

Special Rapporteur on violence against women, its causes and consequences
E/CN.4/2006/61/Add.3 para.72 (d)

Full recommendation:

With a view to the adoption and observation of international human rights standards the Special Rapporteur recommends that the Government: (d) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and protect women victims of trafficking, ensure accountability of the traffickers and provide compensation to the victims.

Assessment using Impact Iran human rights indicators¹

A. The Special Rapporteur recommends that the Government ratifies the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

As of February 2021, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime has not been ratified nor have steps been taken towards its ratification by the Islamic Republic of Iran.

B. The Special Rapporteur recommends the Government protects women victims of trafficking and ensures accountability of the traffickers and provide compensation to the victims

Since 2004, the Islamic Republic of Iran criminalises the trafficking in persons by means of the threat or use of force or coercion, abuse of power, abuse of a victim's position of vulnerability for purposes of prostitution, slavery or forced marriage.² The Iranian judiciary has drafted a bill to amend this piece of legislation which, as of February 2021, is under the parliament's review. The draft bill includes higher penalties for crimes of human trafficking involving children, adolescents, women, persons with disabilities, victims of floods and earthquakes, or for cases where the offender is the legal guardian of the child victim.³ The bill that is currently under

¹ CCPR.8.1.S.1; CCPR.8.3.S.1; CCPR.8.1.P.1; CCPR.8.1.P.2; CCPR.8.3.P.1; CCPR.8.1.O.1; CCPR.8.3.O.1

² <https://rc.majlis.ir/fa/law/show/94178>

³ <http://cabinetoffice.ir/fa/print/4997>

review exempts women, children, and adolescents, who have been trafficked by their husbands or legal guardian and illegally crossed borders, from criminal liability.⁴

The guidelines adopted by the Iranian judiciary entitled “How NGOs could engage and collaborate with the judiciary”, provide for the cooperation of public institutions with civil society in “identifying and collecting evidence related to individuals, groups, and institutions involved in trafficking in women and children.”⁵ However, there is no readily available information that would enable a comprehensive assessment of such cooperation, nor on the institutions’ performance in implementing the law.

The current draft of the amendment to the law on human trafficking does not resolve the conflation of the crimes of human trafficking and human smuggling under Iranian law. Instead, it limits human smuggling for the purposes of exploitation listed in the law. It also excludes other acts of human smuggling, as well as of human trafficking, such as organ trafficking. Additionally, it does not solve the problem of the absence of an independent mechanism that is able to monitor acts of human trafficking and receive complaints from victims in the Islamic Republic of Iran.

There are no national procedures or measures to proactively identify victims of trafficking in the Islamic Republic of Iran. Additionally, while the State Welfare Organisation of the Islamic Republic of Iran provides some level of protection to victims of abuse, it does not offer specialised protection services to victims of all forms of trafficking, including shelter and medical, psycho-social, and legal assistance.

Women victims of human trafficking face serious difficulties accessing justice in the Islamic Republic of Iran. One of the reasons for this is that a woman’s legal testimony is only given half the weight of that of a man. Furthermore, women victims of sexual abuse, including victims of sex trafficking, may face prosecution for act of adultery, which is defined as sexual relationships outside of marriage under the Islamic Penal Code.

Despite the existence of several means and mechanisms with complaints procedures regarding the violation of rights, such as the Judge’s Disciplinary Court, the Parliament’s Article 90 Commission and, any appeals court including the Supreme Court, there is little evidence to suggest that complaints are properly analysed and adjudicated. There is no specific procedure to report crimes of human trafficking in the Islamic Republic of Iran. Additionally, Iran does not make comprehensive statistics, with regards to human trafficking, readily available. However, reports suggest that it occurs and that women and children are one of the main victims.⁶ Articles published in the Iranian police’s magazine acknowledge this fact.⁷ There is no readily available

⁴ <http://cabinetoffice.ir/fa/print/4997>

⁵ Article 21 of the guidelines How NGOs could engage and collaborate with the judiciary”, <https://rc.majlis.ir/fa/law/show/1459763>

⁶ <https://www.radiofarda.com/a/Trafficking-in-Persons-Report-2018-iran/29327230.html>

⁷ http://shargh.jrl.police.ir/article_95328_95254e66a74f7c5ce3e74fe16f286e21.pdf

information that might suggest that accountability of the traffickers is ensured and that victims receive compensation.

In light of the above, the Islamic Republic of Iran has not protected women victims of trafficking, has not ensured accountability of the traffickers, nor has it provided compensation to the victims.

Recommendation Status:

This recommendation has **NOT** been implemented.