



Home Office

Country Policy and Information Note

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

Version 5.0

September 2018

Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis of COI; and (2) COI. These are explained in more detail below.

Analysis

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Analysis

Updated: 11 September 2018

1. Summary of issues

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

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Protection

- 2.2.1 There is an extensive network of police, security and intelligence agencies in Iran, and although in general they exercise effective control throughout the country, professionalism varies, particularly within the police who often operate inefficiently. Corruption and impunity continue to be problems (see [Law enforcement agencies](#)).
- 2.2.2 Although the judicial system, which is based on Islamic law, is declared an independent power under the constitution it is subject to political interference, bribery and corruption. Defendants are often denied access to representation or evidence and the right to appeal and judges commonly accept coerced confessions, disregard torture or abuse during detention and ignore evidence offered by the defence. Trials often disregard international standards of fairness (see [Judiciary](#)).
- 2.2.3 There are systems in place for lodging complaints against officials but reports suggest that the authorities fail to investigate these and sometimes complainants are threatened with additional ill treatment and harsh sentences. Regime officials enjoy a high level of impunity (see [Avenues of redress](#)).
- 2.2.4 Those who fear 'rogue' state agents are unlikely to be able to access effective protection given the reported levels of impunity.
- 2.2.5 Some people, including women, political opponents, journalists, human rights defenders and members of religious minorities may also not be able to

obtain effective protection due to their specific profile. For more information, see the relevant [country policy and information note](#).

- 2.2.6 Where a person does not fall into one of these categories, effective protection may be available. There is a functioning security and criminal justice system and in general a person should be able to obtain state protection against persecution or serious harm from non-state actors. However, this should be carefully considered on the facts of each case, taking full account of the individual circumstances of the person
- 2.2.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Internal relocation

- 2.3.1 Iran covers 1,648,195 sq km, about six and a half times the size of the United Kingdom, with an estimated population of 81,824,270.
- 2.3.2 The constitution provides for freedom of internal movement although in practice the government placed some restrictions on this including preventing some persons travelling to certain provinces (see [Geography](#)).
- 2.3.3 Certain groups within Iran such as Kurds and religious minorities may face difficulty in relocating to other areas of Iran and in those instances internal relocation is unlikely to be reasonable. For more information, see the relevant [country policy and information note](#).
- 2.3.4 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person. However, in general, a person fearing non-state (including 'rogue' state) actors is likely to be able to internally relocate to another area of Iran.
- 2.3.5 Relocation for a woman may be reasonable in some cases depending on their family, social and educational situation. Women, especially in rural areas, sometimes face official and societal harassment for travelling alone. Conservative social norms often restrict the movement of women from rural areas outside the home or village (see [Freedom of movement](#)).
- 2.3.6 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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Country information

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3. History

- 3.1.1 A full timeline of Iran's history can be found on the [BBC's Iran profile](#)¹.
- 3.1.2 The [Encyclopaedia Britannica](#) has a history of Iran from 640CE to the present².
- 3.1.3 For further detailed information please consult Michael Axworthy's, 'Iran; what Everyone Needs to Know' (Oxford University Press, 2017) and Abbas Amanat's, 'Iran: a Modern History (Oxford University Press, 2017).

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4. Geography

- 4.1.1 Iran is in the Middle East bordering the Gulf of Oman, the Persian Gulf and the Caspian Sea, between Iraq and Pakistan. Iran also has land borders with Afghanistan, Armenia, Iraq, Pakistan, Azerbaijan, Turkey and Turkmenistan. It has an area of 1,648,195 sq km³, about six and a half times the area of the United Kingdom⁴.
- 4.1.2 A map of Iran can be found on the [UN's Geospatial Information Section website](#)⁵.
- 4.1.3 The Flag⁶:



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5. Demography

5.1 Population

- 5.1.1 The CIA World Factbook noted an estimated population of 82,021,564 (July 2017 est.) with nearly 75% of the population living in urban areas (2018 estimate)⁷.

¹ BBC News, 'Iran profile – timeline', last updated 5 June 2018, [url](#)

² Encyclopaedia Britannica, Iran – History, [url](#)

³ CIA World Factbook, updated 12 July 2018, [url](#)

⁴ The True Size of, [url](#)

⁵ UN Geospatial Information Section, Iran Map, undated, [url](#)

⁶ CIA World Factbook, updated 12 July 2018, [url](#)

⁷ CIA World Factbook, updated 12 July 2018, [url](#)

- 5.1.2 The capital of Iran is Tehran with a population estimated to be 8.9 million. Other major cities are Esfahan (2 million), Tabriz (1.6 million), Mashhad (3 million) and Karaj (1.6 million) and Shiraz (1.6 million) (2018 estimates)⁸.
- 5.1.3 Iran's age structure is as follows: 0-14 years: 24.2%, 15-24 years: 14.7%, 25-54 years: 48.6%, 55-64 years: 7.3%, 65 years and over: 5.3% (2017 estimate). The median age of the population in Iran is 30.3 years⁹.
- 5.1.4 Also see: a 2016 census table on the 'Population of the Country in Rural and Urban Areas and by Sex and Province', and a table on the 'Population by Type of Household, Sex, and Province', both available in English, by the Statistical Center of Iran¹⁰.

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5.2 Ethnic/tribal/religious make-up

- 5.2.1 According to the Central Intelligence Agency (CIA) World Factbook updated in July 2018, the main ethnic groups in Iran are:
- Persian
 - Azeri
 - Kurd
 - Lur
 - Baloch
 - Arab
 - Turkmen and Turkic tribes¹¹.
- 5.2.2 The main religions are: Muslim (official) 99.4% (Shia 90-95%, Sunni 5-10%), other (includes Zoroastrian, Jewish, and Christian) 0.3%, unspecified 0.4% (2011 estimate)¹².
- 5.2.3 For further information see the country policy and information notes on [Iran: Christians and Christian converts](#), [Iran: Zoroastrians](#), [Iran: Kurds and Kurdish political groups](#).

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5.3 Languages

- 5.3.1 An undated entry in the Encyclopaedia Britannica on 'Iran-languages' noted that:
- Persian (Farsi) is the predominant and official language, spoken by slightly more than half the population
 - 'literary Persian' (the language's more refined variant) is the predominant language of literature, journalism and the sciences and is understood to some degree by most Iranians
 - less than 10% of the population speaks Kurdish

⁸ CIA World Factbook, updated 12 July 2018, [url](#)

⁹ CIA World Factbook, updated 12 July 2018, [url](#)

¹⁰ Statistical Center of Iran, Census 2016 Population, undated, [url](#)

¹¹ CIA World Factbook, updated 12 July 2018, [url](#)

¹² CIA World Factbook, updated 12 July 2018, [url](#)

- the Lurs and Bakhtyari both speak Lurs, a language distinct but closely related to Persian
- Armenian is only spoken by the Armenian minority
- a quarter of the population speak one of the Turkic languages, mainly Azerbaijani (similar to modern Turkish)
- the Turkmen language (another Turkic language) is only spoken by a small number of Turkmen
- a small percentage speak Arabic, but Arabic is important for historical and religious reasons (the Quran is in Arabic)
- European languages are used less commonly than before 1979 but are still taught at schools and universities¹³

5.3.2 Also see:

- Sekandar Amanolahi, 'A Note on Ethnicity and Ethnic Groups in Iran', Iran and the Caucasus, Vol. 9, No. 1 (2005), pp. 37-41
- Anousha Sedighi & Pounesh Shabani-Jadidi (eds.), 'The Oxford Handbook of Persian Linguistics' (Oxford Handbooks) (Oxford, Oxford UP, 2018)
- [Ethnologue: Languages of the World](#) – a detailed list of languages spoken in Iran¹⁴

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6. Constitution

- 6.1.1 See full official translation of the [1979 Constitution of the Islamic Republic of Iran \(last amended in 1989\)](#)¹⁵.

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7. Iranian calendar

- 7.1.1 The Iran Chamber Society, stated that: 'The Iranian calendar (also known as the Persian calendar or the Jalaali Calendar) is a solar calendar currently used in Iran and Afghanistan. It is observation-based, rather than rule-based, beginning each year on the vernal equinox as precisely determined by astronomical observations from Tehran.'¹⁶
- 7.1.2 The [Iran Chamber website](#) can convert dates between the Iranian and the Gregorian calendar¹⁷.

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¹³ Encyclopaedia Britannica, 'Iran-languages', undated, [url](#)

¹⁴ Ethnologue – Iran, undated, [url](#)

¹⁵ Iranian Constitution, 1979 (last amended in 1989), [url](#)

¹⁶ Iran Chamber Society, 'Iranian Calendar Converter', undated, [url](#)

¹⁷ Iran Chamber Society, 'Iranian Calendar Converter', undated, [url](#)

8. Currency

- 8.1.1 The currency is the Iranian rial (IRR). As at 11 September 2018, one British pound is equivalent to 54,650 IRR¹⁸.

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9. Freedom of movement

9.1 Internal movement

- 9.1.1 The US State Department (USSD), in their 2017 human rights report ('the 2017 USSD report'), noted:

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

'Judicial sentences sometimes included internal exile after release from prison, which prevented individuals from traveling to certain provinces. Women often required the supervision of a male guardian or chaperone to travel and faced official and societal harassment for traveling alone.'¹⁹

- 9.1.2 The 2018 DFAT report stated:

'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.

'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.'²⁰

- 9.1.3 See other [country policy and information notes](#) for information and analysis of internal relocation for particular groups.

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¹⁸ XE Currency Converter, checked 11 September 2018, [url](#)

¹⁹ USSD, 2017 human rights report (section 2d), March 2018, [url](#)

²⁰ Australian DFAT, Country Information Report Iran (pp. 47-48), 7 June 2018, [url](#)

9.2 Freedom of movement for women and their children

9.2.1 Iran Human Rights Documentation Centre (IHRDC) noted in their March 2013 report 'Gender Inequality and Discrimination: The Case of Iranian Women' that:

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

'According to Article 19 of the same law, husbands even have the ability to notify the government and forbid their wives from leaving the country. In such cases their wives' passports will be seized. In fact, even if they give their consent at first, husbands are not bound to their previous consent and are free to change their minds at any time. This exclusive right of the husband may cause many difficulties for their wives and can be abused by husbands. It is possible, especially in cases of dispute, for a husband to use this right as a punishment or as revenge. As natural guardians, fathers can also forbid their underage children from leaving the country. Wives and mothers do not have the same right.'²¹

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

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

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

²¹ IHRDC, 'Gender Inequality' (section 2.1.4.4), 8 March 2013, [url](#)

airport. She would be denied exit at the passport control and told to get the issues sorted out before she could leave.²²

- 9.2.3 With regards to single women, divorced women and widows, the same report considered that 'After 18, a woman can apply in her own right and she is not required to present consent from any male relative. Once a woman is married, she needs the consent of her husband in order to be issued a passport. However if a woman later divorces, she no longer needs any consent. Thereby, as for divorced women as well as widows, no consent is needed in order to obtain a passport and travel outside of Iran.'²³
- 9.2.4 The Finnish Immigration Service (FIS) report citing various sources noted in July 2015 that: 'Men have the right to restrict their wives' movements outside the home. In the most extreme cases, men can prevent their wives from studying, working and seeing their family and friends.'²⁴
- 9.2.5 The USSD 2017 report stated that: 'Married women were not allowed to travel outside the country without prior permission from their husbands.'²⁵ The 2018 DFAT report noted: 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.'²⁶
- 9.2.6 In May 2017, the Center for Human Rights in Iran (CHRI) quoted the Iranian Students News Agency (ISNA) on the case of female Paralympic athlete Zahra Nemat, whose estranged husband sought to prevent her from travelling to competitions abroad: 'For the second time, Iranian authorities have allowed two-time Iranian Paralympic gold medalist Zahra Nemat to travel abroad to compete despite her estranged husband's attempts to force her to stay home'.²⁷
- 9.2.7 The DRC, Landinfo and DIS 2013 report stated: 'With regards to children, a mother who wishes to take her children outside of Iran must have the consent from the father of the children in order to do so' and cited a well-educated woman with links to international communities who
- '...stated that if a woman leaves Iran with her children without the consent of their father, this is considered a criminal and civil offence. Even if the mother has custody of the children, the consent from the father is necessary in order to take the children out of Iran. If the woman returns to Iran, she would most likely be given a fine for the illegal exit. Illegal exit would not lead to jail. She could also face a civil case in a family court as a result of taking the children out of the country without the father's consent, but the result here would also not be a prison sentence. The source mentioned that courts differ depending on geography and the financial situation of the parties involved, but even outside Tehran she did not think that a prison sentence would be the result.

²² DRC et al, 'Iran: On Conversion to Christianity' (p.71), February 2013, [url](#)

²³ DRC et al, 'Iran: On Conversion to Christianity' (p.73), February 2013, [url](#)

²⁴ FIS, 'Violence against women' (p. 10), 26 June 2015, [url](#)

²⁵ USSD, 2017 human rights report (section 2d), March 2018, [url](#)

²⁶ Australian DFAT, Country Information Report Iran (p. 32), 7 June 2018, [url](#)

²⁷ CHRI, 'Iranian Authorities Block Attempts by Gold Medallist's Husband', 10 May 2017, [url](#)

She had not heard of [a] prison sentence given to a mother after she had returned with her children, however, the source added that she would not rule out that this could happen if the father was rich or powerful enough and angry enough even after his children were returned to him.’²⁸

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9.3 Entry and exit procedures

9.3.1 The 2017 USSD report noted that:

‘The government required exit permits for foreign travel for all citizens. Citizens who were educated at government expense or received scholarships had to either repay the scholarship or receive a temporary permit to exit the country. The government restricted the foreign travel of some religious leaders, members of religious minorities, and scientists in sensitive fields. Several journalists, academics, opposition politicians, human and women’s rights activists, and artists remained subject to foreign travel bans and had their passports confiscated during the year.

‘The law does not provide for forced exile abroad. Many citizens practiced self-imposed exile to express their beliefs freely or escape government harassment.’²⁹

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

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9.4 Watchlists/security checks

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

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

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

‘Mirfakhar [Director General, Consular Affairs] confirmed that there is a list in the airport with names of people who cannot leave Iran. The people on the list have committed crimes and for this or other relevant reasons they are not allowed to leave the country. The other relevant reasons vary depending on the specific case. If a person on the list has already left Iran, the person may face problems on return. The seriousness of the problems depends on the crime that caused the person to appear on the list.’³⁰

²⁸ DRC et al, ‘Iran: On Conversion to Christianity’ (pp.72-73), February 2013, [url](#)

²⁹ USSD, 2017 human rights report (section 2d), March 2018, [url](#)

³⁰ DIS, ‘Human Rights Situation’, April 2009 (section 7.3), [url](#)

9.4.2 The DRC, Landinfo and the DIS in their February 2013 joint fact-finding mission report stated:

'When asked whether the authorities at the point of exit have a means of checking if there is a travel ban on a certain person, Mr. Hossein Abdy, Head of Passport and Visa Department, stated that in some cases, it could take the court up to three months to issue a ban. It depends very much on the circumstances of the individual case, how long it would take to place such a ban on exit. There can be cases of urgency, for example in a case involving homicide, where border points would be alerted as quickly as possible. Persons who have been politically active are not subject to any exit ban, according to Mr. Hossein Abdy.'³¹

9.4.3 The Christian Science Monitor report, 'How Iranian dissidents slip through Tehran's airport dragnet', dated 8 February 2010, noted that 'Passengers entering and leaving the country are checked against two watchlists issued by the Ministry of Intelligence and Security (MOIS) and the Revolutionary Guard. Those flagged are either arrested on the spot, allowed to pass through and surveilled while in the country, or have their passports confiscated and enter Iran on the condition they attend interrogation sessions at MOIS offices.'³²

9.4.4 The 2016 DFAT report stated:

'[...] that it is possible to leave Iran to flee arrest warrants or charges. This is usually accomplished overland rather than through the main airports. Passport control checks are sophisticated in Iran. An outstanding warrant for arrest would not go undetected at the main airports but it is theoretically possible that an individual could convince an airport officer to allow them to proceed. Some charges, for example national security or media-related charges, result in confiscation or black-listing of passports. However, even in these cases, there are credible reports from a range of sources that many have been able to successfully cross borders overland.'³³ However, the above information does not appear in DFAT's 2018 report³⁴.

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10. Economy

10.1 Overview

10.1.1 The World Bank's country profile for Iran, dated April 2018, noted that:

'Iran had an estimated Gross Domestic Product (GDP) in 2017 of US\$439.5 billion...Iran's economy is characterized by the hydrocarbon sector, agriculture and services sectors, and a noticeable state presence in manufacturing and financial services. Iran ranks second in the world in natural gas reserves and fourth in proven crude oil reserves. Economic

³¹ DRC et al, 'Iran: On Conversion to Christianity...' (p.70), February 2013, [url](#)

³² CSM, 'Iranian dissidents'. 8 February 2010, [url](#)

³³ Australian DFAT, Country Report for 2016 (p.28), 21 April 2016. Available on request.

³⁴ Australian DFAT, Country Information Report Iran, 7 June 2018, [url](#)

activity and government revenues still depend to a large extent on oil revenues and therefore remain volatile.’³⁵

10.1.2 The CIA World Factbook noted that:

‘Iran’s economy is marked by statist policies, inefficiencies, and reliance on oil and gas exports, but Iran also possesses significant agricultural, industrial, and service sectors. The Iranian government directly owns and operates hundreds of state-owned enterprises and indirectly controls many companies affiliated with the country’s security forces. Distortions - including inflation, price controls, subsidies, and a banking system holding billions of dollars of non-performing loans - weigh down the economy, undermining the potential for private-sector-led growth.

‘Private sector activity includes small-scale workshops, farming, some manufacturing, and services, in addition to medium-scale construction, cement production, mining, and metalworking. Significant informal market activity flourishes and corruption is widespread.’³⁶

10.1.3 The 2018 DFAT report stated:

‘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 [USA, UK, Germany, France, the EU and China] agreed on the JCPOA [Joint Comprehensive Plan of Action] in July 2015 to limit Iran’s nuclear activities in exchange for sanctions relief. 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.’³⁷

10.1.4 The 2018 DFAT report also stated:

‘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,

³⁵ World Bank, Iran overview, 1 April 2018, [url](#)

³⁶ CIA World Factbook, updated 12 July 2018, [url](#)

³⁷ Australian DFAT, Country Information Report Iran (pp. 9-10), 7 June 2018, [url](#)

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.³⁸

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10.2 Employment

10.2.1 The World Bank's Iran profile, dated April 2018, noted:

'The unemployment rate remains high, at 11.9 percent as of Oct-Dec 2017, while it represents a moderate improvement compared to the same period of the previous year (12.3 percent). This is concomitant with a pick up in the labor force participation rate, from 38.9 percent to 41 percent and is supported by a gradual improvement in the non-oil sector production. Male and female unemployment rates of 10.1 and 19.1 percent respectively, suggest continued large gender gaps in the labor market.'³⁹

10.2.2 The 2017 USSD report noted:

'According to the constitution, "everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests, and does not infringe on the rights of others."

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

'On August 23 [2017], guidelines were reportedly posted on the Education Ministry's website with discriminatory recommendations disqualifying, among others, persons with disabilities and persons based on their appearance from being hired as teachers. Following heavy criticism on social media, the guidelines were removed. The Education Ministry's human resources director was quoted as saying the guidelines were under review and that a new draft, without many of the disqualifications, would soon be published.

'The Supreme Labor Council, the government body charged with proposing labor regulations, agreed in March to raise the minimum wage by 14.5 percent to approximately 9.29 million rials (\$255) per month. There were reported complaints that the minimum wage did not rise in proportion to the existing living wage threshold (estimated to be 24.8 million rials (\$680) for a family of three and one-half members to meet basic needs, including such

³⁸ Australian DFAT, Country Information Report Iran (p. 9), 7 June 2018, [url](#)

³⁹ World Bank, Iran overview, 1 April 2018, [url](#)

essentials as shelter, nutrition, and clothing) and that the wage protections afforded by the law had once again been violated.

‘According to media reports, this was one of the lowest minimum-wage increases in the country over the last 10 years and failed to keep pace with inflation. Domestic labor organizations published reports stating workers’ purchasing power has eroded during the past few years as yearly increases in the minimum wage have continually failed to keep pace with inflation.

‘The law establishes a maximum six-day, 44-hour workweek with a weekly rest day, at least 12 days of paid annual leave, and several paid public holidays.’⁴⁰

10.2.3 DFAT’s 2018 report stated:

‘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.’⁴¹

10.2.4 See also: the [Labour Law of the Islamic Republic of Iran](#)⁴².

10.2.5 See also: [Women- Employment](#).

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10.3 Social support

10.3.1 For a full list of available social support please refer to the [United States Social Security Administration website](#)⁴³.

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10.4 Housing

10.4.1 The International Organisation for Migration (IOM)’s 2017 Country Fact Sheet on Iran noted:

‘Housing situation

⁴⁰ USSD, 2017 human rights report (section 7d and e), March 2018, [url](#)

⁴¹ Australian DFAT, Country Information Report Iran (p. 9), 7 June 2018, [url](#)

⁴² Labour Law of the Islamic Republic of Iran, [url](#)

⁴³ USSSA, Iran social security programs, undated, [url](#)

‘a. Average rent, running costs/utilities (e.g. electricity, water, etc.)

‘In general, there is a sufficient number of houses and apartments available in Tehran and throughout the country. The price for purchasing or renting a residence depends on the area. Renting a property in Iran always requires an amount to be paid as deposit and monthly rent. The deposit and monthly rent also varies according to the location, property condition, and the size. The minimum deposit for one-bedroom apartment in Tehran downtown is around IRR 100,000,000 to IRR 300,000,000 plus monthly rent which varies from IRR 5,000,000 to 20,000,000. A minimum IRR 2,000,000 should be considered for utilities per month. Subsidized housing is only available for government employees. Returnees without a place to stay can stay in hotels until they find a solution [see [section 8](#) about currency conversion].

‘b. Demand and supply.

‘Cities are more expensive in case of accommodation and living costs comparing with countryside/rural areas although the variety and availability of different types of accommodation is more in urban areas.

‘c. Housing facilities for returnees / social housing.

‘Subsidized housing is only available for government employees. Returnees without a place to stay can stay in hotels until they find a solution.

‘2. Ways / assistance to find accommodation

‘The best way to find properties is to refer to housing agencies (real estates) which are available at every street of even small villages in Iran. The returnee can tell them his/her budget and ask for a house based on his/her financial ability. Many online property search engines are also available such as <http://iranfile.ir/>

‘3. Social grants for housing

‘A housing loan is available through the Maskan Bank for buying houses, but there are many limitations to receiving a loan with respect to the country’s current situation.’⁴⁴

10.4.2 AI Monitor’s report, ‘Why Rouhani’s social housing scheme faces more than bumpy start’, dated 2 January 2017, stated that:

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

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

⁴⁴ IOM, Iran Country Fact Sheet (p. 4), 2017, [url](#)

‘At present, 2.4 million households are in desperate need of housing support, none of whom receive any assistance from government bodies or nongovernmental charity organizations.’⁴⁵

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10.5 Land ownership

10.5.1 The USSD report for 2016 stated that: ‘The constitution allows the government to confiscate property acquired illicitly or in a manner not in conformity with Islamic law. The government appeared to target ethnic and religious minorities in invoking this provision.’⁴⁶

10.5.2 The Iranian government has confiscated property when it has claimed to be suspicious of espionage activities that are considered a risk to national security. An example is the case of the Protestant Church confiscated in 2016 under suspicion on being linked to the US Central Intelligence Agency (CIA)⁴⁷.

10.5.3 See also: an article in the [International Journal of Humanities and Cultural Studies](#) that has information on restrictions to the right to private property in the Iranian legal system⁴⁸.

10.5.4 See also: [Inheritance](#)

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11. Political system

11.1 The Supreme Leader

11.1.1 Freedom House, in its ‘Freedom in the World 2018’ report, (‘the 2018 Freedom House report’), covering events in 2017, noted that:

‘The supreme leader, who has no fixed term, is the highest authority in the country. He is the commander in chief of the armed forces and appoints the head of the judiciary, the heads of state broadcast media, and the Expediency Council—a body tasked with mediating disputes between the Guardian Council and the parliament. He also appoints six of the members of the Guardian Council; the other six are jurists nominated by the head of the judiciary and confirmed by the parliament, all for six-year terms. The supreme leader is appointed by the Assembly of Experts, which also monitors his work. However, in practice his decisions appear to go unchallenged by the assembly, whose proceedings are kept confidential. The current supreme leader, Ali Khamenei, succeeded Islamic Republic founder Ruhollah Khomeini in 1989.’⁴⁹

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⁴⁵ Al Monitor, ‘Rouhani’s social housing scheme’, 2 January 2017, [url](#)

⁴⁶ USSD, 2016 human rights report (section 1), 7 March 2017, [url](#)

⁴⁷ CHRI, ‘Protestant Church Property Confiscated’, 19 December 2016, [url](#)

⁴⁸ IJHCS, ‘Restrictions on the right to private property’, May 2016, [url](#)

⁴⁹ Freedom House, Iran report 2018 (section A), January 2018, [url](#)

11.2 The President

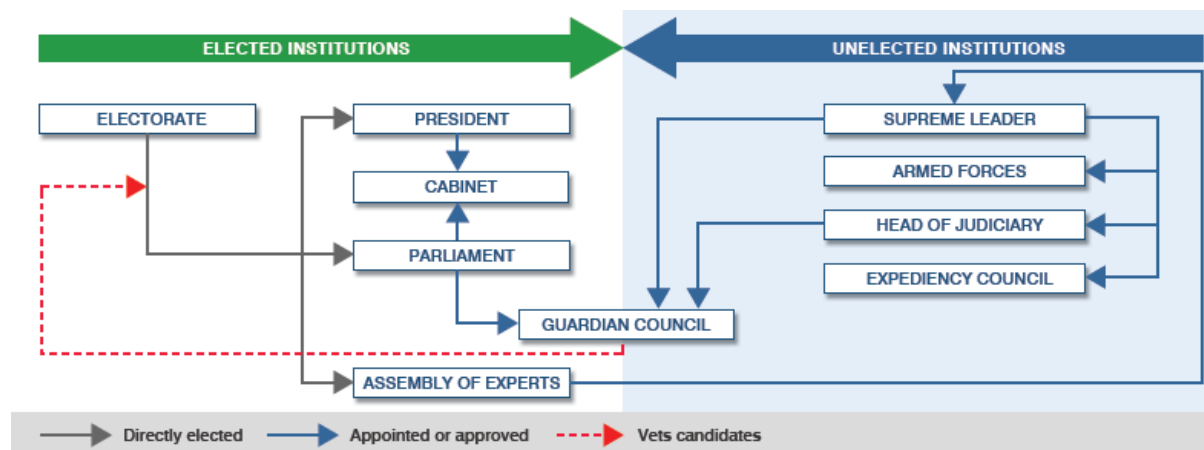
11.2.1 See [Iran's Constitution](#), Section IX, about executive power in Iran⁵⁰.

11.2.2 President Hassan Rouhani is the current President. He was elected for a second term in 2017, with 57% of more than 40 million votes⁵¹.

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11.3 Electoral system

11.3.1 BBC News guide on 'How Iran is ruled' dated 9 June 2009 provided the following diagram of the power structures in the governance of Iran⁵²:



11.3.2 The 2018 Freedom House report noted that:

'The electoral system in Iran does not meet international democratic standards. The Guardian Council, controlled by hard-line conservatives and ultimately by the supreme leader, vets all candidates for the parliament, the presidency, and the Assembly of Experts. The council typically rejects candidates who are not considered insiders or deemed fully loyal to the clerical establishment, as well as women seeking to run in the presidential election. As a result, Iranian voters are given a limited choice of candidates.'⁵³

11.3.3 The 2018 DFAT report stated:

'The Supreme Leader appoints ... half the members of the Guardian Council ... 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.'⁵⁴

⁵⁰ Iran Constitution, [url](#)

⁵¹ BBC News, 'Iran election', 20 May 2017, [url](#)

⁵² BBC News, 'How Iran is ruled', June 2009, [url](#)

⁵³ Freedom House, Iran report 2018 (section A), January 2018, [url](#)

⁵⁴ Australian DFAT, Country Information Report Iran (p. 13), 7 June 2018, [url](#)

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

‘Almost any adult of Iranian origin and with Iranian nationality can take his or her identity card, a few passport-sized photos and the necessary documents to the interior ministry in Tehran’s Fatemi Street to register as a candidate. But not everyone is allowed to take part. The guardian council, a powerful body of six clergymen and six jurists, vets each candidacy. Political competence and loyalty to the fundamental principles of the Islamic republic and its religion are among the main issues considered by the council.

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

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

- 11.3.5 See also the [‘Iran Portal’](#), which describes Iran’s power structure and political institutions⁵⁶.

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11.4 Elections

- 11.4.1 The 2018 Freedom House report noted: ‘The Islamic Republic of Iran holds elections regularly, but they fall short of democratic standards due in part to the influence of the hard-line Guardian Council.’⁵⁷

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

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

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

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

⁵⁵ Guardian, ‘Iran presidential elections’, 16 May 2017, [url](#)

⁵⁶ Iran Portal, undated, [url](#), [url](#)

⁵⁷ Freedom House, Iran report 2018 (Overview), January 2018, [url](#)

fields continue to incur vague national security charges. This has resulted in large-scale arbitrary arrests and detentions.’⁵⁸

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12. Political parties

12.1.1 Article 26 of the Iranian constitution states that:

‘The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.’⁵⁹

12.1.2 The Reuters news agency notes that according to Iran’s Interior Ministry, there are ‘over 250 registered political parties [...]. But it has no tradition of disciplined party membership or detailed party platforms.’⁶⁰ The CIA World Factbook provides a list of political parties and political pressure groups, together with their leaders⁶¹.

12.1.3 The USSD report for 2017 stated that:

‘The constitution provides for the formation of political parties, but the Interior Ministry granted licenses only to parties deemed to adhere to the “velayat-e faqih” system of government embodied in the constitution. Registered political organizations that adhered to the system generally operated without restriction, but most were small, focused around an individual, and without nationwide membership. Members of political parties and persons with any political affiliation that the regime deemed unacceptable faced harassment, violence, and sometimes imprisonment. The government maintained bans on several opposition organizations and political parties. Security officials continued to harass, intimidate, and arrest members of the political opposition and some reformists. In her August 14 report, the UNSR [UN Special Rapporteur] noted a number of arrests and detentions of members of opposition parties in the months before the May [2017] elections.

‘Practitioners of a religion other than Shia Islam are barred from serving as supreme leader or president, as well as being a member in the Assembly of Experts, Guardian Council, or Expediency Council. The law reserves five seats in parliament for members of recognized minority religious groups, although minorities may also be elected to nonreserved seats. The five reserved seats were filled by one Zoroastrian, one Jew, and three Christians. There were no non-Muslims in the cabinet or on the Supreme Court.’⁶²

12.1.4 The 2018 DFAT report noted:

⁵⁸ UN Special Rapporteur, human rights situation in Iran (paragraphs 14, 17 and 110), 14 October 2017, [url](#)

⁵⁹ Iran Constitution, [url](#)

⁶⁰ Reuters, ‘Factbox’, 18 February 2016, [url](#)

⁶¹ CIA World Factbook, updated 12 July 2018, [url](#)

⁶² USSD, 2017 human rights report (section 3), March 2018, [url](#)

'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. 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.'⁶³

- 12.1.5 The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), 'Query Response: Iran: Organization and Functioning of Political Parties', dated 12 June 2017 citing various sources noted that: '[...] Iran does not have "political parties" of the kind one can find in the West, even though many groups are registered as "parties". In parliamentary and presidential elections, people do not elect parties but personalities.'⁶⁴
- 12.1.6 An article in Radio Farda, dated November 2017, reported that the head of the judiciary suspended Sepanta Niknam, a Zoroastrian, as city councillor in Yazd, 'prompted by criticism from some of the Guardian Council's ultra-conservative members who insisted that a non-Muslim cannot be a member of a body which makes decisions about Muslims', but that this led to a 'constitutional disagreement [as] Parliament is the body allowed by law to supervise local Councils – not courts or the Guardian Council'⁶⁵ The Expediency Council, which resolves conflict between parliament and the Guardian Council, eventually backed parliamentary amendments allowing members of recognised religious minorities to run for city councils⁶⁶.
- 12.1.7 Also see: the [Iran Portal](#), which profiles of the major political parties and factions in Iran. Parties profiled here only include those competing in elections in Iran⁶⁷.
- 12.1.8 Also see the country policy information notes on [Kurds and Kurdish political groups](#)

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13. Law enforcement agencies

13.1 Overview

13.1.1 The USSD report for 2017 stated that:

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

⁶³ Australian DFAT, Country Information Report Iran (p. 25), 7 June 2018, [url](#)

⁶⁴ ACCORD Query Response, Iran Political Parties, 12 June 2017, [url](#)

⁶⁵ Radio Farda, 'Zoroastrian To Serve', 9 November 2017, [url](#)

⁶⁶ RFE/RL, 'Iran Lifts Ban on Zoroastrian', 22 July 2018, [url](#)

⁶⁷ Iran Portal, 'Political parties, undated, [url](#)

and the IRGC [Iranian Revolutionary Guard Corps], which reports directly to the supreme leader.

‘The Basij, a volunteer paramilitary group with local organizations across the country, sometimes acted as an auxiliary law enforcement unit subordinate to IRGC ground forces. Basij units often engaged in repression of political opposition elements or intimidation of civilians accused of violating the country’s strict moral code, without formal guidance or supervision from superiors. The supreme leader holds ultimate authority over all security agencies.’⁶⁸

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

13.2.1 Dr. Wilfried Buchta, who has worked as a research fellow at the German Orient Institut in Hamburg/Germany since 2004, noted in his 2004 paper on Iran’s security sector, that: ‘The LEF, a kind of revolutionary police, came into being in 1990 as the result of a merger of three formerly separately organized forces with internal administrative autonomy, e.g. the city police, the gendarmerie (country-side police) and the revolutionary committees.’⁶⁹

13.2.2 According to an undated overview on the Interpol website, the responsibilities of the LEF include:

‘... border control, crime fighting; emergency services; identity checks, cooperation with Interpol in regards to the arrest and extradition of criminals, preventing and fighting terrorism, preventing the production, distribution and trafficking of illicit drugs, preventing trafficking in human beings and arms, public security and peace and traffic control.

‘The police force comprises the following operational units: the Air Police, the Anti-Narcotic Police, the Border Guard Police, the Cyber Police, the Criminal Intelligence Detective Police, the Emergency Police Centre, the Intelligence and Public Security Police, the International Relations and INTERPOL department, a prevention unit and the Traffic Police.’⁷⁰

13.2.3 The United States Congressional Research Service report ‘Iran’s Foreign and Defense Policies’ dated 23 May 2018 noted that ‘Security forces number about 40,000-60,000 law enforcement forces.’⁷¹

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13.3 Iran Revolutionary Guard Corps (IRGC, also known as Sepah)

13.3.1 The role of the IRGC (known in Persian as the Sepah-e-Pasdaran Enghelab Islami) is outlined in Article 150 of the Iranian Constitution, which stated:

‘The Islamic Revolution Guards Corps, organized in the early days of the triumph of the Revolution, is to be maintained so that it may continue in its role of guarding the Revolution and its achievements. The scope of the duties of this Corps, and its areas of responsibility, in relation to the duties

⁶⁸ USSD, 2017 human rights report (section 1d), March 2018, [url](#)

⁶⁹ Wilfried Buchta, ‘Iran’s security sector’, (p.11), July 2004, [url](#)

⁷⁰ Interpol, Iran, undated, [url](#)

⁷¹ CRS, ‘Iran’s Foreign and Defense Policies’ (p. 18), 23 May 2018, [url](#)

and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.’⁷²

13.3.2 An October 2014 article of the Economist journal refers to the IRGC as a ‘paramilitary force rolled into an intelligence agency wrapped in a giant business conglomerate with security-related interests’ that is ‘directly controlled by the country’s supreme leader’. In terms of its aims, the IRGC is ‘dedicated to a strong Iran, both at home and abroad’ and seeks to ‘ensure stability at home and win greater influence vis-a-vis America and its allies abroad.’⁷³

13.3.3 The Iran Primer (hosted by the United States Institute of Peace) website’s section on the IRGC noted that:

‘The Islamic Revolutionary Guard Corps (IRGC) was created after the 1979 revolution to enforce Ayatollah Ruhollah Khomeini’s concept of an Islamic state ruled by a velayat-e faqih (guardianship of the jurist). The Guards played a crucial role not only in crushing early opposition to Khomeini’s vision, but also in repelling Saddam Hussein’s invasion of Iran in 1980. Since then, the Guards have functioned as both the primary internal and external security force. The IRGC has now eclipsed the Artesh, or conventional forces. It operates substantial and independent land, sea and air forces. It commands burgeoning missile forces. It runs asymmetric warfare through the elite Qods Force and proxy groups, such as Hezbollah...

‘Over time, the Guards have also been transformed into a leading economic and political actor. The IRGC and its associated companies are involved in many sectors of Iran’s economy, allowing it to amass unprecedented power. [...] The Guards forces now number up to 150,000 men divided into land, sea and air forces. The IRGC land forces are estimated to number between 100,000 and 125,000. The IRGC’s navy may total as many as 20,000, though some estimates are significantly lower. Another 20,000 are in the IRGC naval forces.

‘The Guards are also Iran’s most powerful internal security force, at times cooperating and competing with the ministry of intelligence and other security organizations. The Guards’ intelligence organization appears to have eclipsed the ministry of intelligence in scope and authority, especially after the disputed 2009 presidential election. Other security organizations such as the Basij and the Law Enforcement Forces have become subordinate to the Guards.’⁷⁴

13.3.4 Teshgom Kamal, an Istanbul-based independent researcher writing on Iranian foreign policy and domestic politics, in a February 2017 article published by the Turkish Anadolu Agency (AA), noted that Iran has five intelligence institutions:

‘The Ministry of Intelligence (Wazarat e Ittela’at) functions under the executive and the Army Intelligence Protection Organization (Sazman e Hifazat e ittela’at e Artish) under the National Army. The remaining three are the GIR [Guardians of the Islamic Revolution- Kamal refers to the IRGC as

⁷² Iran Constitution, [url](#)

⁷³ ‘Economist, ‘Goon Squad’, 30 October 2014, [url](#)

⁷⁴ US Institute of Peace, The Iran Primer, ‘Revolutionary Guards’, August 2015, [url](#)

the GIR] GIR Intelligence Organization (Sazman ittela'at e Sepah), the GIR Intelligence Protection Organization (Sazman e Hifazat e ittela'at e Sepah), and GIR Protection Organization (Sazman e Hifazat e Sepah), all of them associated with the GIR.

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

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

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

'The apparent logic is that every division should be able to independently operate and resist if the country should be attacked or occupied. However, as noted earlier, the hidden objective is to avoid any military misadventure by an ambitious commander.'⁷⁵

13.3.5 The United States Congressional Research Service report 'Iran's Foreign and Defense Policies' dated 23 May 2018 noted that:

'Militarily, the IRGC fields a ground force of about 100,000 for national defense. The IRGC Navy has responsibility to patrol the Strait of Hormuz and the regular Navy has responsibility for the broader Arabian Sea and Gulf of Oman (deeper waters further off the coast). The IRGC Air Force runs Iran's ballistic missile programs, but combat and support military aviation is operated exclusively by the regular Air Force, which has the required pilots and sustainment infrastructure for air force operations. The IRGC is the key organization for maintaining internal security. The Basij militia, which reports to the IRGC commander in chief, operates from thousands of positions in Iran's institutions and, as of 2008, has been integrated at the provincial level with the IRGC's provincial units. As of December 2016, the Basij is led by hardliner Gholam Hosein Gheibparvar. In November 2009, the regime gave the IRGC's intelligence units greater authority, surpassing that of the Ministry of Intelligence. Through its Qods (Jerusalem) Force (QF), the IRGC has a foreign policy role in exerting influence throughout the region by supporting pro-Iranian movements and leaders.'⁷⁶

13.3.6 In June 2018, Jane's by IHS Markit noted:

'The IRGC (also known as Pasdaran or Sepah) plays a major role in internal security, irregular warfare, and also has responsibility for Iran's ballistic missile forces, with a primary role to protect the religious regime against internal and external threats. Although independent from the IRIA [Islamic

⁷⁵ AA, 'Revolutionary Guards', 6 February 2017, [url](#)

⁷⁶ CRS, 'Iran's Foreign and Defense Policies' (p. 19), 23 May 2018, [url](#)

Republic of Iran Army], the IRGC ground forces share some roles and responsibilities with their army counterparts...

‘Although possessing naval and air elements, the IRGC primarily remains a ground-based force. The total strength of the IRGC is believed to be in excess of 125,000 personnel, of which approximately 100,000 are members of the Islamic Revolution Guards Corps Ground Forces (IRGCGF). The IRGC has been placed under an integrated command with Iran's regular armed forces at the general staff level. However, it retains an independent command chain below this level, and generally continues to exercise as an independent force. The IRGCGF participates in major, set-piece exercises with the regular army although it is believed that lower-level exercises with the army are less common.’⁷⁷

- 13.3.7 Also see: Hesam Forozan & ‘Afshin Shahi, ‘The Military and the State in Iran: The Economic Rise of the Revolutionary Guards’, The Middle East Journal.

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13.4 Basij

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

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

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

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

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

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

⁷⁷ Jane’s by IHS Markit, ‘Iran – Army’, 11 June 2018. Subscription only.

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

‘The Iran Primer noted that Basij members ‘include women as well as men, old as well as young’ and that most members ‘are believed to be between high school age and the mid-30s.’⁷⁸

13.4.2 The United States Congressional Research Service report ‘Iran’s Foreign and Defense Policies’, dated 23 May 2018, noted that there are ‘100,000 Basij (volunteer militia under IRGC control) permanently deployed. Hundreds of thousands of additional Basij could be mobilized in the event of an all-out war.’⁷⁹

13.4.3 According to the CIA World Factbook, the minimum age for joining the Basij is 15⁸⁰.

13.4.4 Jane’s Sentinel Security Assessment, Iran – Army, dated 11 June 2018, noted:

‘A contingent of the IRGC, the Basij (Mobilisation of the Oppressed) is a militia-based reserve force of about 90,000 personnel with an active and reserve strength of up to 300,000 and a reported mobilisation capacity of nearly 1,000,000 personnel. This volunteer force would provide the bulk of the land forces personnel in the event of a mass mobilisation. It maintains approximately 740 regional battalions with 300-350 personnel each, which are ideally composed of three companies or four platoons plus support elements. These include the former tribal levies and are largely based upon localities.’⁸¹

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

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

‘Iran has had various forms of “morality police” since the 1979 Islamic Revolution, but the Gasht-e Ershad are currently the main agency tasked enforcing Iran’s Islamic code of conduct in public. Their focus is on ensuring

⁷⁸ Iran Primer, ‘Basij’, 2015, [url](#)

⁷⁹ CRS, ‘Iran’s Foreign and Defense Policies’ (p. 19), 23 May 2018, [url](#)

⁸⁰ CIA World Factbook, updated 12 July 2018, [url](#)

⁸¹ Jane’s by IHS Markit, ‘Iran – Army’, 11 June 2018. Subscription only.

observance of hijab - mandatory rules requiring women to cover their hair and bodies and discouraging cosmetics.

'They are empowered to admonish suspects, impose fines or arrest members of the public, but under reforms that come into force this year, will soon no longer be able to do any of these things.

'Instead, 7,000 undercover Gasht-e Ershad agents will be deployed to report suspected transgressions to the police, who will decide whether to take action. The Gasht-e Ershad is thought to draw a lot of its personnel from the Basij, a hard-line paramilitary unit; it also includes many women.'⁸²

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

'Despite objections from Iran's president, Hassan Rouhani, Tehran's police have announced up to 7,000 undercover officers will be on the lookout for those who don't follow conservative Islamic modes of dress and behaviour. They're called the Gashte Ershad, the "guidance patrol," and they have broad powers to chastise and even arrest people for failing to meet what might be called the modesty test.

'Men are occasionally stopped — perhaps if their beards are too long, making them resemble jihadists — but usually, it's women who attract the attention of the Gashte Ershad. Too much hair peeking out from under a headscarf, removing the scarf altogether in the car, taking a walk with a boyfriend — all kinds of actions can risk a run-in with the morality police.'⁸³

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

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

'According to the designers of Gershad, in 2014 alone, around three million people were issued with official warnings, 18,000 were prosecuted and more than 200,000 were made to write formal pledges of repentance.'⁸⁴

13.5.4 The Indian Express reported that 'The app was blocked by the authorities soon after it was released for Android devices on Monday [8th February 2016] but many Iranians bypass Internet restrictions by using a Virtual Private Network.'⁸⁵

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⁸² BBC News, "Morality police", 22 April 2016, [url](#)

⁸³ NPR, 'Springtime in Iran', 3 May 2016, [url](#)

⁸⁴ BBC Trending, 'Iranian youth get app', 9 February 2016, [url](#)

⁸⁵ Indian Express, 'Gershad app', 14 February 2016, [url](#)

13.6 Ministry of Intelligence and Security (MOIS)/Vezeerat-e Ettela'at va Amniyat-e Keshvar (VEVAK) aka Ettela'at

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

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

'MOIS is the most powerful and well-supported ministry among all Iranian ministries in terms of logistics, finances, and political support. It is a non-military governmental organization that operates both inside and outside of Iran. Intelligence experts rank MOIS as one of the largest and most dynamic intelligence agencies in the Middle East.'⁸⁶

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

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

'With more than 30,000 officers and support personnel, MOIS is ranked by experts as one of the largest and most active intelligence agencies in the Middle East.'⁸⁷

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13.7 Human rights violations and impunity

13.7.1 Amnesty International's annual report for 2017/18 (Amnesty's 2017/18 report) stated that 'Torture and other ill-treatment of detainees remained common, especially during interrogation, and was used primarily to force "confessions". Detainees held by the Ministry of Intelligence and the Revolutionary Guards were routinely subjected to prolonged solitary confinement amounting to torture.'⁸⁸

13.7.2 The USSD report for 2017 stated that:

'Impunity remained a problem within all security forces. Human rights groups frequently accused regular and paramilitary security forces, such as the Basij, of committing numerous human rights abuses, including acts of violence against protesters and participants in public demonstrations.

⁸⁶ Library on Congress, 'Iran's Ministry of Intelligence' (p. 3), December 2012, [url](#)

⁸⁷ Library on Congress, 'Iran's Ministry of Intelligence' (pp. 3, 24), December 2012, [url](#)

⁸⁸ AI report 2017/18, 22 February 2018, [url](#)

According to remarks from Tehran Prosecutor General Abbas Jafari-Dolatabadi, the attorney general is responsible for investigating and punishing security force abuses, but the process was not transparent, and there were few reports of government actions to discipline abusers. In a notable exception, in November authorities sentenced former Tehran prosecutor Saeed Mortazavi to two years in prison for his alleged responsibility for the torture and death of protesters in 2009.⁸⁹

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

'From the cases brought to her attention, the Special Rapporteur observes that, in many instances, the right of anyone who is arrested to be promptly informed about the charges against him or her is not respected. The Special Rapporteur notes that individuals may be arrested without being shown a warrant. Several cases in which individuals and/or their families were not provided with information regarding the reasons and circumstances for their arrest or their whereabouts were reported to her during the reporting period. Often, those who are called in for interrogation have no idea of the identity of the persons who initiated the investigation against them.'⁹⁰

- 13.7.4 The 2018 Freedom House report stated that: 'Activists are routinely arrested without warrants, held indefinitely without formal charges, and denied access to legal counsel or any contact with the outside world. Many are later convicted on vague security charges in trials that sometimes last only a few minutes.'⁹¹

- 13.7.5 The 2018 DFAT report noted:

'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.

'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.'⁹²

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⁸⁹ USSD, 2017 human rights report (section 1d), March 2018, [url](#)

⁹⁰ UN Special Rapporteur, human rights situation in Iran (paragraph 43), 17 March 2017, [url](#)

⁹¹ Freedom House, Iran report 2018 (Section F), January 2018, [url](#)

⁹² Australian DFAT, Country Information Report Iran (p. 41), 7 June 2018, [url](#)

13.8 Avenues of redress

13.8.1 Amnesty's 2017/18 report stated that: 'Failure to investigate allegations of torture and exclude "confessions" obtained under torture as evidence against suspects remained systematic.'⁹³

13.8.2 The USSD report for 2017 stated: 'Citizens had limited ability to sue the government and were not able to bring lawsuits against the government for civil or human rights violations through domestic courts.'⁹⁴

13.8.3 The 2018 DFAT report stated:

'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 ... 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...

'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.'⁹⁵

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13.9 Effectiveness of state protection

13.9.1 The 2018 DFAT report stated:

'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.'⁹⁶

13.9.2 The same report stated: '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.'⁹⁷

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⁹³ AI report 2017/18, 22 February 2018, [url](#)

⁹⁴ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

⁹⁵ Australian DFAT, Country Information Report Iran (p. 44), 7 June 2018, [url](#)

⁹⁶ Australian DFAT, Country Information Report Iran (p. 44), 7 June 2018, [url](#)

⁹⁷ Australian DFAT, Country Information Report Iran (p. 46), 7 June 2018, [url](#)

14. Judiciary

14.1 Organisation

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

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

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

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

- '1. Civil Courts,
- '2. Special Civil Courts,
- '3. First Class Criminal Courts; and
- '4. Second Class Criminal Courts.'⁹⁸

14.1.2 The 2016 DFAT Report noted that:

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

'The Revolutionary Courts deal with cases concerning internal and external security (including political cases) and drug smuggling. They do not use juries, and trials are frequently closed to the public (though show trials have occurred). Defendants have the right to legal representation in Revolutionary Courts, and can appeal sentences to the Supreme Court. The Government has stated that all trials should be held in open courts and all political and press offences should be tried in the presence of a jury, but Revolutionary Courts are exempt from this rule. Revolutionary Courts are not required to release their documents to the public. Human rights defenders and those arrested in protests, including following the 2009 election, are usually tried in the Revolutionary Courts. Credible sources have told DFAT that those suspected of political crimes – threatening the constitutional foundations or territorial integrity of the Islamic Republic are most likely to be tried in Revolutionary Courts. Other cases are generally tried in civil or criminal courts.'⁹⁹

⁹⁸ Globalex, Guide to the Legal System of Iran, February 2011, [url](#)

⁹⁹ Australian DFAT, Country Report for 2016 (section 5.14), 21 April 2016. Available on request.

14.1.3 An Iran based legal expert, in response to a question from the British Embassy in Tehran, noted in March 2017 that:

‘Coming to your question regarding the Ministry of Justice, please note that it has purely administrative functions (such as allocation of budget) and has nothing to do with administration of justice which is left to the care of judiciary whose head, as head of one of the three separate powers (Cf. Art.57 of the Iranian Constitution) is appointed by the supreme leader of Iran while minister of justice is named by the head of state (president). Accordingly apart from two or three websites catering to the whole nation for the service or process and filing online petitions and complaints as well as for information and updating lawyers and public at large who are in possession of the indispensable user name and password to log in (cf. <http://sakha3.adliran.ir/> or <http://sana.adliran.ir>), there are no websites covering nationwide the whole justice apparatus in Iran. In other words, each judicial complex or, in some cases, district. Thus, there is (so far at least) no central nationwide database for civil cases while penal records database (on the basis of which police clearance certificates are released) is only accessible to prosecutors, police and other authorities within the security and intelligence apparatuses.’¹⁰⁰

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14.2 Independence

14.2.1 The 2018 DFAT report stated that: ‘Chapter XI of the Constitution... confirms its [the judiciary’s] independence’, although that: ‘Human rights observers criticise the judiciary for its lack of independence.’¹⁰¹

14.2.2 The 2016 DFAT Report noted that:

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

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

¹⁰⁰ Legal Expert Report, 31 March 2017, available at Annex A.

¹⁰¹ Australian DFAT, Country Information Report Iran (pp. 46-47), 7 June 2018, [url](#)

not strongly policed. The legal quality of the judiciary is also subject to criticism. Women are not allowed to be judges, although some serve in judicial positions, such as deputy prosecutors, court counsellors or as deputy head of the court.¹⁰²

14.2.3 The USSD report for 2017 stated that:

‘The constitution provides that the judiciary be “an independent power” that is “free from every kind of unhealthy relation and connection.” The court system was subject to political influence, and judges were appointed “in accordance with religious criteria.” The supreme leader appoints the head of the judiciary. The head of the judiciary, members of the Supreme Court, and the prosecutor general were clerics. International observers continued to criticize the lack of independence of the country’s judicial system and judges, and maintained that trials disregarded international standards of fairness.’¹⁰³

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

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

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

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

‘The issue of the separation of powers remains an obstacle for the independence of the judicial system. The judiciary plays a vital role in interpreting often vaguely defined national security laws. However this role can only be undertaken effectively if the rules for the appointment of members of the judiciary are transparent and based on the criteria of competence and integrity. It has been widely reported that strong interference is exerted regarding the appointment of judges. The Iranian

¹⁰² Australian DFAT, Country Report for 2016 (section 5.17), 21 April 2016. Available on request.

¹⁰³ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

judiciary has parallel systems: the public courts have general jurisdiction over all disputes, while the specialized courts, such as revolutionary courts, military courts, special clerical courts, the high tribunal for judicial discipline and the court of administrative justice, have functional areas of specialization.¹⁰⁴

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14.3 Sharia law

14.3.1 The USSD report for 2017 stated that:

‘The Special Clerical Court is headed by a Shia Islamic legal scholar, overseen by the supreme leader, and charged with investigating alleged offenses committed by clerics and issuing rulings based on an independent interpretation of Islamic legal sources. The constitution does not provide for the court, which operated outside the judiciary’s purview. Clerical courts were used to prosecute Shia clerics who expressed controversial ideas and participated in activities outside the sphere of religion, such as journalism or reformist political activities.’¹⁰⁵

14.3.2 The 2018 DFAT report noted that Chapter XI of the Constitution ‘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’).’ The report also noted that ‘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’ and that: ‘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.’¹⁰⁶

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14.4 Human rights abuses within the judicial system

14.4.1 The USSD report for 2017 stated that: ‘Judicially sanctioned corporal punishments continued. These included flogging, blinding, stoning, and amputation, which the government defends as “punishment,” not torture... Extrajudicial punishments involving degrading public humiliation of alleged offenders were also frequently reported throughout the year.’¹⁰⁷

14.4.2 Amnesty International’s annual report for 2017/18 (‘Amnesty’s 2017/18 report’) stated that: ‘Judicial authorities continued to impose and carry out cruel, inhuman or degrading punishments that amounted to torture.’¹⁰⁸

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

¹⁰⁴ UN Special Rapporteur, human rights situation in Iran (paragraphs 35-39), 17 March 2017, [url](#)

¹⁰⁵ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

¹⁰⁶ Australian DFAT, Country Information Report Iran (pp. 24, 41, 46), 7 June 2018, [url](#)

¹⁰⁷ USSD, 2017 human rights report (section 1c), March 2018, [url](#)

¹⁰⁸ AI report 2017/18, 22 February 2018, [url](#)

‘The use of torture and ill-treatment, such as amputation, blinding and flogging, remains legal and a regular practice in the Islamic Republic of Iran. Reliance on physical and mental torture to coerce a confession (mostly during pretrial detention), the use of prolonged solitary confinement and the denial of access to proper and necessary medical treatment for detainees continue to be widely reported.’¹⁰⁹

14.4.4 The 2018 DFAT report stated:

‘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, 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.

‘According to human rights organisations, while such punishments are not common, they continue to occur.’¹¹⁰

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14.5 Executive influence

14.5.1 The 2018 Freedom House report stated that:

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

‘The judicial system is used as a tool to silence critics and opposition members. The head of the judiciary is appointed by the supreme leader for a five-year term. Under the current head, Ayatollah Sadegh Larijani, human rights advocates and political activists have been subjected to unfair trials, and the security apparatus’s influence over judges has reportedly grown.’¹¹¹

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14.6 Fair trial

14.6.1 The 2016 DFAT Report noted that:

‘When dealing with political cases or during times of social unrest, the judiciary has shown a high tolerance for security authorities bypassing the legal system. There have been a significant number of credible NGO and media reports concerning show trials, arbitrary arrest and forced confessions. In addition, detainees, including but not limited to political detainees, may be denied adequate access to a lawyer. Foreign-based advocacy groups regularly make credible allegations of trials being held without the presence of a defence lawyer, or without sufficient pre-trial access to a lawyer.’¹¹²

14.6.2 Amnesty’s 2017/18 report stated that:

¹⁰⁹ UN Special Rapporteur, human rights situation in Iran (paragraph 75), 14 August 2017, [url](#)

¹¹⁰ Australian DFAT, Country Information Report Iran (p. 41), 7 June 2018, [url](#)

¹¹¹ Freedom House, Iran report 2018 (Section F), January 2018, [url](#)

¹¹² Australian DFAT, Country Report for 2016 (section 5.18), 21 April 2016. Available on request.

‘Trials, including those resulting in death sentences, were systematically unfair. There were no independent mechanisms for ensuring accountability within the judiciary. Serious concerns remained that judges, particularly those presiding over Revolutionary Courts, were appointed on the basis of their political opinions and affiliation with intelligence bodies, and lacked legal qualifications.

‘Fair trial provisions of the 2015 Code of Criminal Procedure, including those guaranteeing access to a lawyer from the time of arrest and during investigations, were routinely flouted. The authorities continued to invoke Article 48 of the Code of Criminal Procedure to prevent those detained for political reasons from accessing lawyers of their own choosing. Lawyers were told they were not on the list approved by the Head of the Judiciary, even though no official list had been made public.

‘Trials, particularly those before Revolutionary Courts, remained closed and extremely brief, sometimes lasting just a few minutes.’¹¹³

- 14.6.3 Human Rights Watch’s world report 2018, covering events in 2017 (‘HRW’s 2018 report’): ‘Iranian courts, and particularly the revolutionary courts, regularly fell short of providing fair trials and allegedly used confessions obtained under torture as evidence in court. Iranian law restricts the right for a defendant to access a lawyer, particularly during the investigation period.’¹¹⁴

- 14.6.4 The USSD report for 2017 stated that:

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

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

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

‘During the year human rights groups noted the absence of procedural safeguards in criminal trials. According to the CHRI, the government sentenced 11 Christian converts to prison during a period of less than two months in trial proceedings that lacked due process.

‘Courts admitted as evidence confessions made under duress or torture. In her August 14 [2017] report, the UNSR stated that the government relied on

¹¹³ AI report 2017/18, 22 February 2018, [url](#)

¹¹⁴ HRW, Iran – Events of 2017, January 2018, [url](#)

physical and mental torture to coerce confessions from prisoners during pretrial detention and interrogations. Authorities also allegedly tortured prisoners and forced them to make videotaped confessions that the government later televised.

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

‘In November 2016 the Qom branch of the Special Clerical Court sentenced prominent cleric Hojjatoleslam Ahmad Montazeri to six years in prison for “endangering national security” and “leaking secrets of the Islamic system” after he posted audio recordings of his father, the late dissident cleric, Hossein Ali Montazeri, condemning the 1988 mass execution of political prisoners. On February 21 [2017], Montazeri was arrested to begin serving his sentence. According to reports, however, the cleric was granted furlough and released the following day, allegedly at the direction of the supreme leader.’¹¹⁵

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

‘Revolutionary courts continue to issue the vast majority of death sentences. Violations of the rights to fair trial and due process are systematic before these courts. Legal representation is denied during the investigation phase, lawyers are often refused access to information, many trials reportedly last only a few minutes, and no evidence other than confessions extracted through torture is considered for the imposition of a death sentence.’¹¹⁶

- 14.6.6 Also see: Adineh Abghari, ‘Introduction to the Iranian Legal System and the Protection of Human Rights in Iran’¹¹⁷ and Ronda Cress, Catherine Kent & Mohammad Nayyeri, ‘Rule of Law in Iran: Independence of the Judiciary, Bar Association, Lawyers and Iran’s Compliance with International Human Rights Obligations’.¹¹⁸

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15. Death penalty

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

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¹¹⁵ USSD, 2017 human rights report (section 1e), March 2018, [url](#)

¹¹⁶ UN Special Rapporteur, human rights situation in Iran (paragraph 60), 14 August 2017, [url](#)

¹¹⁷ Adineh Abghari, ‘Introduction to the Iranian Legal System’, London: British Institute of International and Comparative Law, 2008. Hard copy only.

¹¹⁸ Cress, Kent and Nayyeri, ‘Rule of Law’, 2014, [url](#)

16. Corruption

16.1.1 Transparency International's 2017 corruption perception index ranked Iran in joint 130th position out of a total of 180 countries¹¹⁹.

16.1.2 The USSD report for 2017 stated that:

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

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

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

'On September 13 [2017], the Financial Times reported, based on information provided by an Iranian government official, that at least a dozen IRGC members had been arrested during the year on corruption charges, while others had been forced to pay back money gained through questionable business deals.

'President Rouhani's brother, Hossein Ferydoun, was arrested in July on undisclosed corruption charges. Many observers believed the arrest of Ferydoun, one of President Rouhani's closest advisers, was politically motivated.'¹²⁰

16.1.3 The 2018 DFAT report stated:

'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

¹¹⁹ TI, Corruption Perceptions Index 2017, February 2018, [url](#)

¹²⁰ USSD, 2017 human rights report (section 4), March 2018, [url](#)

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.¹²¹

- 16.1.4 Also see Al-Monitor, '[How do Iran's Corrupt Networks Operate?](#)', 13 February 2018¹²².

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17. Civil society groups and Non-Government Organisations (NGOs)

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

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18. Freedom of speech and the media

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

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19. Women

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

19.1 Overview of women's rights

- 19.1.1 The 2018 DFAT report noted:

'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

¹²¹ Australian DFAT, Country Information Report Iran (p. 10), 7 June 2018, [url](#)

¹²² Al-Monitor, 'How do Iran's Corrupt Networks Operate?', 13 February 2018, [url](#)

achievements of ground-breaking Iranian women by installing large billboards around the city showcasing their pictures and stories.

'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.'¹²³

See also: [Freedom of movement for women and their children](#) and [Nationality Law](#)

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19.2 Marriage

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

'Under Islamic Shari'a marriage is not considered as a sacrament but defined as a civil contract between a man and his wife, patterned by the logic of a contract of sale. The three elements of an Islamic marriage contract constitute (1) the offer of marriage made by the woman or her guardian, (2) the acceptance by the man, and (3) mahr (or mahriyeh i.e. the marriage gift) which is money or a valuable item that the husband pays or pledges to pay the wife. The contract makes sexual relations between a man and woman lawful, and establishes a set of default rights and duties for each party, some supported by legal force, others by moral sanction.'¹²⁴

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

'Islam views marriage as a contract regulated by rights and responsibilities of both parties. The man is the head of the family, and the woman lives in the family under a male guardian (wali). Before marriage, a woman's guardian is her father or grandfather, and, after marriage, her guardian is her husband. Divorced or widowed women are more independent in the eyes of the law, although this depends on their socio-economic situation and the traditions of the area where they live. A woman who is marrying for the first time, and who is assumed to be a virgin, cannot choose her spouse freely but needs permission from her guardian. In special circumstances, a court can give a woman permission to marry if her father does not have a just reason to object to the marriage. This applies to both permanent and temporary marriages.'¹²⁵

¹²³ Australian DFAT, Country Information Report Iran (p. 32), 7 June 2018, [url](#)

¹²⁴ IHRDC, 'Gender Inequality and Discrimination', 8 March 2013 (section 2.1), [url](#)

¹²⁵ FIS, 'Violence against women' (p. 8), 26 June 2015, [url](#)

19.2.3 The USSD 2017 report stated that:

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

‘The law permits a man to have as many as four wives and an unlimited number of “sigheh” (temporary wives), based on a Shia custom under which couples may enter into a limited-time civil and religious contract, which outlines the union’s conditions.’¹²⁶

19.2.4 Article 993 of the Civil Code requires the registration of temporary marriages: ‘The following events must be notified to the Census Office during the proper period and in the way stipulated by special laws and regulations 1 - All births and all abortions which may occur after the 6th month from the date of conception. 2- Marriages, whether permanent or temporary’.¹²⁷

19.2.5 For discussion about children born into temporary marriages, see Sen McGlinn, ‘Family Law in Iran’, University of Leiden¹²⁸.

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19.3 Divorce and child custody

19.3.1 The FIS 2015 report stated that:

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

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

¹²⁶ USSD, 2017 human rights report (section 6), March 2018, [url](#)

¹²⁷ Civil Code (p. 98), [url](#)

¹²⁸ Sen McGlinn, ‘Family Law in Iran’, 2001 (pp. 58-60), [url](#)

acrimonious. Divorce is also seen as shameful, and traditional communities avoid it at all costs.¹²⁹

19.3.2 The USSD report for 2017 stated that:

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

‘The law provides divorced women preference in custody for children up to age seven, but fathers maintain legal guardianship rights over the child and must agree on many legal aspects of the child’s life (such as issuing travel documents, enrolling in school, or filing a police report). After the child reaches the age of seven, the father is granted custody unless he is proven unfit to care for the child.’¹³⁰

19.3.3 The 2018 DFAT report stated:

‘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...’¹³¹

19.3.4 For more information on family law and gender issues, see the works of Dr. Ziba Mir-Hosseini¹³².

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19.4 Reproductive and abortion rights

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

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

‘Statistics from Iran’s Legal Medicine Office showed that out of 6,656 petitions seeking permission to have an abortion last year, 4,000 were

¹²⁹ FIS, ‘Violence against women’ (pp. 13-14), 26 June 2015, [url](#)

¹³⁰ USSD, 2017 human rights report (section 6), March 2018, [url](#)

¹³¹ Australian DFAT, Country Information Report Iran (pp. 32-33), 7 June 2018, [url](#)

¹³² Ziba Mir-Hosseini, Books, [url](#)

approved. The number of requests made and permits granted increased by 17.9% and 14.3%, respectively, compared to the same period last year.

‘According to Mohammad Mahdi Akhundi, head of the Iranian Society of Embryology and Reproductive Biology, importation of abortion pills is banned. However the pills (misoprostol) and vials (prostaglandin) that can cause miscarriage are available on the black market and pharmaceutical peddlers sell them on Nasser Khosrow Street near Tehran’s main Grand Bazaar.’¹³³

19.4.2 The USSD 2016 report stated that:

‘The law recognizes the basic right of married couples to decide freely and responsibly the number, spacing, and timing of their children. Couples are entitled to reproductive healthcare, free from discrimination, coercion, and violence. While government healthcare previously included full free access to contraception and family planning for married couples, state family planning cuts in 2012 reducing the budget to almost zero remained in place.’¹³⁴

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

‘After having implemented an effective family planning education programme for many years, the Government proposed the Bill to Increase Fertility Rates and Prevent Population Decline (Bill 446). The bill outlaws surgical contraception, restricts access to contraceptives, bans the provision of information on contraceptive methods and reduces State funding for family planning programmes.’¹³⁵

19.4.4 The same source noted that:

‘In August 2016, the newly elected Parliament re-introduced the controversial Population and Family Excellence Plan, which aims to increase the pregnancy rate to 2.5 per cent of the quantitative population growth up to 2025 and requires public and private sector employers to give hiring preference to men and prohibits hiring “single individuals” to faculty positions in all public and private education and research institutions. The Special Rapporteur is also concerned about the Bill to Protect Hijab and Modesty, which, if adopted, would restrict women’s right to work by limiting women’s working hours to between 7 a.m. and 10 p.m. and mandate gender segregation in the workplace.’¹³⁶

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19.5 Inheritance

19.5.1 Several articles in the [Civil Code](#) relate to inheritance and ownership:

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

¹³³ ICWRS, ‘Increasing number of illegal abortions’, 28 January 2017, [url](#)

¹³⁴ USSD, 2016 human rights report (section 6), March 2017, [url](#)

¹³⁵ UN Special Rapporteur, human rights situation in Iran (paragraph 68), 17 March 2017, [url](#)

¹³⁶ UN Special Rapporteur, human rights situation in Iran (paragraph 67), 17 March 2017, [url](#)

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

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

‘Article 949 – If a husband or wife is the sole inheritor, the husband takes the whole of the assets of his deceased wife; but the wife takes only her share [half], and the rest of the assets of the husband shall be considered as the estate of a heirless, and will be dealt with in accordance with Article 866.’¹³⁷

- 19.5.2 The USSD 2017 report stated that: ‘Women faced discrimination in home and property ownership, as well as access to financing. In cases of inheritance, male heirs receive twice the inheritance of their female counterparts.’¹³⁸
- 19.5.3 The FIS 2015 report, based on a range of sources, stated that: ‘The financial position of widowed women is also poor, as Iranian inheritance laws only entitle widows to a small portion of their late husbands’ property: one quarter for a widow with no children and one eighth for a widow with children. This is why widows often have to depend on their sons for support.’¹³⁹
- 19.5.4 Also see: Arzoo Osanloo, ‘The Politics of Women’s Rights’¹⁴⁰, Sen McGlinn, ‘Family Law in Iran’¹⁴¹ and the Iranian Inheritance Law in the Civil Code of Iran, including the 2009 and 2010 amendments¹⁴².

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19.6 Education

- 19.6.1 The Tehran Times noted in September 2016 that:

‘According to Sanjesh Organization, an Iranian organization in charge of coordinating and administrating Konkur, 57 percent of those admitted into the universities are females. Out of 398,832 who got admitted to the universities nationwide 227,324 are females and 171,508 are males. Although in general 59 percent of the participants in the Konkur placement tests were females as well. [...] The Iranian university entrance exam is held every year in June or July as one of the means for the participants to gain

¹³⁷ Civil Code (pp. 85-91), [url](#)

¹³⁸ USSD, 2017 human rights report (section 6), March 2018, [url](#)

¹³⁹ FIS, ‘Violence against women’ (p. 13), 26 June 2015, [url](#)

¹⁴⁰ Arzoo Osanloo, ‘The Politics of Women’s Rights’, 2009. Hard copy only.

¹⁴¹ Sen McGlinn, ‘Family Law in Iran’, 2001 (pp. 77-82), [url](#)

¹⁴² Civil Code, Iranian Inheritance Law, [url](#)

admission to higher education in Iran for obtaining a place in one of the public universities.’¹⁴³

19.6.2 World Education Services noted in February 2017 that:

‘Over the past decade, almost half of Iran’s student population has been women, many of whom enroll in STEM [science, technology, engineering and mathematics] disciplines. However, women in Iran still face gender discrimination, and those who wish to break out of traditional gender roles may benefit from education abroad. Conservative circles view the high number of female students as a threat to Iran’s male-dominated social order, and some universities have attempted to “de-feminize” education with measures like quotas for female students. In 2012, 33 public universities banned women from programs in 77 academic fields, including engineering, accounting, education and chemistry, further limiting women’s options for education in a number of disciplines inside Iran.’¹⁴⁴

19.6.3 Also see: Stanford University’s study on ‘Iran’s Population Dynamics and Demographic Window of Opportunity’.¹⁴⁵

19.6.4 The USSD 2016 report stated that:

‘According to 2012 UN statistics, the female youth literacy rate was 98.5 percent, and the adult female literacy rate was 90.3 percent. Women had access to primary and advanced education, although the percentage of female students entering universities decreased from 62 percent in 2007-2008 to 42 percent in the current year as a result gender-rationing policies implemented in 2012. Quotas and other restrictions, which varied across universities, limited women’s undergraduate admissions to certain fields, as well as to certain master’s and doctoral programs.’¹⁴⁶

19.6.5 According to the study compiled by Stanford University on ‘Iran’s Population Dynamics and Demographic Window of Opportunity’, which cites the Persian website, ‘Institute for Research and Planning in Higher Education’:

‘In 2016, women constituted 50% of students enrolled in programs that offer a bachelor’s degree or higher and 46% of student enrolments in all higher education programs (associate’s degree and higher) combined. The engineering field is dominated by male students, whereas female students are the majority in all the other major fields of study, especially in medicine and the basic sciences, where they have accounted for upward of 65% of students enrolled in these fields for almost two decades.’¹⁴⁷

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¹⁴³ Tehran Times, ‘Females outnumber males in 2016 university entrance exam’, 20 September 2016, [url](#)

¹⁴⁴ World Education Services, ‘Educating Iran’, 7 February 2017, [url](#)

¹⁴⁵ Stanford University, ‘Iran’s Population’, October 2017, [url](#)

¹⁴⁶ USSD, 2016 human rights report (section 6), March 2017, [url](#)

¹⁴⁷ Stanford University, ‘Iran’s Population’, October 2017 (pp. 21-22), [url](#)

19.7 Employment

19.7.1 The 2018 DFAT report stated: ‘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.’¹⁴⁸

19.7.2 The USSD 2017 report stated that:

‘There was no reliable data on the extent of sexual harassment, but women and human rights observers reported that sexual harassment was the norm in many workplaces. There were no known government efforts to address this problem...

‘According to the constitution, “everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests, and does not infringe on the rights of others.”

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

‘On August 23 [2017], guidelines were reportedly posted on the Education Ministry’s website with discriminatory recommendations disqualifying, among others, persons with disabilities and persons based on their appearance from being hired as teachers. Following heavy criticism on social media, the guidelines were removed. The Education Ministry’s human resources director was quoted as saying the guidelines were under review and that a new draft, without many of the disqualifications, would soon be published.’¹⁴⁹

19.7.3 According to the Minister of Labour, Ali Rabiei, jobless rates relate to the growing number of women entering universities, and the improvement of the working environment for women, which has made its number relatively higher than the unemployment rate for men. He adds that women’s unemployment rate in 1996 was 4 percent while it reached to 20 percent in 2016. The unemployment rate is much higher among educated women and it has reached to 31 percent, according to Rabiei¹⁵⁰.

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

‘Although women comprise over 50 percent of university graduates, their participation in the labor force is only 17 percent ... [and] disparities exist at every rung of the economic hierarchy; women are severely underrepresented in senior public positions and as private sector managers. [...]

¹⁴⁸ Australian DFAT, Country Information Report Iran (p. 32), 7 June 2018, [url](#)

¹⁴⁹ USSD, 2017 human rights report (sections 6 and 7), March 2018, [url](#)

¹⁵⁰ Tehran Times, ‘Iranian job market shifting towards female workforce’, 4 September 2017, [url](#)

Unemployment for women is twice as high as for men, with one out of every three women with a bachelor's degree currently unemployed.

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

'The government also fails to enforce laws designed to stop widespread discrimination by employers against women, and Iranian law has inadequate legal protections against sexual harassment in the workplace. Moreover, while Iranian law prohibits discrimination against women in the workplace, its application is not extended to the hiring process, where it is critically needed. Publicly available data shows that government and private sector employers routinely prefer to hire men over women, in particular for technical and managerial positions. Employers in both the public and the private sectors regularly specify gender preferences when advertising position vacancies and do so based on arbitrary and discriminatory criteria.'¹⁵¹

- 19.7.5 The World Economic Forum ranked Iran at 140 out of 144 countries in its assessment of the gender pay gap¹⁵².

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19.8 Dress code and gender segregation

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

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

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

'There is no similar rule for men in the Penal Code and the rule clearly denies women the freedom to dress as they see fit. Moreover, there are no certain rules and measures for these restrictions; instead, its implementation

¹⁵¹ HRW, "It's a Men's Club", 25 May 2017 (pp. 1-3), [url](#)

¹⁵² World Economic Forum, The Global Gender Gap Report (p. 8), 2017, [url](#)

has been left to the discretion of law enforcement forces, which are not limited to official police officers but also include numerous fanatical Basij forces. These forces seize every opportunity to remind women of the implications of violating the hijab. For example, during holy periods, such as Moharram and Ramadan, checks on violations of the hijab increase and special units stop at busy places or patrol the streets in search of violations. The interference with a woman's appearance, including her hair, makeup and clothing, can sometimes border on the ridiculous. For instance in 2007, the Chief Commander of Police for greater Tehran announced that women were not allowed to wear long boots over their trousers, and if seen doing so they would be arrested.¹⁵³

19.8.2 According to Faegheh Shirazi, in Critique: Critical Middle Eastern Studies, dated 1995:

'The unorthodox hijab has also two basic parts: a piece of clothing that covers the head, neck and shoulders (headscarf) and a stitched outfit like a long coat, known as manteau. Headscarf is a piece of clothing, usually in various colors and styles, which is worn loosely over the head and fastened with a tie. Since it is loose, it does not guarantee full coverage of hair and upper shoulders. Manteau is also loosely worn. Although it has long sleeves and is usually buttoned in front, the length of it can be variable; from toes up to knees. It can also have various colors and patterns, although the preferable colors of manteau are black, brown and dark grey. Because of its flexibility, it can facilitate the movement of body and therefore it is more popular.'¹⁵⁴

19.8.3 The 2018 DFAT Report noted:

'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.

'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

¹⁵³ IHRDC, 'Gender Inequality and Discrimination', 8 March 2013 (section 1.6), [url](#)

¹⁵⁴ Faegheh Shirazi, 'A dramaturgical approach to Hijab in post-revolutionary Iran', Critique: Critical Middle Eastern Studies, 1995 (pp. 35-51). Hard copy only.

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.¹⁵⁵

19.8.4 Iran Wire stated that: ‘Under Iran’s Islamic Penal Code, police can arrest men and women who are not mahram (family) if they appear in public together, including travelling in cars together, dining together in restaurants and attending public events together. Punishment for gender intermingling between non-family members can include flogging.’¹⁵⁶

19.8.5 Dr Ghoncheh Tazmini, of the Centre for Iranian Studies at the School of Oriental and African Studies (SOAS), University of London, noted: ‘In practice, this form of punishment for gender intermingling between non-family members is uncommon. That is why when there was such a case it was covered widely, for example, by [the ‘Independent’ in 2016](#)’.¹⁵⁷ ¹⁵⁸

19.8.6 The USSD report for 2017 stated that:

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

‘February [2017] media reports stated that morality police beat and detained a 14-year-old girl for wearing ripped jeans. Authorities released the girl and her friends only after they signed pledges promising to dress modestly.

‘In September [2017], according to media and reporting from human rights groups, women were barred from attending a World Cup qualifying match in Tehran between Iran and Syria. Female Syrian fans were present, and a protest outside Azadi stadium ensued.

‘As noted by the UNSR [UN Special Rapporteur] and other organizations, several Iranian female athletes were also barred from participating in international tournaments, either by the country’s sport agencies or by their husbands.’¹⁵⁹

19.8.7 During the 2018 World Cup, the Guardian reported that women could attend a screening of Iran’s match against Spain in Tehran’s Azadi stadium – the

¹⁵⁵ Australian DFAT, Country Information Report Iran (p. 33), 7 June 2018, [url](#)

¹⁵⁶ Iran Wire, ‘Iranian Women Against the Odds’, 18 November 2016, [url](#)

¹⁵⁷ Independent, ‘Iranian students get 99 lashes’, 27 May 2016, [url](#)

¹⁵⁸ Dr Ghoncheh Tazmini, Centre of Iranian Studies, SOAS, on behalf of IAGCI, review of the HO’s CPINs, May 2018

¹⁵⁹ USSD, 2017 human rights report (sections 6 and 7), March 2018, [url](#)

first time in 37 years women were able to attend a sporting event in the stadium¹⁶⁰.

- 19.8.8 Dr Ghoncheh Tazmini, of the Centre for Iranian Studies at the School of Oriental and African Studies (SOAS), University of London, noted that 'the enforcement of social restrictions on Iranians in relation to veil enforcement, gender segregation strategies and bike-riding, is a reflection of the administration in charge. Under former reformist president Seyyed Mohammad Khatami and the current moderate president, Hassan Rouhani, unofficially, there are more social liberties than under a hardliner like former president, Mahmoud Ahmadinejad. That is why in January, February and March 2018, several Iranian women defied authorities by removing their veils as a form of protest. This act of defiance would present a much higher risk if it were done under a conservative, radical leadership, like Ahmadinejad's.'¹⁶¹
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- 19.8.9 However, the Guardian reported that more than 30 women have been arrested since the end of December 2017 for publicly removing their veils in defiance of the law (although most have been released); the usual sentence is terms of two months or less plus a \$25 fine, although one woman was sentenced to a term of two years¹⁶³. The BBC reported the story of Masih Alinejad, a woman who five years ago publicly protested the compulsory wearing of the hijab and started a social media and protest movement. The article stated:

'Masih, who has lived in self-imposed exile in the US since 2009, cannot travel safely to Iran for fear of arrest. Her parents are forbidden from leaving the country and her father has stopped speaking to her. Masih says that he has been brainwashed by government agents...

'Death threats are a daily occurrence for Masih...

'The reaction from the government has been severe.

'Since December 2017, more than 35 female protesters have been arrested in the capital Tehran alone. The police have warned that women who participate in demonstrations against the hijab could face up to 10 years in prison.'¹⁶⁴

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

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20. Education of children

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

¹⁶⁰ Guardian, 'Iran's female football supporters make history', 21 June 2018, [url](#)

¹⁶¹ Dr Ghoncheh Tazmini, Centre of Iranian Studies, SOAS, on behalf of IAGCI, review of the HO's CPINs, May 2018

¹⁶² Also see: CNN, 'Iranian women take off headscarves', 31 January 2018, [url](#)

¹⁶³ Guardian, 'Iranian woman who removed headscarf jailed for two years', 7 March 2018, [url](#)

¹⁶⁴ BBC News, 'Iranian women threw off the hijab', 19 May 2018, [url](#)

'The education system in Iran is divided into two main levels: primary education and high-school education. All children spend six years of their lives at primary level from ages six to 12 and attend high school from ages 12 to 18. Primary education is compulsory in Iran. There are many free public schools as well as private schools with high tuition fees. There are also schools called "Nemuneh Mardomi", which are believed to be better than public schools and more affordable than private schools.'¹⁶⁵

20.1.2 World Education Services report 'Education in Iran' dated 7 February 2017 noted that:

'The central government is responsible for the financing and administration of elementary and secondary education through the Ministry of Education, which supervises national examinations, monitors standards, organizes teacher training, develops curricula and educational materials, and builds and maintains schools. Education policies are approved and overseen by a number of bodies including Iran's parliament and the cabinet of ministers. The Supreme Council of the Cultural Revolution, a body appointed by and reporting to Iran's Supreme Leader, is the highest authority in educational affairs and wields far-reaching control over policies and regulations.

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

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

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

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

'At the lower secondary or guidance level, subjects like history, vocational studies, Arabic, and foreign languages are introduced, and students attend more hours of class each week. The curriculum at this level is national and consistent across all schools.'¹⁶⁶

20.1.3 The USSD report for 2017 stated that:

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

'In December 2016 Deputy Labor Minister Ahmad Meydari was quoted saying that 130,000 children had been left out of the country's education system that year. A CHRI [Center for Human Rights in Iran] report in July

¹⁶⁵ The British Council, 'Voices – What does school education look like in Iran', 21 April 2015, [url](#)

¹⁶⁶ World Education Services, 'Education in Iran', 7 February 2017, [url](#)

[2017] noted that it was unclear whether the number cited by Meydari included children without Iranian citizenship. Children without state-issued identification cards are denied the right to education.¹⁶⁷

20.1.4 The DFAT 2018 report stated:

‘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...

‘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 70th out of 137 countries for the quality of its primary education system, and 94th 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.¹⁶⁸

20.1.5 For current statistics on literacy rates, see [data from the Statistical Centre of Iran](#), which presents literacy rates in rural/urban areas and the entire country for 2016¹⁶⁹.

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21. Citizenship and nationality

21.1 Nationality Law

21.1.1 See [Iran’s Nationality Law](#) (Articles 976 to 991), Book Two of the Civil Code of the Islamic Republic of Iran¹⁷⁰.

21.1.2 Also see: [‘Iran’s Citizenship Law: Political Considerations or Recognition of Inherent Human Rights?’](#), Oxford Human Rights Hub, 8 October 2015¹⁷¹.

21.1.3 The USSD report for 2017 stated: ‘Women may not directly transmit citizenship to their children or to noncitizen spouses.’¹⁷² This was corroborated by the Australian DFAT¹⁷³.

21.1.4 Radio Free Europe/Radio Liberty, in an article dated July 2017, reported:

¹⁶⁷ USSD, 2017 human rights report (section 6), March 2018, [url](#)

¹⁶⁸ Australian DFAT, Country Information Report Iran (p. 12), 7 June 2018, [url](#)

¹⁶⁹ Statistical Center of Iran, Census 2016 Population, undated, [url](#)

¹⁷⁰ Civil Code, Book 2 (pp. 93-97), [url](#)

¹⁷¹ Oxford Human Rights Hub, ‘Iran’s Citizenship Law’, 8 October 2015, [url](#)

¹⁷² USSD, 2017 human rights report (section 2d), March 2018, [url](#)

¹⁷³ Australian DFAT, Country Information Report Iran (p. 32), 7 June 2018, [url](#)

‘A group of Iranian lawmakers are looking to scrap a longstanding law that denies citizenship and equal rights to Iranian children born to foreign fathers.

‘If approved by parliament, a recently drafted bill would overturn the discriminatory legislation and affect the lives of thousands of children abroad and inside Iran – especially Iranian children with fathers from the large community of Afghan refugees and migrants living in the Islamic republic.

‘Iranian rights activists have been campaigning for years to abolish the law, under which only Iranian men can pass their nationality to spouses or children.’¹⁷⁴

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21.2 Statelessness

21.2.1 The USSD report for 2017 stated that:

‘Due to documentation restraints, there are no accurate numbers on how many stateless persons reside in the country. Stateless persons include those without birth documents or refugee identification cards. They are subjected to inconsistent government policies and rely on charities, principally domestic, to provide medical care and schooling. Authorities prohibited stateless persons from receiving formal government support or travel documents.’¹⁷⁵

21.2.2 ACCORD’s COI compilation on Iran, dated July 2018, cited the social scientist Jason Tucker and the UN Special Rapporteur that certain groups – Faili Kurds, Khavari Afghans and Balochs – are either stateless or ‘at risk’ of statelessness¹⁷⁶.

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22. Documentation

22.1 Passports

22.1.1 The 2018 DFAT report noted:

‘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.’¹⁷⁷

¹⁷⁴ Radio Free Europe/Radio Liberty, ‘Iranian Lawmakers Aim to Scrap Discriminatory Citizenship Law’, 19 July 2017, [url](#)

¹⁷⁵ USSD, 2017 human rights report (section 2d), March 2018, [url](#)

¹⁷⁶ ACCORD, Iran: COI Compilation (pp. 150, 157), July 2018, [url](#)

¹⁷⁷ Australian DFAT, Country Information Report Iran (p. 50), 7 June 2018, [url](#)

22.2 National identity cards

22.2.1 The 2018 DFAT report noted:

‘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.

‘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.’¹⁷⁸

22.3 Birth certificates (shenasnameh)

22.3.1 The 2018 DFAT report noted:

‘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.

‘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.

¹⁷⁸ Australian DFAT, Country Information Report Iran (p. 50), 7 June 2018, [url](#)

'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.'¹⁷⁹

- 22.3.2 The US Department of State Bureau of Consular Affairs noted in their section on visas that 'Birth or baptismal certificates emanating from ecclesiastic authorities of the church to which non-Moslem applicants belong are frequently of doubtful value.'¹⁸⁰

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22.4 Marriage/divorce certificates

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

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

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

'Divorces are handled by the Family Protection Court (Dadgah Hemayate Khanevadeh) of the Ministry of Justice. If the court determines that the couple cannot reside together successfully, it issues a certificate of incompatibility (madrake adame sazesheh). This document is then presented to the Marriage and Divorce Bureau (Eiarech Ommor Asnad), which issues a divorce decree.'¹⁸¹

- 22.4.2 Article 993 of the [Civil Code](#) requires the registration of temporary marriages: 'The following events must be notified to the Census Office during the proper period and in the way stipulated by special laws and regulations 1 - All births and all abortions which may occur after the 6th month from the date of conception. 2- Marriages, whether permanent or temporary'.¹⁸²

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22.5 Availability of forged documents

- 22.5.1 The 2018 DFAT report stated:

¹⁷⁹ Australian DFAT, Country Information Report Iran (pp. 49-50), 7 June 2018, [url](#)

¹⁸⁰ USSD, Visas (Identity card), [url](#)

¹⁸¹ USSD, Bureau of Consular Affairs, Visas section, [url](#)

¹⁸² Civil Code, Book 4 (p. 97), [url](#)

'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 ... The majority of forged passports sold by the forger were allegedly used to travel to Europe.'¹⁸³

22.5.2 For more information on the Iranian National Identity Card, see the [Immigration and Refugee Board of Canada response about the document](#), dated September 2013¹⁸⁴.

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

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

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

'Cases like the above are over-abundant and the foregoing was just the tip of the iceberg specially when the counterfeit document is intended to be released to an audience outside Iran (such as immigration authorities) as the forger or party standing to benefit from its release (rightly) believes that there is a greater chance of success and a reduced risk of any legal hassle. Thus, in the Iranian press, you can find everyday stories of organized gangs or one-man forgery enterprises having been dismantled and brought to trial or people found to have been practicing as a family doctor or even a specialist

¹⁸³ Australian DFAT, Country Information Report Iran (p. 50), 7 June 2018, [url](#)

¹⁸⁴ IRBC, Iran National Identity Card, 24 September 2013, [url](#)

or as a barrister or solicitor in small towns and villages but also large cities for years with subsequent discovery that they just had a secondary education diploma or even less than that or still forgers (using state- of the art technology such as sophisticated scanners and laser color printers or latest versions of such software as Photoshop or Corel Draw) having succeeded in selling off other people's properties by releasing a counterfeit title deed or a tampered power of attorney from the owner of record profiting from his residence outside Iran or his staying away from the locality ...'¹⁸⁵

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

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22.6 Penal code and penalties for forgery

22.6.1 The 2017 legal expert report noted that:

'While the law deals with forgery under Art. 754 et seq. of the Islamic Penal Code of 2013, penalising forgery and use of a forged documents as two separate counts and applying aggravated circumstances when the forger is working for a state institution, the penalty is believed to be far from dissuasive while the statute of limitations (time bar that is not applicable for hodood or qisas crimes), commuting of penalty, conditional release, pardons and amnesties (on a number of grounds such as national or religious occasions) not to speak of even suspended jail terms (in the new law in departure from the previous penal code) or replacing the sentence with alternative punishments if the perpetrator is a first offender and not a habitual criminal or still postponement of entry of a judgement not to speak of overpopulation of prisons with the resulting clear instructions to judges to minimize jail sentences... concur all to neutralize and corrode any deterrent effect that the penalties laid down under those law articles might have or exercise.'¹⁸⁶

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22.7 Procedures for checking documents in Iran

22.7.1 The 2017 legal expert report stated that:

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

'Alongside these security devices and running parallel to them, there is a whole panoply of double checking and verification measures taken by the public or private institution which serve as recipients or envisioned recipients of documents. Thus, universities recheck directly with Education Boards to

¹⁸⁵ Legal Expert Report, 31 March 2017, available at Annex A.

¹⁸⁶ Legal Expert Report, 31 March 2017, available at Annex A.

see whether high school diplomas and other credentials produced by newly enrolled students are authentic; notaries public check online (through an intranet directly linking them to Land Registry Organisations) title deeds released by vendors before proceeding to recording of closing of title; employers in both public and private sectors correspond directly with Public Conscription Organisation for confirmation of authenticity of military service discharge or exemption or call up deferment documents produced to them (as employing people with military service liability is penalized)... Even court clerks recheck personal details of barristers at the web site of the bar association to ensure that they are dealing with truly licensed attorneys.¹⁸⁷

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22.8 Key features of genuine documents

22.8.1 The 2017 legal expert report stated that:

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

¹⁸⁷ Legal Expert Report, 31 March 2017, available at annex A.

numbers) also applies to all other process including arrest warrants, summons (citations). Interim/interlocutory writs...

‘...there are no bespoke or customized rules for any municipality or jurisdiction and uniformity is the golden rule that prevails.’¹⁸⁸

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

22.8.3 See also: [Corruption](#)

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23. Healthcare and people with disabilities

23.1 Healthcare

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

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

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

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

‘Despite having a proper and elaborate system in place, Iran, however, has not been able to keep pace with the rapidly changing demographic developments. Rural areas in some parts of the country are not fully covered and health centers are inadequately equipped to meet community needs.’¹⁸⁹

23.1.2 The DFAT 2018 report stated:

‘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

¹⁸⁸ Legal Expert Report, 31 March 2017, available at Annex A.

¹⁸⁹ UNICEF, ‘Iran’s Excellent Primary Health Care System’, undated, [url](#)

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.

‘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 ... 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.’¹⁹⁰

- 23.1.3 For a synopsis of Iran’s healthcare system, see, ‘Health System in Iran’ by Associate Professor of Occupational Medicine, Dr. Ramin Mehrdad, Department of Occupational Medicine, School of Medicine, Tehran University of Medical Sciences, Tehran, Iran¹⁹¹.
- 23.1.4 For a study of the strengths and weaknesses of Iran’s Primary Health Care, see Jafar Sadegh Tabrizi, Faramarz Poursasghar & Raana Gholamzadeh Nikjoo, ‘Status of Iran’s Primary Health Care System in Terms of Health Systems Control Knobs: A Review Article’, Iran Journal of Public Health, Vol. 46, No. 9, September 2017¹⁹².

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23.2 People with disabilities

23.2.1 In August 2015 BBC News reported:

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

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

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

¹⁹⁰ Australian DFAT, Country Information Report Iran (p. 11), 7 June 2018, [url](#)

¹⁹¹ Dr Ramin Mehrdad, ‘Health System in Iran’, 2009, [url](#)

¹⁹² Jafar Sadegh Tabrizi, Faramarz Poursasghar & Raana Gholamzadeh Nikjoo, ‘Status of Iran’s Primary Health Care System’, Iran Journal of Public Health, September 2017 (pp. 1156-1166), [url](#)

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

‘In March 2015, the government allocated \$5m (£3.25m) to make Tehran's roads and pavements easier and safer for disabled people to use. Mohammad, who runs a disability support group in the city, contacted BBC Persian to say he was unimpressed with the results so far.

The Tehran Metro was recently lambasted by the head of the capital's Society for the Protection of People with Disabilities, Ali Hemmat Mahmoudnejad, for its lack of disabled access. He also criticized local train services for failing to provide lifts, designated areas on trains, and discounted tickets for passengers with disabilities.’¹⁹³

23.2.2 The USSD report for 2017 noted that:

‘The law generally prohibits discrimination by government actors against persons with disabilities but does not apply to private actors. No information was available regarding authorities’ effectiveness in enforcing the law. The law prohibits those with visual, hearing, or speech disabilities from running for seats in parliament. While the law provides for government-funded vocational education for persons with disabilities, according to domestic news reports vocational centers were only located in urban areas and unable to meet the needs of the entire population.

‘The law provides for public accessibility to government-funded buildings, and new structures appeared to comply with these standards. There were efforts to increase the access of persons with disabilities to historical sites. Government buildings that predated existing accessibility standards remained largely inaccessible, and general building accessibility for persons with disabilities remained a problem. Persons with disabilities had limited access to informational, educational, and community activities.’¹⁹⁴

23.2.3 The DFAT 2018 report stated:

‘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.

‘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

¹⁹³ BBC News, ‘Disabled push for a better life in Iran’, 29 August 2015, [url](#)

¹⁹⁴ USSD, 2017 human rights report (section 6), March 2018, [url](#)

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.¹⁹⁵

23.2.4 The State Welfare Organization allocated approximately \$6 million to improve facilities for people with disabilities starting from March 21, 2017, according to the organisation's deputy director, Hossein Nahvinejad¹⁹⁶.

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

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

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

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

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

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

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

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

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

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

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

¹⁹⁵ Australian DFAT, Country Information Report Iran (p. 11), 7 June 2018, [url](#)

¹⁹⁶ Organization for Defending Victims of Violence, '\$6 million allocated to improve life for people with disabilities', 18 September 2017, [url](#)

‘The lack of health insurance beyond basic one for persons with disabilities who do not qualify as ‘war disabled veterans’ and/or martyrs.’¹⁹⁷

23.2.6 On 20 January 2018, the Guardian Council rejected the ‘Bill for the Protection of the Rights of People with Disabilities’ that was passed by the Iranian Parliament on December 27, 2018, partly because of its Article 32, which gives people with disabilities and organisations providing services to them the power to vote in a national committee that would monitor the implementation of laws for the disabled. A representative of the Guardian Council said the council’s decision to reject the bill was supported by the Constitution, which exclusively assigns government functions to the Executive Branch¹⁹⁸.

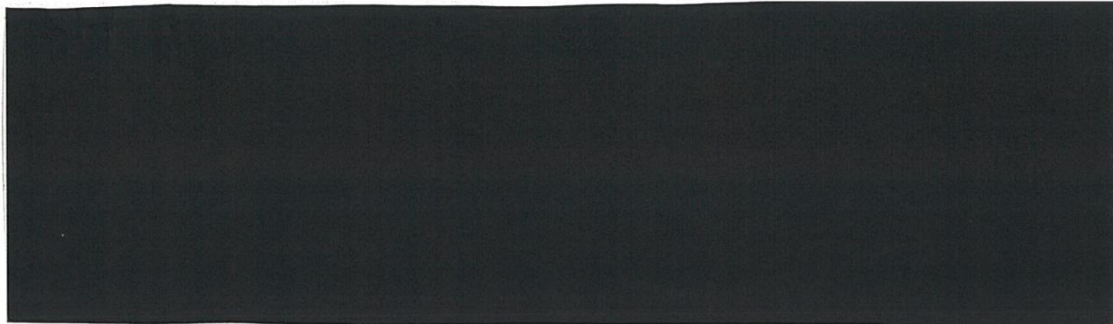
23.2.7 For information on the proposed bill, see an [article by the Center for Human Rights in Iran](#), dated 30 November 2017¹⁹⁹.

¹⁹⁷ UN Committee on the Rights of Persons with Disabilities, Concluding observations – Iran (paragraphs 12, 14, 20, 28, 30, 36 and 48), [url](#)

¹⁹⁸ CHRI, ‘Guardian Council Rejects Bill’, 2 March 2018, [url](#)

¹⁹⁹ CHRI, ‘Iran’s Parliament Should Pass Pending Disability Rights Bill’, 30 November 2017, [url](#)

Annex A: Legal expert report



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

Tehran 31 March 2017

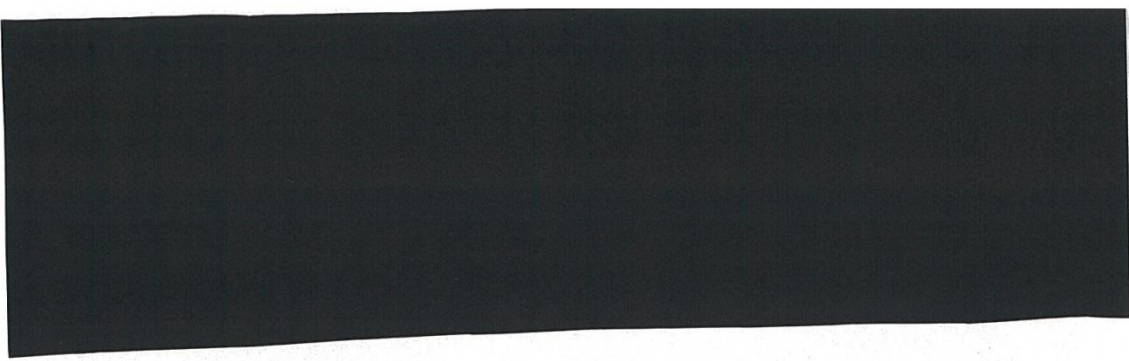
Dear Sirs,

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

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

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

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



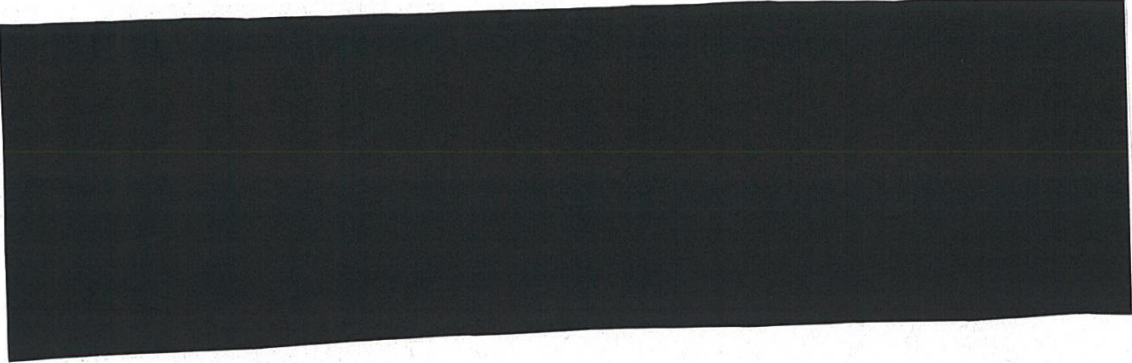
of such software s as Photoshop or Corel Draw) having succeeded in selling off other people's properties by releasing a counterfeit title deed or a tampered power of attorney from the owner of record by profiting from his residence outside Iran or his staying away from the locality (Cf. inter alia articles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

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

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

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

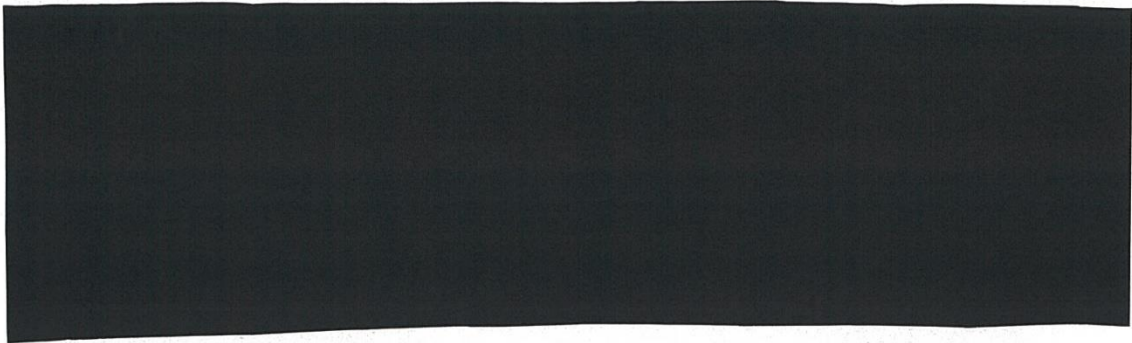
Back to the main theme of our report i.e. purported court documents released specially outside Iran and as pointed out above as historical background to the emergence or unprecedented expansion of forgery industry , the 1979 revolution and the protracted armed conflict that erupted with Iraq almost immediately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



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

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

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

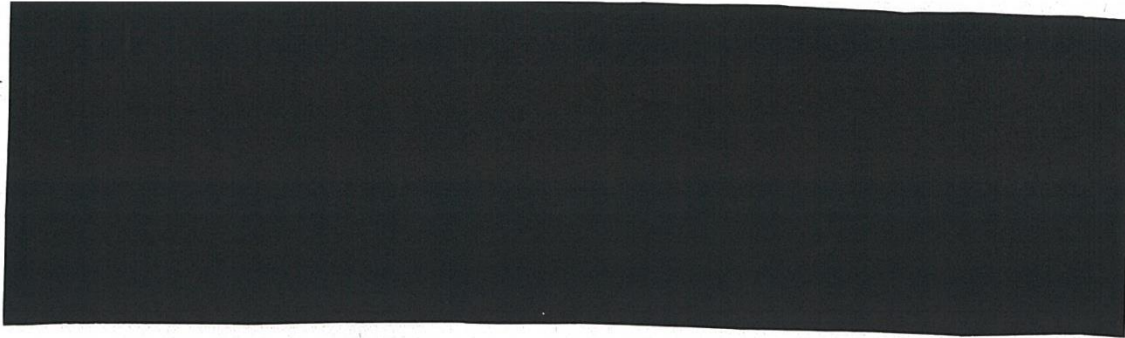


asylum authority before the fait accompli by claiming irreversibility of such public announcements and tweets while many of them did not (or still do not) have the required political awareness or consciousness and could be at best characterized , to use a defunct Marxism terminology, as *lumpenproletariat*..

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

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

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



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

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

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



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Version control

Clearance

Below is information on when this note was cleared:

- version **5.0**
- valid from **17 September 2018**

Changes from last version of this note

Updated country information, including the accepted recommendations from the Independent Advisory Group on Country Information (IAGCI).

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