

CONFIDENTIAL

IRAN: 2006 Report: Human Rights, Democratic Development and Good Governance

I. Summary

The situation in Iran with respect to human rights, democratic development and good governance worsened in 2006 over the year previous based on, among other events: unrest among ethnic Arab, Kurdish and Azeri populations; persecution of members of religious minorities (in particular Baha'is, evangelical Christians and Sufis); continuing harassment and imprisonment, by judicial authorities, of persons expressing political, religious or social criticism or dissent; suppression of information (closure of periodicals, blocking of web sites, jamming of satellite television broadcasting); and the judicial application of "cruel and unusual" punishments, in particular flogging/lashing and executions by suspension-strangulation hanging. Overall, respect for human rights, democratic principles and good governance in Iran remains poor.

II. Overview

A. Overall Trends

1. **Political Regression.** The decline in respect for human rights in Iran parallels the ascendance of Iranian "conservative" and "neo-conservative" political forces and the retreat of the domestic "reform" movement from 2000 through 2006. In July 2005, Mahmoud Ahmadinejad, a "neo-conservative" political ideologue and religious puritan, was elected President of Iran. With Ahmadinejad's victory Iranian "neo-conservatives" and "conservatives" controlled all the theocratic regime's significant decision-making levels: Supreme Leader (Head of State), President (Executive, Administrative) and the Majlis (Parliament, Legislative). Beginning in August 2005 and throughout 2006, President Ahmadinejad purged an estimated twenty thousand civil servants appointed by the two previous presidential administrations, replacing many experienced government officials with those sharing his "neo-conservative" political/religious ideology and having backgrounds in the quasi-military **Islamic Revolutionary Guards Corps (IRGC)** and the **Basij** (people's militia controlled by the IRGC).

2. **Suppression of dissent.** During 2006 the Iranian judiciary continued to employ investigation, arrest and imprisonment to harass and silence Iranians expressing public opposition to the existing system of governance and dissenting views on political, religious and social themes. The Iranian authorities are particularly suspicious - - and closely monitor the activities - - of non-governmental organizations. Many Iranian NGOs decline both contact with foreign diplomats and donations from foreign sources for fear of arousing the ire of the Iranian authorities.

3. **Suppression of information.** Several periodicals were closed by the judicial authorities in 2006. Journalists and editors received frequent verbal warnings from Iranian officials stating what issues they could not write or publish about. The Ministry of Intelligence and Security (MOIS) has become more adept at restricting internet access to web sites and preventing web searches by Iranians. Effective electronic jamming of satellite television signals has increased in

frequency, in particular in Tehran, the capital.

s.15(1) - International s.21(1)(a)

4. Sources of Repression:

The Basij militia, whose members serve as domestic informants and enforcers, answer to the Supreme Leader, as do the hard-line clerics comprising the judiciary. Saeed Mortazavi, the infamous Public Prosecutor for Tehran, credited with imprisoning more political dissidents than any other regime official, reputedly is held in high esteem by the Supreme Leader.

s.15(1) - International s.21(1)(a)

B. Legal Context

5. Constitution: The current Constitution of the Islamic Republic of Iran was created in 1979 and amended in 1989. Among the Constitution's fourteen chapters and 177 articles, Chapter 3 (Articles 19 to 42) is devoted to the "Rights of the People." The Iranian Constitution establishes equal rights for Iranians (with no privilege based on ethnicity, tribal affiliation, complexion, race or language); equal protection of the law and "all human, political, economic, social and cultural rights" for both men and women; special protection for women; freedom of expression (except for that "detrimental to the fundamental principles of Islam or the rights of the public"); freedom of association and assembly; presumption of innocence; recourse to the legal system; and it expressly forbids the use of torture (Article 38) "for the purpose of extracting confession or acquiring information."

6. Judiciary: The Iranian judiciary ensures that Islamic laws are enforced and defines legal policy. Iran's laws are based on Sharia, derived from Islamic texts and teachings. The Iranian judicial system gives absolute power to the judge, who should be a qualified cleric. Lawyers are barely tolerated. Controlled by conservative clerics, the judiciary systematically harasses and imprisons political dissidents, intimidates elected politicians and closes opposition newspapers. The chief of the Iranian judiciary, currently Ayatollah **Mahmoud Hashemi Shahrudi**, is appointed by and reports to the Supreme Leader.

C. Political Context

7. Political Deficit: The current Iranian political system places most power in the hands of a minority of the Shia Islamic clergy, officials of security organizations and financial supporters among the "bazaari" business community. The conservative ruling class can be characterized generally as nationalist in nature and rigid in its religious, political and social views. Individuals expressing dissenting political, religious or social opinions in public are openly persecuted by elements of the Iranian regime. Many Iranian dissidents have been subjected to harassment and imprisonment instigated by the conservative, clerical judicial authorities.

s.15(1) -
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s.21(1)(a)

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8. **Performance:** The Iranian government's performance has been poor with regard to respecting and promoting human rights because it is torn between two opposed political forces: in the ascendance are "neo-conservatives" who want to promote the principles and purity of the Islamic revolution (in essence, Shia Islamic traditions, social justice and opposition to foreign, in particular Western, influences) and "conservatives", whereas the "reformers" - - who are more inclined to moderate views and who want the Iranian populace to determine the political, economic and social directions of the nation - - have suffered a precipitous decline in public popularity. "Reformers" made a small but significant recovery in the municipal elections of December 2006. The "neo-conservatives" and "conservatives" - - who now control all the levers of power within the high councils, the judiciary and the security forces - - appear determined to eliminate all public dissent expressed about political, religious, economic and social issues.

9. **Elections in 2006:** On December 15, 2006, elections were held for the Assembly of Experts and municipal councils. The Guardian Council used the results of written and oral examinations to approve a reported 181 candidates for the Assembly of Experts. On voting day there were 165 official candidates for the 86 seats. Candidates affiliated with the "pragmatic conservative" Militant Clergy Association won 68 of the seats. In the election for municipal councils 233,000 candidates - - including 5,000 women - - competed for 113,000 seats. Candidates associated with the "reform" and "pragmatic conservative" camps were far more successful than the "neo-conservatives" associated with President Ahmadinejad. The voter participation rate was about 60 per cent for both elections.

10. **Power Structure:** The theocratic **Supreme Leader** (Val-e Faqih) occupies the apex of the Iranian power structure. The current Supreme Leader is **Ayatollah Ali Khamene'i** who was chosen by the **Assembly of Experts** to succeed Ayatollah Ruhollah Khomeini upon his death in June 1989. The Supreme Leader is the ultimate decision-maker in Iran. He has direct control of the armed forces and Islamic Revolutionary Guards Corps (IRGC), the internal security forces (including the Basij people's militia) and the judiciary. It is the Supreme Leader, not the President, who decides Iran's broad policy on security, defence and foreign affairs.

11. The Supreme Leader is advised and assisted by a **Council of Guardians**, comprised of six clerics, appointed by the Supreme Leader, and six lay jurists, appointed by the chief of the judiciary and approved by the parliament (Majlis). The Council of Guardians oversees all elections and reviews all legislation to ensure compliance with the principles of Islamic Law. In recent years the Council of Guardians has rejected parliamentary bills pertaining to women's rights, family law, election reform and the prohibition of torture. The Council also vetoed the parliament's assent to ratify the Convention against Torture and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

12. An elected **Assembly of Experts**, comprising eighty-six clerics, is empowered to appoint the Supreme Leader, monitor his performance and remove him if he is judged to be "incapable of fulfilling his duties." Only clerics can join the Assembly and potential candidates are vetted by the Guardian Council. The last election for the Assembly of Experts was held in December 2006.

13. The **Expediency Council** (also known as the **Expediency Discernment Council of the System**) is an advisory body comprising thirty-four members, all appointed by the Supreme Leader. The Expediency Council has adjudicating authority in disputes over legislation between the Parliament (Majlis) and the Council of Guardians. The current Chair of the Expediency Council is **Ali Akbar Hashemi Rafsanjani**.

14. The **President** of Iran is elected every four years and can serve only two consecutive terms. Constitutionally, the President is the second-highest ranking official after the Supreme Leader. The President heads the executive branch of power and is responsible for implementing the Constitution. In practice, the President's powers are circumscribed by those of the Supreme Leader, the Council of Guardians and the Expediency Council.

15. The Iranian **Parliament (Majlis)** consists of 290 members, representing constituencies, who are elected every four years. The last Majlis election was in February 2004.

16. The **Iranian electorate** comprises some 46 million people out of the total population of 69 million. About 8 million voters were born after the 1979 revolution. The voter participation rate in the 2004 parliamentary election was 51 per cent, down from 67 per cent in the 2000 election. In the 2005 presidential election, the voter participation rate was 63 per cent in the first round and 59.6 per cent in the second round. In the December 2006 elections for municipal councils and the Assembly of Experts, the participation rate was about 60 per cent.

17. Iran's **armed forces** are composed of the **regular forces** and the **Islamic Revolutionary Guards Corps (IRGC)** which function under a joint general command. All top ranking regular force and IRGC officers are appointed by, and answer to, the Supreme Leader. The IRGC leadership has an influential presence in other government institutions and controls considerable economic interests built-up during Iran's war with Iraq (1980-88).

18. **Military expenditure:** About 12 per cent of Iran's national government expenditures are devoted to defence, compared to 6 per cent for health and 7 per cent for education. The estimated value of Iranian military expenditures in **2005** was **USA \$ 6.3 billion**. Iran's foreign military purchases are restricted because of sanctions imposed by the USA and prohibitions on military and dual-use exports enforced by many Western governments.

19. **Declared Commitment:** The Iranian government claims that it is committed to respecting and promoting human rights, but with the caveat that this must be accomplished within the parameters of Islamic principles and law. The Iranian government emphasizes the alleged "human rights hypocrisy" of Western governments, including Canada, which criticize Iran's human rights record.

20. **Degree of Cooperation:** The UN Commission on Human Rights sanctioned Special Rapporteurs on Iran from 1984 to 1992. The last Special Rapporteur, Dr. Maurice Copithorne (a Canadian), was active from 1995 to April 2002 when he made a final statement to the UNCHR. Dr. Copithorne never received permission from the Iranian government to visit Iran. At the 2002 session of the UNHCR, Iran and its allies defeated the resolution on the human rights situation in

Iran, thus ending the mandate of the Special Rapporteur.

21. In July 2002 the Government of Iran extended an open invitation for visits by UN human rights rapporteurs and working groups. The Government of Iran permitted the Working Group on Arbitrary Detention to visit Iran in February 2003. In November 2003 the Special Rapporteur on the Right to Freedom of Opinion and Expression visited Iran. The Special Rapporteur on Rights of Migrants visited Iran in February 2004. During 2005 Iran received the Special Rapporteur on Violence Against Women (January-February) and the Special Rapporteur on Adequate Housing (July). A proposed visit to Iran by the Working Group on Enforced or Involuntary Disappearances has been postponed repeatedly. Four requests by Special Rapporteurs for visits to Iran are outstanding. No UN Special Rapporteur visited Iran in 2006.

22. For more information, refer to the Iran section of the Office of the UN High Commissioner for Human Rights' web site: <http://www.ohchr.org/english/countries/ir/>

23. Prior to the 1979 revolution, the Government of Iran signed and ratified the CERD (EIF 04 January 1969); the CCPR (EIF 23 March 1976); and the CESC (EIF 03 January 1976). The post-revolutionary government ratified the CRC in July 1994 (EIF 12 August 1994). Iran signed the Rome Statute of the ICC in December 2000. Iran has not ratified the CEDAW, CAT nor the CMW. Iran has submitted a new core document (HRI/CORE/1/Add.106 - 28 January 1996) for reference by treaty bodies.

D. Canadian Interests

24. **Canadian Foreign Policy:** Since 1996, Canadian political relations with Iran have been governed by a "**controlled engagement policy**" (CEP). The Canadian government pursues limited bilateral relations because of concerns over Iran's negative human rights record, nuclear ambitions, hostility to the Middle East Peace Process (MEPP), support for terrorist organizations and Iran's role in regional affairs in Central, West and South Asia. Canada does not permit the export of military equipment and restricts the export of dual-use and nuclear equipment and technology to Iran. In May 2005, then Minister of Foreign Affairs Pierre Pettigrew announced new and greater restrictions on Canada's controlled engagement with Iran because of concern over lack of progress in prosecuting the Zahra Kazemi case.

25. Iran is a significant political, economic and military power in the Middle East (West Asia). Iran possesses about ten per cent of global petroleum reserves. Of late Iran's nuclear ambitions - - the question whether or not Iran's nuclear research and energy programme is intended to create nuclear weapons - - have dominated Iran's relations with Western countries, in particular the European Union which tried to negotiate (2003-2005), unsuccessfully, with Iran on nuclear and other issues. On December 23, 2006, the UN Security Council voted unanimously in favour of UNSC Resolution 1737 which imposed sanctions on Iran for not suspending its uranium enrichment activities as requested by the UNSC on July 31.

26. **Canadian corporations:** While overall Canadian corporate interest in Iran is modest, there is stronger interest in specific engineering and services contracts. Canadian education institutions,

principally universities, have had some success in partnering with Iranian universities. Iranian law precludes significant foreign private investment in Iran.

27. In 2005 Canadian exports of goods directly to Iran amounted to \$274.2 million while Iranian exports to Canada were valued at \$44.5 million. For 2005 Iran ranked 43rd as a country export market for Canada and 94th as a source of imports. Canada's exports to Iran in the first six months of 2006 totalled \$186.1 million, representing an increase of 114 per cent over the same period in 2005.

III. State of Internationally Recognized Rights and Freedoms

A. Civil and Political Rights

Physical Integrity and Security of the Person

28. During 2006 Iranian newspapers frequently reported, in only two or three lines, the arrests and detentions of persons who had expressed opposition or dissenting views about political, religious and social issues. These arrests are common occurrences and the number of arrests is likely greater than what is reported by Iranian newspapers. Those arrested for political reasons frequently are held without charge or trial for extended periods and denied access to their family members and legal counsel. Prisoners are subjected to psychological duress and physical torture, including beatings, particularly during the investigative phase of the pre-trial detention and in detention centres under the control of the Revolutionary Courts and the IRGC. Many prisoners are held in solitary confinement for extended periods.

29. As of mid-2006, Iran's prison population was officially 147,926. This is more than double the stated capacity (65,000) of Iran's prison system. Iran has 156 prisons for adults and 28 juvenile detention centres. Iranian prisons are notoriously overcrowded, dangerous and unsanitary. Widespread intravenous narcotics use and unprotected sexual activities among prisoners led to a high rate of HIV/AIDS which the authorities are now trying to reduce by distributing condoms and clean syringes/needles to prisoners. One-quarter of Iranian prisoners are awaiting trial. Women comprise 3.5 per cent and youths (under 19 years) 1.5 per cent of the prison population.

30. In 2006 several deaths of prisoners were reported. On July 30, Akbar Mohammadi, a student activist imprisoned since 1999, died as a result of a hunger strike in Tehran's Evin prison. On September 6, Valiollah Feyz-Mahdavi died in hospital following a hunger strike in Karaj prison.

31. In July 2006, Abdolfattah Soltani, one of the Iranian lawyers representing the Kazemi family and a founding member (with Shirin Ebadi) of the Defenders of Human Rights Centre (DHRC) in Tehran, was sentenced to five years in prison for "disclosing confidential documents" and "propaganda against the system." Soltani had been arrested in July 2005 and kept for seven months in solitary confinement in Evin Prison.

32. In the calendar year 2006, Iran officially executed some 177 persons, a significant increase above the 87 persons executed in 2005. (Amnesty International's tally was 177 executions. Agence France Presse's tally was 154.) All verified Iranian executions during 2006 were performed by hanging. Many judicial executions were performed in public. The method of hanging employed is the "cruel and unusual" suspension-strangulation type. Those persons executed were usually convicted of murder or narcotics offences, but some were killed having been convicted of political or sexual crimes.

33. Iran continues to execute persons who are minors, or who were minors at the time of committing the crime for which they were convicted, thereby contravening Article 37 (a) of the Convention on the Rights of the Child (CRC). According to Amnesty International, Iran hanged four male juveniles in 2006.

34. It is difficult to ascertain crime rates in Iran because official statistics are not published. The Farsi-language print media report a variety of criminal activities including robbery, break and enter, narcotics-dealing and smuggling, assault, rape and murder. The Islamic Republic is not immune from crime. High rates of unemployment and narcotics-addiction likely contribute to promoting criminality. Anecdotally, many Iranians are fearful of crime. Most Iranian homes have bars on at least the ground floor windows and most cars have electronic or manual anti-theft devices.

35. Iran is believed to be a world leader in traffic fatalities. The Iranian Chief of Traffic Police, in mid-2006, stated that the traffic death count for the period April 2005 to March 2006 (Iranian calendar year) was about 28,000 persons and he predicted the 2006-07 traffic death count would be around 31,000 persons. Most of the accidents result from reckless driving, badly-maintained vehicles and overcrowded roads in poor condition.

Rule of Law/Due Process

36. Application of the rule of law remains problematic in Iran. Although nominally independent, the Iranian judiciary, dominated by clerics, has repeatedly served the ends of the most conservative elements of Iran's theocratic regime by ordering the arrests and detention of reformist journalists, politicians and intellectuals and pursuing spurious cases against them. With no effective limits on the authority of the numerous judicial bodies (including public, revolutionary, military, clerical and press courts) there is wide scope for malicious prosecution and judicial persecution of dissidents and reformers. The appeals process in Iran is complicated and opaque. There is no standard of judicial procedure. Juries are not commonly used, although provision is made for them in certain types of cases such as those related to press offences. Evidence is commonly presented in camera or not at all. Arguments for the defence are frequently cut-off by the presiding judge. Lawyers for the defence are barely tolerated and do not enjoy immunity. Defence counsel themselves have been prosecuted, threatened with prosecution, or even banned from trials for attempting to defend their clients in court.

37. The past Majlis tried to define political offences and guarantee access to legal counsel for the accused in all Iranian courts, but this has been rejected repeatedly by the Council of Guardians.

Thorough reform of the judiciary, including uniform rules of procedure and sentencing, and an end to political prosecutions, is required to improve the legal process in Iran. Unfortunately, proposals for judicial reform appear unlikely to be promoted during the term of the current Majlis (2004-08).

Political/Democratic Rights and Freedoms

38. Following a more liberal period (1997-99), freedom of opinion and expression in Iran has been stunted by a periodic campaign (2000-06) against newspapers, organizations and individuals expressing public criticism or dissent toward the Iranian political system, the regime and its officials. Since September 2004 the Iranian judiciary has conducted a campaign of harassment against political dissidents, in particular those who, in the absence of liberal newspapers, expressed their views using the internet (web sites, weblogs).

39. Almost all the reformist and independent-minded newspapers which flourished in the early years of the Khatami presidency have been shut down since a campaign against them began in 2000. In 2006, the only remaining mass-circulation "liberal" newspaper, "Sharq", was shut down. Iranian newspapers (largely Farsi and a few English-language) are now dominated by those with conservative political orientation.

40. Television and radio broadcasters in Iran are state-owned and are under the influence of conservatives. While satellite dishes are technically illegal, these devices continue to proliferate in Iran. Many television channels, operated in the USA, UK and Dubai, aimed at the Iranian audience are available through satellite broadcast. In response, during 2006, the Iranian regime increased its electronic jamming of satellite signals and resumed confiscating satellite receiving dishes, in particular in Tehran, the capital.

41. Since late 2004, the Iranian authorities have become increasingly proficient at blocking public access to internet web sites and preventing search returns using certain words or phrases. Previously the internet was an important medium in which Iranians could express and communicate their dissenting views and opinions.

42. A comprehensive mid-2005 report, entitled "**Internet Filtering in Iran 2004-05**", is available at:

http://www.opennetinitiative.net/studies/iran/ONI_Country_Study_Iran.pdf

B. Economic, Social and Cultural Rights

43. Iran's GDP for 2006 is estimated at USA \$ 610 billion for a population of 69 million (official figure). Iran's economy is overly dependent on petroleum and natural gas revenues which account for 85 per cent of the value of Iran's exports. The government-controlled sector is bloated and inefficient. Iran is variously estimated to spend from USA \$ 20 to 30 billion on direct and indirect economic subsidies per year. In 2006, the Iranian government spent USA \$ 7 billion to import gasoline to meet domestic demand.

44. Iran's wealth is highly concentrated among the business and social elite. Certain families and business associates are reputed to monopolize whole sectors of the Iranian economy. Twenty per cent of Iran's population controls eighty per cent of its wealth. Economic corruption and patronage is a significant and entrenched problem in Iran. In its 2006 Corruption Transparency Index, Transparency International ranked Iran in 105th place (shared) with an index of 2.7 (in a range of 1.8 to 9.6, from most corrupt to least corrupt.)

45. More information about the levels of economic freedom in Iran can be obtained from the 2006 Index of Economic Freedom at:

<http://www.heritage.org/research/features/index/country.cfm?id=Iran>

Right to the highest attainable standard of physical and mental health:

46. Since the 1979 Revolution, Iran has made significant improvements in the fields of education, literacy and public health. Statistics regarding women's and children's health have shown steady improvement over the past decade. Iran's expenditures on public health and welfare have increased in terms of GDP in recent years, but so have military expenditures.

47. For a collection of Iranian health, welfare and education statistics refer to:

http://www.socialwatch.org/en/fichasPais/ampliado_99.html

48. **HIV/AIDS:** In 2005 Iran officially reported 12 thousand HIV-infected persons. Unofficial estimates put the number of HIV-infected Iranians to be between 60 and 70 thousand. HIV infections and AIDS cases definitely are under-reported because of the strong social stigma against high risk behaviours: intravenous narcotics use and pre-marital/extra-marital/homosexual sexual activities. Yet the Iranian government's efforts to combat HIV/AIDS has been relatively liberal for an Islamic country. Government health clinics offer free HIV testing, counselling and treatment, including the supply of retro-viral drugs. Health workers distribute condoms to prostitutes. Clean syringes/ hypodermic needles and methadone treatment programs are offered to intravenous narcotics users. The Iranian authorities also are distributing condoms and syringes/needles inside the official prison system in an attempt to curtail a severe outbreak of HIV infection in Iran's overcrowded jails.

Right to an adequate standard of living:

49. The Constitution (Articles 3 and 43) of the Islamic Republic of Iran gives the state the responsibility for the economic well-being of the nation and its citizens. According to official statistics, about fifteen per cent of the Iranian population (around 10.5 million Iranians) are impoverished. The bottom 10 per cent of the Iranian population earned 2 per cent of the national income, compared to 30 per cent of national income earned by the top 10 per cent. Some 11 per cent of Iranian families receive government assistance.

Right to Social Security

50. Iran does have a national social security system which covers government employees and those in specific occupations. Self-employed persons may insure voluntarily. There are old-age, disability and survivor benefits.

51. More information about the Iranian social security framework can be obtained from:

<http://www.ssa.gov/policy/docs/progdesc/ssptw/2002-2003/asia/iran.pdf>

Right to seek work, just and favourable conditions:

52. Unemployment and under-employment are significant social problems in Iran. In 2006 the official unemployment rate was 12.4 per cent, but the actual rate is likely much higher, around 20 to 25 per cent. The youth (15 to 29 years) unemployment rate is estimated at 30 per cent. Over 700,000 new workers enter the labour market each year while only 400,000 new jobs are created. The Iranian labour force numbers over 22 million yet there is a shortage of skilled labour.

53. There is labour unrest in Iran, principally over low or unpaid wages and job security. There is no independent trade union movement. Iranian workers have limited means to assert their interests. In the past, trade union organizers have been arrested and jailed. For example, Tehran's bus drivers have engaged in a protracted labour dispute with the Iranian authorities for several years over wages and working conditions.

54. Changes in eligibility for social assistance and exemptions for small business from application of the Labour Act have had an additional negative impact on employed and unemployed labourers. The labour law, while ostensibly favourable to employees, has had the effect of discouraging the creation of new jobs.

55. Large numbers of undocumented Afghan and other refugee workers are employed by the Iranian construction industry and find work in other dangerous or undesirable professions. These workers receive less than minimum wages and no benefit or protection from Iranian labour or social security legislation.

56. In its campaign against reformists the Iranian judiciary has banned lawyers, teachers and journalists from practising their professions for up to five years.

57. Prior to the 1979 Revolution, Iran signed and ratified the following International Labour Conventions: C.14, C.19, C.29, C.95, C.100, C.104, C.105, C.106, C.108, C.111 and C.112. In May 2002 Iran ratified C.182, the Worst Forms of Child Labour Convention (1999).

Right to education:

58. The Iranian government provides universal free primary and accessible secondary education. However, given the large number of students, low salaries for teachers and inadequate funding for facilities and materials, the quality of education available in Iran varies widely. There are special schools for privileged children. Many wealthy Iranians seek to place their children in

foreign schools. Access to post-secondary education is extremely competitive. There are places in Iranian universities for about 12 per cent of the 1.5 million students who apply each year. Students who score well in Islamic studies are favoured over others despite higher marks in other fields.

59. The Iranian authorities do not appear to have removed the requirement to list religious affiliation on university applications as was promised for 2004. Non-Islamic minority groups are discriminated against in the education sector. Baha'is are specifically banned from universities, although some Baha'is enter the university system claiming Islam as their religion. Efforts by the Iranian Baha'i community to organize its own post-secondary educational institutions have been repressed by the authorities.

60. The Iranian government subsidizes the university education of significant numbers of Iranian students abroad, many of whom never return to Iran. Iranian colleges and universities produce up to 300,000 new graduates each year for whom there are few employment opportunities within Iran.

Right to participate in the cultural life of the community (UDHR Article 27):

61. The treatment of ethnic, religious and linguistic minorities within the Islamic Republic of Iran reveals a consistent policy of assimilation or exclusion. Minority populations are expected to conform to Persian (cultural, linguistic) and Shiite (religious) norms. The Armenian, Azeri and Kurdish minority communities enjoy continued use of their own languages, including some primary education in that language. Minority communities are pressing for greater language rights in education and broadcasting. Other religious faiths in Iran are forbidden to proselytize or convert Muslims. The Baha'i faith is strictly forbidden and severely repressed. Most Baha'is in Iran cope by hiding their religious beliefs. Non-Shia Muslims, primarily Sunnis, are discriminated against. The Sunni community in Tehran continues to be denied permission to construct a mosque for their worship.

62. In 2006 the number of reports of harassment, arrests and detentions of members of the Iranian Baha'i religious community increased over 2005. Documentary evidence indicated that Iran's security forces, including the Basij militia, received orders in mid-2005 to increase their scrutiny of individual Baha'is and Baha'i community activities, likely as preparation for a future crackdown. Iranians belonging to evangelical Christian communities also faced increased official scrutiny in 2006 and some prosecutions for alleged evangelizing.

Right to development:

63. Officially, the Government of Iran has expressed the view that the international community regards the "right to development" as less important than other rights. Iran supports the right of accession of every country to international financial and monetary organizations. Iran favours international mechanisms which promote "sustainable development" and the "right to development."

C. Equality/Discrimination

Freedom from discrimination

64. The Iranian Constitution establishes equal rights for Iranians (with no privilege based on ethnicity, tribal affiliation, complexion, race or language); equal protection of the law and "all human, political, economic, social and cultural rights" for both men and women and special protection for women. Although freedom from discrimination and equal rights are assured under constitutional Articles 19 and 20, discrimination on the basis of religion and gender are endemic. Ethnic Persians receive better treatment from the Iranian government than do ethnic Armenians or Kurds; Shiite Muslims receive preferential treatment over Sunni Muslims, Christians and Jews; and men are favoured over women. Members of minority communities are required to identify themselves on governmental identity documents. Government jobs generally are reserved for Persian Shia Muslims.

Respect for minorities and their human rights and treatment of indigenous people:

65. While the Iranian Constitution explicitly recognizes several minority communities - - Armenian Christians, Jews, Zoroastrians and Assyrians - - and grants them each special representation in the Parliament (*Majlis*), other minority groups - - for example, Kurds, Azeris, Lors and Baluchis - - do not have equivalent recognition or protection. Even so, the Armenian, Jewish, Assyrian and Zoroastrian communities in Iran are all in decline. Large numbers of Armenian Christians and Iranian Jews have departed Iran in recent years. This out-migration is driven by poor economic opportunities in Iran and long-standing discrimination against these groups. Iranian Kurds, similar to their Kurdish brethren in Iraq and Turkey, agitate for greater autonomy and official respect for their language and culture. Azeris, estimated to number 13 to 15 million in Iran, also agitate for official recognition and greater cultural autonomy. The Iranian government, which is acutely sensitive to ethnic autonomist or secessionist pressures, has jailed Kurdish and Azeri figures for espousing such views.

66. During 2006 there were sporadic violent clashes between the Iranian security forces and minority group members in areas dominated by ethnic Kurds (Kermanshah and Kordestan), Azeris (East and West Azerbaijan provinces) and Arabs (Khuzestan). Commentators suggested that the violence arose from public frustration over several factors, among these: severe underdevelopment, absence of economic opportunities, prohibitions against the public use of minority languages, alienation from the central government and misbehaviour by members of the Iranian security forces.

Promotion and protection of women's human rights and gender equality:

67. Women continue to be second class citizens in Iran. The imposition of the *hijab*, the Islamic dress code for women, is only an outward expression of the control that Iran's traditional, patriarchal system imposes on women. Women comprise 12 per cent of the Iranian work-force but they do not enjoy equal legal or other rights with men. The number of Iranian women in the Parliament (*Majlis*) dropped from thirteen to eight in the 2004 election.

68. For the period 2000-03 Iranian women accounted for more than 60 per cent of university entrants. This imbalance disturbs some conservatives who believe quotas should be applied to ensure that an equal number of men and women are accepted to university.

69. The extreme inadequacies in the position of Iranian women remain. Iranian women cannot travel without the permission of their husbands, fathers or brothers. While divorce for men is easy, women must give solid grounds for divorce based on their husband's impotence or narcotics- use. Changes to the custody laws do not alter their tilt in favour of the father or grandfather over the natural mother. According to the penal code, a lone female witness is not regarded as credible and a female plaintiff's testimony is deemed invalid. This makes proof in rape cases especially difficult. If a woman cannot prove rape she makes herself liable to be charged for adultery. Blood money for women remains half the amount awarded for men. Honour killings do take place in Iran, especially in the south-east and south-west, but numbers are uncertain.

70. Domestic violence against women (and children) remains a significant but under-reported problem. Prostitution is a growing phenomena (estimates of number of women engaged in prostitution range widely from 30,000 to 300,000 or more) and 90 per cent of girls who run away from home fall into it. The incidence of legally and religiously approved temporary marriages (*sigheh*), which can last for as little as an hour, continues to increase. These marriages often represent the only socially acceptable means for a widow or divorced woman to have close relations with a man. While a married man can enter into a temporary marriage, a married woman cannot without risking a charge of adultery. Many of these marriages carry an economic benefit as the husband often provides financial assistance to his wife during or at the end of their marriage. For young couples, especially in the current economic climate, temporary marriages also provide a means to be in a legally-sanctioned relationship but to avoid the prohibitive expenses associated with a regular marriage (that is, dowries and possession of property). In Iran, single mothers head 15 per cent of families and the economic situation for female workers is certainly harsher than for males. The concept of equal pay for equal work does not exist in Iran.

Children's rights:

71. Iran has a relatively good record for the promotion of children's welfare and the protection of children's rights. Primary school enrolment is high (over 90 per cent) and about equal between boys and girls. As the health situation of Iranians has improved over the past twenty years, infant and under-five mortality rates have significantly decreased. Children suffer from impoverishment which afflicts about 40 per cent of the Iranian population. The United Nations International Children's Emergency Fund (UNICEF) works with the Iranian government on projects that promote children's health, education, poverty reduction and legal protection.

72. For more information refer to the UNICEF report on Iran at:

<http://www.unicef.org/infobycountry/iran.html>

Rights of persons with disabilities:

73. Article 29 of the Iranian Constitution recognizes the right of disabled persons to receive assistance and social security from the government. Iran has a number of laws, regulations and guidelines which address disability-related issues. Three main national organizations work with the disabled: the State Welfare Organization, the Janbazan Foundation and the Special Education Organization. Currently there is no specific body in Iran tasked with coordinating the overall activities of the various Iranian government organizations and NGOs working on disability issues.

74. The most comprehensive report (76 pages) on the situation of the disabled in Iran was published in 2004 by the International Labour Organization (ILO), entitled "**Training and Employment of People with Disabilities: Iran 2003**", in the "**Ability Asia Country Study Series**". This report is available on the internet at:

<http://www.ilo.org/public/english/region/asro/bangkok/ability/download/finaliran.pdf>

Sexual orientation:

75. There are no protections for alternate sexual orientation (gays, lesbians) in Iranian law. The Iranian penal code prohibits homosexual acts for both men and women. While the burden of evidence is high, conviction for a homosexual act can be punishable by imprisonment, lashing or execution. Homosexuality is tolerated in private whereas public acts are condemned.

Rights of migrants, internally displaced persons and refugees:

76. Iran has hosted a large population of Afghan refugees since the time of the Soviet Union's invasion of Afghanistan in 1979. After the collapse of the Taliban regime in Afghanistan in 2001 Iranian public sympathy for the Afghan refugees declined and government pressure increased on the refugees to return home. Up to two million Afghans reside illegally in Iran. In early 2006 the UN High Commissioner for Refugees recorded 920,000 Afghans as recognized refugees. Only about 10,000 Afghan refugees returned to Afghanistan during the calendar year 2006. The Iranian government is pressuring Afghan refugees to depart Iran and return to Afghanistan by suspending or charging for previously available education and medical care and revoking residence permits.

IV. Canadian Representations/Interventions:

Summary of Representations/Démarches:

77. Canadian official activity in the human rights field in 2006 was focussed largely on securing the release of Iranian-Canadian academic Ramin Jahanbegloo. [REDACTED]

s.17

s.19(1)

[REDACTED]

s.17
s.19(1)

78. [REDACTED]

s.15(1) - International s.21(1)(a)

79. In late 2006, for the fourth year in a row, Canada sponsored a resolution on the "Situation of human rights in the Islamic Republic of Iran" in the Third Committee and in the United Nations General Assembly. A motion by Iran in Third Committee to adjourn debate was defeated 75Y-77N-24A. On 22 November the Third Committee adopted the resolution, co-sponsored by 43 countries, by a vote of 70Y-48N-55A. On 19 December the UNGA approved the resolution by a vote of 75Y-50N-55A. (A "no action" motion in the UNGA was defeated 75Y-81N-24A.)

Summary of Canadian Programs and Activities:

80. Throughout 2006 the Canadian Embassy in Tehran continued to work with the diplomatic contact group on human rights, comprised of some twenty diplomats representing like-minded countries, mostly EU members states plus Australia, New Zealand, Norway, Switzerland, Japan and Canada. The contact group serves to exchange information about the human rights situation in Iran, to alert members to useful Iranian and foreign interlocutors on human rights issues, to apprise the members of human rights activities with the Iranian government or NGOs, and to formulate group efforts to promote human rights.

81. Cognizant of the repressive political environment, whenever possible the Canadian Embassy communicates with both foreign and Iranian individuals and organizations promoting human rights in Iran.

Ideas/suggestions:

s.15(1) - International s.21(1)(a)

82. [REDACTED]

83. [REDACTED]

84. [REDACTED]

s.15(1) - International s.21(1)(a)