

ADVANCE QUESTIONS TO THE ISLAMIC REPUBLIC OF IRAN

DENMARK

- Will Iran ensure that all allegations of torture or other ill-treatment are investigated promptly, thoroughly and impartially and those responsible brought to justice. When will Iran take steps to end cruel, inhuman or degrading punishments such as stoning, flogging, amputation and other corporal punishment imposed as retribution? What is the reason Iran is not a party to UNCAT, and when will it take steps to do so? Does Iran intend to invite the Special Rapporteur on Torture and accommodate other outstanding visit requests?
- Which measures will the Iranian Government take to further prevent threats and systematic intimidation and discrimination against members of religious minorities?
- What steps is the Islamic Republic of Iran willing to take to ensure that trials held in special courts, including Revolutionary Courts, do not violate the international standards for fair trials?
- What reforms and measures will the Iranian Government undertake to address gender-based discrimination in the current Iranian Civil Code?

LIECHTENSTEIN

- In 1993 the UN Human Rights Committee emphasized, in its consideration of the second periodic report of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights, that recognition of a religion as a State religion should not result in any impairment of the enjoyment of any of the rights under the Covenant nor in any discrimination against adherents of other religions or non-believers, since the right to freedom of religion and belief and the prohibition of discrimination do not depend on the recognition as an official religion or belief. Measures restricting eligibility for government service to members of the predominant religion, or giving economic privileges to such persons, or imposing special restrictions on the practice of other faiths, are incompatible with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under the Covenant. In 2000 the UN Committee on the Rights of the Child (CRC), in its concluding observations on Iran's initial report under the United Nations Convention on the Rights of the Child, expressed particular concern at the situation of members of non-recognized religions, including the Bahá'is, who experience discrimination in areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities.
- The CRC recommended that Iran take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields

of civil, economic, political, social and cultural life. The Committee also recommended that the Islamic Republic of Iran make every effort to enact or rescind, where necessary, legislation to prohibit any such discrimination, and take all appropriate measures, including public education campaigns, to combat intolerance on the grounds of religion or other belief.

- What measures has the Islamic Republic of Iran taken to address these concerns and to follow up on these recommendations?
- The UN Secretary-General noted that gender-based violence in the Islamic Republic of Iran is widespread. The Special Rapporteur on violence against women, its causes and consequences highlighted in her report that this is rarely acknowledged as a serious problem by the Iranian authorities. She noted self-immolation cases linked to lack of legal protection for women victims of violence, lack of shelters, difficulty in obtaining divorce, child custody laws favouring the father and pervasive gender discrimination.
- In November 2007, the Special Rapporteur on violence against women sent a communication to the Iranian authorities regarding the family protection draft bill, allegedly reversing rights currently enjoyed by women, and reinforcing the unequal legal power of men within the family. In 2006, the Special Rapporteur had cited with concern numerous reports of women on death row, noting there were 397 women in Evin Prison, 200 of whom were sentenced for “moral crimes. In 2008, three Special Rapporteurs sent a communication regarding eight women and a man sentenced to death by stoning for adultery. In 2009, a communication was sent regarding several other such cases.
- The Special Rapporteur on violence against women recommended, inter alia, special programmes for minority women who suffer multiple discrimination; and ensuring women’s equal rights in entering marriage, during marriage and its dissolution. She also recommended that the Iranian Government enhance women’s access to justice; prioritize the elimination of violence against women as a public policy issue to prevent, investigate and punish all such acts; and promote and support the empowerment of women. In addition, the Special Rapporteur recommended ensuring that punishments do not discriminate against women and are proportionate to the offence; instituting proper investigation procedures for rape cases; ensuring victims are not subject to prosecution for adultery where unable to prove rape; and abolishing requirements that women present eyewitnesses to prove violence
- What measures has the Islamic Republic of Iran taken to address these concerns and to follow up on these recommendations?

LITHUANIA

- Lithuania would like to ask if the Government of Iran has plans to improve the existing situation regarding the religious freedoms in the country.

SWEDEN

- Sweden is deeply concerned by credible reports that torture and ill-treatment regularly have been taking place in Iranian prisons and detention centres in the aftermath of the Presidential elections in June 2009.
- Torture and ill-treatment are among the most serious violations of human rights and human dignity. According to the Universal Declaration of Human Rights no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No exceptions are permitted under international law. All countries are obligated to comply with the unconditional prohibition of all forms of torture and ill-treatment.
- What actions have been taken by the Iranian Government to investigate these abuses and hold responsible persons accountable? What actions have been undertaken to ascertain that reparation is provided to the victims of torture in Iranian detention centres and prisons? What structural reforms are planned with the view to eradicate the unacceptable practice of torture in Iran?
- Sweden has noted with deep concern the situation of persons belonging to religious communities in Iran, and in particular the detention without charges of a group of seven prominent persons belonging to the Baha'i community. These were subsequently charged and their trial commenced after 20 months of detention without having had access to proper legal representation. Sweden is deeply concerned that the ongoing discrimination of persons belonging to the Baha'i community – as well as other religious communities – is a systemic feature in the Iranian society. For example are Baha'i children discriminated in schools and denied access to higher education. Additionally, in the recent unrest in Iran at least another twelve members of the Baha'i community were arrested on grounds that they were engaged in anti-Government activities, accusations which Sweden believes are fabricated and a part of the ongoing persecution of the Baha'i community.
- Sweden recalls that freedom of thought, conscience and religion is a fundamental and undeniable right which shall be guaranteed in every circumstance, in accordance with article 18 of the International Covenant on Civil and Political Rights, which the Islamic Republic of Iran has signed and ratified.
- Sweden requests the Government of the Islamic Republic of Iran to elaborate on steps taken to respond to these reported human rights violations. What is preventing the Government from respecting the obligations as set out in Article 18, and what is the Government's planned actions to rectify the situation?
- Following the Presidential elections in June 2009, the situation regarding freedom of expression and of the press has deteriorated. Censorship of the Internet including filtering of content as well as monitoring and surveillance of bloggers, journalists and human rights defenders have increased.

- Sweden is deeply concerned with reports that people are being detained merely on the grounds of using the Internet to express themselves. At least eleven people are currently deprived of their liberty on such grounds, which is in direct contravention of Article 19 of the International Covenant on Civil and Political Rights, to which Iran is a state party.
- Sweden strongly objects to deprivation of liberty of persons for exercising their freedom of opinion and expression on the Internet. Restrictions on the freedom of expression on the Internet must be in accordance with international human rights law, as laid down in the International Covenant on Civil and Political Rights, art 19(3)
- Sweden requests the Government of the Islamic Republic of Iran to elaborate on steps taken to ensure respect for the freedom of expression, as set out in ICCPR Article 19.

UNITED KINGDOM OF GREAT BRITAIN & NORTHERN IRELAND

- Could you please elaborate further on the role civil society played in the preparation of your national report for this process, and also what the Government is doing to ensure the many NGOs in Iran enjoy the right to operate freely and without impediment?
- We welcome Iran's restatement of the constitutional rights of: recourse to the courts; right to choose legal council; presumption of innocence; respect for the dignity of arrested persons; and prohibition of torture. However, there is ongoing concern surrounding the treatment of detainees and the access of Iranian citizens to legal due process. Could you please elaborate further on what steps the Government is taking to ensure detainees are guaranteed the right to due process, and what steps are being taken to put an end to impunity and bring the perpetrators of human rights violations to justice?
- We note that violation of Arts 32(), 38() and 39() of the Constitution is liable to punishment. Does the Government agree that it is appropriate to categorise torture as a criminal offence within the Penal Code?
- Could you please clarify the Government's position on and commitment to Freedom of Expression? Could you please elaborate on how the Government intends to fulfil its international obligations and constitutional commitment to the Iranian people by clarifying the broadly defined exceptions to constitutionally guaranteed rights of expression, assembly and association and how these exceptions comply with international law as defined by the ICCPR?
- Could you please clarify Iran's position on the death penalty: in particular the use of especially inhumane techniques such as stoning; and plans to widen the scope of penal code to include a mandatory death penalty for conversion from Islam? Could you please also clarify what the Government is doing to abolish

the death penalty for those under-18 in line with its obligations under the Convention on the Rights of the Child?

- Given the rich and diverse nature of Iranian society, it is disappointing that Iran's many religious, ethnic and linguistic minorities face discrimination and inequality. Could you please elaborate on what steps the Government is taking to end discrimination and ensure that all religious and ethnic minorities are able to enjoy the human rights to which they are entitled?
- The UK welcomes Iran's stated recognition that human rights are an important, substantive, long-term and genuine matter. Could you please elaborate on plans to continue the important work undertaken to date to implement capacity-building programs for the promotion of human rights and greater access to justice in co-operation with the United Nations Development Programme from 2005-2009?
- Could you please elaborate on the existence of a national human rights institution, in accordance with the Paris principles?
