



Human rights in Iran: An introduction

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This note provides an introduction to the human rights situation in the Islamic Republic of Iran. It first examines the overall political and legal framework in Iran as it relates to human rights. It then considers the human rights experiences of various groups in Iran and looks in more detail at the particular experiences of religious and ethnic minorities – groups like the Baha'is and Jews – and at the human rights situation relating to gender and sexuality. Finally, the note provides suggestions for further reading.

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1 The political and legal framework

The overall human rights situation in Iran is considered by many to be bleak. The Economist Intelligence Unit's 2008 democracy index ranks Iran 145 out of 167 countries, listing it among 49 countries considered to be "authoritarian".¹ The country is frequently accused of holding flawed, rigged or un-free elections, of which the most notable example is the disputed presidential election of June 2009. Those critical of the government are often subjected to arbitrary arrest, travel bans, harassment, detention, ill-treatment, and torture. Western governments and international human rights organisations consider the violation of human rights in Iran to be systematic in nature.

Many political commentators have claimed that this state of affairs stems from the underlying political and legal structure of the Islamic Republic, in particular the institutionalization of Ayatollah Ruhollah Khomeini's particular interpretation of Islamic, or *Shari'a*, law. They claim that this has not only a general knock-on effect in terms of restricting overall freedoms but also a particular effect on certain segments of the population, especially non-Muslim minorities, women and homosexuals. According to the US Department of State's *Religious Freedom Report 2008*, the constitution of Iran states that Islam is the official religion, and the particular doctrine followed is that of Twelver Shi'ism, referring to the largest branch of Shi'a Islam, which adheres to the belief in twelve divinely ordained leaders. For example, Article 4 states that all laws and regulations must be based on Islamic criteria, and this, in turn, leads the government to severely restrict freedom of religion.

Power is concentrated in the hands of religious clerics, and Islamic doctrine underpins the country's legal system. For example, although Article 57 of the Constitution provides for a separation of powers, the Supreme Leader, who supervises the executive, legislative and judicial branches, as well as other key institutions, must be a seminary-trained cleric. The Constitution also provides for a system of advisory councils, one of which, the Guardian Council, is composed of six theologians appointed by the Supreme Leader and six jurists nominated by the judiciary. It has the power to veto bills passed by Parliament if it views them as inconsistent with the Constitution and *shari'a* law. Another body, the Assembly of Experts, is comprised entirely of clerics, and has the power to appoint and remove the Supreme Leader.

The same argument is frequently made by political commentators in relation to Iran's extensive intelligence and security services – ranked as one of the largest and most active in the world. Observers claim that although such organisations existed before the revolution, the creation of such organizations in their present form, together with their arguably draconian, oppressive tactics, stems from the necessity to protect the values and institutions of the Islamic Revolution at whatever cost. The Iranian Revolutionary Guards Corps, for example, is explicitly entrusted with preserving the Revolution itself. In addition, they act as an umbrella organization for the Basij, a paramilitary organization of about 90,000 men, which is aligned with extreme conservative members of the leadership, and acts as a vigilante group, playing a major role in breaking up public demonstrations. This leads many to claim that Iran's poor human rights record ultimately relates back to the nature of Iran's particular interpretation and brand of political Islamic ideas, as first propounded by Khomeini himself, and carried on by leaders after him.

¹ *The Economist Intelligence Unit*, 1 October 2008

2 Human rights in practice

2.1 Trial, punishment and torture

Many political commentators accuse Iran of persistently abusing human rights. Amnesty International, for example, has reported regularly that trial hearings are often heard in private and that political detainees have been denied access to legal counsel during judicial proceedings, despite official assurances to the contrary. Several provisions of the penal code fall short of international human rights standards, such as Article 33, which allows for a suspect to be detained without charge for one month, which may then be renewed. A US Department of State Report in 2007 pointed out that although, in theory, defendants have the right to a public trial, a lawyer of their choice and right of appeal, in practice these rights are not respected.² The report also claims that if post revolutionary statutes do not address a particular situation, the government advises judges to give precedence to their knowledge and interpretation of Islamic law. Arbitrary arrests and detentions continue today, as can be seen in the events following the June 2009 Presidential elections. Iran's biggest group of clerics accused the government of carrying out hundreds of illegal arrests and killing dozens of people.³

Punishments for crimes also arguably abrogate human rights standards. Amputation and flogging are punishments meted out by the Iranian government. The UN reported in 1998 that three Iranians had hands or fingers amputated for theft and forgery offences in September 1997.⁴ The death penalty exists for certain *hodoud* crimes. These include: crimes against God defined by Islamic law, such as adultery by married people, incest, rape, fornication of the fourth time by an unmarried person; drinking alcohol for the third time; and same-sex contact between men without penetration for the fourth time. The death penalty can be imposed in the form of crucifixion or stoning, and may be carried out for juvenile offenders. Although the Iranian judiciary issued a moratorium on stoning sentences in 2002, a member of the Guardian Council argued that there is no replacement for stoning as a sanction because Islam does not depend on the tastes of the society.⁵ According to the Foreign and Commonwealth Office's (FCO) *Human Rights Report 2007*, a man was stoned to death in Qazvin province for adultery in July 2007.⁶

The close connection between Iran's contemporary human rights abuses and its founding as an Islamic republic is also evident in relation to its record on torture. Whilst torture was used extensively by the preceding Pahlavi regime under Muhammad Reza Shah Pahlavi, within the context of modern-day Iran, the continuation of such practices is justified within the context of Khomeini's particular brand of political Islam. The human rights implications of Iran's establishment as an Islamic republic are arguably particularly evident in relation to torture. Although Article 38 of the Iranian constitution prohibits torture, the penal code does not contain a clear definition of torture as a specific criminal offence. Moreover, in 2002 the Guardian Council refused to commit the country to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment on the basis that it conflicted with Islamic rules and principles. Approximately ten percent of judges have theological training from a priests' seminary, and this again is said to impact on the nature of the justice system in Iran.

² US Department of State, *Country Report on Human Rights Practices for 2007*, March 2008

³ "Iran clerics declare election invalid and condemn crackdown", *The Times*, 6 July 2009

⁴ United Nations, Report on the Situation of Human Rights in the Islamic Republic of Iran, 28 January 1998

⁵ *Tehran Times*, 28 December 2002

⁶ Foreign and Commonwealth Office, *Human Rights Annual Report 2007*, March 2008

2.2 Ethnic and religious minorities

Several human rights organizations point out that human rights violations are particularly evident among Iran's non-Shiite Muslims and non-ethnic Persians. Approximately 89% of Iranians are Shiite Muslims. The rest, including Baha'i, Christian, Zoroastrian, Sunni Muslim and Jews, constitute around 11 percent. According to a US Department of State Human Rights Report 2006, the Iranian government restricts freedom of religion.⁷ Religious minorities, especially Baha'is and Sufi Muslims, reported imprisonment, harassment, intimidation, and discrimination as a result of their religious beliefs. Article 13 of the Constitution gives special status to three religious minorities named: Zoroastrian, Christian and Jewish. However, according to the report, these three recognized religious minorities still face severe discrimination, especially in the field of employment, and as such are arguably treated as second class citizens.

Many commentators claim that two religious groups face especially bad discrimination: Jews and Baha'is. According to the State Department report, the country's Jewish community experienced official discrimination. There was a rise in officially sanctioned anti-Semitic propaganda involving official statements, media outlets, publications, and books. The government's anti-Semitic rhetoric continues to create a hostile atmosphere for Jews. Since August 2005, President Ahmadinejad has pursued a virulent anti-Semitic campaign, regularly questioning the existence and scope of the Holocaust, and thus creating further hostility for the Jewish community. During the 2006 Lebanon War, two synagogues in Shiraz were attacked.⁸

The Baha'is, who constitute Iran's largest non-Muslim minority, are arguably in an even worse position. According to a Freedom House report, they are not recognized by the Constitution, have virtually no rights under the law, and are banned from practising their faith.⁹ Hundreds of Baha'is have been executed since the Islamic Revolution. Moreover, since Baha'is are not a protected minority, they experience discrimination including arbitrary arrests, expulsions from universities, and confiscation of property. They are also regularly denied compensation for injury or criminal victimisation, are denied the right to inherit property and are banned from the social pension system. In addition, they are barred from government and military leadership posts, from teaching and practicing their faith, and from maintaining links with coreligionists abroad.¹⁰

2.3 Women and homosexuals

The Islamic nature of the state also has particular implications for women and homosexuals. The 2008 report of the Secretary-General to the United Nations on the situation of human rights in the Islamic Republic of Iran pointed out that Iran has not ratified the Convention on the Elimination of All Forms of Discrimination against Women. According to the United Nations Development Programme Human Development Report 2007/2008, Iran ranks 94 on the gender development index among the 177 countries surveyed, and 87 on the gender empowerment measures.¹¹

⁷ US Congressional Research Service, *Iran: Ethnic and religious minorities*, 25 November 2008

⁸ "Iran's proud but discreet Jews", BBC News Online, 22 September 2006

⁹ *Freedom in the World 2008*, Freedom House, 2 July 2008

¹⁰ For further information on the Baha'is in Iran, see Library Standard Note SN/IA/05082, *Baha'is in Iran*, 3 June 2009

¹¹ United Nations, Report on the Situation of Human Rights in the Islamic Republic of Iran, 28 January 1998

Despite significant achievements in education and health, especially since 1990, women remain discriminated against politically and legally, particularly in relation to personal laws such as marriage and divorce. They are barred from standing as President or Supreme Leader, and the Guardian Council rejected many bills designed to improve the position of women by the Sixth Majlis (2000-2004). According to the FCO's Human Rights Annual Report 2007, gender inequality and discrimination are widespread and perpetuated by Iran's constitutional structures.¹² For example, a woman's testimony is worth half that of a man's; compensation payable to the family of a female victim of a crime is half that paid to a man's family; boys receive double the amount of inheritance that girls receive; and securing a divorce and custody of children is notoriously harder for Iranian women. Shortly after the 1979 revolution, the government repealed the 1967 Family Protection Law that provided women with increased rights in the home and workplace, and replaced it with a legal system based largely on *Shari'a* practices. Perhaps the most visible restriction on women's freedom in Iran is the strict Islamic dress codes to which they are subjected, which compel the covering of their hair, neck and ankles. Women who refuse to don this garb in public may be subjected to from ten days to two months imprisonment or a fine.

Many Iranian women have resisted the imposition of a religiously justified patriarchal structure that systematically discriminates against them. There is a significant gap between the official position of women in society and their treatment by the state, and then their own personal achievements. According to Katajun Amirpur, an Islamic expert at the University of Cologne, Iran is still a society in which girls can be married at the age of nine, where women can be punished for having pre-marital sex, where they cannot become judges or presidents, where they are banned from football stadiums, and where wearing the chador is obligatory.¹³ But, at the same time, a third of the workforce is female, two-thirds of students are women, there are female MPs, doctors, mayors, policewomen, taxi drivers, karate is the most popular female sport and 97 percent of women can read and write. Thus, the reality is that women are exceptionally self-confident members of Iranian society, in spite of all the institutionalized discrimination against them.

In terms of homosexuality, violence, and legal and societal discrimination against homosexuals remained problems. The law prohibits and punishes homosexuality, and sodomy between consenting adults is a capital crime. In extensive interviews with men and women inside and outside Iran, Human Rights Watch has documented widespread patterns of arbitrary arrest and torture based on sexual orientation and gender identity. For example, in 2005, Human Rights watch reported that in September 2003, police arrested a group of men at a private gathering in Shiraz, held them in detention for several days, tortured them in order to obtain confessions, and then charged them with "participation in a corrupt gathering".¹⁴ In order to escape persecution, some homosexuals even resort to sex-change operations or hormone therapy, which have been legal in Iran since Ayatollah Ruhollah Khomeini passed a *fatwa* authorizing them following the revolution.

¹² Foreign and Commonwealth Office, [Human Rights Annual Report 2007](#), March 2008

¹³ "The secret lives of us", *The Guardian*, 2 January 2008

¹⁴ Human Rights Watch report, 22 November 2005

3 Suggestions for further reading

Government and Parliamentary reports

- Home Office, "[Country of Origin Information Report: Iran](#)," 17 March, 2009
- Foreign Affairs Committee, Ninth Report of Session 2007-08, [Human Rights Annual Report 2007](#), HC 533, 20 July 2008
- Foreign and Commonwealth Office, [Human Rights Annual Report 2007](#), March 2008

International reports

- US Department of State, [Country Report on Human Rights Practices for 2007](#), March 2008

Non-governmental organisations

- "[Challenging Repression: Human rights defenders in the Middle East and North Africa](#)," Amnesty International, 11 March 2009
- "[Human rights violations persist in Iran 30 years after Islamic revolution](#)," Amnesty International, 9 February 2009
- "[Worsening repression of dissent as election approaches](#)," Amnesty International, 1 February 2009
- "[Amnesty International Report 2008: Human Rights in Islamic Republic of Iran](#)," Amnesty International, 2008
- "[Iran: Freedom of Expression and Association in the Kurdish Regions](#)," Human Rights Watch, 9 January 2009
- "[Iran: Rights Crisis Escalates: Faces and Cases from Ahmadinejad's Crackdown](#)," Human Rights Watch, 18 September 2008
- "[The Last Holdouts](#) Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen," Human Rights Watch, 10 September 2008
- "[Country Report: Iran](#)," *Freedom House*, July 2008
- "[You Can Detain Anyone for Anything](#)" Iran's Broadening Clampdown on Independent Activism," Human Rights Watch, 6 January 2008
- [Gozaar](#), A Forum on Human Rights and Democracy in Iran