rural Iranians moving to major cities in search of employment. Internal relocation is generally easier for men and family groups than for single women, who are likely to face official and societal harassment for travelling alone, particularly in rural areas. Certain groups, including Kurds, religious minorities, Baha'i, and those evading military service, are less able than other Iranians to relocate internally. The nationwide capacity of the centrally-organised state security services means that an individual facing adverse official attention is unlikely to escape this by internally relocating. However, men facing adverse attention from non-state actors may be able to escape through internal relocation, depending on individual circumstance.

## TREATMENT OF RETURNEES

### Exit and Entry Procedures

5.20 Millions of Iranians travel into and out of Iran each year without difficulty, including the large Iranian diaspora residing in North America, Europe, Asia and the United Arab Emirates. The government does not generally require citizens to possess an exit permit for foreign travel. However, in some cases citizens do require special permission to obtain a passport (see also [Passports](#)). This includes: minors under the age of 18, who require the permission of their father/ custodian; males of any age who have not completed their military service, who must present authorities with their military service exemption or the written permission of the Public Military Service Department; married women, who require their husband's permission. Once in possession of a passport, this group are free to leave the country without obtaining an exit permit to do so. Those whose skills are in particular demand (such as staff at the Iranian Atomic Energy Organisation) and/ or who were educated at government expense are reportedly required to post bond to obtain an exit permit. Iranian citizens residing abroad who are not under the obligation of military service can apply for the issuance of a multiple exit permit through the Ministry of Foreign Affairs. They are required to provide completed forms detailing their place of residence and requesting a multiple exit permit, evidence of the completion of, or exemption from, military service, the original and photocopies of their existing passport and photocopies of pages related to their previous travel to Iran, a photocopy of their residence permit, and two passport photographs.

5.21 Authorities routinely impose travel bans on citizens. Reasons for a travel ban can include security concerns, financial debts, outstanding taxes, crimes committed abroad, and outstanding sentences awaiting enforcement. Civil and political activists are particularly likely to face travel bans. In some cases, individuals must obtain the permission of others to leave the country: the husbands of married women and fathers of unmarried women and underage children can request travel bans against their dependents. MOIS and the IRGC have the power to impose travel bans without recourse to the judiciary. Iranians under travel bans are often unaware of their status until they reach passport control at the airport and are prohibited from leaving the country. The presence of security organisations in all Iranian airports, particularly those with border checkpoints, enables authorities to determine whether or not any Iranian citizen can leave the country by air.

5.22 DFAT assesses that leaving Iran through irregular means is more likely to be achievable overland (particularly in rugged mountain areas) than via air or sea, including for registered and unregistered refugees. Under Iranian law, however, smuggling people into or out of Iran is a crime punishable by up to ten

years' imprisonment. The law against people smuggling applies to all Iranian nationals, including those outside the country.

## Conditions for Returnees

5.23 Iran has historically refused to issue travel documents (*laisser passers*) to allow the involuntary return of its citizens from abroad. On 19 March 2018, however, Iran and Australia signed a Memorandum of Understanding (MOU) on Consular Matters that includes an agreement by Iran to facilitate the return of Iranians who arrived after this date and who have no legal right to stay in Australia.

5.24 The International Organisation for Migration (IOM) runs a program to assist voluntary returnees to Iran, in cooperation with the country from which they are returning. Iranian authorities cooperate with the IOM in this regard. In cases where an Iranian diplomatic mission has issued temporary travel documents, authorities will be forewarned of the person's imminent return. Authorities will usually question a voluntary returnee on return only if they have already come to official attention, such as by committing a crime in Iran before departing. DFAT is not aware of any legislative or social barriers to voluntary returnees finding work or shelter in Iran, nor any specific barriers to prevent voluntary returnees from returning to their home region.

5.25 According to international observers, Iranian authorities pay little attention to failed asylum seekers on their return to Iran. Iranians have left the country in large numbers since the 1979 revolution, and authorities accept that many will seek to live and work overseas for economic reasons. International observers report that Iranian authorities have little interest in prosecuting failed asylum seekers for activities conducted outside Iran, including in relation to protection claims. This includes posting social media comments critical of the government – heavy internet filtering means most Iranians will never see them – converting to Christianity, or engaging in LGBTI activities. In such cases the risk profile for the individual will be the same as for any other person in Iran within that category. Those with an existing high profile may face a higher risk of coming to official attention on return to Iran, particularly political activists.

## DOCUMENTATION

### Birth Certificates (*Shenasnameh*)

5.26 Birth registration is compulsory and must occur within 15 days of birth. Hospitals issue birth certificates for newborn children. Parents then submit these certificates along with their own National Identity Card or *shenasnameh* to the local Office for the National Organisation for Civil Registration (ONOCR), who then issues the child's *shenasnameh*. Where a child is born at home, a doctor's note stating all of the particulars of the birth is required for a birth certificate and subsequent issuing of a *shenasnameh*.

5.27 The *shenasnameh* itself is a small passport-style book issued to all Iranians. The first page is the inside of the cover page and includes the bearer's fingerprint. The second page contains a photograph (for bearers over the age of 15), the names of the bearer's parents, the date and place of birth, the location where the *shenasnameh* was issued, the name of the issuing officer and a serial number. The third page contains information on the bearer's marriage(s), divorce(s) and children. The current style of *shenasnameh* was introduced in 2013 at around the same time as the National Identity Cards (see following section).

5.28 To obtain a replacement *shenasnameh*, a person must attend the national ONOCR and produce an official identity document (such as a passport or national identity card) that confirms their identity. An

affidavit of identity must also be adduced. The replacement *shenasnameh* features a diagonal printing across the centre of all pages stating 'duplicate', and a new date of issuance.

## National Identity Cards (NID)

5.29 Every permanent resident of Iran over the age of 15 (including non-citizens) must hold a National Identity Card (NID). NID are compulsory for a range of activities, including obtaining passports and driver's licences and using a bank. ONOCR (also known as Vital Records) initially issues applicants with temporary cards upon receipt of a completed application form, an original copy and photocopy of all pages of the applicant's *shenasnameh*, and two photographs. Applicants must present all of this documentation in person at either a local branch of the ONOCR or an Iranian diplomatic mission abroad. The ONOCR then issues a permanent card with a seven-year validity. The front of the NID includes the bearer's photograph, National Identity Number, full name, date of birth and *shenasnameh* number. The reverse features the bearer's residential numerical code, validity date, and the numerical identifier of the issuing office.

5.30 There is no requirement for Iranians to carry either or both of their *shenasnameh* or NID at all times. They are required only when it is necessary to prove identity – not having them will prevent individuals from being able to complete their business. Different offices require different forms of identification: banks require only NID, while notary public offices require both NID and *shenasnameh*. Iranians generally check with offices ahead of time to see which form of ID is required, or carry both as a means of security.

## Passports

5.31 Iranian passports are burgundy, with the Iranian Coat of Arms emblazoned on the top of the front cover. Passports serve as proof of Iranian citizenship. All Iranian passports have been biometric since February 2011. Iranian passports include the following data: holder's signature, country of residence, place of issue, name and position of issuing authority, passport type, country code, passport number, national ID number, holder's name, father's name, date and place of birth, sex, date of issue, and date of expiry. Applicants for passports are required to provide their original Iranian Birth Certificate (*shenasnameh*), photocopies of all of the pages of the Birth Certificate containing an ID photograph, the original and a copy of their Residence Permit, and three passport photographs taken within the past three months.

## PREVALENCE OF FRAUD

5.32 Iranian identity documents include sophisticated security features and would be difficult to manufacture for fraudulent use. While it may be possible to obtain a genuine identification document with the intention of impersonating another person, DFAT assesses that sophisticated border control procedures would make it difficult to use such a document in order to leave Iran. In February 2016, the International Business Times reported the arrest in Thailand of a passport forger who admitted to selling forged passports to people from Iran, Iraq and Syria. The majority of forged passports sold by the forger were allegedly used to travel to Europe.

5.33 According to Article 34 of the Penal Code, the penalty for leaving the country without a valid passport (or similar travel document) is between one and three years' imprisonment, or a fine of between 100,000 and 500,000 rials (AUD4-20). A special court located in Tehran's Mehrabad Airport deals with such cases. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups, and any other circumstances. This procedure also applies to people who are deported back to Iran and who are not in

possession of a passport containing an exit visa. DFAT understands that illegal departure is often prosecuted in conjunction with other unrelated offences.