

Special Rapporteur on violence against women, its causes and consequences E/CN.4/2006/61/Add.3 para 74 (g)

Full recommendation:

To prioritise the elimination of violence against women as a public policy issue and to prevent, investigate and punish all acts of violence against women, whether perpetrated by private or State actors, it is recommended that the Government:

Investigate publicly all allegations of arbitrary detention and to ensure that victims of arbitrary detention receive compensation;

Assessment using Impact Iran human rights indicators¹

Article 32 of the Constitution states that "No one may be arrested except in accordance with the law" and "In case of arrest, the subject of the accusation must be immediately notified to the accused in writing, stating the reasons, and the case file must be sent to the judicial authorities within a maximum of 24 hours." However, this principle of the constitution is constantly violated in practice.

Iranian authorities often resort to arbitrarily detaining dissidents or activists in order to repress any opposition.² Targeted groups include, but are not limited to, activists, lawyers, artists, journalists, and minorities, as well as dual and foreign³ nationals.⁴ According to human rights groups, in 2018 alone, more than 7,000 members of the aforementioned targeted groups were arrested, many arbitrarily.⁵

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Parliament's Article 90 Commission (established under Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.⁶

¹ CCPR.9.1.S.1; CCPR.9.1.S.2; CCPR.9.1.S.3; CCPR.9.2.S.1; CCPR.9.4.S.1; CCPR.9.5.S.1; CCPR.9.1.P.1; CCPR.9.2.P.2; CCPR.9.5.P.2; CCPR.9.1.O.2; CCPR.9.2.O.3; CCPR.9.4.O.1; CCPR.9.5.O.1

² Human Rights Activists in Iran (HRAI): <https://www.en-hrana.org/statements/joint-ngo-letter-support-human-rights-council-34th-resolution-human-rights-iran>

³ Human Rights Watch: <https://www.hrw.org/news/2018/09/26/iran-targeting-dual-citizens-foreigners>

⁴ Human Rights Activists in Iran (HRAI): <https://www.en-hrana.org/statements/36-human-rights-groups-call-un-pass-resolution-iran>

⁵ Amnesty International: <https://www.amnestyusa.org/press-releases/irans-year-of-shame-more-than-7000-arrested-in-chilling-crackdown-on-dissent-during-2018/>

⁶ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

There are no official public reports of any sort of judicial action taken against state officials who violate the right of a person to liberty, including women rights defenders. It is assumed that there are cases of investigations, yet information regarding these processes is seldom published. In addition, no information is available to indicate that any cases investigated by these mechanisms have resulted in compensation to the victims.

Despite the continued efforts made by international human rights organisations in preventing the arbitrary detention of citizens who exercise their fundamental rights, Iran continues to detain large numbers of civil rights activists, refusing to release them. During the year of 2018, the Working Group on Arbitrary Detention has reported at least 5 instances of arbitrary detention in Iran.⁷ This number, albeit relatively small, makes Iran the country with the second largest statistic, out of all the States analysed. In 2017, the number of new reports was similarly 5, with 18 urgent appeals (the largest number of all the countries analysed by WGAD).⁸

Recommendation Status:

This recommendation has **NOT** been implemented

⁷ UNDOCS - A/HRC/42/39 - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/216/94/PDF/G1921694.pdf?OpenElement>

⁸ UNDOCS - A/HRC/39/45 - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/196/69/PDF/G1819669.pdf?OpenElement>