

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/37/68 para 78

Full recommendation:

The Special Rapporteur urges the Government to demonstrate the political will to end the impunity of agents of the State who perpetrate violations of the human rights of individuals in the country.

Assessment using Impact Iran human rights indicators¹

The shortcomings of the Iranian legal framework leaves members of minorities in Iran without legal guarantees to fully enjoy their human rights, which is a guarantee that falls under one of Iran's international obligations. As such, the Iran legal framework grants wide impunity to agents of the State who violate the human rights of individuals in the country.^{2 3}

In 2016, the Iranian High Council for Human Rights issued a booklet entitled “Some measures taken by the Islamic Republic of Iran on demands of ethnic groups, religious minorities and sects”.⁴ The same year, President Hassan Rouhani issued a Charter on Citizens’ Rights, a government-endorsed declaration providing guidance for the implementation of the principles, norms and laws stipulated in the Constitution.⁵ In 2019, despite the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that measures have been taken to improve the situation of minorities, he said that they “do not alter the fundamentally discriminatory nature of the Constitution, legislation and Islamic Penal Code of the Islamic Republic of Iran, in particular in relation to the country’s unrecognised minority communities.”⁶

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

¹ CCPR.7.1.S.1 ; CCPR.14.1.S.2 ; CCPR.9.3.S.2 ; CCPR.9.1.S.3; CCPR.7.1.P.2 ; CCPR.14.1.P.3 ; CCPR.9.5.P.2; CCPR.7.1.O.2 ; CCPR.7.1.O.3 ; CCPR.14.1.O.5 ; CCPR.14.1.O.6 ; CCPR.14.1.O.8 ; CCPR.9.2.O.4.

² See more : Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³ See more : ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

⁴ Ibid.

⁵ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.⁷ Without mechanisms able to independently and impartially review complaints of human rights violations, perpetrators accountability is severely limited -if not made impossible.

The Supervision and Inspection Board, established under the Law on Respect for Legitimate Freedoms and Safeguarding Citizen's Rights, monitors the compliance of policies and conducts of the law and confronts those in breach. The Board's functions include submitting "the complaints it receives to the relevant bodies and pursuing the investigation until it yields an outcome"; "deploying inspection groups to the bodies"; and "preparing reports on the implementation of laws in the country and making them available to the public every three months."⁸ The Supervision and Inspection Board has also set up a database enabling victims and witnesses to submit their complaints. On occasion of its 2019 Universal Periodic Review, the Islamic Republic of Iran stated that "the prosecutors, through judges stationed in prisons as well as the Secretariat of the Protection of Citizenship Rights and provincial supervisory boards, conduct regular inspections and investigate any reports or complaints" with regard to allegations of torture.⁹ There is no readily available information that might indicate that complaints have been investigated and adjudicated either by the Board or the Secretariat in an independent and impartial manner.

Additionally, the Government of the Islamic Republic of Iran reported that the Citizenship Rights' Watch Board carries periodic inspections of prisons and detention centers. According to the government, the body has "received and handled 3,275 complaints and reports, through the complaint system, in relation with civil rights violations. Between 2015 and 2018, a number of 28,504 inspections were carried out of the prosecutors' offices, prisons and detention centers."¹⁰ There is no readily available information about the outcomes of such inspections and whether they led to the investigation of acts of torture and ill-treatment against detainees.

As a consequence, there is no readily available information that might indicate that the Islamic Republic of Iran is holding agents of the State, who are the subject of complaints handled by the aforementioned mechanisms, accountable. On the contrary, numerous NGO and OHCHR reports

⁷ 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

⁸ See Executive By-law of Article 1(15) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights.

⁹ Report of the Working Group on the Universal Periodic Review, February 2020, <https://undocs.org/en/A/HRC/43/12/Add.1>

¹⁰ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

that deplore the large-scale impunity enjoyed by agents of the State of the Islamic Republic of Iran, suggest that these mechanisms of complaints are insufficient and/or inefficient.^{11 12}

Further, the Islamic Republic of Iran lacks mechanisms to hold accountable the actions of its security and intelligence apparatus, notably the Islamic Revolutionary Guards Corps (IRGC). The IRGC as an independent security force tasked to preserve the ideals of the 1979 revolution.¹³ The IRGC now assumes an extended security and intelligence role in Iran, separate from the country's regular forces, notably through its *Basij* all-volunteer paramilitary force and the IRGC Intelligence Organization. The head of the IRGC reports directly to the Supreme Leader, thus making him in effect not accountable to either the government or the judiciary. The Supreme Leader, who appoints, dismisses and accepts resignation of the chief commander of the IRGC,¹⁴ is not accountable to any institution. Consequently, the possibility to challenge the actions of the Islamic Revolutionary Guard Corps is severely limited.

Anti-government protests that erupted in late December 2017 were met with a heavy-handed response by State forces and reportedly resulted in at least 21 deaths and hundreds of arrests.¹⁵ In November 2019, authorities violently repressed protests across the country.^{16 17} Reportedly, the death toll ranges from verified reports of 304,¹⁸ to unconfirmed reports of up to 1500 deaths,¹⁹ and the number of those injured by security forces is estimated at several thousand.²⁰ Around 7,000 persons were arrested and detained according to a spokesperson for Iran's parliamentary committee for national security and foreign policy, with trials ongoing, some resulting in long prison and death sentences.^{21 22} As of February 2021, the Islamic Republic of Iran has not

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

¹² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

¹³ Constitution of the Islamic Republic of Iran, English translation, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁴ Article 110, Constitution of the Islamic Republic of Iran, English translation, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁵ "Iran: protect constitutional right to protest", ARTICLE 19, 3 January 2018. <https://tinyurl.com/ycodj649>

¹⁶ Iran: Protests met with violent crackdown and online censorship," ARTICLE19, 19 November 2020. <https://www.article19.org/resources/iran-protests-met-with-violent-crackdown-and-online-censorship/>

¹⁷ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020. <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreed/>

¹⁸ Ibid.

¹⁹ "Special Report: Iran's leader ordered crackdown on unrest - 'Do whatever it takes to end it,'" Reuters. 23 December 2019. <https://www.reuters.com/article/us-iran-protests-specialreport/special-report-irans-leader-ordered-crackdown-on-unrest-do-whatever-it-takes-to-end-it-idUSKBN1YR0QR>

²⁰ "Iran: Details released of 304 deaths during protests six months after security forces' killing spree," Amnesty International. 20 May 2020. <https://www.amnesty.org/en/latest/news/2020/05/iran-details-released-of-304-deaths-during-protests-six-months-after-security-forces-killing-spreed/>

²¹ "November Protests; the details of the case of three prisoners who were sentenced to death," HRANA. 5 March 2020. <https://www.enhrana.org/november-protests-the-details-of-the-case-of-three-prisoners-who-were-sentenced-to-death>

²² See more: Article 19, Small Media, Human Rights Activists in Iran, Impact Iran https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42315&Lang=en

engaged in investigations, consistent with international standards, into the reported incidents that occurred during and after the 2019 November protests.²³

In light of the above, the Islamic Republic of Iran has not demonstrated the political will to end the impunity of agents of the State who violate the human rights of individuals in Iran.

Recommendation Status:

The recommendation has **NOT** been implemented.

²³ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/27/PDF/N2019027.pdf?OpenElement>