



THE INTERNATIONAL FEDERATION OF IRANIAN REFUGEES

همبستگی - فدراسیون سراسری پناهندگان ایرانی

Human Rights Violations in Iran

The International Federation of Iranian Refugees (IFIR) would like to draw your attention to some of the more egregious human rights violations perpetrated by the Islamic Republic of Iran; human rights violations, which constitute persecution within the context of the UN Refugee Convention. The systemic and state sponsored nature of many of these abuses has generated the flight of thousands of Iranians who have been forced to leave their homes to seek refuge in a safer country, one in which they are not subject to persecution or the threat thereof. The extreme levels of political repression and state sanctioned violence in Iran have been well documented by many international human rights and refugee rights organizations, including the International Federation of Iranian Refugees, Amnesty International, etc.

Before elucidating on the various forms of persecution and the justifiable fears of those subject to the state's well-oiled machine of social and political repression, it is important to note the obligations of states whose role it is to determine refugee status. A process which, in effect, determines the fate of thousands of Iranians who, if not afforded a full and fair application of both the letter and the spirit of the 1951 Convention and the subsequent Protocol, face the possibility of continued and systematic state brutality, imprisonment, and even death.

All parties to the 1951 Convention Relating to the Status of Refugees are subject to article 33 of the document, which forms the cornerstone of refugee protection. Article 33, the prohibition against refoulement, has its roots in international customary law and has subsequently been defined in the UNHCR's Executive Committee as a legal standard from which states are not permitted to derogate. Non-refoulement protects refugees from being returned in any manner whatsoever to a territory where their lives or freedoms are under threat. This applies to prima facie refugees before their status has been determined.

The human rights situation in Iran has continued to deteriorate despite what some analysts see as a slight 'liberalisation'. In fact, no such 'liberalisation' has taken place. The human rights situation is so dire that the regime has prohibited any UN special representatives from even entering the country to make assessments of their own.

A. Political Violence

Under the Islamic regime's regulation regarding political opposition, parties are not allowed to espouse their dissent. Hundreds of political activists have been arrested, tortured and killed and many still linger in prison. A series of killings and 'disappearances' of independent writers, activists and government critics at the end of 1998 ultimately revealed the involvement of state officials in the illegal and violent suppression of dissent. Of particular concern is the relatively new emergence of illegal detention centres throughout the country. According to a recent Human Rights Watch report, these detention facilities are administered by clandestine paramilitary forces and the Pasdaran. The whereabouts of detainees are kept secret and 'it is precisely during such periods of incommunicado detention that individuals are at the greatest risk of being tortured or otherwise pressured into making confessions.'¹ This same report notes the increase in public executions and floggings, which reflect the widespread campaign to intimidate and silence advocates of greater political freedom and critics of state policy.

B. Freedom of Expression

An independent press is banned in Iran and journalists are not allowed to write or publish the journals, magazines or newspapers that reflect their dissent. An independent press is prohibited. Over the past year and a half, over fifty newspapers linked to a faction of the regime have been closed down and their editors and reporters have been imprisoned. The conservative judiciary has even referred to government newspapers as 'satanic' and seeking to undermine the Islamic character of the state. There is no meaningful freedom of expression or freedom of the press where voices of dissent are summarily silenced and advocates of free speech are crushed and branded as enemies of the state. Moreover, Iran is a signatory to the International Covenant on Civil and Political Rights, which it ratified in 1975. Iran is obliged, therefore, by its treaty commitments to provide a full panoply of rights to all citizens without discrimination on such grounds as 'political or other opinion.' The state here is clearly in violation of its internationally recognised obligations and duties and those who challenge this have been subject to the most arbitrary and brutal forms of detention, torture, and long term imprisonment.

C. Unfair trials by revolutionary courts

As a mechanism for silencing criticism and political opponents, this Islamic regime has set up special courts wielding absolute power. They can alter or reverse any other decision that has been handed down by any other courts without formal judicial review. Records show that nearly a hundred thousand people, including political opponents, have been sentenced to death or killed since the Islamic regime took power. There are no juries to deliberate and no lawyers assigned to defend the accused. Judges in revolutionary courts, who are usually religious clerics, play the

roles of prosecutor, defender, judge and jury. The system is fraught with terrible injustices as trials lack binding evidentiary standards, burdens of proof are random, and the application of the law is often arbitrary and capricious.

D. Death penalty

The death penalty is routinely handed down in connection with charges of membership in opposition parties (often trumped up charges of spying and threatening national security) in addition to charges of murder, drug trafficking, and armed robbery. There are numerous young people and children who, according to the government's own records, have been publicly hanged. Additionally, people have been targeted for extrajudicial executions and stonings for their sexuality, 'adultery' or 'sodomy'.

E. Women/Sexuality

Women in Iran encounter violence and discrimination at all levels. Violence against women is not only condoned but also perpetrated by the Islamic Republic of Iran, and is prevalent both in government institutions and domestic life. No safeguards exist to protect women in Iran.

The sexual apartheid that permeates social, cultural and political life in Iran constitutes a form of oppression and persecution that creates of the majority a second-class citizenry. Women's dress, work, socialising, familial and intimate relationships, reproduction and sexuality are all subject to control, either by male family members or the state. Women's autonomy, forms of cultural expression, and freedom of movement are severely circumscribed. Laws that criminalize adultery or fornication are disproportionately used against women and create an additional risk of persecution for women who are victims of sexual violence. Sexual violence against women happens at an alarming rate and the situation for female prisoners, subject to sexual advances, rape, unnecessary physical searches, and degrading pat downs by prison personnel, is even worse. The regime's failure to prosecute offenders, both of sexual violence and of domestic abuse, denies women equality before the law and the effective protection of the state. It is important to note that, starting in the 1990s several countries began to acknowledge that women suffer from gender-specific forms of persecution that must be recognized under the 1951 Refugee Convention. Since then, women have successfully sought protection from many forms of persecution including sexualized violence, gender specific punishments and 'honour' crimes.

Furthermore, Iran imposes severe criminal penalties for private sex acts between consenting adults, which the state deems immoral. Police and other members of the security forces actively participate in the persecution of lesbians, gay men, and transgender people, including their arbitrary detention and torture. Pervasive bias in the criminal justice system effectively precludes

them from seeking any redress. Since 1993, the UNHCR has recognized in many advisory opinions that gays and lesbians qualify as members of a 'specific social group' for the purposes of the 1951 Convention. According to the UNHCR publication, *Protecting Refugees*, 'it is the policy of the UNHCR that persons facing attack, inhumane treatment, or serious discrimination because of their homosexuality, and whose governments are unable or unwilling to protect them, should be recognized as refugees.'

F. Religious and Ethnic minorities

In accordance with its treaty obligations, Iran is prohibited from discriminating on the bases of 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'² The Islamic regime, however, with its Islamic interpretation, pays only lip service to the principle of non-discrimination on the basis of religion as laid out in international law. There are a number of Baha'is who have been detained in recent years and prohibited from practising their religion. The same can be said of Iranian Christians, Jews and Zoroastrians, not to mention the plight of those who denounce religion or are atheist.

Similarly, ethnic minorities, including Azeris, Baluchis, Kurds, Arabs and others, have been subject to state sponsored discrimination based solely on their membership in a particular ethnic group. This discrimination, deprivation, alienation or oppression rises to the level of persecution.

While few states have taken the step of precisely defining 'persecution' or even the companion notion of the 'well founded fear', the UNHCR has made a contribution to the evolving standards which must form the bare minimum from which states and the UNHCR must operate. The UNHCR has stated that 'From Article 33 of the Convention, it may be inferred that a threat to life or freedom on the account of race, religion, nationality, political or other opinion or membership in a particular social group is always persecution. Other serious violations of human rights – for the same reasons – would also constitute persecution.'³

In conclusion, there is ample empirical evidence that repression and persecution are rife in Iran. The UN Refugee Convention and Protocol and universal civil rights norms and standards require that those who are fleeing the Islamic Republic of Iran for reasons of race, religion, political opinion, membership in a particular social group, and rights violations and discrimination be granted protection and asylum.

Ramin Niakan
IFIR Secretariat

1 Hanny Megally, Executive Director of Human Rights Watch, Middle East and North Africa Division

2 International Covenant on Civil and Political Rights

3 Office of the UN High Commissioner for Refugees Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees. (Geneva:1971) para. 51