



General Assembly

Distr.: General
16 July 2021

Original: English

Seventy-sixth session

Item 75 (c) of the provisional agenda*

**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs and representatives**

Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, submitted in accordance with Human Rights Council resolution [46/18](#).

* [A/76/150](#).



Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman

Summary

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submits his fourth report to the General Assembly pursuant to Human Rights Council resolution [46/18](#). In the report the Special Rapporteur details observations concerning patterns, trends and progress made in the protection of human rights, and makes recommendations to improve human rights implementation.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 46/18, in which the Council requested the Special Rapporteur to report to the General Assembly on the situation of human rights in the Islamic Republic of Iran at its seventy-sixth session. The report contains information collected up to 28 June 2021, including from the Government of the Islamic Republic of Iran, non-governmental and media organizations, and interviews with victims of human rights violations, their families and lawyers. The Special Rapporteur also draws on the relevant observations of the human rights treaty bodies, the Human Rights Council universal periodic review mechanism and the Council's special procedure mandate holders. The Special Rapporteur thanks the Government for its engagement, but regrets that it continues to deny him entry to the country. He welcomes the Government's recent submission of its latest periodic report to the Human Rights Committee. He thanks all organizations and individuals who contributed with testimonies and submissions.

2. The Special Rapporteur continues to be disturbed by the high number of death sentences and executions in the Islamic Republic of Iran, and dedicates part of the present report to that issue. He specifically highlights concerns that the death penalty is applied for crimes that are not considered among the "most serious" under international law or for conduct that should not be criminalized. He remains concerned about the continued execution of child offenders contrary to the prohibition of such executions in international law, the disproportionate application of the death penalty to minorities, the arbitrary nature of the *qisas* (retribution in kind) sentence, the practice of paying *diya* (blood money), mandatory death sentences, and fair trial issues, including the use of torture-induced confessions, which render most if not all executions in the State an arbitrary deprivation of life.

3. The Special Rapporteur also raises concerns about the recent presidential elections and their non-compliance with the State's human rights obligations, and about the continued lack of accountability for several events that had resulted in serious human rights violations, including the November 2019 protests and the downing of Ukraine Airlines flight PS752. While the release of some human rights defenders, lawyers and labour rights activists is welcomed, State targeting of such individuals continues. Reports received demonstrate ongoing discrimination against women, girls and ethnic, religious and sexual minorities. He remains concerned about the impact of sanctions, especially given the ongoing effects of the coronavirus disease (COVID-19) pandemic, but also is concerned about the inadequacy of the Government's measures to protect economic and social rights. He also remains concerned about the suppression of freedom of expression and of peaceful assembly and association.

II. Overview of the situation of human rights in the Islamic Republic of Iran

A. Elections

4. The presidential elections, held on 18 June 2021, had a voter turnout of 48.8 per cent according to official data. Approximately 12.9 per cent of the votes were invalid, reportedly cast in protest.¹ In May 2021, the Guardian Council announced 12 additional criteria for candidates, including age limits and criteria that amount to a prohibition of

¹ See www.reuters.com/world/middle-east/irans-sole-moderate-presidential-candidate-congratulates-raisi-his-victory-state-2021-06-19/.

candidates associated with the Green Movement.² The Special Rapporteur notes that these criteria added to already restrictive and discriminatory criteria established by article 115 of the Constitution. On 25 May 2021, the Guardian Council approved 7 candidates and rejected 583.³ Among the approved candidates was the current head of the judiciary, Ebrahim Raisi, who has been announced as the next president. The Special Rapporteur has raised several issues concerning the criminal justice system during Mr. Raisi's term as head of the judiciary, including executions of child offenders, the widespread use of torture and forced confessions and the arbitrary detention of civil society actors.

5. Several campaigns called for a boycott of the election due to its undemocratic nature.⁴ In May, a leaked classified letter, signed by the deputy head of the Justice Department of Tehran Province, showed that the judiciary had intended to restrict social media access to election-related posts and comments, including calls to boycott.⁵ The judiciary subsequently distanced itself from the letter, saying that the deputy head was being investigated.⁶ Reports of increased pressure on and harassment of journalists ahead of the presidential elections were received, including reports that some journalists seeking to report on Mr. Raisi's background had been summoned to appear before judicial or security authorities,⁷ as well as reports of harassment of activists who had called for a boycott. On 25 May, the judiciary confirmed that a warning had been sent to media outlets about the elections.⁸ The Government contends that, considering various challenges, the voter turnout was appropriate and that no journalists were summoned or arrested for commenting on the elections.

6. The Special Rapporteur is concerned that the necessary prerequisites for free and fair elections consistent with international standards do not exist in law or practice in the Islamic Republic of Iran. The right to take part in the conduct of public affairs, including the right to vote and to stand for election, is at the core of democratic government.⁹ The right to vote and be elected in genuine elections is intrinsically linked to other human rights. The Special Rapporteur calls for fundamental reform to ensure that the prerequisites are protected and enabled to ensure a system of governance that is based on the will of the people in line with international human rights law.

7. He notes with concern that 2021 marks the tenth year that former presidential candidates Mehdi Karrubi and Mir Hossein Mousavi, as well as Mr. Mousavi's spouse, Zahra Rahnavard, have been under house arrest, and calls for their release (see [A/HRC/WGAD/2012/30](#)).

B. Accountability

8. Impediments to accountability exist at the legal, structural and institutional levels. The Special Rapporteur notes the Government's lack of compliance with its international obligations concerning investigations into serious human rights violations; weak accountability frameworks, resulting in a climate of impunity; and

² See www.tehrantimes.com/news/460752/Guardian-Council-clarifies-criteria-for-presidential-candidates.

³ See www.reuters.com/world/middle-east/irans-khamenei-backs-barring-prominent-moderate-conservative-candidates-june-2021-05-27/.

⁴ See www.independentpersian.com/node/147366/ (in Persian).

⁵ See <https://p.dw.com/p/3tcY1>.

⁶ See www.mizan.news/0032qr (in Persian).

⁷ See www.ifj.org/media-centre/news/detail/category/press-releases/article/iran-growing-harassment-of-journalists-as-presidential-election-campaign-begins.html.

⁸ See www.mehrnews.com/news/5220208/ (in Persian).

⁹ See Human Rights Committee, general comment No. 25 (1996).

intimidation of those seeking justice. The absence of domestic remedies highlights the international community's important role in ensuring accountability for gross human rights violations in the Islamic Republic of Iran.

9. The continued impunity in relation to the disproportionate force used during the countrywide November 2019 protests, and the shooting down of Ukraine Airlines flight PS752, remains emblematic of the state of impunity. The continued harassment and targeting of families calling for justice for both events remains a deep concern.¹⁰ Noting the Government's decision to pay compensation to the families of those killed on board flight PS752, the Special Rapporteur underlines that paying compensation cannot replace proper accountability and that failing to prosecute perpetrators perpetuates impunity. The Government noted that it had initiated a criminal investigation and issued indictments against 10 individuals. It also stated that it had complied with all its related international commitments.

10. The Special Rapporteur is concerned at reported attempts by the authorities to continue to destroy evidence of past violations, including the reported mass extrajudicial executions of political dissidents in 1988.¹¹ The most recent attempt also violated the rights of members of the Baha'i religious minority. In April 2021, the authorities issued an order denying Baha'is permission to bury their dead in empty plots in Golestan Javid cemetery, the cemetery designated for Baha'is, forcing them to instead bury their dead between existing graves or at the Khavaran mass grave site.¹² The latter site is believed to contain the remains of victims of enforced disappearances and summary executions perpetrated in 1988.¹³ This order is the latest of the attempts to interfere with evidence of the executions, which have included bulldozing gravesites and the harassment of relatives, such as Maryam Akbari Monfared,¹⁴ who are seeking truth and accountability.¹⁵ The Special Rapporteur reiterates his predecessor's call that families be able to exercise the rights to remedy, to reparation and to know the truth concerning these events, including the fate of their relatives (A/HRC/37/68, para. 22). The Government must ensure that areas of concern are preserved until investigations can be undertaken. The Special Rapporteur is also alarmed that this order violates the Baha'i community's right to freedom of religion and belief. It is one of many occasions where Baha'i cemeteries have been desecrated or where burial rituals have been restricted.¹⁶

Excessive force

11. The Special Rapporteur is alarmed at the high number of deaths resulting from excessive force by security, border and law enforcement officials. Investigations into such incidents are reportedly rare, resulting in widespread impunity. He is also concerned at the lack of official data about such deaths and insufficient legislation setting out the constraints for the use of force.

12. The Special Rapporteur has previously documented the use of lethal force in the context of the November 2019 protests, which led to at least 304 people confirmed killed and many more injured (A/75/213, para. 5). Subsequent reports show that those killed were shot with weapons such as machine guns, sniper rifles, shotguns and anti-riot weapons. The special anti-riot units are the only official force authorized to control

¹⁰ See www.hrw.org/news/2021/05/27/iran-ukraine-airline-victims-families-harassed-abused.

¹¹ See communication IRN 20/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25503>.

¹² See www.amnesty.org/en/latest/news/2021/04/iran-stop-destruction-of-mass-grave-site-and-allow-dignified-burials-of-persecuted-bahais/.

¹³ Ibid.

¹⁴ See www.iranhumanrights.org/2019/05/iran-release-political-prisoner-maryam-akbari-monfared/.

¹⁵ See communication IRN 15/2021.

¹⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14990&LangID=E.

protests and they are to use non-lethal riot control devices only. The Special Rapporteur reiterates his alarm that while no credible investigation into those responsible for the events of November 2019 has been undertaken, the authorities continue to prosecute individuals who participated in the protests. Reports show patterns in these cases of brief court hearings, often without a lawyer, and ill-treatment of the accused. Charges brought against protesters include *moharebeh* (taking up arms to take lives or property and to create fear in the public), which carries the death penalty, and national security charges that carry long prison sentences. The Special Rapporteur finds it unfathomable that the Government has not fulfilled its obligation under international law to conduct prompt, transparent and independent investigations into instances of excessive force and continues to prosecute individuals for exercising their right to freedom of peaceful assembly. He urges the international community to call for accountability.

13. Excessive force against Kurdish and Baluchi cross-border couriers continued. Between 1 January and 27 April 2021, at least 24 couriers were killed and a high number injured because of excessive force by border officials. This includes 10 couriers killed in Sistan va Baluchestan Province by the Islamic Revolutionary Guard Corps on 22 February 2021.¹⁷ The incident led to protests in which two people were killed and many others were seriously injured due to the excessive use of live ammunition.¹⁸ It is reported that excessive force is routinely used in anti-narcotics operations in Sistan va Baluchestan. On 10 May 2021, a 5-year-old child was reportedly fatally shot in the head by anti-narcotics police in Iranshahr.¹⁹ The Government responded that border officials did not shoot border couriers acting legally, and that judicial processes would be employed and punishments issued when use of force unintentionally caused injury or death. The Government noted that job creation in border regions was a top priority, promising around 15,000 new jobs for border couriers by the end of March 2022.

C. Arbitrary detention

Human rights defenders and lawyers

14. The Special Rapporteur remains concerned at the continued intimidation and imprisonment of human rights defenders and lawyers. The transfer of human rights defenders to distant prisons far from their families as a punishment is a concerning trend, especially given the present risk of contracting COVID-19. Sepideh Qoliyan and Atena Daemi were transferred from the women's ward in Evin Prison to remote prisons in Bushehr and Gilan Provinces on 10 and 16 March 2020, respectively.²⁰ Some individuals, such as Yasaman Aryani and Monireh Arabshahi, were transferred under false pretences.²¹ Saba Kord Afshari was transferred from Evin Prison to Qarchak Prison, where she was assaulted by prison guards on 26 January 2021.²² There are also concerns about the medical condition of her mother, Raheleh Ahmadi, who remains arbitrarily detained. Medical leave for one week was granted to

¹⁷ See www.amnesty.org/download/Documents/MDE1339642021ENGLISH.PDF, <https://kurdistanhumanrights.org/en/iran-border-forces-target-kolbars-injure-one-in-baneh/> and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26852&LangID=E.

¹⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26852&LangID=E.

¹⁹ See www.hra-news.org/2021/hranews/a-30021/ (in Persian).

²⁰ See <https://iranhumanrights.org/2021/03/iranian-courts-are-unlawfully-banishing-political-prisoners-into-prison-exile/>.

²¹ See www.iranhumanrights.org/2020/10/iran-moving-women-political-prisoners-to-jails-with-common-criminals/.

²² See www.frontlinedefenders.org/en/case/saba-kord-afshari-ends-hunger-strike.

Ms. Ahmadi on 14 March 2021, but only after an extended delay.²³ Golrokh Iraee was transferred from Qarchak Prison to Amol prison on 24 January 2021 after 43 days of interrogation in Evin Prison. On 12 April 2021, she was informed that a Tehran Revolutionary Court had sentenced her in absentia to an additional year in prison.²⁴ Reports of internal prison transfers of human rights defenders to wards with violent offenders, contrary to the Prisons Organization's own regulations, is concerning.

15. Arash Sadeghi's release on 1 May 2021, under the sentence reduction law, is welcomed.²⁵ However, many human rights defenders remained in arbitrary detention, faced new charges or were arrested in recent months. On 24 May 2021, Soheil Arabi was summoned on new charges relating to his support of political prisoners.²⁶ Narges Mohammadi, released in October 2020, received a new sentence of 30 months in prison in May 2021.²⁷ Her new conviction relates to her human rights advocacy and her claims that she had been assaulted by prison officials.²⁸ Ms. Mohammadi was also arrested with four other civil rights activists on 12 June 2021 and released the same day, after they travelled to Shiraz to support the family of Navid Afkari.²⁹

16. The Special Rapporteur welcomes the temporary release of lawyer Amirshah Davoodi in June 2021 after the Supreme Court approved a retrial request.³⁰ However, he is dismayed that other lawyers, including Nasrin Sotoudeh and Mohammad Najafi, remain imprisoned.³¹ Ms. Sotoudeh's detention continues despite her ill health³² and her previous temporary release on medical grounds.³³ The Special Rapporteur is concerned her family is also facing reprisals.³⁴ In February 2021, lawyer Reza Eslami was sentenced to seven years' imprisonment for "cooperating with a hostile State" through his participation in a law training course in Czechia.³⁵ Farzaneh Zilabi, a lawyer representing the workers' union of the Haft Tappeh Sugarcane Company, was summoned to court in May 2021, one week after the announcement that the company's privatization was to be reversed.³⁶ Ms. Zilabi was charged on national security grounds and suspended from practicing law for six months.³⁷

Dual and foreign nationals

17. The Special Rapporteur is concerned at the continued arbitrary detention of dual and foreign nationals in the Islamic Republic of Iran, including Ahmadreza Djalali, Massud Mossaheb, Kamran Ghaderi, Anoosheh Ashoori, Morad Tahbaz, Nazanin Zaghari-Ratliffe, Jamshid Sharmahd and Siamak Namazi. Baquer Namazi is reportedly not allowed to leave the country. The Special Rapporteur is especially concerned about the reported lack of access or obstacles to medical care. Mr. Mossaheb's health condition remains highly concerning. In addition to chronic health issues, he has suffered from

²³ See www.frontlinedefenders.org/en/case/raheleh-ahmadi-requires-medical-attention.

²⁴ See www.frontlinedefenders.org/en/case/golrokh-iraee-sentenced-absentia.

²⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27082&LangID=E.

²⁶ See www.frontlinedefenders.org/en/case/soheil-arabi-summoned-hearing-same-charge-he-has-recently-been-acquitted.

²⁷ See www.frontlinedefenders.org/en/case/narges-mohammadi-summoned-court-new-charge.

²⁸ See www.fidh.org/en/issues/human-rights-defenders/iran-sentencing-of-narges-mohammadi.

²⁹ See www.radiozamaneh.com/672759/ (in Persian).

³⁰ See www.hra-news.org/2021/hranews/a-30490/ (in Persian).

³¹ See <https://iranhumanrights.org/2021/06/zilabi-iran-human-rights-lawyers/>.

³² See <https://iranhumanrights.org/2020/09/nasrin-sotoudeh-in-hospital-condition-deteriorating-family-denied-access-and-information/>.

³³ See www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26502&LangID=E.

³⁴ See <https://iranhr.net/en/articles/4616/>.

³⁵ See www.hrw.org/blog-feed/iranian-society-under-crackdown.

³⁶ See <https://iranhr.net/en/articles/4743/>.

³⁷ See <https://iranhumanrights.org/2021/06/zilabi-iran-human-rights-lawyers/>.

shortness of breath and asthma since contracting COVID-19 in December 2020.³⁸ Prison authorities did not inform him of the medical commission's recommendation to grant him a one-month furlough and he continues to be denied medical leave. Serious concerns about the health of Mr. Ghaderi and Mr. Tahbaz have also been raised.³⁹

18. The Special Rapporteur is also concerned about Ms. Zaghari-Ratcliffe's new conviction and sentence. She was released after completion of her original arbitrary sentence on 7 March 2021. However, a Tehran Revolutionary Court sentenced her to a further year in prison and a one-year travel ban on 26 April 2021 for "propaganda against the system". The Special Rapporteur and other mandate holders raised their concerns with the Government before the decision.⁴⁰ Despite the Government's claims,⁴¹ there is concern that the decision is arbitrary, repeats accusations for which she had already been wrongfully convicted, and was ordered after an unfair trial. Ms. Zaghari-Ratcliffe remains on bail pending appeal. The Special Rapporteur is also concerned that new detentions of dual nationals have reportedly occurred during the reporting period, including against Mr. Sharmahd, whose current whereabouts are unknown.⁴² The Government is again called upon to release all arbitrarily detained dual and foreign nationals.

Prison conditions

19. Prison conditions, including overcrowding, serious infrastructure deficiencies, lack of clean water and sanitary facilities, and insufficient beds, continue to represent a serious threat to prisoners' life and health (see [A/HRC/43/61](#)). The spread of COVID-19 in prisons where there are already such deficiencies poses an additional risk,⁴³ with additional prisoner deaths from the virus occurring during the reporting period. The Government asserted that the judiciary had taken several measures in cooperation with civil society to reduce the prison population and to prevent the spread of COVID-19. It claimed that no one had died inside prison due to COVID-19, but acknowledged the death of 38 prisoners or prison staff in hospitals or treatment centres.

20. The Special Rapporteur is deeply concerned about the poor hygiene and serious lack of infrastructure at Qarchak Prison.⁴⁴ It does not have a proper sewage system, leading to a highly polluted environment. The warehouse structure lacks sufficient heating and ventilation, with testimonies describing prisoners sleeping on the floor due to insufficient beds.⁴⁵ For every 100 to 150 prisoners in a ward, there are reportedly only three or four functioning toilets. There are similar concerns regarding the extremely poor hygiene and overcrowding in Greater Tehran Central Penitentiary, where water shortages are a critical issue. The prison's water is unusable, forcing prisoners to buy water every day. The Special Rapporteur notes with concern reports of reprisals against prisoners reporting hygiene issues.

³⁸ See communication IRN 2/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25846>.

³⁹ Ibid.

⁴⁰ See communication IRN 11/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26290>.

⁴¹ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36335>.

⁴² See www.amnesty.org/en/documents/mde13/3993/2021/en/.

⁴³ See communication IRN 21/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25522>.

⁴⁴ See communication IRN 14/2021.

⁴⁵ See <https://iranhumanrights.org/2019/08/prisoners-in-irans-gharchak-prison-for-women-protest-inhumane-living-conditions/>.

21. An alarming number of prisoners, particularly political prisoners, have become critically ill because they have not received urgently needed medical care. Mohammad Nourizad continues to be detained⁴⁶ despite the conclusion of the Legal Medicine Organization that he is medically unable to serve his sentence. The Special Rapporteur has previously called for his immediate release given his arbitrary detention (A/75/213, para. 38). Civil rights activist Saeed Eghbali permanently lost the majority of his hearing in one ear after he was denied treatment for a ruptured eardrum for eight months.⁴⁷ Reports about the deteriorating health condition of political prisoner Hossein Sepanta, detained in Adelabad Prison, is also concerning. He has lost his ability to walk due to a spinal disorder, which requires constant specialized care.⁴⁸ His parole requests have been repeatedly rejected.⁴⁹ Detained journalist Reza Jelodarzadeh went on hunger strike in February and April 2021 to protest the denial of his essential multiple sclerosis medications, which has caused serious complications.⁵⁰

22. Prison deaths owing to the authorities' denial of critically needed medical care continues to raise deep concerns. Since 2003, at least 32 political prisoners have reportedly died in custody due to ill-treatment or denial of medical care.⁵¹ On 5 June 2021, political prisoner Sassan Niknafs died in Firuzabadi Hospital after displaying "declining consciousness" in prison.⁵² Niknafs was serving a five-year sentence in Greater Tehran Central Penitentiary for national security-related charges, despite the Legal Medical Organization concluding he required medical monitoring.⁵³ Behnam Mahjoubi, a Gonabadi Sufi imprisoned for his participation in a 2018 protest, was reportedly repeatedly denied medical care despite his underlying psychosocial condition and medical opinions finding he should be released. The authorities transferred Mr. Mahjoubi twice to a psychiatric hospital, where he was involuntarily given medication. On 12 February 2021, after being returned to prison, Mr. Mahjoubi was provided an unknown drug that left him in a coma. The Special Rapporteur notes the lack of transparency regarding his condition between the time of his coma and the time the authorities confirmed his death.⁵⁴

D. Rights to freedom of opinion and expression and to freedom of peaceful assembly and association

Civil society organizations

23. The Special Rapporteur is concerned about the authorities' continued interference and targeting of civil society organizations. He is seriously concerned by the 3 March 2021 decision dissolving Imam Ali's Popular Students Relief Society, in

⁴⁶ See communication IRN 9/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25263>.

⁴⁷ See www.hra-news.org/2021/hranews/a-30633/ (in Persian).

⁴⁸ See communication IRN 12/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25285>.

⁴⁹ See www.en-hrana.org/political-prisoner-hossein-sepanta-facing-ongoing-medical-negligence-in-adelabad-prison.

⁵⁰ See <https://journalismisnotacrime.com/en/wall/rezataleshianjelodarzadeh/> and www.hra-news.org/2021/hranews/a-29944/ (in Persian).

⁵¹ See <https://iranhumanrights.org/2021/06/iran-election-political-prisoners-dying-under-candidate-raisis-watch/>.

⁵² See www.iranhumanrights.org/2021/06/iran-election-political-prisoners-dying-under-candidate-raisis-watch/.

⁵³ See www.en-hrana.org/tag/sasan-niknafs.

⁵⁴ See communication IRN 6/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26041>.

a case brought by the Ministry of the Interior.⁵⁵ The dissolution represented the latest measure targeting the organization, including a discrediting campaign by State media, office closures and the arrest of its founder and board members.⁵⁶ The Special Rapporteur is particularly concerned about the accusations brought against the organization, including “insulting religious beliefs” and “questioning Islamic rulings such as *qisas*”,⁵⁷ accusations that under international human rights law cannot be the basis for any form of criminal prosecution.

Protests concerning social security and labour rights

24. The Special Rapporteur has observed restrictions on freedom of peaceful assembly and association, especially concerning individuals and groups protesting against violations of labour and social security rights. Since December 2020, retirees have held demonstrations in several cities calling for an increase in pensions and wider reforms as they face increasing difficulties in covering living costs given the rate of inflation. On 10 January 2021, demonstrations took place in 19 cities involving those who receive pensions from the State Welfare Organization.⁵⁸ On 4 April 2021, another set of protests by retirees took place in at least 20 cities across the country.⁵⁹ The Special Rapporteur is concerned that one participant, Esmail Gerami, was sentenced to prison due to his involvement in these protests. Trade union and worker protests also continued, with a reported 50 per cent increase in labour protests between March 2020 and March 2021 compared with the previous 12-month period.⁶⁰ Protests from these workers occurred across several industries, including in the transportation, oil and energy, manufacturing, education and government sectors.⁶¹

25. While workers protested several ongoing labour rights issues, including wage arrears, denial of employee protections and benefits, and unjustified dismissals, a common concern raised by workers was low wages. Despite these concerns, the Supreme Labour Council has failed to lift the minimum wage to a level that can sustain living costs. On 13 March 2021, the Council set the minimum monthly wage at 26.55 million rials (about \$630, according to the official rate), an increase of 39 per cent.⁶² However, workers and independent unions have argued that the high rate of inflation⁶³ requires the minimum wage to be five times higher.⁶⁴ The head of the officially recognized supreme association of trade unions stated that the poverty line in the Islamic Republic of Iran was closer to 100 million rials (about \$2,380, according to the official rate).⁶⁵ The Special Rapporteur is highly concerned about the continuing negative impact that low wages have on workers and retirees. While he notes the impact that sanctions have had, economic mismanagement and corruption have also contributed to the current situation. He urges the authorities to increase

⁵⁵ See <https://iranhr.net/en/articles/4656/>.

⁵⁶ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26141&LangID=E.

⁵⁷ See www.hrw.org/news/2021/03/10/iran-joint-statement-court-ordered-dissolution-prominent-charity-group.

⁵⁸ See <https://iranhumanrights.org/2021/01/suffering-iranian-retirees-joining-nationwide-protests-against-chronic-state-failures-swo/>.

⁵⁹ Radio Zamaneh, “Wage suppression of Iranian workers: a special report”, p. 4. Available at <https://en.radiozamaneh.com/labor/>.

⁶⁰ See <https://iranhumanrights.org/2021/04/labor-day-in-iran-listen-to-the-peoples-protests-for-basic-rights/>.

⁶¹ Radio Zamaneh, “Labour rights in Iran: quarterly report No. 16 – January–March 2021”, pp. 7 and 14–15. Available at <https://en.radiozamaneh.com/labor/>.

⁶² See <https://financialtribune.com/articles/domestic-economy/107889/minimum-wages-to-rise-by-39-as-of-march-21>.

⁶³ See www.mehrnews.com/news/5151108/ (in Persian).

⁶⁴ See <https://iranhumanrights.org/2021/03/irans-new-minimum-wage-falls-below-poverty-line/>.

⁶⁵ See www.tasnimnews.com/fa/news/1399/11/19/2448031/ (in Persian).

wages and pensions to ensure that incomes at least cover the right to an adequate standard of living.

26. While welcoming the release of labour rights activist Jafar Azimzadeh in April 2021,⁶⁶ it is disappointing that the authorities continue to arrest and imprison other labour rights activists. Between April 2020 and April 2021, at least 37 labour rights activists were arrested and 46 were sentenced to imprisonment or flogging.⁶⁷ The prolonged solitary confinement of Mehran Raof is especially disturbing. Islamic Revolutionary Guard Corps agents arrested the labour rights activist in October 2020, around the same time as others.⁶⁸ Until recently, he had been held in solitary confinement in Evin Prison since his arrest. He reportedly appeared in court in June 2021 on vague charges of involvement in banned political groups.⁶⁹ Ali Nejati, a labour rights activist and former worker (retired) at the Haft Tappeh Sugarcane Company who had previously been pardoned, reportedly was summoned to prison in February 2021 in order to serve a five-year prison sentence. His lawyer was informed by the judiciary that the pardon had been a “mistake”.⁷⁰ The Special Rapporteur is also concerned about the continued long-term detention of Esmail Abdi. Mr. Abdi, a teacher and labour rights activist, had reportedly been transferred from Evin Prison to Raja’i Shahr Prison on 16 March 2021 as punishment for a 13-day hunger strike he had undertaken to protest against the restrictions on his phone calls and his move to a different ward.

Freedom of expression

27. The Special Rapporteur is deeply concerned about the continued targeting of individuals by State authorities for exercising their right to freedom expression, including journalists, media workers, writers and cultural workers. In addition to facing intimidation during the elections, journalists continued to be imprisoned for their reporting. On 8 December 2020, Kayvan Samimi, a journalist and the editor of the *Iran-e Farda* magazine, began a three-year prison sentence after being convicted on charges related to his work.⁷¹ Photojournalist Nooshin Jafari was arrested on 16 February 2021 by the Islamic Revolutionary Guard Corps without prior notice to commence serving her prison sentence for national security-related charges.⁷² Previous reports suggest Ms. Jafari had been put under duress by officials in prison.⁷³ *Nor-e Azadi* magazine editor, Reza Taleshian Jelodarzadeh, was arrested on 20 January 2021 to start a three-year prison sentence.⁷⁴ The Special Rapporteur also remains concerned at reports of harassment of and threats against overseas-based Persian-language news outlet staff and their families in the Islamic Republic of Iran. Relatives of staff members of the BBC Persian service have reportedly been frequently summoned for questioning by intelligence officials. During questioning, officials asked individuals to convince their relatives to stop working for the

⁶⁶ See www.frontlinedefenders.org/en/case/jafar-azimzadeh-released-prison.

⁶⁷ See www.en-hrana.org/iranian-labor-rights-activists-and-workers-face-ongoing-rights-violations-a-statistical-look-at-the-situation-of-iranian-workers-over-the-past-year.

⁶⁸ See www.amnesty.org/download/Documents/MDE1337432021ENGLISH.pdf.

⁶⁹ See www.thenationalnews.com/world/europe/trial-of-activists-in-iran-delayed-by-10-days-over-access-to-lawyers-1.1241042.

⁷⁰ See <https://iranhumanrights.org/2021/03/traditional-new-year-furloughs-and-other-privileges-denied-to-irans-political-prisoners/>.

⁷¹ See www.ifj.org/media-centre/news/detail/category/collective-bargaining/article/iran-journalist-kayvan-samimi-starts-three-year-jail-term.html.

⁷² See <https://cpj.org/2021/02/iranian-journalist-nooshin-jafari-begins-4-year-jail-term-on-propaganda-and-insult-charges/>.

⁷³ See <https://iranhumanrights.org/2019/08/iranian-authorities-force-detained-photographer-to-threaten-activist-with-erie-voice-message/>.

⁷⁴ See <https://cpj.org/2021/02/iran-arrests-journalist-reza-taleshian-jelodarzadeh/>.

BBC Persian service, informed them of details that indicated surveillance of their relatives and intimated that their relatives could be harmed.

28. Unjustified limitations on freedom of expression and access to information online also continued. Platforms such as Telegram, Twitter and Facebook are blocked by the authorities. Draft legislation, including a bill on social media organization, a bill on requirements for preventing and countering publication of false information, news and content in cyberspace and legislation on the requirement for the publication of data and information, will, if passed, reportedly further restrict access to information on several online platforms and websites, create oversight boards that lack independence, further restrict freedom of expression online and user privacy, and remove recent minimal improvements regarding access to public information.

E. Situation of women and girls

29. The Special Rapporteur regrets that no meaningful steps have been taken to initiate gender equality reforms or to end the harassment of women rights advocates. In February 2021, the Tehran Court of Appeals upheld the sentences of lawyer Hoda Amid and sociologist Najmeh Vahedi, who were convicted for holding educational workshops related to marriage. Ms. Amid and Ms. Vahedi were sentenced to eight and seven years of imprisonment, respectively, and a two-year ban on membership in political or social groups and online and media activities. Ms. Amid was also banned from practising law for two years.⁷⁵ The Special Rapporteur notes with grave concern the continued targeting, imprisonment and intimidation of those protesting compulsory veiling, including through peaceful movements such as “Girls of Revolution Street” and “My Stealthy Freedom”. The Government asserted it had introduced measures to improve gender equality in legislation and policies.

30. The Special Rapporteur welcomes that the bill on protecting women against violence and preserving their dignity was presented to the parliament on 13 January 2021, but regrets that despite some positive initiatives, most of the deficiencies previously raised⁷⁶ remain. A draft bill on young people and protection of the family is currently being reviewed in the parliament after being returned by the Guardian Council in April 2021 for containing ambiguities. The bill would limit the already restricted sexual and reproductive rights of women and girls, and would impose severe restrictions on or prohibitions of voluntary sterilization, abortion and access to modern contraceptive goods, services and information. The Special Rapporteur calls on the authorities to withdraw the bill, and to ensure that all women have access to safe and affordable contraceptive methods, services and information consistent with their right to health. The Government affirmed that contraception and abortion services would remain accessible.

F. Situation of minorities

31. The Special Rapporteur continues to be deeply concerned at the discrimination against religious, ethnic and sexual minorities in the Islamic Republic of Iran. A concerning development is the amendment of the Islamic Penal Code in February 2021 to add articles 499bis and 500bis, which will reportedly further suppress freedom of religion and belief as well as freedom of expression, especially for religious minorities, and in particular, non-recognized minorities such as Baha'is,

⁷⁵ See www.fidh.org/en/issues/human-rights-defenders/iran-convictions-and-prison-sentences-upheld-for-najmeh-vahedi-and.

⁷⁶ See communication IRN 25/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25651>.

atheists, converts to Christianity and Gonabadi dervishes.⁷⁷ Other official attacks on religious minorities were revealed during the reporting period. Documents published in March 2021 indicate that the suppression of Baha'is and Gonabadi dervishes is official policy in Sari, Mazandaran Province. The documents contain plans by local authorities to “rigorously control the movements” of Baha'i and Gonabadi dervish residents and impose restrictions on Baha'is in education and commerce.⁷⁸ Dozens of Baha'is have also reportedly been harassed, arrested and forcibly disappeared in April and June 2021 in incidents in Shiraz and Isfahan.

32. Further incidents of official targeting of Baha'is include raids and confiscation of Baha'i-owned property. Several court decisions have resulted in the confiscation of 27 Baha'i-owned properties in Ivel village under article 49 of the Constitution, which allows the Government to confiscate what it deems “illegitimate” wealth.⁷⁹ The Special Rapporteur is also deeply concerned by reports of forced evictions in Baluch minority-populated Sistan va Baluchistan Province, especially given United Nations recommendations to halt forced evictions during the pandemic ([A/HRC/46/43](#), para. 17).

33. Minority civil society actors also continue to be targeted. In early 2021, authorities carried out a mass arrest of more than 100 Kurdish individuals, many of whom were detained in unknown locations.⁸⁰ As at 10 April 2021, at least 34 arrestees had been sentenced to imprisonment, some reportedly for as long as 26 years. Kurdish-language teacher Zara Mohammadi continues to be targeted, with an appeals court reportedly confirming a prison sentence, adjusted to five years, on national security charges on 13 February 2021.⁸¹ Another concerning case is the denial of adequate health care for Kurdish political prisoner Zeinab Jalalian, who has been in detention without furlough since her arrest in March 2008.⁸² She was transferred to four different prisons across the country over eight months in 2020 without explanation.

34. The Special Rapporteur continued to receive reports of Azerbaijani-Turk civil society actors being targeted for advocating minority rights, including Abbas Lisani and Alireza Farshi. Mr. Farshi, who was convicted and imprisoned on national security charges for peaceful activities on International Mother Language Day in 2014,⁸³ has reportedly been subjected to physical violence by authorities resulting in injuries. Despite several open requests for investigations into his mistreatment and for medical care, he has not received treatment and was transferred from Evin Prison to Fashafuyeh Prison. He is also reportedly facing new charges related to his advocacy.⁸⁴ Mr. Lisani and seven other Azerbaijani-Turk political prisoners have recently refused liquids in protest over his mistreatment, escalating a hunger strike Mr. Lisani commenced in January 2021. The strike ended on 14 June 2021 after prison authorities agreed to demands concerning medical leave and transferring prisoners convicted of violent crimes from their ward, which have not been met.

⁷⁷ See www.article19.org/resources/iran-parliament-passes-law-to-further-choke-freedoms-and-target-minorities/.

⁷⁸ See www.fidh.org/en/region/asia/iran/iran-leaked-document-reveals-plans-to-intensify-suppression-of-baha.

⁷⁹ See communication IRN 4/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25995>.

⁸⁰ See communication IRN 7/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26044>.

⁸¹ See www.iranhr.net/en/articles/4620/; and www.frontlinedefenders.org/en/case/woman-human-rights-defender-zahra-mohammadi-sentenced.

⁸² See www.amnesty.org/download/Documents/MDE1336052021ENGLISH.pdf.

⁸³ See <https://iranhumanrights.org/2021/02/non-persian-mother-languages-treated-as-national-security-threat-in-iran/>.

⁸⁴ Ibid.

35. The Special Rapporteur continues to be seriously concerned at the extent of discrimination against lesbian, gay, bisexual and transgender individuals, especially at reports of the alleged killing of a young man by relatives due to his gender identity and sexual orientation,⁸⁵ and urges the Government to end discrimination against the lesbian, gay, bisexual and transgender community.

G. Impact of the economic crisis and sanctions

36. The economic crisis, characterized by high inflation and unemployment, has detrimentally affected living conditions. The Social Security Organization Research Institute estimates that 30 per cent of the population lives in absolute poverty.⁸⁶ Unofficial data suggests the actual percentage is far higher, especially in minority-populated regions.

37. In March 2021, the Chamber of Trade Unions announced that the worsening of the COVID-19 pandemic in red-alert zones would eliminate 3 million jobs.⁸⁷ The Statistical Centre of Iran announced that by late in 2020, at least 310,000 more people had been added to the unemployed population as compared to 2019. By the third quarter of 2020, the population of economically active women had been reduced by approximately 1 million.⁸⁸ Many individuals who lost employment in home-based businesses, workshops, seasonal work and the service industry were not covered by unemployment benefits. It was also reported that municipalities used the pandemic as an opportunity to put pressure on or ban informal vendors in major cities.⁸⁹

38. The Special Rapporteur is concerned that sanctions and banking restrictions imposed by the United States of America have had an adverse effect on the health-care system, which has been exacerbated by the COVID-19 pandemic (A/HRC/46/50, para. 34). He reiterates previous calls to waive sanctions that can undermine the capacity to respond to the pandemic, in particular due to complex regulatory processes, limited access to non-sanctioned banking services and over-compliance by potentially affected third parties, which jeopardize trade in medical supplies (ibid., para. 35). The Government reasserted that sanctions had seriously restricted access to medical supplies and harmed the economy.

39. Deaths and infections related to COVID-19 remain high. Reportedly, 496 deaths on 26 April 2021 were recorded – the highest official death toll since the pandemic began.⁹⁰ At least 110 nurses have died of the virus and over 80,000 have been infected.⁹¹ In February 2021, the Government launched its COVID-19 vaccination campaign, starting with the vaccination of 34,000 medical staff countrywide.⁹² On 19 May, the national COVID-19 task force banned the Customs administration from releasing data about vaccine importation without authorization from the ministry responsible for health, to prevent the opposition from “misusing” the information.⁹³ As at 19 July 2021, only 2.7 per cent of the population had been vaccinated.⁹⁴ Reports indicate that vaccination was disrupted in several cities in mid-June due to lack of

⁸⁵ See www.amnesty.org/download/Documents/MDE1341292021ENGLISH.PDF.

⁸⁶ See www.isna.ir/news/1400031209195/ (in Persian).

⁸⁷ Radio Zamaneh, “Labour rights in Iran: annual report No. 3 – May 2020–May 2021”, p. 8. Available at <https://en.radiozamaneh.com/labor/>.

⁸⁸ Ibid., p. 7.

⁸⁹ Ibid., p. 8.

⁹⁰ See www.france24.com/en/live-news/20210610-iran-s-covid-cases-pass-three-million-mark.

⁹¹ See www.farsnews.ir/news/14000124000997/ (in Persian).

⁹² See www.irna.ir/news/84225927/ (in Persian).

⁹³ See www.tasnimnews.com/fa/news/1400/02/29/2505216/ (in Persian).

⁹⁴ See <https://ourworldindata.org/covid-vaccinations>.

supply.⁹⁵ On 14 June, the minister responsible for health announced that the authorities had given emergency approval to a domestically developed vaccine.⁹⁶ Concerns have been raised about the scientific procedure for approving this vaccine. The Special Rapporteur underlines the importance of ensuring transparency in the development, procurement and distribution of vaccines.⁹⁷

40. While welcoming the online schooling programme “Shad”, launched by the Ministry of Education to facilitate virtual learning during the COVID-19 pandemic, and the Government’s claim that it had equipped schools with necessary e-learning technology in lesser developed areas and for students in financial hardship, it is concerning that the programme remained inaccessible to 3.5 million students living in poverty or without the required technology to access the programme.⁹⁸

III. Death penalty

A. Introduction

41. One of the most disturbing human rights situations in the Islamic Republic of Iran is the excessive number of death sentences. While the marked decrease in executions since 2017 owing to amendments to the national drug laws is welcomed, the State still maintains one of the highest death penalty implementation rates globally.⁹⁹ The Special Rapporteur is disturbed that the death penalty remains applicable in child offender cases and for crimes not considered “most serious” under international human rights law. Reports of the systematic use of torture to extract forced confessions in death penalty cases, as well as the disproportionate enforcement of capital punishment against minorities, is also worrisome. In the present section, the Special Rapporteur analyses recent trends and concerns regarding the death penalty and the incompatibility of its application with the State’s international human rights obligations, and provides recommendations to help the State move towards the abolition of the death penalty.

B. Relevant international law

42. The Special Rapporteur strongly supports the abolition of the death penalty, and urges the Islamic Republic of Iran to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Until such time, article 6 of the Covenant, which the State ratified without reservations, strictly limits the application of the death penalty to only the “most serious crimes”, defined by the Human Rights Committee as crimes of extreme gravity, involving intentional killing. Even crimes serious in nature but not resulting in direct and intentional killing cannot be a basis for the death penalty.¹⁰⁰

43. The Human Rights Committee has also outlined other situations that would render the application of the death penalty an arbitrary deprivation of life, including when it is the sanction for conduct the criminalization of which is contrary to the Covenant;¹⁰¹ when a death sentence is mandatory and leaves no discretion to a judge

⁹⁵ See www.irna.ir/news/84356495/ (in Persian).

⁹⁶ See www.irna.ir/news/84366141/ (in Persian).

⁹⁷ See www.unodc.org/documents/Advocacy-Section/20-07643_Vaccines_CorruptionA4_approv2.pdf.

⁹⁸ See www.alef.ir/news/3990803001.html (in Persian).

⁹⁹ See www.amnesty.org/download/Documents/ACT5037602021ENGLISH.PDF, p. 9.

¹⁰⁰ Human Rights Committee, general comment No. 36 (2018), paras. 33 and 35.

¹⁰¹ *Ibid.*, para. 36.

in sentencing;¹⁰² when the crime it is applied for is vaguely defined;¹⁰³ when the method of execution does not respect the article 7 prohibition against torture and cruel, inhuman and degrading treatment;¹⁰⁴ when the death penalty is enforced after a process that is inconsistent with the article 14 provisions on the right to fair trial;¹⁰⁵ and when it is applied discriminatorily to certain groups.¹⁰⁶ While the Islamic Republic of Iran is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it is still bound under the Covenant by the obligation to prohibit torture and cruel, inhuman and degrading treatment.

44. The Covenant also provides that States must allow individuals sentenced to death to seek pardon or commutation. While article 6 does not prescribe a procedure and States have some discretion in spelling out the relevant procedures, the Human Rights Committee has stated that in seeking pardon the conditions for attainment of relief should be effective and not unnecessarily burdensome or discriminatory in nature or applied in an arbitrary manner. The procedures also should not afford the families of crime victims a preponderant role in determining whether the death sentence should be carried out.¹⁰⁷

45. Article 6 of the Covenant also prohibits the application of the death penalty in cases where the individual was under 18 years of age at the time that the alleged crime was committed. Article 37 (a) of the Convention on the Rights of the Child, to which the State is also bound, also prohibits executions of child offenders. Both the Human Rights Committee and the Committee on the Rights of the Child have stated that the death penalty can never be implemented against a person who committed a crime while under the age of 18, regardless of his or her age at the time of sentencing or at the time foreseen to carry out the sentence.¹⁰⁸ Both Committees have called upon the State to end child offender executions, in their concluding observations in 2011 (CCPR/C/IRN/CO/3, para. 13) and 2016 (CRC/C/IRN/CO/3-4, para. 36), with the Committee on the Rights of Child requesting such abolition as a “matter of utmost priority” (ibid.).

C. Execution trends

46. The Special Rapporteur continues to be seriously concerned at the high number of reported executions in the Islamic Republic of Iran. In 2020, of the 267 reported executions, 211 were for murder charges, 25 for drug-related offences, 15 for *moharebeh*, *efsad-e fel-arz* (spreading corruption on earth) or *baghy* (armed rebellion) and 12 for rape; one person was executed upon a sixth conviction on charges of alcohol consumption.¹⁰⁹ As at 17 June, there had been a reported 108 executions in 2021, including of six women. A reported 35 executions were on drug-related charges.¹¹⁰

47. The death penalty figures for 2020 and 2021 thus far appear consistent with the trend established after the amendment to the anti-narcotics law that came into force on 14 November 2017. The legislative change had a considerable impact in the reduction of the number of death sentences for drug offences in the country. In

¹⁰² Ibid., para. 37.

¹⁰³ Ibid., para. 38.

¹⁰⁴ Ibid., para. 40.

¹⁰⁵ Ibid., paras. 41–45.

¹⁰⁶ Ibid., para. 44.

¹⁰⁷ Ibid., para. 47.

¹⁰⁸ Ibid., para. 48; and Committee on the Rights of the Child, general comment No. 24 (2019), paras. 79–80.

¹⁰⁹ See www.iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf.

¹¹⁰ See www.iranhr.net/en/articles/4755/.

accordance with the amended law, punishments for those drug offences previously carrying the death penalty or life in prison were made subject to prison sentences and a fine, and the quantity of drugs required to impose a death sentence was increased. However, the death penalty is still applicable for various drug-related offences.

48. The Special Rapporteur notes that the reported figures of executions in recent years demonstrated the decline in executions because of these reforms, a trend he has welcomed. From 2011 to 2017, the number of reported executions ranged from 517 to 972 annually. Since the new amendments came into force, 273 executions were reported in 2018, 280 in 2019 and 267 in 2020. A decrease in drug offence-related executions led to this decline, with the figures from 2018 to 2020 ranging from 24 to 30 as opposed to between 231 and 642 from 2011 to 2017. These figures are unofficial, as the authorities do not publicly announce or record official figures. In 2020, for example, only 34 per cent of executions were announced by official sources.¹¹¹ Despite this trend, the international community has recognized that the Islamic Republic of Iran must do more to comply with its international obligations. In its most recent universal periodic review cycle, the Government received 38 death penalty-related recommendations, all of which it only “noted” rather than supported. The Special Rapporteur outlines below the alarming nature of the serious human rights violations committed by the authorities in their application of the death penalty.

D. Principle concerns

Application for crimes that are not considered “most serious”

49. The Special Rapporteur is deeply concerned that the Islamic Republic of Iran continues to apply the death penalty for crimes that are not “most serious” and therefore are arbitrary under the Covenant. There are currently over 80 offences in national law that allow the application of the death penalty. The amended Islamic Penal Code of 2013 provides for the application of the death penalty in the form of *qisas* (retribution in kind) for murder or *hudud* crimes (crimes for which punishments are mandated and fixed), including adultery, incest, rape, same-sex relations, blasphemy, armed robbery, theft and alcohol consumption (for the fourth conviction), *moharebeh*, *efsad-e fel-arz* and *baghy*, as well as for drug offences, fraud, economic crimes, prostitution and some forms of trafficking in persons. Several of these acts do not involve intentional killing and should not have the death penalty designated as a punishment.

50. In an extreme case that indicates the wide range of acts to which the death penalty can be applied, an individual was reportedly executed on 9 July 2020 in Mashhad for his sixth “offence” for consuming alcohol.¹¹² The Special Rapporteur is also disturbed that another man potentially faces the death penalty in another alcohol consumption case in Tehran after the prosecution requested such a sentence in June 2021.¹¹³

51. The crimes that fall outside of the “most serious” definition, but for which the death penalty is still most frequently applied despite the 2017 amendments, are drug related. Worryingly, in 2021, the number of individuals executed for drug-related offences already outstrips the figure for 2020. Before the end of May 2021, the State had already reportedly executed 35 individuals on drug charges,¹¹⁴ 10 more than the previous year (A/HRC/47/22, para. 5). There are additional fundamental flaws in the

¹¹¹ See www.iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf.

¹¹² See <https://iranhr.net/en/articles/4312/>.

¹¹³ See www.iranhr.net/en/articles/4774/.

¹¹⁴ See www.iranhr.net/en/articles/4755/.

anti-narcotics law and its implementation procedure. As noted, the amended law retains mandatory death sentences for a wide range of drug-related offences, contrary to the State's obligations under the Covenant. The Special Rapporteur calls upon the Government to further amend the anti-narcotics law to abolish the death penalty for all drug-related offences. The Government also needs to continue its initiatives for drug treatment and prevention as more effective mechanisms for dealing with drug addiction. The Government stated it had abolished the death penalty for 90 per cent of drug offences and strengthened pardoning mechanisms. The Special Rapporteur also calls on the authorities to remove the death penalty as punishment for all offences not amounting to intentional killing, consistent with the State's international obligations.

Criminalization inconsistent with human rights obligations

52. The Special Rapporteur is disturbed that the death penalty is applicable for conduct that should not be criminalized, notes that such application is inconsistent with the Covenant and calls for urgent reform. Under article 234 of the Islamic Penal Code, same-sex relations between men are criminalized and punishable by the death penalty; it can be inferred from article 136 that same-sex relations between women can also be punished by the death penalty in the event of a fourth "offence".¹¹⁵ Blasphemy is criminalized under article 262, which stipulates the punishment as the death penalty, while the death penalty for apostasy can be implemented by a judge under sharia law by invoking article 167 of the Constitution.¹¹⁶ According to information received, two individuals were informed that they had been sentenced to death by a Markazi Province court in April 2021 for *sab al-nabi* (swearing at the Prophet of Islam or any of the Prophets). As well as amounting to arbitrary deprivation of life, the threat of death for these acts infringes the prohibition against discrimination and the rights to freedom of opinion and expression and to religion and belief. The Human Rights Committee has made clear that the death penalty for such reasons is arbitrary,¹¹⁷ and has raised concerns with the Government that the death penalty is applied for such conduct (CCPR/C/IRN/CO/3, para. 23).

Application for vague charges

53. The Special Rapporteur is deeply concerned that vague and broadly formulated criminal offences can carry the death penalty in the Islamic Republic of Iran. These charges include *moharebeh*, *efsad-e fel-arz* and *baghy* and have been used to sentence individuals to death for participation in protests, for other forms of dissent or where there is a lack of evidence for the accusations. In 2020, at least 15 individuals were executed for *moharebeh*, *efsad-e fel-arz* or *baghy*. Between 2011 and 2019, the number of executions owing to these offences ranged from 9 to 40 annually.

54. The Special Rapporteur is particularly concerned about the vague and expansive definition of *efsad-e fel-arz* in article 286 of the Islamic Penal Code. The definition of the offence includes crimes committed on an extensive level against the physical integrity of others or against the internal or external security of the State, spreading lies, disrupting the national economic system, committing arson and destruction, disseminating poisonous, microbiological or dangerous substances, and establishing, or assisting in the establishment of, places of corruption and prostitution. As well as being overbroad and encompassing several acts that are not "most serious" crimes,

¹¹⁵ See www.iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf, pp. 25–26.

¹¹⁶ Ibid., p. 28.

¹¹⁷ Human Rights Committee, general comment No. 36, para. 36.

there is no clear definition of “crime” or “extensive”, affording judges wide discretion in the interpretation of the provision.¹¹⁸

55. An emblematic case concerns dissident and AmadNews founder Ruhollah Zam. The authorities sentenced Mr. Zam to death after convicting him of *efsad-e fel-arz* in July 2020, a decision upheld by the Supreme Court on 8 December 2020, after a trial that did not adhere to fair trial standards.¹¹⁹ The conviction and sentence relate to information shared on AmadNews considered to have helped inspire protests and which concerned the involvement of prominent officials in corruption. The Special Rapporteur repeats his strong condemnation of the execution,¹²⁰ and is deeply disturbed that it has been used to threaten and further repress freedom of expression, including of journalists. The Special Rapporteur has also repeatedly raised alarms regarding Iranian-Swedish academic Ahmadreza Djalali, who has been under constant imminent threat of execution since being convicted in 2017 of *efsad-e fel-arz*.¹²¹ While Mr. Djalali has recently been moved out of prolonged solitary confinement, he remains at risk of imminent execution and may die in prison due to life-threatening health problems.¹²² His conviction and death sentence for unsubstantiated espionage accusations followed an unfair trial and were based on a forced confession extracted through torture.¹²³

56. The Special Rapporteur has also previously raised his concerns regarding the vague charges of *baghy* and *moharabeh*. This includes the cases of Amirhossein Moradi, Mohammad Rajabi and Saeed Tamjidi,¹²⁴ who have had their retrial on *moharabeh* charges relating to their participation in November 2019 protests rescheduled three times since December 2020. Furthermore, Hedayat Abdollahpour, a Kurdish man convicted of *baghy* despite a lack of evidence and partially on a claim, denied by Mr. Abdollahpour, that he was involved in a political party, was executed in May 2020.¹²⁵ The Special Rapporteur calls on the authorities to remove the death penalty as punishment for vague and broad charges, and to further ensure that offences comply with international standards, especially in terms of clarity and precision. The Human Rights Committee has made similar recommendations (CCPR/C/IRN/CO/3, para. 12).

Execution of child offenders

57. The Special Rapporteur extensively covered the issue of executions of child offenders in a report in 2019 (A/HRC/40/67). He is dismayed that, two years on, the Government has failed to make any progress in this situation despite his and the international community’s continuous denunciation of this practice.

58. Contrary to international human rights law, the Islamic Penal Code states the death penalty is applicable to girls from the age of 9 lunar years (8.7 years) and to boys from the age of 15 lunar years (14.6 years) for *qisas* or *hudud* crimes. In the past 30 years, over 70 per cent of the executions of child offenders worldwide have reportedly been carried out in the Islamic Republic of Iran. The Special Rapporteur notes that article 91 of the Penal Code exempts children aged below 18 years from the death penalty in cases where it can be implemented if it is assessed that they do not realize the nature of the crime committed or its prohibition, or if there is

¹¹⁸ See www.iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf, pp. 26–27.

¹¹⁹ See www.amnesty.org/en/latest/news/2020/12/iran-execution-of-journalist-rouhollah-zam-a-deadly-blow-to-freedom-of-expression/.

¹²⁰ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26603&LangID=E.

¹²¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22645&LangID=E.

¹²² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26911&LangID=E.

¹²³ See www.ohchr.org/Documents/Issues/Detention/A_HRC_WGAD_2017_92.pdf.

¹²⁴ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26106&LangID=E.

¹²⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26036.

uncertainty about their full mental development, according to their age. Article 91 also stipulates that the court may ask the opinion of a forensic medicine expert or resort to any other method that it sees appropriate in order to establish whether there is full mental development. It is regrettable that the application of article 91 is at the discretion of the judge, who is not obliged to accept the forensic expert's opinion if the expert finds the accused has not obtained mental maturity. Furthermore, while there are reportedly cases where the death penalty has not been applied due to such a finding, the provision has not reduced or stopped the execution of child offenders. Over 50 child offenders have been executed since the provision was implemented.

59. During 2020, the authorities executed at least four child offenders. In addition to cases reported previously, on 31 December 2020, the authorities arbitrarily executed Mohammad Hassan Rezaiee, allegedly for the death of an individual during a group fight.¹²⁶ Mr. Rezaiee was only 16 years old at the time of alleged incident,¹²⁷ and his conviction relied on a forced confession (later retracted) elicited after he had been tortured and put in solitary confinement by the police following his arrest.¹²⁸ He was also reportedly unable to retain a lawyer to lodge a request for retrial based on article 91 of the Islamic Penal Code, and his family never received a response from the Supreme Court concerning their own request for a retrial.¹²⁹

60. While there have not yet been any executions of child offenders in 2021, the Special Rapporteur is disturbed by reports that the implementation of death sentences is imminent in certain cases, including that of Hossein Shahbazi. Mr. Shahbazi's execution date was set for 28 June 2021,¹³⁰ although reports indicate it has been temporarily halted. He is alleged to have killed an individual during a group fight when he was 17 years old, although he contends that there was no intention to injure and the death was accidental. After his arrest, Mr. Shahbazi was reportedly interrogated by the police for 11 days without access to a lawyer or his family. During this time, he was reportedly tortured into providing a forced confession,¹³¹ on which the court later based its *qisas* conviction. In June 2020, the Supreme Court confirmed his sentence even though it acknowledged he was under the age of 18 at the time.¹³² A retrial request was lodged but rejected in March 2021, with another request reportedly made recently. The Special Rapporteur, with other mandate holders, intervened through a communication dated 7 June 2021 but has not received a response. Mandate holders also issued a press release on 24 June 2021 concerning Mr. Shahbazi's imminent execution.¹³³ The Special Rapporteur urges the authorities to immediately halt this imminent execution, to commute the sentence and all sentences of the over 85 child offenders on death row, and to abolish the death penalty for child offenders.

Application of *qisas* and *diya*

61. The Special Rapporteur is concerned that the implementation of *qisas* by the authorities also results in the violation of international human rights law, rendering the application of the death penalty arbitrary. *Qisas* entails a mandatory punishment;

¹²⁶ See communication IRN 1/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25841>.

¹²⁷ Ibid.

¹²⁸ See www.amnesty.org/download/Documents/MDE1334782020ENGLISH.PDF.

¹²⁹ See communication IRN 1/2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25841>.

¹³⁰ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27203&LangID=E.

¹³¹ Ibid.

¹³² See www.amnesty.org/en/latest/news/2021/06/iran-stop-imminent-execution-of-young-man-arrested-and-tortured-at-17/.

¹³³ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27203&LangID=E.

in murder cases, the victim's next of kin may decide on the application of the death penalty should they wish to enforce *qisas*. Alternatively, the next of kin can pardon the defendant with or without accepting *diya* (financial compensation known as "blood money").

62. The Government contends that *qisas* is a private right that State institutions cannot deny or control, thereby placing decision-making for enforcing the punishment or pardoning the defendant with the victim's next of kin. However, as stated above, the Human Rights Committee has declared that families of victims should not be afforded a preponderant role in determining whether the death penalty should be carried out. Furthermore, since *qisas* entails a mandatory punishment, no consideration is given to mitigating factors such as the offender's age, the circumstances of the crime, or his or her previous character. When a pardon in exchange for *diya* has not been granted, it leads to further violations of the Covenant, as it denies the right to seek pardon or commutation from the State.

63. Further arbitrary and discriminatory features are evident in the implementation of *qisas*. Since there is no maximum amount for *diya*, the amount demanded can discriminate heavily against lower socioeconomic groups. The Special Rapporteur also notes that the uncertainty often inherent in the mediation process with the victim's family can result in considerable anguish for all parties. *Qisas* is subject to discriminatory application based on gender, age and religion. According to the Islamic Penal Code, the amount of *diya* paid as compensation for a woman is half the compensation paid for a man. Furthermore, while legislation has been amended to provide the equal application of *qisas* punishments and *diya* for the murder of Muslims and recognized religious minorities, this does not apply to members of non-recognized religions.

64. Contradictions in the application of *qisas* are also noted. Although *qisas* entails mandatory punishments, the law automatically exempts certain categories of individuals, including fathers and parental grandfathers who commit "honour crimes" against relatives, a husband who kills his wife and another man while in the act of adultery, an individual who kills a person who has committed a *hadd* offence and Muslims or followers of constitutionally recognized religions and "protected persons" who kill followers of constitutionally unrecognized religions or "non-protected persons".¹³⁴ Followers of unrecognized religions also cannot claim *diya* as next of kin if their relatives are killed. These exemptions to *qisas* exonerate or mitigate "honour killings" and encourage extrajudicial killings. It is estimated that there are between 375 and 450 "honour killings" annually in the country.

Unfair trials

65. The Special Rapporteur is also troubled that the criminal justice system relies heavily on forced confessions extracted through torture and other forms of duress to prove guilt. Article 38 of the Constitution prohibits all forms of torture and forced confession, as does article 7 of the Covenant. Article 171 of the Islamic Penal Code provides that if an accused person confesses to the commission of an offence, his or her confession shall be admissible and there is no need for further evidence, but also that courts must make the required investigations if there is contrary circumstantial or hearsay evidence. Despite these domestic provisions, there is concrete evidence that torture is widely practiced against suspects after their arrest and during pretrial phases to extract forced confessions. Individuals convicted of national security offences or political crimes and those charged with drug-related offences consistently complain of torture being used to obtain confessions. Solitary confinement is combined with torture as a technique to procure confessions, particularly in cases

¹³⁴ Islamic Penal Code, arts. 301–302 and 310.

where there is otherwise insufficient evidence against the accused. Forced confessions are also frequently recorded and broadcasted on State television.

66. In addition to other cases mentioned, the execution of Navid Afkari on 12 September 2020 owing to his involvement in protests is emblematic of these serious concerns. His execution for *qisas* and *moharebeh* was carried out despite strong evidence put before the authorities that he had been tortured into providing a forced confession.¹³⁵ State television broadcast his forced confession a week prior to his arbitrary killing.¹³⁶ Mr. Afkari's case also raised concerns regarding denial of access to a lawyer and intimidation of legal representatives, and the authorities implemented his execution without informing his family or lawyer, contrary to domestic law.¹³⁷ The Special Rapporteur is equally disturbed that Mr. Afkari's brothers, Vahid and Habib Afkari, have been held in prolonged solitary confinement since September 2020, reportedly in retaliation for asking about the fate of their brother. Both have been convicted and sentenced in relation to the same alleged incident that led to Navid Afkari's arbitrary execution, with the brothers also maintaining their innocence and submitting complaints that they had been tortured to confess. During solitary confinement, they have reportedly been beaten with sticks and cables, and subjected to death threats and threats that authorities would imprison, kill and sexually assault their relatives.¹³⁸ On 12 June, while protesting their continued confinement, members of their family were reportedly beaten by police in plainclothes, who also confiscated their telephones. Vahid Afkari's lawyers filed a request with the Supreme Court in June 2021 for a retrial.

67. The Special Rapporteur notes the lack of a system of oversight that is capable of effectively investigating torture violations.¹³⁹ He recalls that States are held to a heightened level of diligence in protecting the lives of persons in their custody and must take adequate measures to protect their lives. The Government responded that torture was prohibited under its Constitution and Penal Code, that central and provincial supervisory boards worked to ensure good performance of those laws, and that forced confessions were inadmissible. Nevertheless, the extent of concern regarding violations of the right to a fair trial in all death penalty cases raises the serious possibility that all death sentences implemented in the Islamic Republic of Iran, even for the "most serious" crimes, such as murder, may still amount to an arbitrary deprivation of life under international human rights law.

Application to minorities

68. The Special Rapporteur remains concerned at the disproportionate applicability of the death penalty to minorities. In 2020, at least 60 individuals were executed from four provinces where minorities make up the majority population, including Kurds, Baluchis and Azerbaijani-Turks, indicating that this trend is continuing. In particular, Kurdistan Province reportedly had the highest per capita number of executions.¹⁴⁰ Ethnic minorities are particularly disproportionately targeted for death sentences relating to alleged involvement in political groups. Between 2010 and 2020, of the 129 people reportedly executed for such affiliations, 53 per cent were Kurdish, 26 per cent were Baluchi and 13 per cent were Arab.¹⁴¹ The Special Rapporteur also notes

¹³⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26231&LangID=E.

¹³⁶ See www.amnesty.org/en/latest/news/2020/09/iran-wrestling-champion-navid-afkari-feared-at-risk-of-imminent-secret-execution/.

¹³⁷ See communication IRN 22/2020. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25566>.

¹³⁸ See www.amnesty.org/download/Documents/MDE1343492021ENGLISH.PDF.

¹³⁹ See www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF.

¹⁴⁰ See www.iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf, p. 85.

¹⁴¹ *Ibid.*, p. 86.

that these figures are likely underestimates, given that the official acknowledgement of executions of minority prisoners is less (only 21 per cent in 2020) and owing to minority prisoners often being executed outside their home province.¹⁴²

69. The Special Rapporteur is alarmed about the implementation of the death penalty against minorities; the high number of recent executions of Baluchi prisoners is emblematic of such implementation. Between 1 December 2020 and 12 June 2021, at least 35 Baluchis on death row were executed after unfair trials that included forced confessions. The Special Rapporteur, alongside other experts, raised serious concerns about the execution of Javid Dehghan, a member of the Baluchi minority convicted of *moharabeh*, who was reportedly forcibly disappeared and tortured to confess.¹⁴³ The Special Rapporteur reiterates his fears concerning the disproportionate application of the death penalty to minorities by the authorities, and calls on the authorities to ensure that it is not discriminatorily applied.

IV. Recommendations

Death penalty

70. **The Special Rapporteur recommends that the authorities of the Islamic Republic of Iran immediately abolish by legislation the death penalty for all offences. Pending abolition, he recommends that the authorities:**

- (a) **Impose an immediate moratorium on executions and commute all death sentences;**
- (b) **Urgently amend legislation to prohibit the execution of persons who committed a crime while below the age of 18 years and urgently amend legislation to commute all death sentences for child offenders on death row;**
- (c) **Abolish the death penalty for offences that do not amount to the “most serious crimes” within international human rights law;**
- (d) **Make fundamental reforms to the criminal justice system through the replacement of the *diya* system with State-administered custodial sentences for convicted defendants fully in accordance with international human rights law;**
- (e) **Immediately end mandatory death sentences and secret and public executions, and remove stoning as a punishment from the Islamic Penal Code;**
- (f) **Ensure that legislation provides a clear definition for all criminal offences that are punishable by death;**
- (g) **Repeal all laws that exonerate “honour killings” or encourage extrajudicial killings;**
- (h) **Publish comprehensive statistics regarding the number of death sentences implemented annually, disaggregated by ethnicity, religion, gender, age and criminal charge;**
- (i) **Withdraw the general reservation to the Convention on the Rights of the Child;**
- (j) **Ensure that all persons accused of any crime have access to a lawyer of their choosing during all stages of the judicial process and are provided with legal aid as needed;**

¹⁴² Ibid., p. 85

¹⁴³ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E.

(k) Repeal laws authorizing the use of torture and ill-treatment as a form of punishment; establish mechanisms for investigating claims of torture and deaths in detention consistent with international standards; end the use of torture-induced confessions as the basis for convictions and death sentences; and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(l) Ensure that everyone sentenced to death has the right to seek pardon or commutation of sentences from the State.

Other human rights issues

71. The Special Rapporteur recommends that the authorities of the Islamic Republic of Iran:

(a) Ensure that human rights defenders, including women human rights defenders, lawyers, journalists and dual and foreign nationals, as well as their families, are not threatened with or subjected to intimidation, harassment, arbitrary arrest, deprivation of liberty or life or other arbitrary sanctions; release all those detained in connection with their work; and extend the policy for the temporary release of prisoners in the context of COVID-19 to those individuals, as well as other detainees who pose no threat to public safety;

(b) Conduct an independent, impartial and transparent inquiry consistent with international standards concerning the use of excessive and lethal force by security forces during the November 2019 protests, and hold accountable all perpetrators of human rights violations committed during those protests and ensure accountability for other events and incidents amounting to serious violations of human rights;

(c) Ensure that all individuals arrested for the exercise of their rights to freedom of opinion and expression and to freedom of peaceful assembly and association are released and that the detaining authorities promptly report the whereabouts and situation of detainees to their families;

(d) Ensure that the rights to freedom of opinion and expression and to freedom of peaceful assembly and association are respected in law and in practice, and in particular that any limitation to these rights is in accordance with the criteria for permissible restrictions under international law;

(e) Recognize independent trade unions and ratify all fundamental International Labour Organization conventions;

(f) Eliminate in legislation and in practice all forms of discrimination and other violations against women and girls; consistent with international standards, take all steps necessary to advance their equal participation in public life; ensure that the rights of women human rights defenders are protected; and ratify the Convention on the Elimination of All Forms of Discrimination against Women;

(g) Protect the rights of all persons belonging to ethnic, religious and sexual minorities; eliminate all forms of discrimination against them and release all those imprisoned for exercising their right to freedom of religion or belief, for exercising their right to enjoy their own culture or for using their language;

(h) Take all measures necessary to mitigate the effects of sanctions, meet the Government's economic and social rights obligations, including concerning the protection of vulnerable groups, and establish transparent financial mechanisms to ensure that trade in medicines and other essential humanitarian items continues;

(i) **Make substantial investments in all prisons to reduce overcrowding and improve hygiene, and ensure prisoners receive prompt access to medical treatment, especially during the COVID-19 pandemic;**

(j) **Continue to engage with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by permitting the Special Rapporteur country visits to the Islamic Republic of Iran.**

72. **The Special Rapporteur urges States imposing sanctions on the Islamic Republic of Iran to ensure that measures such as humanitarian exemptions are given broad and practical effect and are promptly and effectively implemented in order to minimize the adverse consequences of sanctions on human rights, especially during the COVID-19 pandemic.**
