



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT IRAN**

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## ACRONYMS

AUD	Australian Dollar
DRM	Dispute Resolution Mechanism
FGM	Female Genital Mutilation
GDP	Gross Domestic Product
GRS	Gender Reassignment Surgery
HRC	UN Human Rights Council
IIHRC	Iranian Islamic Human Rights Commission
ILO	International Labour Organization
IMF	International Monetary Fund
INSTEX	Instrument in Support of Trade Exchanges
IOM	International Organization for Migration
IRGC	Islamic Revolutionary Guards Corps
IRIB	Islamic Republic of Iran Broadcasting
ISIL	Islamic State in Iraq and the Levant (also known as ISIS, IS or Da'esh)
JCPOA	Joint Comprehensive Plan of Action
KDPI	Kurdistan Democratic Party of Iran
LEGAM	The Gradual Elimination of the Death Penalty (Farsi acronym)
LGBTI	Lesbian, Gay, Bisexual, Transgender and/or Intersex
MeK	Mojahaden-e Khalq (People's Mujahedin of Iran) (also known by the acronyms MKO and PMOI)
MOIS	Ministry of Intelligence and Security
NGO	Non-Governmental Organisation
OHCHR	Office of the UN High Commissioner for Human Rights
ONOCR	National Organization for Civil Registration (also known as Vital Records)
PJAK	Kurdistan Free Life Party
PSB	Press Supervisory Board
SWO	State Welfare Organisation
UK	United Kingdom



UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
UPR	Universal Periodic Review
US	United States
USD	US Dollar
VPN	Virtual Private Network

# GLOSSARY

<i>Amayesh</i>	Registration system for refugees
<i>Aragh</i>	A spirit distilled from dried grapes
<i>Chador</i>	A cloak worn by women that typically covers the head and body but not the face
<i>Diyeh</i>	Blood money
<i>Fatwa</i>	A religious ruling or interpretation given by a qualified Islamic jurist
<i>Gozinesh</i>	A review process to determine one's adherence to, and knowledge of, Islam and loyalty to the Islamic Republic (including intelligence checks on one's previous political opinions and affiliations), and used, inter alia, to screen candidates for elected office and applicants for public sector employment
<i>Hijab</i>	A head covering worn by women
<i>Hudud crimes</i>	'Crimes against God' that carry a fixed punishment under Islamic law
<i>Kolbar</i>	Border courier/porter
<i>Laissez-passer</i>	Temporary travel document
<i>Majlis</i>	Islamic Consultative Assembly (Iran's unicameral parliament)
<i>Mujtahid</i>	A cleric with an authoritative knowledge of Islamic law
<i>Qisas crimes</i>	Crimes for which Islamic law provides a retaliatory punishment against the offender that is analogous to the crime (retribution-in-kind)
<i>Rial</i>	Currency of Iran
<i>Sharia</i>	Islamic law
<i>Shenasnameh</i>	Birth certificate
<i>Ta'zir crimes</i>	Crimes for which the Quran does not specify a punishment, and for which punishments are at the discretion of a judge
<i>Velayat-e faqih</i>	'Guardianship of the jurist' (the political philosophy of the Islamic Republic)

## Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

#### official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

#### societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)



# 1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian Government policy with respect to Iran.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction 84 of 24 June 2019, issued under section 499 of the *Migration Act* (1958), states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is informed by DFAT's on-the-ground knowledge and discussions with a range of sources in Iran. It takes into account relevant and credible open source reports, including those produced by: the United Nations and its agencies; the US Department of State; the UK Home Office; the World Bank; the International Monetary Fund; leading human rights organisations such as Amnesty International, Human Rights Watch and Freedom House; and reputable news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report on Iran released on 7 June 2018.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Iran, formerly known as Persia, is an Islamic republic situated between the Caspian Sea and the Persian Gulf in the Middle East. One of the world's oldest continuous nation-states, Iran maintains a distinct cultural identity among the Muslim countries of the Middle East — most Iranians are ethnic Persian, speak Farsi and adhere to the Shi'a branch of Islam. The United Kingdom (UK) and the Soviet Union invaded Iran in 1941 and forced the ruling Shah (King), Reza Khan, to abdicate in favour of his son, Mohammad Reza Pahlavi (Reza Khan was considered sympathetic to Germany). The occupying powers agreed to respect Iran's independence and they withdrew their forces in 1946. But foreign influence and intervention remained a sensitive issue. Of particular concern was the ongoing extraction of Iranian oil resources by the British-owned Anglo-Iranian Oil Company (later the British Petroleum Company). In 1951, Iran's Parliament voted to nationalise the oil industry and elected Mohammad Mossadeq, a nationalist who resisted foreign interference, as prime minister. A coup d'état in 1953 removed Mossadeq from office and replaced Iran's constitutional monarchy with direct rule by the Shah. The coup, achieved with the support of the United States (US) and the UK, united large sections of Iranian public opinion against foreign intervention, particularly from the West.

2.2 The Shah became a key Western ally in the region. Domestically, he pursued a policy of social and economic modernisation, including secularisation, land reform, women's suffrage and the elimination of illiteracy. Yet the Shah, through his secret police (the SAVAK), also suppressed and marginalised political opponents, including through arbitrary arrests, imprisonment, exile, torture and execution. This created widespread discontent with the Shah's rule. His opponents included both religious leaders, who resented the loss of their traditional authority, and secularists, concerned about his authoritarian disposition. In 1979, while the Shah was receiving medical treatment abroad, clerical opposition leader Ayatollah Ruhollah Khomeini returned from exile. A general uprising ensued, leading to the abolition of the monarchy and the establishment of the Islamic Republic of Iran. Hundreds of officials of the Shah's regime were executed, along with others perceived to oppose the new regime. Iran adopted a foreign policy hostile towards the US and other Western countries, which responded with extensive trade boycotts and other sanctions. In September 1980, Iraq invaded Iran. The war lasted until 1988, devastated the Iranian economy and exacted as many as 1 million casualties on both sides. Ayatollah Khomeini died in June 1989 and was succeeded by the current Supreme Leader, Ayatollah Ali Khamenei (see [Political System](#)).

2.3 Iran has witnessed tension between those advocating reforms to the country's post-revolution political, economic and foreign policy direction, on the one hand, and those who see such reforms as a threat to the ideals of the Islamic Republic and the established order, on the other. Mohammad Khatami, a moderate, attempted reform during his presidential term (1997-2005), but was largely stymied by institutional elements. Mahmoud Ahmadinejad, a conservative, succeeded Khatami in 2005. Ahmadinejad was returned to office in a highly-disputed election in 2009, the outcome of which provoked large-scale demonstrations (see [Critics of the State](#)). The Ahmadinejad era concluded in 2013 and coincided with a downturn in Iran's international relations. The UN Security Council (UNSC) imposed increasingly strict economic and political sanctions on Iran from 2006 onward, following the discovery of a covert uranium

enrichment program. The current president, Hassan Rouhani, a centrist first elected in 2013, has pursued a policy of international engagement and economic renewal. In July 2015, Rouhani negotiated a multinational deal, the Joint Comprehensive Plan of Action (JCPOA), to limit Iran's nuclear activities in exchange for sanctions relief. The JCPOA came into effect in January 2016, but has not brought the desired economic dividends. The US withdrew from the JCPOA in May 2018 and began reinstating nuclear-related sanctions in August 2018, including on Iran's oil exports. This, in turn, has prompted Iran to reduce its compliance with the JCPOA. Large-scale protests over economic conditions occurred across Iran in December 2017, January 2018 and November 2019.

## DEMOGRAPHY

2.4 Iran is ethnically and linguistically diverse. The United Nations Population Fund (UNFPA) estimates its population at 82.8 million, with an average annual growth rate of 1.2 per cent in the period 2010-2019. Persians constitute the largest ethnic group, accounting for 60 per cent of Iran's total population. Minority ethnic groups include: Azeris (approximately 15 per cent of the population); Kurds (10 per cent); Lors (6 per cent); Arabs (2 per cent); Baluch (2 per cent); and Turkmen tribes (2 per cent). Iran also has a large Afghan population, most of whom are undocumented (see [Refugees and Undocumented Afghans](#)). According to the most recent national census, held in 2016, males comprise 51 per cent of Iran's population and females 49 per cent. Farsi (Persian) is the official language, with around two-thirds of the population speaking it as their first language. While it uses Arabic letters and script, Farsi is distinct linguistically from Arabic.

2.5 Iran is one of the most urbanised countries in the world — three-quarters of the population live in cities. The population is concentrated in the north, northwest and west of the country. The vast dry areas in the centre and east have much lower population densities. Tehran is the capital and largest city. As the administrative and commercial centre of Iran, Tehran has attracted migrants from across the country, giving it a multi-ethnic character. Tehran's official population is 8.3 million, although unofficial estimates put it as high as 15 million. Other major cities include Mashhad (3.1 million), Isfahan (2 million), Karaj (a satellite of Tehran, 1.6 million), Shiraz (1.6 million) and Tabriz (1.5 million).

2.6 Iran experienced a significant population spike in the years after the 1979 revolution — its population grew from 34 million to 62 million in the first decade of the Islamic Republic. Today, Iran has one of the youngest societies in the world, with 45 per cent of the population aged 24 or under. In contrast, only 6 per cent of the population is aged over 65. Increased use of modern contraception and availability of state-run family planning services have contributed to a significant decline in Iran's total fertility rate, from a peak of 6.5 children per woman in the mid-1980s to 1.6 today. Family size is currently below replacement rate, and Iran's population is projected to decline by 2050.

## ECONOMIC OVERVIEW

2.7 Iran is a middle-income country. Gross national income on a per capita basis was USD5,680 in 2019. Iran's economy is the second largest in the Middle East and North Africa region, behind Saudi Arabia. Gross Domestic Product (GDP) in 2019 was USD461 billion. Iran is rich in natural resources — it ranks second in the world in proven natural gas reserves and fourth in proven crude oil reserves. The hydrocarbon sector predominates the economy, and government revenues rely heavily on energy exports, particularly oil. While Iran's economy is much more diversified than that of its Gulf neighbours, US sanctions on oil exports have hit the national budget hard and pushed the economy into negative growth. The state has a significant presence in manufacturing and financial services (see [Islamic Revolutionary Guards Corps \(IRGC\)](#)). The private sector is

confined largely to small- and medium-sized enterprises. Corruption, price controls, subsidies and a weak banking sector act as impediments to private sector-led growth.

2.8 The lifting of most nuclear-related sanctions following the entry into force of the JCPOA (see [Sanctions](#)) saw a restoration of oil production and rebound in GDP growth (the economy grew by 12.5 per cent in 2016). The rate of growth declined significantly in 2017, to 3.7 per cent, as oil production plateaued and the price of oil fell. In parallel, an anticipated increase in foreign investment post-JCPOA failed to materialise. US sanctions independent of the JCPOA (relating to human rights violations and support for designated terrorist entities), coupled with concerns over corruption and the broader regulatory environment, deterred many foreign businesses from investing in Iran. Most of those that did withdrew their investments following the US' exit from the JCPOA and its restoration, from August 2018, of sanctions suspended under the JCPOA. US sanctions have contributed to sharp declines in Iran's oil exports and the value of the local currency, the *rial* (see [Sanctions](#)). According to the International Monetary Fund (IMF), Iran's economy contracted by 9.5 per cent in 2019, following a 4.8 per cent decline in 2018. The IMF projects zero growth in 2020.

2.9 The outbreak of COVID-19, a new coronavirus, has placed further strain on Iran's economy, by dampening domestic consumption, disrupting trade with neighbouring countries and placing downward pressure on the *rial*.

2.10 Iran is highly vulnerable to natural hazards, including earthquakes, which disrupt economic activity. Flash floods in March and April 2019 caused widespread damage countrywide. Khuzestan, Golestan, Mazandaran and Lorestan provinces were the hardest hit. The floods left nearly 80 people dead, displaced thousands of families and left 2 million people in need of assistance.

2.11 According to the Statistical Centre of Iran (the government's statistics department), 10.6 per cent of the working age population were unemployed in December 2019. However, official figures understate the true extent of unemployment, as people working one hour per week are considered by the government to be employed (a labour force survey by the Statistical Centre of Iran in March 2019 indicated that 26.6 per cent of working-age Iranians were under-employed). Significant variations in unemployment rates exist between provinces. In December 2019, Kermanshah Province recorded the highest unemployment rate in the country, at 16.3 per cent. South Khorasan Province, at 5.4 per cent, recorded the lowest. Tehran's unemployment rate for the same period was 9.4 per cent. Unemployment rates for young people and women are significantly higher than the national average. Nearly 26 per cent of Iranians aged 15-24 were unemployed in December 2019. Over 17 per cent of Iranian women were unemployed in the corresponding period (compared to 8.9 per cent of men). Many of the unemployed – men and women – are university graduates. The services sector employs half of the labour force. Industry and agriculture employ 32.9 per cent and 17.1 per cent, respectively.

2.12 DFAT assesses that economic hardship was the primary driver of countrywide protests in December 2017, January 2018 and November 2019 (see [Critics of the State](#)). Local sources told DFAT that economic conditions, particularly following the reimposition of US sanctions, make emigration strongly desirable for many Iranians. DFAT assesses that current economic conditions in Iran are challenging, and economic incentives act as the primary 'push factor' for emigration for most Iranians.

## Sanctions

2.13 Iran has been under international sanctions of one kind or another since the 1979 revolution. The US has maintained sanctions for most of this time, broadening them since 1995 and expanding them further during Ahmadinejad's rule. In addition to Iran's oil and petrochemical sectors, US sanctions have targeted Iranian banks for helping finance Iran's nuclear and ballistic missile programs and US-designated terrorist

entities. Since 2006, the UNSC has sanctioned Iran on four separate occasions, although most UN sanctions were lifted with the entry into force of the JCPOA. Under the JCPOA (signed by Iran, the US, China, Russia, France, the UK, Germany and the European Union in July 2015 and effective since January 2016), Iran agreed to restrict its nuclear program to peaceful purposes and allow strict monitoring, verification and inspection measures by the International Atomic Energy Agency in return for the progressive lifting of international sanctions. In practice, the JCPOA has not resulted in substantial benefits to Iran's economy (see [Economic Overview](#)).

2.14 In May 2018, the US – under a new administration and citing the need for a more comprehensive agreement that also covered Iran's ballistic missile program and alleged regional destabilisation activities – formally withdrew from the JCPOA. The US began reimposing sanctions suspended under the JCPOA, including on Iran's oil and gas exports and its financial, industrial and shipping sectors, in August 2018 as part of a 'maximum pressure' strategy to eliminate Iran's oil exports and deny the government its principal source of revenue. Temporary US waivers to eight major importers of Iranian oil (including China, Japan and India) expired in May 2019. The US has also imposed a raft of new sanctions, including on the Islamic Revolutionary Guards Corps (IRGC, April 2019), the Supreme Leader (June 2019), the Foreign Minister (July 2019), Iran's Central Bank and its sovereign wealth fund (September 2019), the Commander of the Basij (January 2020) and the Secretary of the Guardian Council (February 2020).

2.15 European signatories have tried to salvage the JCPOA, including by extending a credit line to Iran and creating a special-purpose trading vehicle, the Instrument in Support of Trade Exchanges (INSTEX). INSTEX, a barter system, is designed to facilitate transactions with Iran outside of the US banking system and thus circumvent US sanctions. INSTEX completed its first transaction (facilitating the export of medical goods from Europe to Iran) on 31 March 2020. In May 2019, Iran – citing the absence of sanctions relief – announced it would no longer be bound by the JCPOA, and has proceeded to progressively reduce its compliance, including in relation to uranium enrichment. Iran reiterated its intention to wind back its JCPOA commitments in January 2020, following the targeted killing by the US of a senior Iranian general, and claimed it would not reverse its actions until sanctions were lifted. This prompted JCPOA signatories France, Germany and the UK to invoke the agreement's Dispute Resolution Mechanism (DRM), raising the prospect of a snap-back of UNSC sanctions. The timing for the conclusion of the DRM process was unclear at the time of publication.

2.16 The reimposition of US sanctions has had a crippling effect on the Iranian economy. Oil exports have fallen from a post-JCPOA peak of 2.7 million barrels per day to less than 500,000 barrels— the lowest rate of output since the Iran-Iraq War. The US Department of State claims sanctions have denied the Iranian Government direct access to more than USD10 billion in oil revenue since May 2018. The *rial* has lost two-thirds of its value against the USD in this time and consumer prices increased by around 40 per cent in 2019. The IMF predicts inflation of 35.7 per cent in 2019 and 31 per cent in 2020.

2.17 The impact of US sanctions on ordinary Iranians has been acute, diminishing their purchasing power and adding to cost-of-living pressures (the IMF describes the economy as having undergone 'severe distress' in the last two years). Food has witnessed the sharpest increase in price: in the 12-month period to May 2019, the price of onions increased by 459 per cent, potatoes by 207 per cent and meat by 101 per cent. Food prices have since stabilised, although many Iranians have had to adjust their consumption habits (e.g. by eating less meat). To offset inflationary pressures, the government has increased the pay of public sector workers, but wages have not kept pace with inflation. The Iranian Parliament's Research Centre reports that between 5-15 per cent of Iranians were living below the national poverty line in December 2018, including an 11 per cent year-on-year increase in Tehran (poverty in Iran is defined as a monthly income for a family of four of 28 million *rials*, or approximately AUD280 at current market rates).

2.18 Humanitarian goods (including food and medicine) are exempt from US sanctions; however, fear of attracting secondary US sanctions means foreign companies have been extremely cautious about conducting even legitimate, non-sanctioned trade with Iran. US-exposed foreign banks, in particular, have been reluctant to facilitate any transactions with Iran. This, in turn, has affected Iran's ability to import goods and services, including essential medicines and medical equipment. While most medicines are produced domestically, Iran relies on the import of raw materials for their production. Local sources told DFAT that sanctions have caused steep increases in the price of medicine and some shortages, including of cancer medicines. Human Rights Watch, in October 2019, claimed US sanctions were harming Iranians' right to health, particularly those suffering from rare diseases and/or conditions requiring specialised treatment, and called on the US to establish a mechanism to expedite the financing of humanitarian exports to Iran. The UN Special Rapporteur on the situation of human rights in Iran and the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights have expressed similar concerns. The latter has described US sanctions as 'unjust' and 'harmful', and noted their potential to cause 'silent deaths in hospitals as medicines run out'. In January 2020, Switzerland, with the US' support, launched a financial channel for the export of agricultural commodities, food, medicines and medical equipment to Iran by Swiss-based companies (an inaugural payment of €2.3 million, to fund cancer drugs and medications required for organ transplants, was made under the mechanism immediately following its launch).

## Corruption

2.19 Iran is a State Party to the UN Convention against Corruption, and Article 3 of the Iranian Constitution commits the government to fighting all forms of corruption. The anti-corruption legal framework is spread across a number of laws, including the Act on Public and Revolutionary Courts' Rules of Procedures in Criminal Matters (1999) and the Aggravating the Punishment for Perpetrators of Bribery, Embezzlement and Fraud Act (1997). The Penal Code, last amended in 2013, contains several provisions criminalising corruption, and there are numerous special anti-corruption by-laws, directives, enactments and guidelines. Anti-corruption provisions for public officials include active and passive bribery, trading in influence, money laundering, embezzlement and abuse of functions. In grave cases of corruption, the death penalty may apply. Embezzlement in the private sector is a criminal offence. Addressing corruption is a stated priority of the Rouhani Government, including the current head of the judiciary (appointed in March 2019). As part of this effort, in September 2019 the judiciary announced the creation of a 'Transparency Register' for senior officials to declare their assets (the register is not available to the public).

2.20 Special courts dealing with crimes involving financial corruption were established in August 2018. These courts have handed down lengthy prison terms and death and flogging sentences to several individuals found to be 'financially corrupt' and 'saboteurs of the economy'. At least three were executed in 2018, including two for manipulating Iran's gold and currency markets. These courts can be used to target individuals who have run foul of powerful interests in the system.

2.21 Despite Iran's strong legal framework and some high-profile arrests and prosecutions (including a former prosecutor-general of Tehran), international observers report that corruption remains endemic. Iran ranked 146<sup>th</sup> out of 180 countries in Transparency International's 2019 Corruption Perceptions Index, denoting a high degree of corruption. Local sources told DFAT that some law enforcement officials accept bribes, including in instances where an individual has breached moral codes of behaviour like consuming alcohol or attending mixed-gender parties. The GAN Business Anti-Corruption Portal claims that a powerful system of political patronage, nepotism and cronyism pervades all sectors of the economy; irregular payments, bribes and the trading of favours are often required to obtain services, permits or public contracts; authorities do not effectively enforce anti-corruption laws in practice; and impunity is pervasive.

## Health

2.22 Article 29 of the constitution stipulates that every Iranian has the right to enjoy the highest attainable level of health. The Ministry of Health and Medical Education is responsible for planning, monitoring and supervising health-related activities for the public and private sectors. Health care and public health services are delivered through a countrywide network, based on a referral system that starts at primary care centres in the periphery and proceeds through secondary-level hospitals in provincial capitals and tertiary hospitals in major cities. The government remains the main provider of primary health care services across the country, although the private sector also plays a significant role in health care provision, mostly through secondary and tertiary health care in urban areas. While the quality of healthcare in the public sector is of a good standard, overcrowding and doctor shortages are major challenges — Iran has 1,000 public hospitals for a population of nearly 83 million, or approximately 1.7 hospital beds per 1,000 people. Iran's private health care system is highly regarded, and attracts patients from other countries in the region. Numerous non-governmental organisations (NGOs) are active on health issues, particularly in specialised fields. Sanctions (see [Sanctions](#)) and COVID-19 have placed significant strains on the local health care system.

2.23 Iran has strong human development indicators. The United Nations Development Programme (UNDP) ranks it 65<sup>th</sup> out of 189 countries in the 2019 Human Development Index (situating Iran in the high human development category). Health care is a major government priority — it spent the equivalent of 7.6 per cent of GDP on health in 2018. According to the UNDP, Iranians have a life expectancy of 76.5 years. Iran has achieved significant reductions in the rates of both under-five and maternal mortality (14.9 and 16 deaths per 1,000 live births, respectively, in 2017). According to the UNFPA, 99 per cent of live births are attended by skilled health personnel. All Iranian citizens are entitled to basic health care coverage provided by the government, and 90 per cent have health insurance. In 2014, the government introduced a Health Transformation Plan aimed at improving efficiency, equity and effectiveness, particularly in poorer and rural areas.

## Mental Health

2.24 Need for mental health services in Iran is significant. An April 2018 study by the Ministry of Health and Medical Education found that nearly one-quarter of adults suffer from some form of mental illness, with women more likely to be affected than men. According to this study, the problem of mental illness is pronounced in Tehran, where one in three people are affected. In an earlier study (2017), the Ministry of Health and Medical Education found 12 per cent of Iranian adults were suffering from depression and 14 per cent from anxiety-related disorders. DFAT heard anecdotally that the deteriorating economic situation has contributed to a rise in mental illness, drug addiction and suicide. Ongoing trauma associated with the Iran-Iraq War is another major source of mental illness, and the rate of mental illness in areas most affected by the war is greater than the national average.

2.25 Iran has had a national policy on mental health since 1986. The policy aims to increase access to mental health services, including by building psychiatric wards in general hospitals and developing a mental health component in primary health care, and improve the availability of essential medicines. As part of its implementation of the Health System Development Plan, the government has increased the availability of counselling services and therapeutic interventions for individuals suffering from mental illness. The availability of mental health services has improved, including in rural areas, but ongoing social stigma attached to mental illness discourages people from seeking, or persisting with, professional treatment. A local source told DFAT that private mental health services are available, particularly in Tehran, but are

prohibitive financially for the average person. A small number of NGOs work in the field of mental health, but these outfits are generally under-resourced.

## People with Disabilities

2.26 Iran ratified the Convention on the Rights of People with Disabilities in 2009. There are no official statistics on the number of people living with disabilities. Unofficial sources estimate that as many as 12 per cent of Iranians have a disability of some kind. The Comprehensive Law on Protection of the Rights of Persons with Disabilities, adopted in 2004, commits the government to providing resources to meet disability needs and rights. The Law on the Protection of the Rights of Persons with Disabilities, adopted in 2018, increases disability pensions and insurance coverage to disability-related health care services; provides for government-funded vocational education for people with disabilities; and stipulates that new government-funded buildings must be accessible to people with disabilities. Article 111 of the Charter on Citizens' Rights, introduced in 2016, states that 'disabled persons must be given the opportunity and possibility to study and acquire skills appropriate to their capabilities. Disability must not lead to deprivation of the right to acquire knowledge and professional skills'. The Citizens' Charter is not legally binding.

2.27 The State Welfare Organisation (SWO) has primary responsibility for the provision of services to people with disabilities. A number of other state agencies – such as the Ministry of Cooperatives, Labour and Social Welfare and the Committee for the Affairs of War Veterans – provide services to people with disabilities, including in rural areas. NGOs are also active. According to the Iranian Government, 662 NGOs provide services to people with disabilities in cooperation with the SWO and other state agencies.

2.28 Understanding of the needs of people living with disabilities is low in general society. Local sources told DFAT that people with disabilities face social stigma and encounter obstacles in accessing housing, employment and public transportation. According to foreign NGOs, children with disabilities, particularly girls and those with intellectual disabilities like autism, face barriers in accessing education and, in some cases, receive no education at all. Government-funded buildings built before 2018 are largely inaccessible to people with disabilities, and building accessibility for people with disabilities remains a problem more generally. Discrimination against people with disabilities is not outlawed explicitly and those with visual, hearing or speech disabilities are barred from registering as candidates for parliament. Provision of support services differs between different categories of the disabled: while those with disabilities resulting from war service receive tailored insurance coverage, others find this difficult to obtain. Vocational education centres for people with disabilities exist, but are concentrated in urban areas.

## Drug Addiction

2.29 Illicit drug use is a growing problem in Iran. In May 2018, Iran's Interior Minister claimed 3 per cent of the population was addicted to drugs, mostly heroin. The Iranian Government puts the number of drug addicts in the country between 2.8 million and 3.6 million, of whom 10 per cent are thought to be women. A wide range of drugs are readily available, including crystal methamphetamine, painkillers, synthetic hallucinogens, marijuana, heroin and opium — the latter two trafficked from neighbouring Afghanistan, with which Iran shares a nearly 1,000km-long border, much of it porous due to rugged topography. Local NGOs identify a range of factors as contributing to the increase in drug use, including: availability (particularly given Iran's proximity to Afghanistan); economic and social frustration, including high rates of unemployment; increased urbanisation; greater use of social media; a lack of early intervention programs in schools; and insufficient public awareness of the issue. Price is another important factor — a



gram of heroin can be bought for less than USD2. Drug use has contributed to an increase in the rate of HIV/AIDS.

2.30 While some support services exist, social taboos against drug addiction undercut efforts by the government and NGOs to address the problem. Families frequently ostracise drug users, particularly women who may resort to sex work for survival. Efforts to combat drug trafficking have traditionally focused on executing drug smugglers and making large-scale seizures (according to the 2019 World Drug Report prepared by the UN Office on Drugs and Crime, Iran seized the largest quantity of opiates in the world in 2017, accounting for 39 per cent of the global total). These actions have largely failed to deter the drug trade, and amendments to the drug trafficking law have seen execution rates of drug traffickers decrease significantly (see [Death Penalty](#)). Local NGOs report that police do not generally victimise or harass drug addicts, but occasionally receive orders to round them up.

2.31 As at June 2017, there were 1,300 rehabilitation centres for drug addicts countrywide (1,200 for men, 100 for women), in addition to nearly 7,500 treatment and harm reduction centres. NGOs are active in the provision of such services. According to NGOs, support services for drug users outside of Tehran are limited, and those working in the field have little financial support.

## Alcohol Consumption

2.32 Alcohol is forbidden in Iran. Article 265 of the Penal Code penalises the use of alcohol with 80 lashes, regardless of whether the consumption caused drunkenness or not. The production or sale of alcohol is punishable by imprisonment of between six and 12 months, 74 lashes and a fine worth five times the commercial value of the seized alcohol (Article 702). Members of recognised religious minorities (Christians, Zoroastrians and Jews) are permitted to manufacture and use alcohol in their private religious gatherings, and are only subject to punishment if they consume alcohol in public or engage in the trade of alcohol (see [Recognised Religious Minorities](#)).

2.33 Local sources told DFAT that alcohol is readily available on the black market and its use in private settings is widespread (*aragh*, a spirit distilled from dried grapes, is popular among Iranians). The World Health Organization estimates that Iranians over the age of 15, on average, consume 1 litre of alcohol per annum. Some alcohol – particularly wine and *aragh* – is produced locally. Alcohol is also smuggled from Turkey, either directly across the Turkey-Iran border or via Iraq. According to local sources, alcohol can be delivered directly to one's home.

2.34 Prosecutions for alcohol consumption are not common. DFAT understands that police do not actively investigate or seek to entrap individuals consuming alcohol in their own homes, and will generally act only if the activity comes to public attention or if specifically instructed to do so. Payment of bribes is common. Where enforced, the punishment for alcohol consumption is normally a fine, usually paid on the spot. Floggings may be imposed periodically, but are rare. NGOs working in the health sector report that the government has changed its approach to the use of alcohol in recent years from a purely law and order focus to one emphasising treatment and rehabilitation. Several official alcohol treatment and rehabilitation centres operate in major cities, along with support groups such as Alcoholics Anonymous, and authorities are more prepared to allow NGOs to work in this field.

2.35 Sources told DFAT that drink driving is common. Police are not equipped with breathalysers but do conduct random breath alcohol tests. If a driver is suspected of being under the influence of alcohol, they are taken to a police station and blood tested. Where a blood test returns a positive reading, a fine and 6-month loss of licence is the most common punishment. DFAT heard anecdotally that the payment of bribes in return for not being escorted to a police station and subjected to a blood test is common.

## Education

2.36 Article 30 of the constitution commits the government to providing all citizens with free education up to the secondary level and to expanding free higher education to the extent required for Iran to attain self-sufficiency. The Qom-based Supreme Council of the Cultural Revolution is the highest authority in educational affairs, and wields far-reaching control over policies and regulations. Several bodies oversee educational policies, including parliament and the cabinet. The Ministry of Education is responsible for financing and administering primary and secondary education. At the local level, provincial authorities and district offices oversee education. All primary and secondary schools are single-sex. Farsi is the sole medium of instruction in primary and secondary education. All school curricula (including private) must include a course on Shi'a Islam — all students, regardless of their religion, must take and pass this course. Sunni Muslim students and students from recognised religious minorities are permitted to take separate (additional) courses on their own religious beliefs.

2.37 The Ministry of Science, Research and Technology supervises all institutions of higher education except medical institutions (these are supervised by the Ministry of Health, Treatment and Medical Education). The Technical and Vocational Training Organisation oversees post-secondary vocational education. Private universities were banned following the 1979 revolution, although this ban was lifted in 1988 in order to relieve pressure on the public university system. While they are allowed to operate, private universities' independence is limited: they may charge tuition fees, but the Supreme Council of the Cultural Revolution must approve all their courses. The private education sector has grown exponentially over the past decade, and now accounts for the majority of tertiary enrolments.

2.38 Iran has a highly-educated population. According to the UNDP, 84.7 per cent of the population aged 15 and older are literate. The literacy rate among youth (those aged 15-24) is higher still (97.7 per cent for females, 98.2 per cent for males). On average, Iranians receive 9.8 years of schooling. Iran has almost universal primary school enrolment, and nearly 90 per cent of the secondary school-age population are enrolled in secondary school (enrolment rates are lower in rural areas). Almost all Iranian children complete primary education, and most have at least some secondary education. Nearly 70 per cent of the tertiary school-age population are enrolled in university. Iran is globally competitive in science, technology, engineering and mathematics, and has some of the highest university graduation rates in the world in these fields. Entrance to the top universities can be more difficult for those from religious minorities or with family backgrounds considered suspicious by the authorities.

## POLITICAL SYSTEM

2.39 Iran is a theocratic republic, established under the principle of *Velayat-e faqih* ('guardianship of the jurist'). Under this principle, an Islamic jurist (the Supreme Leader) makes final policy decisions. The Supreme Leader is the highest power in the land, Iran's head of state and the commander of its armed forces. The Supreme Leader is responsible for setting overall state policy and has significant influence over foreign policy and national security. The Supreme Leader appoints the head of the judiciary, half the members of the Guardian Council and all members of the Expediency Council. The Supreme Leader can annul any bill passed by parliament and must approve any constitutional changes. The current Supreme Leader, Ayatollah Ali Khamenei, assumed the role in 1989, following the death of the Islamic Republic's founder, Ayatollah Ruhollah Khomeini.

2.40 Iran's political system is a combination of elected and unelected institutions. Elections are held regularly for president, parliament, local councils and the Assembly of Experts. The Supreme Leader and members of the Guardian Council and the Expediency Council, where most power is concentrated, are not popularly elected.

2.41 The Assembly of Experts, comprising 88 clerics elected for eight-year terms by popular vote, selects the Supreme Leader and has the constitutional power to remove them from office should they be unable to perform their duties. In practice, the Assembly of Experts has never challenged the Supreme Leader's authority. The Assembly of Experts meets twice a year. Seven members were most recently elected in February 2020.

2.42 The Council of Guardians of the Constitution ('Guardian Council') reviews all bills passed by parliament to determine whether they comply with *sharia* (Islamic law) and the constitution. It vets all candidates for election to the presidency, parliament and Assembly of Experts, including on the basis of a candidate's allegiance to Shi'a Islam and to the Islamic Republic. Disqualification of reform-minded candidates and/or candidates considered insufficiently loyal to the clerical establishment is common (the Guardian Council approved six candidates from a total of 1,636 to contest the last presidential election, and the rate of disqualification of reformers from the February 2020 parliamentary election was likewise high). The Guardian Council comprises 12 clerics, half of whom are appointed directly by the Supreme Leader for phased six-year terms. The head of the judiciary (appointed by the Supreme Leader) nominates the other six, who are then approved by parliament.

2.43 The Islamic Republic's original constitution (adopted in December 1979) provided for a president with limited powers and a prime minister as the head of cabinet and government. Constitutional amendments in 1989 abolished the position of prime minister and created a presidential system. While subservient to the Supreme Leader, the presidency has developed into a powerful office and Iran's presidents have each stamped their own personality and politics on the country's social and economic life, domestic politics and foreign policy. The president is popularly-elected for a four-year term. Presidents can stand for two consecutive terms and may contest a third term after an interregnum. The current president, Hassan Rouhani, secured a second term in May 2017 (he was first elected in June 2013). At the time of publication, Rouhani governed with the support of one first vice president, 10 vice presidents and 19 ministers, approved by parliament. The next presidential election is due in 2021.

2.44 The Council for the Discernment of Expediency ('Expediency Council') resolves impasses between parliament and the Guardian Council. It also acts as an advisory body for the Supreme Leader. The Expediency Council comprises the president, the speaker of parliament, the chief of the Supreme Court, the chief-of-staff of the armed forces, the secretary of the Supreme National Security Council (the body responsible for directing national security policy), four Guardian Council jurisprudents and 38 members appointed to five-year terms by the Supreme Leader. According to Article 112 of the constitution, the Expediency Council meets when the Guardian Council 'judges a proposed bill...to be against the principles of Shari'ah [sic] or the Constitution, and the Assembly [parliament] is unable to meet the expectations of the Guardian Council. Also, the Council shall meet for consideration on any issue forwarded to it by the Leader and shall carry out any other responsibility as mentioned in this Constitution'.

2.45 The Islamic Consultative Assembly (commonly referred to as the *Majlis*) is Iran's unicameral parliament. It comprises 290 members elected for four-year terms by popular vote (the most recent parliamentary election took place in February 2020). Deputies, who must be at least 30 years of age, represent 208 constituencies. Constituencies with large populations have multiple seats (for example, Tehran, the largest constituency, has 30 seats). Five seats are reserved for deputies from recognised religious minorities (two Christian Armenians, one Assyrian-Chaldean Christian, one Jew and one Zoroastrian). All of Iran's parliaments have had female members (the current parliament, at the time of publication, had 19). Parliament has the power to initiate bills, although they must be approved by the Guardian Council in order to become law. Parliament can hold the executive branch to account through its powers over the budget and over the confirmation or impeachment of ministers. Parliament serves an important role as a public outlet for political debate, and legislators frequently challenge presidents and their policies. However, parliament's powers are weak compared to the presidency and unelected institutions such as the Guardian Council and

the Supreme Leader's Office. The absence of conventional political parties and a very high turnover of members (see also [Political Opinion \(Actual or imputed\)](#)) weakens the role of parliament. Parliamentary candidates undergo an exhaustive vetting procedure, first by the Ministry of Interior then by the Guardian Council (the Guardian Council disqualified around 50 per cent of the 13,896 candidates who registered to contest the 2020 election, including 82 sitting members. The overwhelming majority of those disqualified were considered reformist or moderate).

2.46 Cities and villages throughout Iran have local councils, elected for four-year terms by popular vote. The president appoints the governors of Iran's 31 provinces. Local council elections were last held in May 2019. Candidates for local council elections are vetted by parliament.

## HUMAN RIGHTS FRAMEWORK

2.47 The constitution provides for freedom of expression, association, opinion, assembly and religion, but stipulates that freedoms must not violate certain principles, including Islam and public rights. These principles are not clearly defined in legislation, and authorities have significant discretion in applying them.

2.48 Iran is a State party to five of the nine core international human rights treaties: the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities. Iran has signed – but not ratified – the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict. Iran is not a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Elimination of All Forms of Discrimination against Women; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

2.49 In March 2011, the UN Human Rights Council (HRC) re-established the mandate of a Special Rapporteur on the situation of human rights in Iran. The previous mandate, established by the HRC's forerunner (the UN Commission on Human Rights), was discontinued in 2002. The Special Rapporteur's mandate is to monitor and investigate human rights violations in Iran, report to the HRC and the UN General Assembly, and engage publicly on issues of concern. Iran does not cooperate with the Special Rapporteur, and has repeatedly denied them permission to visit the country.

2.50 Iran participated in the HRC's Universal Periodic Review (UPR) process in February 2010, October 2014 and November 2019. Of the 329 recommendations it received at its most recent UPR, Iran accepted 143 recommendations in full and 45 in part.

2.51 Iran conducts bilateral human rights dialogues with a number of countries, including Australia (since 2017). The most recent Australia-Iran Human Rights Dialogue took place in August 2018.

2.52 Parliament passed a freedom of information law in 2009. Implementing regulations were adopted in 2015. In 2017, the Information and Communications Technology Ministry launched an online portal for information requests. The law grants broad exemptions, including where the disclosure of information would conflict with state interests, cause financial loss or harm public security.

## National Human Rights Institution

2.53 Iran does not have a national human rights institution. In its national report submitted to the UPR in August 2019, the government advised that a draft bill to establish a national human rights institution had

undergone public consultations and was being reviewed by experts. The draft bill had not entered into force at the time of publication.

2.54 The Iranian Islamic Human Rights Commission (IIHRC) was established in 1995 ostensibly to promote human rights in Iran. In practice, the Commission has focused mostly on highlighting violations of human rights in other countries and on defending Iran's human rights record to the international community. The IIHRC rarely scrutinises the human rights situation in Iran in an open forum, and DFAT is not aware of any mechanism by which Iranians can report human rights violations to it. According to the Global Alliance of National Human Rights Institutions, the IIHRC does not comply with the Paris Principles relating to the Status of National Institutions.

2.55 A number of official bodies are tasked with promoting human rights. These include the High Council for Human Rights, the government's peak human rights body (the High Council for Human Rights is part of the judicial branch); parliament's Article 90 Commission, a body mandated by the constitution to investigate complaints regarding the work of the executive, legislative and judicial branches of government; and the General Inspection Office of the Supreme Leader. These offices have powers to receive and investigate violations of human rights, but their investigations rarely lead to prosecutions.

## SECURITY SITUATION

2.56 The security forces exert tight and effective control over most of Iran's territory, with the exception of some border areas (see [State Protection](#)). A large and conspicuous official security presence in most parts of the country means large-scale security-related incidents are rare, and Iran is peaceful and safe by regional standards. Iran's border areas with Afghanistan and Pakistan are less stable. Drug traffickers and bandits operate in these areas, and violent clashes have occurred between security forces and drug traffickers. Iran's border areas with Iraq are also less stable than elsewhere, and security forces are particularly vigilant in these areas.

2.57 Although official statistics on crime are not readily available, observers assess that Iran has a relatively low rate of violent crime. Much of the violent crime that does occur is drug-related and is subject to severe punishment, including, in some instances, the death penalty. Local sources told DFAT that Iran's economic difficulties, including following the reimposition of US sanctions, had led to a rise in petty crime in Tehran.

2.58 Terrorist groups have conducted attacks in Iran, particularly in the eastern Sistan-Baluchistan province bordering Afghanistan and Pakistan (see [Baluch](#)). These attacks have mainly targeted Iranian security forces, but also civilians on occasion. The most recent terrorist attack occurred on 13 February 2019, when a suicide bomber targeted a bus carrying IRGC personnel. At least 27 people were killed. A Sunni militant group, Jaish al-Adl (Army of Justice), claimed responsibility for the attack. Jaish al-Adl, which Iran considers a terrorist organisation, operates across the Iran-Pakistan border, and has previously targeted Iranian border guards, including for kidnapping.

2.59 Terrorist groups have also conducted attacks against government interests in other parts of the country, although their incidence is rare. In June 2017, terrorists conducted simultaneous attacks in Tehran on the parliament building and the Imam Khomeini Shrine, killing 18 people and leaving dozens more injured. The attacks, carried out by a suicide bomber and gunmen disguised as women, were the first to occur in Tehran in more than a decade. The Islamic State in Iraq and the Levant (ISIL, also known as ISIS, IS or Da'esh) claimed responsibility. In September 2018, gunmen attacked a military parade in Ahvaz (Khuzestan Province), killing 25 people, including members of the IRGC and civilians. The Ahwaz National Resistance, an Arab separatist umbrella group, and ISIL both claimed responsibility for the attack (see [Arabs](#)).

2.60 Large-scale anti-government protests and demonstrations have occurred in different parts of the country in recent years, usually resulting in multiple arrests, fatalities and injuries (see [Critics of the State](#)). Demonstrators have also periodically targeted foreign diplomatic missions and the headquarters of UN agencies. The most recent serious attack of this nature occurred in January 2016, when protesters stormed the Embassy of Saudi Arabia in Tehran and a Saudi Consulate in Mashhad Province, setting the building on fire and ransacking offices. The attacks were triggered by the execution in Saudi Arabia of a prominent Shi'a cleric. In November 2011, protesters attacked the UK Embassy and another diplomatic compound in Tehran, ransacking offices and stealing documents. In both cases, the Iranian Government expressed regret for the violent actions but did not prosecute any offenders.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 Article 19 of the constitution stipulates that all people of Iran enjoy equal rights, regardless of the ethnic group to which they belong, and colour, race, and language do not bestow any privilege. Article 15 stipulates that while Farsi is the official language of Iran and must be used in all official documents, textbooks and signage, the use of regional and tribal languages in the press and mass media and for the teaching of literature in schools is permitted alongside Farsi. No laws discriminate on the basis of ethnicity, including in relation to access to education, employment or housing. In his successful bid for the presidency in 2013, Hassan Rouhani pledged to promote ethnic minority rights by increasing minority representation in government and by allowing the teaching of 'Iranian native languages' such as Kurdish, Azeri and Arabic. Many of the most prominent figures in the Islamic Republic era, including the current Supreme Leader, have come from an ethnic minority background. Many ethnic minorities observe religious minority faiths (see [Religion](#)).

3.2 Accurate numbers for ethnic minorities' representation within national institutions are difficult to obtain. While they are represented in government and the security forces, including in provinces where they comprise a majority, ethnic minorities are under-represented as a proportion of their population and are rarely awarded senior government or military positions.

3.3 Ethnicity remains a sensitive political topic in Iran. The Islamic Republic has generally sought to emphasise religion as a means of fostering national identity and avoiding problems of ethnic division. In practice, Iran is a strongly Persian-centric society. While ethnic minority communities exist in Tehran and other major cities, a large percentage of non-Persian Iranians are concentrated in less developed rural areas of the country where access to services and employment opportunities is more limited. This issue affects all rural residents, regardless of ethnicity.

3.4 DFAT assesses that, although the experience of different groups is not uniform, both official and societal discrimination against ethnic minorities does occur. The national civil registry maintains a list of acceptable names and prohibits the registration of children whose given name is not on this list. Insofar as it contains mostly Farsi names, the registry limits the ability of ethnolinguistic minorities to name their children in their own language or tradition (although, in practice, DFAT understands many Iranians use their own names, which are different from those registered, in informal settings). Ethnic minorities report political and socioeconomic discrimination, particularly in relation to their ability to access economic aid and business licences, university admissions, job opportunities, permission to publish books in their languages, and housing and land rights. Ethnic minorities are rarely awarded senior government or military positions. Human rights observers claim authorities commonly subject members of ethnic minorities in pre-trial detention to more severe physical punishment or mistreatment than other prisoners, regardless of the crime they are accused of committing. According to the Special Rapporteur on the situation of human rights in Iran, ethnic minorities account for a disproportionate number of political prisoners and executions on national security-related charges (see [Death Penalty](#)).

3.5 The overwhelming majority of ethnic minority communities are integrated into Iranian society, participate in politics and identify with the Iranian nation. For the most part, ethnic minority communities have sought greater rights rather than greater autonomy or secession. Nevertheless, the authorities are highly sensitive to political activism, particularly in border provinces and when they perceive the activism to be a threat to the Islamic Republic (see [Civil Society Activists/Human Rights Defenders](#)). Authorities have targeted ethnic minority activists for arrest and prosecution on national security grounds.

3.6 Protests by ethnic minorities occur periodically. For example, ethnic minorities were involved in the 2017-18 protests (see [Critics of the State](#)). These emerged in the provinces, their momentum was strongest in border areas and most protest-related deaths occurred in majority Kurdish and Arab areas. Protesters in these areas highlighted several grievances against the central government, including economic hardship and health and livelihood challenges emanating from ecological damage and environmental degradation (see [Civil Society Activists/Human Rights Defenders](#)). Social media posts from the protests showed demonstrators making ethno-nationalist demands while chanting slogans in minority languages, including Azeri, Kurdish and Arabic. On current information, the 2019 protests were not ostensibly motivated by ethnic issues.

3.7 DFAT assesses that members of ethnic minority groups face a moderate risk of official and societal discrimination, particularly where they are in the minority in the geographic area in which they reside. This may take the form of denial of access to employment and housing, but is unlikely to include violence on the grounds of ethnicity alone. The risk to members of ethnic minority groups who are involved (or are perceived to be involved) in activism, including those advocating for greater political and cultural rights or speaking out against perceived violations, is higher (see [Civil Society Activists/Human Rights Defenders](#)).

## Arabs

3.8 Between 1.5 million and 3 million Arabs live in Iran, predominantly in the south-western province of Khuzestan bordering Iraq (Bushehr and Hormozgan provinces also have large Arab communities). Iranian Arabs are often referred to as 'Ahvazis', after the capital city of Khuzestan Province (Ahvaz). Iranian Arabs speak Arabic. Most (approximately 70 per cent) practise Shi'a Islam. Some have converted to Sunni Islam, but DFAT understands such conversions are not widespread. Arab cultural activities are tolerated, and Arabs can freely wear traditional Arabic dress. They also freely speak the Arabic language. DFAT heard anecdotally that Arabs in Khuzestan Province are afforded considerable space to express their ethnic identity.

3.9 Like other ethnic minorities, Arabs complain of economic neglect and discrimination in education, employment, housing, politics and culture. As Muslims, Arabs can contest parliamentary elections but are politically under-represented. Only one Arab has ever served in an Iranian Cabinet (Rear Admiral Ali Shamkhani served as Defence Minister from 1997-2005. Shamkhani currently heads the Supreme National Security Council, a consequential position). While they hold most of Iran's oil and gas reserves and have significant shipbuilding, manufacturing and petrochemical industries, the south-western provinces are under-developed economically (largely due to a lack of post-war reconstruction) and suffer from widespread unemployment and poverty. In April 2019, Khuzestan Province, at 16.9 per cent, had the highest unemployment rate in the country, behind only Kurdish-majority areas. Community representatives claim that Iranian Arabs are systematically excluded from employment in the shipbuilding, manufacturing and petrochemical industries and from opportunities to work in local government. Environmental degradation in the south-western provinces is significant, with residents suffering from high levels of air and water pollution and water shortages. According to media reports, some Arabs have been evicted from their homes as a result of industrial and infrastructure development projects.

3.10 Protests in Khuzestan Province are common. Most recently, violent protests, including some deaths, followed the government's announcement in November 2019 to reduce petrol subsidies, with at least



80 people arrested (see [Critics of the State](#)). Hundreds were also arrested in Khuzestan Province during 2018 protests relating to water shortages and poor water quality. In April 2015, authorities arrested large numbers of Arabs in Ahvaz and its surrounding district in the lead-up to the 10<sup>th</sup> anniversary of 2005 protests, in which at least 50 Arab demonstrators were killed and hundreds detained (the 2005 protests were triggered by the publication of an alleged letter from then-Vice President Mohammad-Ali Abtahi suggesting the government was planning to implement policies aimed at reducing the proportion of Arabs in Khuzestan Province). While most of those arrested in 2015 were prominent activists, human rights organisations claim some were targeted for their perceived political opinions, for peacefully expressing dissent or for openly exhibiting their Arab identity and culture.

3.11 In October 2018, the authorities launched a major security sweep in Khuzestan Province following a deadly terrorist attack on a military parade in Ahvaz (see [Security Situation](#)). Freedom House claims up to 800 people were arrested in relation to the attack, some of whom were reportedly executed. DFAT is unable to verify these claims. DFAT understands some of those arrested were subsequently released.

3.12 Despite their grievances, Iranian Arabs do not harbour strong separatist tendencies, and fought on the side of Iran during the Iran-Iraq War (1980-88). Separatist groups do not enjoy broad support among Iranian Arabs, who generally favour greater political and cultural rights over autonomy or a separate state. The authorities maintain security control in Arab-populated areas, and militant separatism has largely been neutralised. An Arab, as with any other ethnic minority, who openly espouses separatism would face a high risk of arrest and imprisonment.

3.13 DFAT assesses that Arab-populated parts of the country have traditionally been the subject of economic neglect. DFAT assesses that Arabs are not specifically targeted for discrimination on the basis of their ethnicity, including in their ability to access government services, and are afforded the same state protections as other ethnic minorities. However, since the September 2018 terrorist attack against security forces in Ahvaz (see [Security Situation](#)), the Arab population in Khuzestan Province has been a sensitive topic for the government. DFAT assesses that Arabs, more so than other ethnic minorities, who are active politically are likely to attract adverse attention from the authorities, particularly those in border provinces. Those who advocate for greater rights and autonomy and/or self-determination face a high risk of official harassment, monitoring, imprisonment and mistreatment.

## Azeris

3.14 Approximately 12.3 million Iranians are of Azeri origin, making Azeris Iran's largest ethnic minority. The Turkic-speaking Azeris are Shi'a, and reside mainly in the provinces of north-west Iran bordering the country of Azerbaijan, and in Tehran. Azeris are known as Azeri Turks, Iranian Azerbaijanis, Iranian Azeris, Iranian Turks and Persian Azerbaijanis. Azeris are politically and socioeconomically diverse: they work in a variety of professions, have a wide range of income and wealth levels, and have attained a range of education levels. Azeris are, on the whole, better integrated into Iranian society, business, politics and the security forces, and have greater influence, than other ethnic minorities. The Azeri community has substantial economic weight, and several of its members hold important positions in the state apparatus and in the armed forces. Ayatollah Khamenei is half-Azeri, as is former prime minister and leading opposition figure Mir Hossein Mousavi.

3.15 While Azeris are well-integrated into Iranian society, DFAT is aware of some reports of official discrimination. This includes claims that authorities have harassed Azeri activists and changed Azeri geographic names. According to Amnesty International, hundreds of Azeris, including minority rights activists, were arrested for participating in peaceful cultural gatherings in 2018, some of whom were reportedly sentenced to prison terms and flogging. The Special Rapporteur on the situation of human rights

in Iran claims that, as at July 2019, at least 82 Azeris were in detention on national security-related charges. Some of those detained have advocated for state recognition of the Azeri language.

## Baluch

3.16 There are between 1.5 million and 2.5 million Baluch in Iran, part of a wider regional population of around 10 million spread across Iran, Pakistan, Afghanistan and Oman. Baluch are predominantly Sunni. They reside primarily in the arid south-eastern province of Sistan and Baluchistan, a poorly developed area bordering Pakistan and Afghanistan with limited access to education, employment, healthcare and housing. Around 10 per cent of Baluch are nomadic or semi-nomadic. Some lack official documentation and proof of Iranian citizenship. In April 2019, Sistan and Baluchistan had an unemployment rate of 14.3 per cent. Most of its population lives below the national poverty line. Drug smuggling is prevalent and the rule of law weak. Baluch are under-represented in the provincial government. Baluch rights activists claim that Baluch journalists and human rights activists are subject to arbitrary arrest, physical abuse and unfair trials, and that authorities pressure the families of detainees to remain silent, under threat of retaliation for speaking out.

3.17 Jundallah (Soldiers of God) is a militant insurgent group established in 2003 to fight for Baluchi rights in Iran. Its stated goals are to secure recognition of Baluchi cultural, economic and political rights and spread awareness of the Baluchi situation through violent and non-violent means. The group is part of a larger Baluchi separatist conflict playing out in Baluchi areas of neighbouring Pakistan. Jundallah has organised suicide bombings, small-scale attacks and kidnappings, including of an Iranian nuclear scientist in 2010. Although its insurgency has primarily targeted members of the Iranian security forces and other government symbols, Jundallah has also occasionally targeted civilians. Iranian authorities captured and executed Jundallah's leader in 2010, and DFAT understands the group's activities have largely ceased in recent years. According to the Special Rapporteur on the situation of human rights in Iran, in 2018 the authorities executed three individuals for suspected affiliation with banned Baluchi militant groups.

## Kurds

3.18 An estimated 8 million Kurds live in Iran. Predominantly Sunni Muslim, Kurds are concentrated in the north-western provinces of Kurdistan, Kermanshah, Ilam and West Azerbaijan. These provinces border Kurdish-population regions in Iraq and Turkey. The provinces in which Iranian Kurds are concentrated are relatively under-developed economically and have some of the highest rates of unemployment in the country. In April 2019, Kermanshah Province had the highest unemployment rate in Iran (20.9 per cent), with Kurdistan Province recording the second highest (19.6 per cent). West Azerbaijan and Ilam provinces recorded unemployment rates of 15.5 per cent and 10.3 per cent, respectively, in the same period. Many Kurdish men work as *kolbars* (border couriers) transporting goods between Iran and Iraq, although the Iranian authorities have clamped down on this activity in recent years (see [Extrajudicial Killings](#)). Kurds are not represented in senior military roles, and there are no senior Kurdish government officials.

3.19 More than most other ethnic minorities, the Kurds have traditionally harboured separatist tendencies (Kurdish militants attempted unsuccessfully to break away from the Islamic Republic after the 1979 revolution). A number of militant groups – including the Kurdistan Free Life Party (PJAK), the Kurdistan Democratic Party of Iran (KDPI) and the Komala Party of Iranian Kurdistan continue to promote Kurdish self-determination and occasionally engage in armed clashes with Iranian security forces, who maintain a large presence in Kurdish areas. Overall, Kurdish separatist activity in Iran has mostly been at a lower level than that in neighbouring countries, partly due to the fact that Iranian Kurds' living standards tend to be higher than those of neighbouring Kurds. A local Kurdish source told DFAT that, while there is a perception among

Kurds that the state deliberately holds them back, there is an acceptance that independence from Iran is not a viable option. Most Kurds, therefore, are committed to working within the Iranian political system to strengthen their rights as citizens and improve economic conditions in Kurdish-majority areas.

3.20 The authorities are highly sensitive to organised political activity by the Kurds. According to the most recent report of the Special Rapporteur on the situation of human rights in Iran (July 2019), Kurdish political prisoners charged with national security offences represent almost half the total number of political prisoners in Iran, and constitute a disproportionately high number of those who receive the death penalty and are executed. The Special Rapporteur registered 828 arrests of Iranian Kurds in 2018 and 199 arrests in the period January-June 2019. Some of those arrested were reportedly charged with crimes relating to civic activism and membership of banned Kurdish political parties, and handed prison sentences of up to 15 years. NGOs report that, in September 2018, three Kurdish men convicted of participating in armed struggle against the state were executed. Amnesty International claims the men were denied access to their lawyers and tortured into making confessions.

3.21 International sources report that the government uses security, media and other laws to arrest and prosecute Kurds for exercising freedom of expression and association. The authorities have reportedly banned some Kurdish-language newspapers, journals and books. Authorities have denied Kurdish NGOs registration permits, and brought security charges against persons working with such organisations. NGOs claim this has suppressed legitimate activity. Teaching of the Kurdish language is prohibited in most schools and universities, although its general use is tolerated.

3.22 DFAT assesses that Kurds are not specifically targeted for discrimination on the basis of their ethnicity or religion, including in their ability to access government services, and are afforded the same state protections as other ethnic minorities. DFAT further assesses that, like other ethnic minorities, Kurds who are active politically are likely to attract adverse attention from the authorities. Those who advocate for greater rights and autonomy and/or self-determination face a high risk of official harassment, monitoring, imprisonment and mistreatment.

## Faili/Feyli/Iraqi Kurds

3.23 The Faili (also spelled Feyli, and commonly known as Iraqi) Kurds are a sub-group of the larger Kurdish population. They originate from the Zagros Mountains, which straddle the Iran-Iraq border, and many have family on either side of the border. Most, but not all, Faili Kurds originate from Iraq (some have lived in modern-day Iran for centuries). Faili Kurds in Iran typically reside either close to the Iraqi border, including in Khuzestan, Lorestan, Kermanshah and Ilam provinces, or in major cities. They are distinguishable from other Iranian Kurds by their religion (most Faili Kurds are Shi'a), their location and their distinctive dialect. Three main groups of Faili Kurds live in Iran: (1) Iranian citizens; (2) those of Iraqi origin who are registered refugees (*Amayesh* cardholders); and (3) those of Iraqi origin who are not registered refugees (non-*Amayesh* cardholders). Accurate population estimates for the three groups or for the overall number of Faili Kurds in Iran are not available. A local Kurdish source told DFAT that the number of Faili Kurds in Iran is not significant as a proportion of Iran's population.

3.24 Upon seizing power in the 1960s, the Ba'athist Government in Iraq adopted several policies with the effect of excluding Faili Kurds, who the Iraqi authorities considered to be Iranian. The most notable of these – Decree No. 666 (1980) – cancelled the Iraqi citizenship of all Iraqis of 'foreign origin', including Faili Kurds. Under the Decree, authorities seized the properties and documentation of Faili Kurds, and eventually expelled them by force from Iraq. The expulsion of Faili Kurds intensified during the Iran-Iraq War: some estimates of the numbers of Faili Kurds who crossed into Iran between the late 1970s and 1988 range up to

250,000 (although this estimate is at the high end). Most Faili Kurds expelled from Iraq settled in Iran's Kurdish-populated north-western provinces.

3.25 Iran recognises many (but not all) Faili Kurds as refugees. Those Faili Kurds registered as refugees, like all other registered refugees, are entitled to government services and other rights under the *Amayesh* system. In contrast, undocumented Faili Kurds are not legally entitled to work, access government services or obtain birth, death and marriage certificates (see [Refugees and Undocumented Afghans](#)). Many Faili Kurd refugees returned to Iraq after the fall of Saddam Hussein in 2003 and had their Iraqi citizenship reinstated (the Iraqi Nationality Law, adopted in 2006, repealed Decree No. 666 and stipulated that all persons de-naturalised by the former government have their Iraqi citizenship restored). DFAT is unable to verify how many Faili Kurd refugees have returned to Iraq from Iran.

3.26 Faili Kurd refugees with paternal Iranian ancestry are eligible for Iranian citizenship. Reports suggest that, while many Faili Kurd refugees have applied, only a small number have succeeded in obtaining Iranian citizenship, due to the lengthy and complicated process and the high costs involved (this is also true for applications for Iranian citizenship from other groups, including those who have married Iranians or resided in-country for generations). Other Faili Kurds have not applied for naturalisation because they do not have the required family members in Iran to prove their Iranian ancestry. Faili Kurds who are citizens of Iran enjoy the same rights as other Iranians. DFAT is not aware of specific instances whereby authorities have singled out Faili Kurds for mistreatment, regardless of the category to which they belong.

## RELIGION

3.27 Over 99 per cent of Iranians are Muslim, of whom 90-95 per cent are estimated to be Shi'a and 5-10 per cent Sunni. Small religious minority communities – including Baha'is, Christians, Zoroastrians, Jews and Sabeen-Mandaeans – make up the remainder. Of Iran's religious minorities, only Christians, Zoroastrians and Jews (excluding converts) enjoy legal recognition and, in turn, the ability to worship openly (see [Recognised Religious Minorities](#)). Adherents of non-recognised religions are considered Muslim and are prohibited from expressing their faiths publicly. Religious minority communities – recognised and non-recognised – have shrunk considerably since 1979, with many choosing to leave Iran after the Islamic Revolution.

3.28 Iran is a theocracy with Islamic beliefs and customs enshrined in law. Shi'a Islam is the official state religion. Article 4 of the constitution requires that all laws and regulations be based on (Shi'a) Islamic criteria. Legislation and government policy heavily favour the majority Shi'a population, leading to pervasive structural discrimination against non-Shi'a Muslims and recognised religious minorities. Non-Shi'a Muslims, for example, are constitutionally-barred from serving as Supreme Leader or as members of the Guardian Council, the Assembly of Experts and the Expediency Council. Adherents of non-recognised religions, particularly Baha'is, face widespread official and societal discrimination. According to a July 2019 survey on religious restrictions conducted by the Pew Research Center, Iran ranks among the top 10 countries in the world for laws and policies restricting religious freedom.

### Sunni Muslims

3.29 Between 5 and 10 per cent of Iranians are Sunni Muslim. Sunnis are predominantly members of ethnic minority groups, including Turkmen, Arabs, Baluch and Kurds, and largely reside in rural provinces (see [Race/Nationality](#)). Article 12 of the constitution accords full respect to other schools of thought within Islam, and affords their adherents the freedom to practise their religious rites and follow their own jurisprudence in matters of religious education and personal affairs such as marriage, divorce, inheritance

and wills. Article 12 also stipulates that, in regions where non-Shi'a Muslims comprise a majority of the population, local regulations are to conform to the relevant school of Islam, without infringing upon the rights of other schools. Sunnis can serve as judges in the general courts (but not in the Revolutionary Courts) and, as Muslims, can contest parliamentary elections (there were 24 Sunni members in the previous parliament). According to the Iranian Government, there are more than 10,000 Sunni mosques and more than 3,000 Sunni religious schools in the country.

3.30 Despite these constitutional protections, Sunnis report official discrimination. This includes under-representation in government positions in the provinces where they form a majority; lack of basic government services; and inadequate public funding for infrastructure projects. However, Sunnis note that it is sometimes difficult to distinguish whether the cause of government discrimination against them is religious or ethnic, since most Sunnis are also members of ethnic minority groups.

3.31 Sunnis accuse the authorities of suppressing their religious rights. This includes limitations in performing Friday prayers and religious celebrations in Tehran and other major cities, detention and harassment of clerics, and bans on Sunni teachings in public schools. Sunnis claim they are denied permission to build mosques in major cities, including Tehran. DFAT understands that no Sunni mosques have been constructed in Tehran since the Islamic Revolution. NGOs report that the authorities restrict the movement of Iran's highest-ranking Sunni Muslim cleric, Molavi Abdolhamid Ismaeelzahi. Ismaeelzahi, who has advocated for greater rights for Sunnis, is reportedly barred from traveling outside of Zahedan (Sistan and Baluchistan Province). According to the Special Rapporteur on the situation of human rights in Iran, more than 53 Sunnis, including clerics, have been arrested and some charged with national security-related offences – including 'propaganda against the state' and 'membership in Salafist groups' – in the last two years.

3.32 DFAT assesses that Sunnis face a moderate risk of official discrimination in that the structure of the Islamic Republic favours the Shi'a Muslim majority to the exclusion of others. The considerable overlap between ethnicity and religion for many Sunnis makes it difficult to distinguish between discrimination on the grounds of religion and discrimination on the grounds of ethnicity.

## Recognised Religious Minorities

3.33 The Christian, Zoroastrian and Jewish religions are the only recognised non-Muslim faiths in Iran. The constitution grants adherents of these religions the freedom – within the limits of the law – to perform their religious rites and ceremonies, and to comply with their own canon in their personal affairs and religious education. Christians, Zoroastrians and Jews are allowed to hold religious services, operate places of worship and religious schools, celebrate religious holidays and issue marriage contracts in accordance with their religious laws. Five parliamentary seats are reserved for these groups (two for Armenian Christians, and one each for Assyrian Christians, Zoroastrians and Jews). Armenian Christians have observer status in the Guardian Council and Expediency Council. The Ministry of Education supervises private schools run by Christians, Zoroastrians and Jews, and must approve all textbooks, including religious texts. The principals of private religious schools (also known as directors) must pass the *gozinesh* review (a process to determine one's adherence to, and knowledge of, Islam and loyalty to the Islamic Republic). Members of the three recognised religions must register with the authorities.

3.34 Despite the protections afforded to them by the constitution, members of recognised religious minorities face official and societal restrictions. By law, non-Muslims are barred from occupying senior positions in the government, military or intelligence, serving in the judiciary or as public school principals. Non-Muslims seeking public sector employment or intending to run for public office are at a disadvantage compared to Muslims due to the requirement that all such candidates or applicants undergo the *gozinesh*

review. Government workers who do not observe Islamic principles and rules are subject to penalties and may be dismissed or barred from work in particular sectors. With the exception of the five parliamentary quota seats and local councils, members of recognised non-Muslim religious minorities may not be elected to representative bodies.

3.35 Most members of recognised religious minorities are indistinguishable from Muslims in terms of physical appearance and everyday dress. Christian, Zoroastrian and Jewish women adhere to dress code requirements relating to the wearing of headscarves in public. However, many Christians have ethnically-distinct names that can identify them as Christian. This may occasionally manifest in low-level societal discrimination such as the loss of employment opportunities, but is unlikely to result in violence.

3.36 DFAT assesses that members of recognised religious minorities who do not seek to convert Muslims to their religions face a low risk of official discrimination. While they enjoy the benefits of official recognition, the structure of the Islamic Republic favours the Shi'a Muslim majority to the exclusion of others. The risk of societal discrimination, including violence, is low, but may increase at times of heightened external pressure on Iran.

## Christians

3.37 According to the most recent national census (2016), there are 130,000 registered Christians in Iran. Ethnic Armenians concentrated in Tehran and Isfahan are the largest group of recognised Christians. Other recognised Christian groups include Assyrians, Chaldeans and Sabeen-Mandaeans, although the latter group does not self-identify as Christian. Those citizens able to prove they or their families were Christian prior to 1979 are also recognised. Conversions after 1979 are not recognised (see [Unrecognised Christian Groups \(House Churches\)](#)). The ethnic churches have different denominations – there are Assyrian Catholic, Orthodox and Presbyterian congregations – but the members of the various denominations maintain close links within their own community. Because the law prohibits citizens from converting from Islam to another religion, the government only recognises these groups because their presence in Iran pre-dates Islam. Recognised churches are required to deliver sermons in their traditional language. Farsi-language services are not permitted, as they could promote proselytisation. There are approximately 20 officially recognised Christian churches in Iran. All pre-date the Islamic Revolution (the authorities have not granted permission for the construction of new churches since 1979).

3.38 The activities of recognised Christian communities are closely regulated, to guard against proselytisation. All Christians and Christian churches must be registered with the authorities, and only recognised Christians can attend church. Security officials closely monitor registered churches to verify that services are not conducted in Farsi, and perform regular identity checks on worshippers to confirm that non-Christians or converts do not participate in services. Authorities have closed several churches in recent years for failing to comply with these restrictions, including churches that had existed prior to 1979.

3.39 Despite these restrictions, community leaders associated with recognised churches report that the authorities respect their religious rights, and their communities are able to act freely in their own spaces without government interference (including holding mixed-gender gatherings, using alcohol for ceremonial purposes and allowing women to uncover their heads). A local Christian from Tehran told DFAT they experienced no official or societal discrimination, and felt comfortable practising their faith.

3.40 DFAT assesses that, while their congregations are monitored and they are subject to restrictions, Christians from recognised churches are permitted to practise their faith. DFAT further assesses that, except for their exclusion from senior government, military, intelligence and judicial positions, recognised Christians who do not engage in proselytisation activities face a low risk of official discrimination.

## Zoroastrians

3.41 Zoroastrians are the oldest religious community in Iran. According to the 2016 national census, 23,000 Iranians adhere to the Zoroastrian faith. Most Zoroastrians live in Tehran, with smaller communities in Kerman (Kerman Province) and Yazd (Yazd Province). Yazd is home to several sacred Zoroastrian sites, including holy shrines to which adherents undertake annual pilgrimages. Founded by the Prophet Zoroaster (also known as Zarathustra) in ancient Iran over 3,500 years ago, Zoroastrianism was the dominant religion during the Persian Empire, but waned after the Arab Islamic conquest of Persia, with large numbers of Zoroastrians either converting to Islam or relocating, primarily to India (where they are known as Parsis). Zoroastrians speak Dari, an archaic form of Farsi. The Avesta, the sacred book of the Zoroastrian faith, is written in the Avestan language (also known as Zend).

3.42 Zoroastrians pray several times a day. Prayers are performed facing the sun, fire or other source of light. Prayers are usually performed at home or in the open. Zoroastrian rituals emphasise purity. Fire is considered the supreme symbol of purity, and sacred fires are maintained in Zoroastrian temples (known as fire temples). These fires represent the light of God ('Ahura Mazda' for Zoroastrians) and are never extinguished. No Zoroastrian ritual or ceremony is performed without the presence of a sacred fire. Some of the basic tenets of the Zoroastrian faith include: concepts of heaven and hell; resurrection; a supreme and universal God; divine creation; the spiritual nature of the world and humans; belief in the afterlife; and belief in the basic goodness of humanity.

3.43 Traditionally, Zoroastrians have not accepted converts from other religions, including, in the case of Iranian Zoroastrians, for fear of being charged with proselytisation. Conservative Zoroastrians frown upon marriage outside of the faith and do not recognise the children of such unions as Zoroastrian. Less conservative Zoroastrians accept converts, as well as children born to a Zoroastrian mother and non-Zoroastrian father. Given proselytisation of Muslims is a criminal offence, Iranian Zoroastrians do not actively seek to convert others to their faith.

3.44 In recent years, some Iranians have adopted Zoroastrian symbols and traditions to celebrate an Iranian cultural heritage predating Islam. The Iranian new year Nowruz – originally a Zoroastrian tradition – is a state holiday celebrated by all Iranians. However, the Iranian media, senior government officials and government-affiliated religious officials have occasionally portrayed Zoroastrians as devil worshippers and polytheists. This has reportedly led to some Zoroastrians concealing their religious background, fearing harassment or discrimination.

3.45 Like other constitutionally-recognised religious minorities, Zoroastrians face official discrimination on the basis that Iran's laws and regulations are based on Shi'a Islam, and Zoroastrians are disqualified from senior government, military, intelligence and judicial positions. DFAT assesses that Zoroastrians, so long as they do not seek to convert others, can practise their faith and face a low risk of persecution on religious grounds.

## Jews

3.46 Based on the 2016 national census, the Jewish community numbers nearly 10,000 people— the largest Jewish community in the Muslim world. According to the Tehran Jewish Committee, there are 100 synagogues throughout Iran, including 31 in Tehran, around 20 of which are active. Tehran has a vibrant Jewish community — there is a Jewish café, two kosher restaurants and a maternity hospital funded by the Jewish community in south Tehran. Although some government restrictions and discrimination exist, Jewish community representatives report that the authorities rarely interfere with their religious practices and they are permitted to practise their faith. Senior government officials and government-affiliated religious officials

periodically make anti-Semitic statements directed at Israel, although the frequency of such statements has declined since the Ahmadinejad Presidency. Such statements have little effect on the day-to-day lives of Iranian Jews, and Iranian Jewish leaders have generally tried to distance Iranian Jews from Israel.

3.47 Despite Iran's official anti-Israel and anti-Semitic rhetoric, there is little evidence of interference in, or restriction of, Jewish religious practice. Jewish community representatives say they are free to travel in and out of Iran, and the government does not usually enforce a prohibition against travel to Israel by Iranian Jews (although it does enforce this prohibition with other Iranians).

3.48 Like recognised Christians and Zoroastrians, DFAT assesses that – excepting their exclusion from senior government, military, intelligence and judicial positions – Jews face a low risk of official discrimination and are able to practise their faith.

## Unrecognised Christian Groups (House Churches)

3.49 The Penal Code strictly prohibits proselytisation by religious minority groups — it is a capital crime for non-Muslims to convert Muslims. Against this background, the three recognised minority religions do not proselytise or accept converts. Strict instructions not to minister to Iranians apply to all recognised churches, including the small number of Latin Catholic and Protestant churches in Tehran and elsewhere that cater to expatriates. To enforce this prohibition, authorities closely monitor recognised churches (see [Christians](#)). DFAT understands that recognised churches regularly receive telephone enquiries from individuals falsely claiming to be interested in converting, as a way of testing their adherence to the prohibition on converts.

3.50 Iranian Christians who are not members of recognised churches generally practise in underground 'house churches'. The secrecy surrounding house churches makes it impossible to provide an exact number of house churches or unrecognised Christians in Iran. The Special Rapporteur on the situation of human rights in Iran estimates there are between 300,000 and 350,000 Muslim converts to Christianity, with international Christian advocacy groups citing significantly higher numbers. While precise figures are elusive, Iran has a growing unrecognised Christian population. DFAT understands a high percentage of unrecognised Christians are Farsi-speaking converts from Islam, or the children of converts. Some converts reportedly travel to Turkey (with which Iran has visa-free travel arrangements) to be baptised, then return to Iran and practise in private. Local sources claim many converts are unhappy with being designated Muslim at birth and wish to explore their religious identity. Others see adopting Christianity (albeit surreptitiously) as a form of protest against the government.

3.51 According to international observers, house churches exist across Iran, particularly in major cities. DFAT understands that most house churches follow evangelical Protestant teachings and tend to be situated in more affluent and liberal parts of major cities (including north Tehran). House churches vary in size, style and structure. Most are small and informal, and consist of close family and friends gathering on a regular or semi-regular basis to pray, worship, read the Bible and/or watch Christian television programs broadcast via satellite or discs smuggled from abroad (including in Farsi). Other house churches may be larger, and may grow organically as members share their faith with family and friends. While some groups do not have any formal links with other Christian groups, others are part of house church networks within a particular city or area. Some house church leaders are trained in Christian theology (either online, via Christian satellite television or through residential courses completed outside Iran). A growing number of house churches have 'Internet pastors', where a foreign-based preacher leads the church and provides instruction remotely via the Internet. DFAT understands that house church congregants regularly change houses to avoid detection.

3.52 Authorities interpret the growth in house churches as a threat to national security and periodically carry out raids against them. Raids focus particularly on house churches that actively proselytise or seek out new members. DFAT is unable to verify if the frequency of raids of house churches is increasing or whether a



warrant is required to execute a raid. Local sources were unaware of any raids in the first half of 2019, although raids may not necessarily be publicised. According to the UK Home Office, the authorities use informants posing as converts to infiltrate house churches. Where the authorities receive a report of a house church, they may initiate a monitoring process to survey and collect information about its members. Local sources told DFAT that the authorities do not actively look for house churches. Rather, raids – where they occur – are usually the result of tip-offs by Muslim neighbours.

3.53 The judiciary has handed down long sentences in relation to house church activities. In July 2017, the Revolutionary Court convicted eight Christians of ‘acting against national security through the establishment of a house church’, ‘conducting evangelism’ and ‘insulting Islamic sanctities’, and sentenced the group to between 10 and 15 years’ imprisonment. Among those sentenced were Victor Bet-Tamraz, an Assyrian Christian pastor and former head of the Assyrian Pentecostal Church in Iran, and a Christian convert arrested during a private Christmas gathering in Bet-Tamraz’s Tehran home. In January 2018, Bet-Tamraz’s wife was sentenced to five years in prison for ‘acting against national security by organising house churches, attending Christian seminars abroad and training Christian leaders in Iran for the purpose of espionage’. Bet-Tamraz and his wife have been released on bail, but reportedly remain the subject of close surveillance. A priest, Ebrahim Firouzi, was arrested in 2013 on allegations of ‘promoting Christian Zionism’ and handed a five-year prison sentence on charges of acting against national security.

3.54 According to media reports, nine Christian converts received five-year prison sentences in December 2019. At least three of those sentenced had reportedly been arrested in a house church in Rasht (Gilan Province). In June 2018, four Christian converts were sentenced to 10 years’ prison each, and another 114 were reportedly arrested on charges of proselytising in December 2018. In March 2018, 20 Christian converts allegedly participating in a workshop were arrested near Karaj (most of whom were subsequently released). Christian advocacy groups claim that authorities pressure some church leaders to emigrate, either through direct threats or through intentional harassment (including daily summons to security offices for questioning, confiscation of identity documents or forcing them out of their jobs).

3.55 DFAT assesses that small, self-contained house church congregations that maintain a low profile and do not seek to recruit new members are unlikely to attract adverse attention from authorities beyond monitoring and, possibly, low-level harassment. Members of larger congregations that engage in proselytisation activities and have connections to broader house church networks are more likely to face official repercussions, which may include arrest and prosecution. Of particular interest to the authorities are the leaders of house church congregations, who, according to local sources, face a higher risk of arrest and prosecution than ordinary congregants. According to these sources, while there have been instances of ordinary congregants being prosecuted, this is not common — most are released.

3.56 Despite occasional arrests and prosecutions, the authorities do not actively search for Christian converts and, as far as DFAT is aware, do not employ people exclusively for this purpose. DFAT assesses that a Christian convert would not face harm if they maintain a low profile, do not openly proselytise and are not of interest to the authorities for other reasons (e.g. political activism). Official sources told DFAT that converts who keep their beliefs private are not of interest to the authorities. Those who openly propagate Christianity and seek to convert others, in contrast, would draw the attention of the authorities, and face a high risk of official discrimination, including harassment, arrest and prosecution, and some societal discrimination. Local sources were not aware of Christian converts being executed for apostasy in recent times. DFAT assesses the risk of execution for conversion/apostasy to be low (see [Religiously-Based Charges](#)).

3.57 International observers report that Iranians who convert to Christianity abroad are unlikely to face adverse official attention upon their return, provided they have not previously come to the attention of the authorities for political activities, maintain a low profile and do not engage in proselytisation activities. This includes individuals who publicise their conversion online while abroad. According to local sources, in 2017

an Iranian mother and her child who were baptised in Turkey were briefly detained on their return to Iran (they were carrying baptism certificates), but then released. DFAT understands such arrests are not common (see [Conditions for Returnees](#)).

3.58 DFAT assesses that Muslim converts to Christianity risk arrest and detention if their conversion is revealed. Christians found to be proselytising face a high risk of arrest, prosecution and imprisonment. DFAT assesses that Christian converts face a high risk of societal discrimination in the event their conversion becomes widely known, particularly if they are from more religiously-minded Muslim family backgrounds. This may involve ostracism from one's family and discrimination in employment.

## Baha'is

3.59 The Baha'i faith has its roots in 19<sup>th</sup> century Persia, and promotes a belief in the unity of God, religion and humanity. Its founder, a nobleman called Baha'u'llah, is considered a prophet by Baha'is. The religion has its current headquarters in Haifa, Israel. Estimates of the number of Baha'is in Iran range from 300,000 to 350,000. Baha'i is not a recognised religion in Iran and its adherents are considered infidels. As such, most Baha'is conceal their faith. It is common for the authorities to condemn the Baha'i, including in official statements. In 2013, Supreme Leader Khamenei issued a *fatwa* (religious instruction) encouraging Iranians to avoid all dealings with Baha'is.

3.60 In 1991, the Supreme Council of the Cultural Revolution issued a determination on 'the Baha'i question'. This concluded that Baha'i teachings contradicted the tenets of Islam and instructed that its adherents be expelled from schools and denied employment and positions of influence. Thousands of Baha'is have since been dismissed from their jobs and their pensions terminated, and Baha'is have been barred from employment in the public sector; private companies have been pressured to dismiss Baha'i employees; banks have blocked the accounts of Baha'i clients; and some Baha'i businesses have been shut down. As adherents of an unrecognised religion, Baha'is are unable to legally reproduce or distribute religious literature, and known Baha'i religious sites and cemeteries are regularly desecrated or destroyed. Baha'i families are excluded from official recognition of family law matters, including marriages, divorces and custody arrangements.

3.61 The authorities also severely restrict Baha'is' access to higher education. The Ministry of Science, Research and Technology requires universities to exclude Baha'i students from enrolling and to expel them if their religious affiliation becomes known. Baha'is wishing to attend university must therefore suppress their religious identity. According to the Special Rapporteur on the situation of human rights in Iran, 17 Baha'i students were expelled from higher education institutions between January and June 2019. Human Rights Watch claims 54 Baha'i students were prevented from registering at universities because of their faith after taking the national entrance exam for the 2018 school year.

3.62 The authorities harass, prosecute and imprison Baha'is, including on national security grounds (typically, propaganda against the state). Human rights observers report that nearly 100 Baha'is were arrested in 2018, including in Alborz, Mashhad, Isfahan and Kurdistan provinces. In January 2019, nine Baha'is were reportedly sentenced to a total of 48 years' prison for 'membership of the illegal Baha'i community and propaganda against the regime by spreading the Baha'i faith in the society'. In 2008, seven community leaders were handed 10-year prison sentences for 'disturbing national security', 'spreading propaganda against the regime' and 'engaging in espionage'. All were released after completing their sentences. More than 20 Baha'is were reportedly arrested in August and September 2018 on unspecified charges. The authorities are known to arrest Baha'is who close their shops on Baha'i religious holidays or keep them open on Muslim religious holidays. The Special Rapporteur on the situation of human rights in

Iran claims the Baha'is 'have suffered from the most egregious forms of repression, persecution and victimization'.

3.63 DFAT assesses that Baha'is face a high risk of official and societal discrimination based on their non-recognised status, the hostile rhetoric used against them in official statements and the limits imposed on their employment, education and family law status. Baha'is who are open about their faith and who advocate for the community's rights face a high risk of arrest and imprisonment.

## Sufis (Dervishes)

3.64 Sufis, known in Iran as Dervishes, practise a mystical form of Islam. Sufis in Iran are generally from the Shi'a Islam tradition and follow practices emphasising peace, tolerance, introspection and spiritual closeness with God. As part of their rituals, Sufis play music, dance and sing in search of a direct encounter with God. Iran does not recognise Sufism as an official religion, and its adherents are considered Shi'a Muslims. Official data on the number of Iranians who practise Sufism are therefore unavailable. The Gonabadi Dervish (also known as Nematollahi Gonabadi) are the largest of Iran's Sufi Muslim orders. Their size is estimated anywhere between 2 million and 5 million followers. Another large Sufi Muslim order, the Yarsan (also known as Ahl-e Haq or Kakai), is estimated to have 1 million followers. Some Sufi men in Iran are recognisable by their thick moustaches, which are considered a holy symbol in some Sufi orders. Public gatherings of Sufis are circumscribed.

3.65 The Gonabadi Dervish are considered a deviant sect of Islam although, historically, have been tolerated by the authorities. The current spiritual leader ('qutb', or grand master) of the Gonabadi Dervish order, Nour Ali Tabandeh (also known by the title Majzoub Ali Shah), is a former deputy culture minister and deputy justice minister of Iran. Tabandeh publicly backed reformist candidate Medhi Karroubi in the 2009 presidential election, and has been under house arrest since February 2018.

3.66 Shi'a clerics have denounced the Gonabadi Dervish in their sermons and public statements, and its adherents have come under increased pressure from the authorities in recent years. Some Gonabadi Dervishes have reportedly been dismissed from their jobs and banned from universities due to their affiliation, and websites administered by Gonabadi Dervishes have reportedly been shut down. In February 2018, 300 Gonabadi Dervishes were detained during a protest in Tehran against the house arrest of Tabandeh. Protest clashes resulted in the deaths of five security officers, including three struck by a bus. According to Amnesty International, over 200 Gonabadi Dervishes were handed prison sentences (ranging from four months to 26 years) and other punishments – including flogging, internal exile, travel bans, and bans on membership of political and social groups – for their involvement in the protests. The driver of the bus was executed in June 2018. Another Gonabadi Dervish protester, Mohammad Raji, reportedly died in custody. In June 2018, 10 Gonabadi Dervish women detained in connection to the February protests went on a 16-day hunger strike to protest their perceived mistreatment in prison.

3.67 Like the Gonabadi Dervish, the Yarsan are a Sufi Muslim order. Yarsanis themselves consider Yarsan (also known as Ahl-e Haq or Kakai) to be a distinct faith. As with the Gonabadi Dervish, the Yarsan is considered a deviant Islamic sect. Yarsanis are predominantly ethnic Kurds, and are located mainly in western Iran, including Kermanshah, Kurdistan and Lorestan provinces.

3.68 As adherents of an unrecognised religion, Yarsanis are prohibited from constructing places of worship, organising burials in accordance with their religion, and printing and distributing religious literature. Authorities also reportedly deny Yarsanis access to higher education and government employment unless they declare themselves to be Muslim on their application forms. According to the community, societal discrimination against Yarsanis is widespread, and is often encouraged by clerics in Friday prayers. Yarsani men, recognisable by their particular moustaches, have faced employment discrimination, while authorities

reportedly prohibit Yarsani parents from giving their newborn children Yarsani names. Yarsan marriages that are not undertaken in the Shi'a tradition are reportedly not recognised by public notaries and registries. Yarsanis in the military and school systems report harassment. Some Yarsani men claim to have had their moustaches forcibly shaved after refusing to pray during military service. Some Yarsanis have reportedly been arrested on national security grounds.

3.69 DFAT assesses that Sufis face a moderate risk of official and societal discrimination insofar as they cannot worship freely and must misrepresent themselves on official documents, including in order to access education and employment.

## Atheists and Secular or Non-Practising Muslims

3.70 Local sources told DFAT that secularism is widespread, particularly in the major cities and among younger and wealthier Iranians. A significant proportion of the population does not attend mosque or pray on a regular basis, and alcohol consumption is common. Official sources told DFAT that religion was a private matter — that, beyond the expectation that people do not eat in public or hold parties during the holy Muslim month of Ramadan, how one wished to observe Islam was an individual choice, and was not a matter for the state. DFAT heard anecdotally that many Iranians do not observe Ramadan strictly, including by eating, drinking liquids and smoking at home. Most restaurants are closed during Ramadan, although many (especially in Tehran) reportedly serve food discreetly. Those caught eating in public during Ramadan run the risk of arrest and prosecution.

3.71 A Muslim who renounces Islam and becomes atheist is considered apostate and risks state persecution and, potentially, the death penalty (see [Religiously-Based Charges](#)). DFAT is unable to verify what proportion of the population is atheist. According to local sources, atheists are discreet about their non-belief beyond their close family and friends. Unless they widely publicise their non-belief, atheists are unlikely to come to the attention of the authorities. Atheists from conservative families might face familial pressure and potential ostracism if their atheism were revealed, but would generally not be subjected to physical harm. Local sources told DFAT that atheists from more liberal families and parts of the country, like north Tehran, would face no such pressure. DFAT is unaware of individuals being prosecuted for atheism.

3.72 DFAT assesses that non-practising Iranian Muslims face a low risk of official and societal discrimination, particularly in the major cities. DFAT assesses that atheists who are open about their non-belief face a moderate level of official and societal discrimination.

## Religiously-Based Charges

3.73 Under Iranian law, a Muslim who leaves his or her faith or converts to another religion can be charged with apostasy. Separately, a person of any religion may be charged with the crime of 'swearing at the Prophet' (blasphemy) if they make utterances that are deemed derogatory toward the Prophet Mohammed, other Shi'a holy figures or divine prophets. The Penal Code does not specifically criminalise apostasy, but provisions in the Penal Code and the constitution stipulate that *sharia* applies to situations in which the law is silent, and judges are compelled to deliver *sharia*-based judgements in such cases. Although the Quran does not explicitly say that apostasy should be penalised, most Islamic judges in Iran agree that apostasy should be a capital crime. This ruling is based both on oral traditions attributed to the Prophet Mohammed and to Shi'a Imams, whom Shi'a consider the Prophet's rightful successors. Chapter 5 of the Penal Code specifically criminalises swearing at the Prophet as a capital offence, although a clause states that the sentence can be reduced to 74 lashings of the whip if the accused states the insults were the result of a mistake or were made in anger.

3.74 Politically-motivated apostasy charges were frequent in the years following the Iranian revolution, often leading to death sentences. However, in the vast majority of cases, defendants charged with apostasy also faced other charges related to national security. Many of these cases were quickly tried, ending in execution, so apostasy was not fully discussed in the prosecution of these defendants.

3.75 While apostasy and blasphemy cases are no longer an everyday occurrence in Iran, authorities continue to use religiously-based charges (such as ‘insulting Islam’) against a diverse group of individuals. This includes Shi’a members of the reform movement, Muslim-born converts to Christianity, Baha’is, Muslims who challenge the prevailing interpretation of Islam (particularly Sufis) and others who espouse unconventional religious beliefs (including members of recognised religious groups). Some religiously-based cases have clear political overtones, while other cases seem to be primarily of a religious nature, particularly when connected to proselytisation.

3.76 Today, death sentences in apostasy and blasphemy cases are rare. In March 2017, the Supreme Court upheld the decision of a criminal court in Arak (Markazi Province) to sentence a 21 year-old man to death for apostasy. Authorities arrested the man after he made social media posts considered critical of Islam and the Quran while on military service. According to publicly available information, the death sentence had not been implemented at the time of publication. The court also convicted two co-defendants of posting anti-Islamic material on social media, sentencing them to prison.

3.77 DFAT assesses that those accused of religiously-based charges are also likely to face charges related to national security. They are unlikely to have adequate legal defence, and are likely to be convicted.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.78 The constitution contains several articles that relate to the expression of political opinion. Article 23 stipulates that the investigation of individuals’ beliefs is forbidden, and that no one may be molested or taken to task simply for holding a certain belief. Article 24 states that publications and the press have freedom of expression except where it is detrimental to the fundamental principles of Islam or the rights of the public. Article 26 permits the formation of political parties (and other professional/religious associations) provided they do not violate the principles of national unity, the criteria of Islam and the basis of the Islamic Republic, among other stipulations. Article 27 permits public gatherings and marches, provided arms are not carried and they are not detrimental to the fundamental principles of Islam.

3.79 The Political Parties Law (1981, last amended in 1989) gives the Interior Ministry authority to issue permits to political parties. The Interior Ministry grants permits only to parties loyal to the establishment and the *Velayat-e faqih* political philosophy enshrined in the constitution. Registered political parties that adhere to *Velayat-e faqih* generally operate freely, but lack clear manifestos and large, national memberships. Registered political parties do not pursue the goal of taking power – an impossibility given the governing structure of the Islamic Republic (see [Political System](#)). They are better described as ideologically-driven factions with common interests, who come together before elections to support particular candidates and go into ‘hibernation’ between elections. In practice, Iranians register for elections as individuals rather than as members of political parties, and, if they are approved to run as candidates, campaign with others on negotiated ‘lists’. The Guardian Council has power of veto over political candidates, and disqualified a large number of reformist candidates from contesting the 2020 parliamentary election (see [Political System](#)). Political organisation or activism against the existing system of government and the *Velayat-e faqih* political philosophy are not tolerated. Those with political affiliations considered hostile or unacceptable by the authorities, including in areas where ethnic minorities constitute a majority, risk harassment and imprisonment.

3.80 While public gatherings and marches are permitted by law, and protests do occur, significant restrictions on peaceful protest exist in practice. According to local sources, rules governing public gatherings and marches are applied inconsistently, with groups considered pro-regime routinely issued permits, while those seen as critical experience difficulty in obtaining a permit. For example, during the November 2019 unrest, gatherings of people protesting against the petrol price increase were vilified and put down with force, whereas pro-regime rallies occurred freely and received positive press coverage. The authorities regularly monitor public gatherings, including public entertainment and lectures, student and women's meetings and protests, labour protests and Friday prayer gatherings.

3.81 Iranians are able to criticise the government of the day robustly, both in public conversation and online in social media, although this freedom is not unlimited — a number of well-established 'red line' topics are off-limits and critical commentary may lead to prosecution under national security legislation (see [Media](#)). Social media accounts of well-known figures and celebrities attract particular scrutiny (see [Artists and Musicians](#)). Authorities are more likely to crack down on dissent during times of political uncertainty, such as during ongoing political demonstrations, and may restrict the ability of individuals to comment or communicate online at such times (see [Critics of the State](#)).

3.82 Local sources told DFAT that it is common for Iranians to be critical of the government in public places, including supermarkets, shopping malls and taxis. However, people remain cautious about crossing well-understood 'red lines', like insulting the Supreme Leader, in their public interactions beyond close family and friends.

## Political Exile Organisations

3.83 The government systematically dismantled opposition political organisations in the years following the Islamic Revolution, notably the Mojahedin-e Khalq Organisation of Iran (MeK, or People's Mujahedin of Iran in English — also known by the acronym MKO), the National Front, the Freedom Movement and the Toudeh Communist Party. These and other organised groups pursue anti-government activities in exile, as they are outlawed in Iran. For example, the MeK has had its headquarters in France since the early 1980s. Registered political parties within Iran do not have organised relationships with political exile groups.

3.84 The most prominent political exile group is the MeK, a left-leaning group committed to the overthrow of the Islamic Republic. The MeK cooperated with pro-Khomeini forces during the 1979 revolution, but fell out with them shortly afterwards. The MeK unsuccessfully rose up against the government in September 1981, conducting a number of terrorist attacks and assassinations, after which much of the organisation went into exile in various locations, including Iraq. Iranian authorities imprisoned and/or killed large numbers of MeK members who remained. In 1988, Ayatollah Khomeini issued a *fatwa* decreeing apostasy a legitimate reason to execute MeK members, leading to the execution of at least 3,000 MeK prisoners (a conservative estimate). Most MeK prisoners who escaped execution have reportedly renounced their membership in exchange for easier conditions of detention, or have subsequently been released from prison.

3.85 The MeK fought on the Iraqi side during the Iran-Iraq War and, until his 2003 overthrow, received most of its military assistance and financial backing from Saddam Hussein. A number of countries, including Australia, designated the MeK a foreign terrorist organisation due to its involvement in terrorist activities and ties to Hussein (these designations have mostly lapsed, after the MeK renounced violence). The group remains active in exile. Around 2,500 MeK members now live in Albania (the result of a US-led relocation scheme from Iraq) and its leadership continues to be based in France. The MeK's strong anti-Tehran stance has attracted international support, including within the US political system (some members of the current US Administration have endorsed the MeK's claims to national significance). DFAT concurs with the

assessment of international observers that the MeK has a negligible remaining presence within Iran itself (outside the prison system) and little to no popular support. Nevertheless, Iranian authorities continue to label the MeK a terrorist organisation, and have repeatedly called for its leaders to be returned to Iran. Iranian authorities were allegedly involved in a failed terror plot against MeK members in France in 2018.

## Critics of the State

3.86 Iranians have protested against the government in large numbers on three separate occasions since 2009. Following the June 2009 presidential election, up to 3 million supporters of reformist candidate Mir Hossein Mousavi took to the streets of Tehran to protest the official verdict that conservative candidate Mahmoud Ahmadinejad had been re-elected in a landslide, in what became known as the 'Green Movement' (so named after Mousavi's campaign colour). Green Movement protesters used public holidays and national commemorations as opportunities to rally, chanting slogans that challenged both the system and the Supreme Leader himself. In response, the government despatched security forces, including the IRGC, Basij units (see [Basij Resistance Force](#)) and plain-clothed paramilitary forces. These forces beat thousands of protesters and arrested hundreds, while snipers killed dozens. By early 2010, the government had succeeded in quashing public displays of opposition. ['Green Movement' Activists](#) discusses the aftermath of the 2009-10 demonstrations and provides an assessment on the ongoing risk profile of those involved.

3.87 In late December 2017, a small protest in Mashhad (Razavi Khorasan Province) rapidly escalated and spread to more than 50 other cities and towns across Iran, involving an estimated 40,000 protesters. The protests – which spanned ethnic and religious lines – focused on economic hardship but also had a virulent anti-government and anti-regime element (unlike the protests associated with the Green Movement, which took place predominantly in Tehran and involved secular, middle-class and reform-minded Iranians, the 2017-18 protests were concentrated in smaller cities on the periphery and spread, and participants were largely working-class and conservative). The 2017-18 protests were largely peaceful, although there were some isolated low-level incidents in which protesters set fire to security forces' offices or other infrastructure. While police initially took the lead in attempting to disperse the protesters, the government deployed Basij units and the IRGC, and succeeded in ending the demonstrations by early January 2018. According to Human Rights Watch, 4,900 people were arrested during the protests, and at least 21 people were killed, including members of the security forces. Most of those arrested were released, although some were charged with national security offences and handed long prison sentences. DFAT is unable to verify how many people arrested in connection to the 2017-18 protests remain in detention. At least three protesters died in custody (the authorities reported two as suicides and attributed the third to a stroke).

3.88 DFAT assesses that the authorities retain an ongoing interest in those identified as having played a leading role in the 2017-18 protests. DFAT assesses that individuals meeting this profile are likely to face official discrimination, including arrest, monitoring and continuing harassment. DFAT assesses it unlikely that authorities will target ordinary participants whose motivation to demonstrate was to protest economic difficulties.

3.89 On 15 November 2019, a reduction in petrol subsidies triggered large-scale protests and rioting in 100 cities and towns across 29 of Iran's 31 provinces. According to the Interior Ministry, at least 200,000 people took part, most of whom – like in 2017-18 – were working-class. Protests and rioting were most intense in Khuzestan, Kermanshah, Kurdistan and Tehran provinces. Some protesters blocked main roads with cars and burning tyres, set fire to banks, shops and petrol stations, and chanted anti-regime slogans (the authorities also accused protesters of attacking military sites). Violent clashes occurred between police and protesters, with online footage showing police firing live ammunition and tear gas into crowds. The UN High Commissioner for Human Rights accused the security forces of using 'severe violence' and 'shooting to

kill' to quell the protests. Reuters, in a special report published in December 2019, claimed 1,500 people were killed in total. The Office of the UN High Commissioner for Human Rights (OHCHR) and Amnesty International cite lower figures (around 300). The authorities acknowledged some deaths (including peaceful protesters, bystanders and members of the security forces), and claimed they had arrested 7,000 people, including individuals identified as protest leaders. The authorities claimed that most of those arrested were released. The government imposed a week-long, countrywide Internet blackout in an attempt to curtail the protests, which it attributed to hooligans, criminals and foreign elements, including the MeK. The unrest was the deadliest since the 1979 revolution. Further unrest is possible given Iran's ongoing economic hardship.

3.90 DFAT assesses that the authorities retain an ongoing interest in those identified as having played a leading role in the 2019 protests. DFAT assesses that individuals meeting this profile are likely to face official discrimination, including arrest, monitoring and continuing harassment. DFAT assesses it unlikely that authorities will target ordinary participants whose motivation to demonstrate was to protest economic difficulties, although lack of due process could mean ordinary participants are wrongly charged.

3.91 In January 2020, low-level protests occurred in Tehran and other cities (including Shiraz, Isfahan, Hamedan, Orumiyeh and Rasht) following Iran's admission that it mistakenly shot down a Ukrainian civilian airliner over Tehran (176 people were on-board, all of whom died. Most were Iranian). Iran initially denied responsibility. Protesters chanted anti-government slogans and called for the resignation of the Supreme Leader over the incident and subsequent cover-up. Online footage appeared to show security forces using tear gas, rubber bullets and live ammunition to disperse protesters in Tehran. According to the judiciary, 30 people were arrested, some of whom were reportedly released.

## 'Green Movement' Activists

3.92 Security forces arrested hundreds of demonstrators and beat and harassed thousands more during and after the 2009-10 Green Movement protests. At least 30 people were reportedly killed, and some died in prison (see [Deaths in Custody](#)). Others associated with the Green Movement fled the country (in numbers likely to be in the hundreds), a small number of whom were handed sentences by Iranian courts in absentia. Many prominent Green Movement activists were imprisoned following 'show trials' in which they confessed on television to crimes against the nation. The Green Movement's leaders – Mir Hossein Mousavi, Zahra Rahnavard (Mousavi's wife) and Mehdi Karroubi (who, like Mousavi, contested the 2009 presidential election) – have been under house arrest without formal charge or trial since 2011.

3.93 The Green Movement has little profile in Iran today. Neither the movement nor its supporter base played a significant role in the 2017-18 or 2019 protests. Local sources told DFAT that ordinary participants in the Green Movement are not of interest to the authorities. One source noted that a family member who had been briefly detained and arrested for their participation in the Green Movement, and had subsequently secured asylum abroad, returns to Iran regularly without experiencing any harassment.

3.94 Given the period of time that has elapsed, DFAT assesses it would be highly unlikely that those arrested at the time for simply participating in the Green Movement protests would remain imprisoned or be the subject of continuing surveillance or harassment, including being prevented from accessing employment in either the public or private sector. Nevertheless, the 2009-10 protests represented a major challenge to the authority of the Islamic Republic. Given authorities' sensitivity to such challenges, DFAT assesses it likely that those who had a more active organisational role in the Green Movement and therefore have a higher profile are more likely to face continuing official attention and possible monitoring and harassment. This includes family members of the Green Movement's leaders. DFAT assesses that Green Movement participants who were arrested but then released without prosecution are unlikely to be of ongoing interest to the authorities. Those who acquired criminal records as a result of their involvement in



the Green Movement may face discrimination when applying for government employment, particularly if they played prominent, high-profile roles in the movement. The authorities would generally not have records of, nor interest in, participants who avoided arrest at the time. DFAT assesses that ordinary participants who avoided arrest face a low risk of official discrimination.

## GROUPS OF INTEREST

### Civil Society Activists/Human Rights Defenders

3.95 By regional standards, Iran has a highly developed civil society with religious and secular NGOs working across a wide range of fields. NGOs must register with, and be approved by, the government. According to local interlocutors, NGOs that work on non-political issues such as poverty operate relatively freely. In contrast, the ability of NGOs to work and advocate on human rights-related issues is severely restricted. NGOs are closely monitored by the authorities and official harassment is not unusual. NGOs engaged in activities that are deemed threatening to the stability of the Islamic Republic and/or Islamic values are routinely harassed (e.g. by law enforcement and municipal bodies) and invariably shut down (including NGOs advocating for women's, ethnic minority and LGBTI rights or abolition of the death penalty). The Center for Human Rights Defenders, a prominent human rights NGO, was closed in 2008, and several of its members are serving prison sentences.

3.96 In their July 2019 report, the Special Rapporteur on the situation of human rights in Iran claimed that human rights defenders, members of minority communities, lawyers, journalists, labour and trade union activists, and women protesting compulsory *hijab* laws continue to be intimidated, harassed, arrested and detained. The Special Rapporteur has previously noted acts of intimidation and reprisals against human rights activists in detention, including torture and other mistreatment (see [Torture](#)). The Special Rapporteur has expressed concern about reports of reprisals against human rights defenders who engage with UN human rights mechanisms. DFAT concurs with the Special Rapporteur's assessments, and considers the authorities have become more sensitive about the activities of civil society activists and human rights defenders since the countrywide protests of 2017-18 and the anti-*hijab* protest movement that began in 2018 (see [Dress Code](#)).

3.97 Human rights defenders face an ongoing risk of arbitrary arrest, detention and prosecution. The risk is particularly acute for prominent human rights lawyers and/or lawyers advocating for their clients in sensitive cases, a number of whom have recently been handed long prison sentences, including:

- Nasrin Sotoudeh, sentenced to 38 years in prison and 148 lashes for, inter alia, 'inciting corruption and prostitution', 'openly committing a sinful act by...appearing in public without a *hijab*', 'disrupting public order' and 'disturbing public opinion'. Sotoudeh represented several women detained for their involvement in anti-*hijab* protests. Sotoudeh was also openly critical of Iran's use of the death penalty. She had previously been charged with committing 'propaganda against the state' and 'assembly and collusion' (for activities unrelated to the *hijab*). Sotoudeh's husband was also arrested, and sentenced to six years in prison for 'spreading propaganda against the system' and 'gathering and colluding to commit crimes against national security';
- Amirsalar Davoudi, sentenced to 29 years in prison and 111 lashes on multiple charges, including 'insulting officials', 'insulting the Supreme Leader', 'spreading propaganda against the system' and 'forming a group with the purpose of disrupting national security'. Davoudi, arrested in November 2018, represented a number of defendants belonging to ethnic and religious minorities, and

- publicised human rights violations through a channel he had established on the Telegram mobile messaging application and through media interviews;
- Mohammad Najafi, sentenced to a total of 17 years in prison and 74 lashes in three separate cases. Najafi was charged with ‘disturbing public order’ and ‘propaganda against the state’ after claiming in the media that his client, who was arrested during the 2017-18 protests, was killed while in police custody; and
  - Massood Shamsnejad, sentenced in February 2019 to six years in prison for propaganda against the state. Shamsnejad had represented several Iranian Kurdish political prisoners.

3.98 International sources report that authorities have prevented some civil society activists and human rights defenders from travelling abroad; that human rights activists have reported receiving intimidating phone calls, threats of blackmail, online hacking attempts and property damage from unidentified security officials; and that these officials have sometimes harassed or arrested family members of human rights activists.

3.99 Civil society activists engaged in environmental issues have also attracted authorities’ attention. According to Amnesty International, at least 63 environmental activists and researchers were arrested in 2018. Some were accused of using their environmental research projects as cover for gathering classified information for foreign intelligence services and charged with ‘corruption on earth’, a crime punishable by death. In January 2018, nine activists from the Persian Wildlife Heritage Foundation, Iran’s most prominent environmental NGO, were arrested on espionage charges. The Foundation’s founder, Kavous Seyed Emami, an Iranian-Canadian academic, died in prison two weeks later. Officials claimed Emami committed suicide having confessed to the allegations against him (see [Deaths in Custody](#)). In February 2020, the eight remaining activists received prison sentences of between four and 10 years for allegedly spying for the US and acting against Iran’s national security. They were reportedly denied legal representation and held for long periods in solitary confinement prior to their sentencing. Environmental issues have become increasingly politicised in recent times, and were a driver of the 2017-18 protests (see [Race/Nationality](#)).

3.100 DFAT assesses that civil society activists and lawyers who work in areas connected to the promotion of human rights, certain social trends or policies, and the environment face a high risk of official discrimination. This may include arrest, monitoring, harassment and travel bans. DFAT assesses that civil society activists and lawyers who challenge the status quo and are perceived to cross ‘red lines’ as defined by the authorities, are critical of the Islamic Republic, its institutions and policies, and who publicise human rights violations, including against ethnic and religious minorities, face a high risk of arrest, prosecution and imprisonment, including on national security grounds. Those individuals or groups with perceived links to the US, the UK or other Western countries often face a higher risk of attracting adverse attention from the authorities.

## Trade Unionists

3.101 Iran is a member of the International Labour Organization (ILO) and has ratified ILO Convention 87, which calls for freedom of association and the right to organise. In practice, Iran’s Labour Code permits worker representation only through an Islamic labour council or a trade association — independent labour unions are not permitted, although they do exist. Candidates standing for election to Islamic labour council boards must pass the *gozinesh* review. Iranians do not have the right to collective bargaining, and workers are not protected by the right to mediation and arbitration.

3.102 Labour rights activists have come under pressure in recent years, with some given lengthy prison sentences on national security grounds. Labour protests are closely monitored, and workers who engage in strikes (which occur periodically) are vulnerable to dismissal and arrest. According to Amnesty International,

in 2018 the authorities arrested at least 467 striking workers demanding better working conditions and higher wages, including teachers, truck drivers and factory workers. Some were handed prison and flogging sentences, including on the grounds of ‘spreading propaganda against the state’, ‘forming groups with the intention to disturb national security’ and ‘disrupting public order and peace by participating in illegal gatherings’. On 1 May 2019, 35 May Day demonstrators in Tehran, mostly bus drivers, were reportedly arrested and taken into custody. In December 2019, nine labour rights activists were reportedly sentenced to five years in prison for ‘assembly and conspiracy’ against the establishment. They had participated in peaceful protests for workers’ rights, including over unpaid wages, at Iran’s largest sugar mill (Haft-Tapeh Co. in Khuzestan Province). Those sentenced included four journalists who had documented the protests.

3.103 DFAT assesses that those in leadership roles in independent trade unions face a moderate risk of official discrimination. This may include arrest, monitoring, harassment and travel bans.

## Artists and Musicians

3.104 Although Iran has a vibrant cultural scene, the music, arts and film industries are subject to strict censorship. The Ministry of Culture and Islamic Guidance reviews books, films and exhibitions for their adherence to Islamic values before publication or exhibition. Western music has been officially banned since the 1979 revolution, but is commonly played in coffee shops, restaurants, taxis and private homes. The Tehran Symphony Orchestra regularly performs classical Western music. Heavy metal music is tolerated. Male and female artists are permitted to perform together on stage, including in choirs and orchestras, although female artists are not permitted to perform solo in front of mixed-gender audiences. Such performances are periodically shut down by the authorities, but continue to occur. Female solo vocalists are not allowed (in May 2019, a female singer was summoned to appear in court after performing solo for tourists in Isfahan Province). The frequency with which authorities have shut down concerts featuring female musicians and vocalists has increased under the Rouhani Administration.

3.105 A local source told DFAT that filmmakers, musicians and other artists are tolerated as long as their work observes ‘red lines’. ‘Red lines’ include criticism of the Supreme Leader, the IRGC and the Islamic system of governance, as well as anything that is considered to violate Islamic values and principles (see also [Media](#)). As noted in [Political Opinion \(Actual or Imputed\)](#), there is significant scrutiny of the social media accounts of well-known figures and celebrities.

3.106 DFAT assesses that, while most artists and musicians in Iran are able to perform their works without significant obstacle, the authorities are likely to prevent performances by solo female artists and musicians (or mixed-gender groups of performers). This is more likely to occur in more socially conservative areas. DFAT assesses that artists who cross ‘red lines’ as defined by the authorities would likely attract adverse attention from the authorities. This may include harassment, arrest and prosecution.

## Media

3.107 The constitution and various legislative provisions place significant constraints on media freedom. The preamble to the constitution stipulates that mass communication media, radio and television ‘must serve the diffusion of Islamic culture in pursuit of the evolutionary course of the Islamic Revolution’. The constitutional preamble further states that, while ‘the media should be used as a forum for [the] healthy encounter of different ideas, they must strictly refrain from diffusion and propagation of destructive and anti-Islamic practices’. Chapter XII on Radio and Television (Article 175) reiterates this instruction, and gives the Supreme Leader power to appoint and dismiss the head of the state broadcasting authority. The Press Law (1986, amended in 2000) outlines the role, rights and restrictions of the media. It affords the media the

right to publish the opinions, constructive criticisms, suggestions and explanations of individuals and government officials, and prohibits government or non-government officials attempting to censure or control the media. The Press Law bars the media from publishing articles that violate Islamic principles, codes and public rights, including, but not limited to: 'atheistic articles'; 'promoting subjects that might damage the foundation of the Islamic Republic'; 'creating discord by raising ethnic and racial issues'; 'offending the Supreme Leader and senior religious authorities'; and 'insulting lawfully respected persons or institutions, even by means of pictures or caricatures'. The Press Law criminalises the direct or indirect use of foreign aid by media organisations. Violations of the Press Law are punishable by terms of imprisonment of between two months and two years, or up to 74 lashes. Beyond these 'red lines', media outlets engage in robust debate, and criticise government policies, the president, ministers and other senior officials.

3.108 The state-run Islamic Republic of Iran Broadcasting (IRIB) operates national and provincial television services. IRIB's radio services include a parliamentary network, Radio Koran and a multilingual external service. IRIB also operates multilingual international television and radio services and a 24-hour English- and French-language news and documentary network (Press TV). There are approximately 50 national daily newspapers, some of which publish in English. Those with the widest circulation and influence adhere to a conservative editorial position, although those focusing on sport are the biggest sellers.

3.109 All television and radio broadcasting from Iran is state-controlled and reflects official ideology. Article 175 of the constitution prohibits private broadcasting. Diversity of opinion exists within the domestic media landscape, but comes in the form of political debate between particular factions of the ruling establishment. While such debate can be robust at times, it occurs within relatively narrow margins, does not cross 'red line' topics and occurs strictly within a framework of support for the Islamic Republic. The Press Law requires journalists and publishers to obtain a press licence from the Press Supervisory Board (PSB), which sits within the Ministry of Culture and Islamic Guidance. These licences are difficult to obtain and the PSB has often rescinded them in retaliation for reporting deemed critical of the ruling establishment. While such actions are more likely to target media outlets carrying pro-reformist content, they have also occurred against outlets promoting a conservative line.

3.110 Use of the Internet is widespread, but highly censored. According to the government, nearly 50 million Iranians use the Internet. Authorities block or filter websites and social media applications they consider objectionable, although Iranians routinely use virtual private networks (VPNs) to circumvent these blocks. Facebook, for example, while blocked, is one of the most popular social media platforms in Iran. YouTube and Twitter are also banned, although, in the case of the latter, this only applies to the general population (the Supreme Leader and President Rouhani, among others, have Twitter accounts). Instagram, WhatsApp and Viber are permitted. Iranians are avid users of social media and mobile messaging applications. Use of Instagram is widespread and growing. Telegram, a mobile messaging and information-sharing application, was suspended temporarily in January 2018 and then blocked by judicial order in May 2018. Telegram, which is encrypted, had been used to coordinate demonstrators and share footage of unrest during the 2017-18 protests (see [Critics of the State](#)). The authorities claimed Telegram was being used to spread propaganda against the state, disrupt national unity and incite terrorist activities, and some of its administrators were charged and imprisoned on these grounds. Before it was banned, Telegram had over 40 million users. Iranians continue to access in large numbers Telegram and other blocked services with the use of VPNs. In response to countrywide protests and rioting, in November 2019 the government implemented a weeklong total Internet shutdown — the longest and most widespread Internet outage in Iran's history (see [Critics of the State](#)).

3.111 The authorities monitor social media. Individuals posting content openly critical of the Islamic Republic, its institutions and policies or deemed to be pushing moral boundaries may attract adverse attention, including individuals based abroad. Local sources told DFAT that Iranians with links to Iran-based foreigners are more likely to have their social media accounts monitored. To avoid detection, it is common

for persons critical of the Islamic Republic on permitted social media platforms to use aliases to conceal their identity.

3.112 Social media influencers who post content on Instagram deemed to be critical of the Islamic Republic and/or un-Islamic are the subject of increasing pressure from the authorities. According to the Center for Human Rights in Iran, some popular social media influencers have been asked to close accounts, modify content or adhere to the Islamic dress code in their posts. Others have reportedly been summoned to the Guidance Court, which, according to the judiciary, is responsible for 'acting against cultural crimes and ethical immoralities'. In October 2019, a woman posing on Instagram as the 'Corpse Bride' (a character from a 2005 film) was arrested and charged with, inter alia, blasphemy and insulting the Islamic dress code for women. The woman subsequently apologised for her 'vulgarity' during a televised confession, and her Instagram account was disabled. In May 2019, three folk musicians had their Instagram accounts blocked and were prosecuted for posting 'unlawful content'. In May and July 2018, several women were detained briefly for posting videos of themselves dancing on their Instagram accounts. Also in July 2018, female fashion workers who had posted images of new female clothing fashions on social media were arrested and charged with committing 'indecent acts' and 'spreading anti-cultural material'.

3.113 DFAT assesses that the authorities do not comprehensively monitor Iranians' online activities. Individuals with a public profile (including with large social media followings, particularly on Instagram), who are politically active, advocate for greater human rights, have connections to foreigners and are otherwise perceived as threats to the Islamic Republic are more likely to have their social media monitored – and, concomitantly, face a higher risk of arrest or harassment – than other Iranians.

3.114 Reporters Without Borders considers Iran one of the world's most oppressive countries for journalists, ranking it 170<sup>th</sup> out of 180 countries in its 2019 World Press Freedom Index. Arrests of journalists are common. Courts have frequently handed down long sentences against journalists deemed to have breached 'red lines', including those who publish material online. Rather than using provisions under the Press Law, authorities often invoke legislation related to national security or religious-based offences. This legislation allows for more severe punishments, including prison sentences ranging from six to 10 years or more. According to NGO reporting, 50 media workers were detained in 2018, at least 20 of whom were handed prison or flogging sentences. In July and August 2018, six journalists were sentenced to prison terms ranging from seven to 26 years for their coverage of protests by Gonabadi Dervishes in Tehran in February 2018 (see [Sufis \(Dervishes\)](#)). In 2019, journalists were arrested and imprisoned for their coverage of the Haft Tappeh labour strikes (see [Trade Unionists](#)). Courts frequently set high bail for detained journalists, and authorities take a hard line against journalists' associations that advocate for freedom of expression and journalists' rights. The Association of Iranian Journalists, established during the Khatami Presidency to advocate for the rights of media workers, was suspended in 2009, and remained so at the time of publication.

3.115 Authorities are sensitive to foreign satellite broadcasting that they deem hostile to the regime. Dozens of Farsi-language television and radio stations broadcast into Iran from abroad, including the US, Europe and the United Arab Emirates. The use of satellite equipment is illegal, and authorities periodically undertake campaigns in which they raid homes, confiscate satellite dishes and fine the owners or installers of the equipment. The importation, production or distribution of satellite equipment carries a fine of between 10 million and 100 million *rials* (approximately AUD100-1,000 at current market rates), plus confiscation of the equipment. Use of satellite dishes is punishable with a fine of 1 million to 3 million *rials* (approximately AUD10-30 at current market rates) and confiscation of the dish and associated equipment. Carrying, keeping, installing or repairing satellite dishes and equipment entails a fine of 1 million to 5 million *rials* (approximately AUD10-50 at current market rates). In practice, satellite dishes are widespread and largely tolerated. According to local sources, while satellite dishes are sometimes confiscated, fines are rare. There are reportedly 8 million satellite dishes in Iran, and up to 85 per cent of the population has access to

satellite channels. Authorities engage in regular (but not comprehensive) jamming of foreign satellite signals for viewers in Tehran and other cities, targeting in particular BBC Persian and Iran International. Channels such as BBC Persian can also be accessed via the Internet, using VPNs.

3.116 International media advocacy groups report that the Iranian judicial and intelligence services seek to influence the Farsi-language sections of international media outlets by pressuring Iranian journalists based abroad. This pressure can manifest in intimidating messages or death threats; in freezing of the journalists' financial assets within Iran; or in harassment and intimidation of family members in Iran, often through summoning them to meetings with security officials. According to the Special Rapporteur on the situation of human rights in Iran, journalists working for the BBC Persian Service and their families are the subject of ongoing harassment and intimidation by the authorities, including monitoring and personal attacks on social media. Reporters Without Borders registered at least 25 cases of pressure being applied on foreign-based Iranian journalists and their families inside Iran in the 12-month period to October 2019.

3.117 A small number of international media bureaus and foreign journalists have permission to operate inside Iran. Foreign media personnel are the subject of close monitoring and oversight, and are restricted in the topics they may cover and areas they may visit. The government routinely denies visas to foreign reporters who have previously criticised it. Authorities also target Iranian nationals (including dual nationals) working with foreign media outlets inside Iran. In 2015, Jason Rezaian, a *Washington Post* correspondent (and dual Iranian-American national) was convicted of espionage charges, which he denied. Rezaian was released in January 2016 as part of a prisoner exchange after spending 18 months in prison (including 50 days in solitary confinement). In 2009, Maziar Bahar, a *Newsweek* journalist, was also arrested on espionage charges. He made a televised confession and was released after 118 days in prison.

3.118 Authorities have stepped up efforts to control traditional and online media at times of particular political sensitivity, such as during election campaigns and major protests. In October 2019, Ruhollah Zam, an outspoken opposition journalist based in France who used Telegram as his main platform, was 'enticed' to Iraq, where he was arrested by the IRGC and subsequently returned to Iran. In the lead-up to the May 2017 presidential election, security officials pre-emptively detained a number of journalists associated with reformist newspapers. Authorities also arrested several Telegram channel administrators, blocked a reported 173,000 Telegram accounts and arrested 100 Internet users (mostly Telegram users). Authorities also targeted Telegram during the 2017-18 protests (see [Critics of the State](#)).

3.119 DFAT assesses that journalists who attempt to cover 'red line' topics face a high risk of official discrimination. This may include arrest, monitoring, harassment and travel bans.

## Women

3.120 The constitution commits the government to ensuring the rights of women in all respects, in conformity with Islamic criteria. Women enjoy considerable legal protections in many areas, including personal safety, participation in the workforce and mandatory schooling for girls. Women can drive, work and attend university (there are more female university graduates than men). Although not a signatory to the Convention on the Elimination of All Forms of Discrimination against Women or its Optional Protocol, Iran has committed itself to the 2030 Agenda for Sustainable Development, including Goal 5 on achieving gender equality and empowering women and girls. President Rouhani has identified gender equality as a government priority. While there are no female ministers in the current cabinet, women occupy several senior political positions, including as two of Rouhani's 10 vice-presidents (for Women and Family Affairs and Legal Affairs), while several women have served as deputy ministers. Four women currently serve as provincial governors, 13 as deputy governors, 300 as village mayors and, for the first time since the Islamic Revolution, women were recently appointed ambassadors to foreign countries. In September 2018, the

Special Rapporteur on the situation of human rights in Iran welcomed the current government's efforts to promote and protect women's rights. Following domestic and international pressure, in October 2019 women were allowed to attend a live football match for the first time since immediately after the Islamic Revolution (more than 3,000 attended). This decision followed the death of 29 year-old Sahar Khodayari (nicknamed 'Blue Girl'), who died after setting herself on fire during her trial for attempting to enter a football stadium disguised as a man.

3.121 Notwithstanding the government's official commitment to women's equality, hard-line *sharia* interpretations and conservative cultural and societal norms continue to limit the extent to which women are able to participate in Iranian society. According to the Guardian Council's interpretation, the constitution prohibits women from serving as Supreme Leader or president, as members of the Assembly of Experts, the Guardian Council or the Expediency Council, or as certain types of judges. The Guardian Council excluded female candidates from running in the 2017 presidential election, and only 6.3 per cent of the candidates in the 2017 city and village council elections were female. Women held 6.5 per cent of seats in parliament as at March 2020. While women are active in the economy, they are significantly under-represented in the labour force. Iran has one of the world's lowest labour force participation rates for women — according to UNDP figures, only 16.8 per cent of women are in paid employment (compared to 71.2 per cent of men). The World Economic Forum ranks Iran 148<sup>th</sup> out of 153 countries in its 2020 Global Gender Gap report, including 147<sup>th</sup> for economic participation and opportunity and 145<sup>th</sup> for political empowerment.

3.122 Women from more religiously-minded families generally require the permission of a male guardian to travel alone and can face societal harassment for doing so, particularly in more conservative areas. Married women require the written permission of their husbands, and non-married women under the age of 40 the permission of their fathers or other male relatives, to obtain a passport and travel abroad (see [Exit and Entry Procedures](#)). Under Article 1117 of the Civil Code, a husband may prevent his wife from working in occupations deemed incompatible with family interests, or the dignity of himself or his wife. Women are not supposed to mix openly with unmarried or unrelated men. Those caught doing so can be sentenced to up to 99 lashes. Article 550 of the Penal Code stipulates that the value of a woman's life is half that of a man's. Likewise, a woman's testimony in court is half the weight of a man's.

3.123 The legal minimum age of marriage for girls is 13 years, although girls as young as nine years can be married with the permission of a court and their fathers. Parliament has been considering for several years increasing the legal age of marriage for girls to 16, but this has met resistance from conservatives and failed to gain meaningful traction. According to the UNFPA, 17 per cent of Iranian girls are married before the age of 18. This practice is most common in rural areas. Forced marriage is prohibited by law.

3.124 Iranian women have gained greater rights to divorce in recent years, and divorce is more common today, particularly in the major cities. Nevertheless, laws pertaining to marriage and divorce are tilted heavily in the favour of men. Article 1133 of the Civil Code stipulates that a man 'can divorce his wife whenever he wishes to do so'. A woman can obtain a divorce from her husband only with the husband's permission or if a court determines the husband: cannot provide for his family; has violated the terms of their marriage contract; or is a drug addict, insane or impotent. Men are legally permitted to marry up to two permanent wives in polygamous marriages and an unlimited number in 'temporary marriages'. Women do not enjoy this right. If a wife refuses to obey her husband without a 'reasonable excuse', she can lose certain rights, including the right to maintenance and spousal support. Regardless of age, a woman cannot marry without the permission of her male guardian. In September 2018, authorities arrested two women's rights defenders who delivered workshops for women on realising equal rights in marriage.

3.125 In May 2019, parliament passed an amendment to the Nationality Law to allow Iranian women married to foreign men to pass their Iranian citizenship to their children. The Guardian Council approved the amendment in October 2019. Previously, Iranian women married to foreign men did not have the right to

pass citizenship to their children. Under the amended law, Iranian women married to foreign men can apply for Iranian citizenship for their children (citizenship will not be granted to the child automatically, unlike in the case of a child born to an Iranian father). The granting of Iranian citizenship is dependent on the completion of security checks by the Intelligence Ministry and the intelligence wing of the IRGC, and certification that granting citizenship would not constitute a 'security problem'. Human Rights Watch has expressed concern that this provision could be used to arbitrarily disqualify applicants, including where the parent/s of an applicant have expressed anti-regime views.

3.126 While the law prescribes severe penalties (including the death penalty) for rape, it does not recognise rape within marriage as a crime. Likewise, there is no specific law penalising domestic violence which, according to domestic interlocutors, occurs frequently across Iranian society (efforts to adopt legislation to protect women against violence have been ongoing since 2013, and remained so at the time of publication). Victims wishing to report domestic violence must file a complaint for bodily assault. As part of the complaint, the victim must present two adult male witnesses to the assault. This high evidentiary bar can prove difficult for women to meet. Police and judges often consider cases of domestic violence to be internal family matters, and can be reluctant to intervene. Where a complaint is made, police typically encourage the parties to reconcile and the victim to return to her abuser. According to official sources, there are 400 'social emergency shelters' countywide that provide services to domestic violence victims. These are generally located in the major cities, are poorly resourced and advertised, and tend to focus on reconciling women with their abusive husbands. A domestic violence hotline offers social and medical support to women in need.

## Dress Code

3.127 Since shortly after the 1979 revolution, men and women of all religions have been required to adhere in public to conservative dress codes. Women are required to cover their whole bodies with the exception of their face and their hands (from the wrist) and their feet (from the ankle) while in public. In practice, this translates as loose all-covering clothing and a headscarf. Men are required only to cover their 'private areas', although social norms dictate wearing long trousers rather than shorts. Article 638 of the Penal Code stipulates that women who appear in public without a proper *hijab* (the generic term for the proper Islamic dress for women) be imprisoned from 10 days to two months or pay a fine of between 50,000 and 500,000 *rials* (approximately AUD0.50-5 at current market rates). Women appearing in public without a proper *hijab* can also be punished with 74 lashes. There is no similar rule for men. In practice, these penalties are rare. Generally, women deemed to have 'bad *hijab*' (where the headscarf is worn loosely and some hair is showing) are ordered by morality police to adjust their headscarves and are warned against future indiscretions. In some cases, they may be escorted to a police station, asked to sign a declaration undertaking not to wear 'bad *hijab*' again, and released without sanction. Repeat offenders reportedly incur a fine and their family is notified and asked to bring appropriate clothing for them. Repeat offenders may incur a criminal record, which could impact one's ability to find employment in the public sector and large private firms.

3.128 Dress codes for women are not uniformly enforced or adhered to. DFAT observed numerous women wearing their *hijabs* loosely in Tehran, with parts of their hair showing. Women are more likely to wear *hijabs* loosely in affluent areas of Tehran (e.g. north Tehran) and around universities, whereas those in poorer and more conservative parts of Tehran (e.g. south Tehran) and in cities such as Mashhad and Qom tend to dress more conservatively (including by wearing full-body *chadors*). Dress codes are enforced primarily by the morality police, who are sometimes plain-clothed, but also the Basij, who tend to take a stricter approach to enforcement. Marked vans belonging to the morality police (coloured green and white) patrol the streets to monitor Islamic dress code adherence. There have been reports of women not complying with the *hijab* laws



being insulted and physically assaulted by the morality police (including being slapped in the face or beaten with batons) and by members of the public.

3.129 Women's dress is a politically sensitive issue. An anti-*hijab* protest movement emerged in January 2018. As part of this movement, some women publicly removed their headscarves and called for an end to the compulsory *hijab* law. The protests peaked in March 2018, when a large group of women used the occasion of International Women's Day to demonstrate in front of the Ministry of Labor. Plain-clothed and uniformed police dispersed the protesters, arresting 84 people (60 of whom were released the following day). The authorities have subsequently arrested more than 100 activists in relation to the anti-*hijab* movement. Some have received prison sentences, including under Article 639 of the Penal Code, rather than the more lenient Article 638. Article 639 prohibits 'facilitating or encouraging people to commit immorality or prostitution', and can attract prison sentences of between one and 10 years. One activist, Shaparak Shajarizadeh, was given a 20-year prison sentence (18 years' suspended) for participating in the protests (Shajarizadeh fled Iran after being released on bail, and claims she was subjected to torture and denied access to a lawyer while in detention). The lawyer representing Shajarizadeh and other anti-*hijab* activists, Nasrin Sotoudeh, was handed a 38-year prison sentence on several national security charges (see [Civil Society Activists/Human Rights Defenders](#)). In July 2019, the head of the Revolutionary Court in Tehran warned that women who filmed themselves or others while removing the *hijab* and publicised the act would be sentenced to between one and 10 years in prison. According to Amnesty International, at least eight women were in detention for their activism against the compulsory *hijab* law as at July 2019.

3.130 The anti-*hijab* protest movement has since waned, but maintains some momentum, particularly online. In April 2019, three women were arrested after appearing in an online video protesting against the compulsory *hijab* law on International Women's Day, including by removing their headscarves. They were subsequently convicted of assembly and collusion in acts against national security, propaganda against the state, and encouraging moral corruption and prostitution. Two of the women received sentences of 16 years' imprisonment. The third woman was additionally convicted of 'insulting the sacred', and received a prison sentence of 23 years and six months. In 2017-18, some women protested the compulsory *hijab* law by wearing white headscarves every Wednesday under a foreign-initiated campaign called 'White Wednesdays'.

3.131 According to local sources, enforcement of Islamic dress codes fluctuates, with checks on dress code violations increasing during holy periods (such as Muharram and Ramadan) and the summer season (when many women tend to adhere to dress codes more loosely due to the heat). Local sources told DFAT that, generally-speaking, the Islamic dress code is not enforced strictly, particularly in the major cities, but that enforcement has increased since the emergence of the anti-*hijab* protest movement in January 2018. Morality police patrols have become more frequent in Tehran, including in shopping malls. In April 2019, 8,000 plain-clothed men and women officers were deployed to enforce dress codes, while new female-only morality police units for 'verbal and practical response to bad-*hijabi* women' were recently introduced in Gilan Province. Authorities have closed a spate of restaurants and cafes due to non-observance of the Islamic dress code since June 2019 (see [Mixed-Gender Parties and other forms of 'Immoral Behaviour'](#)), and police reportedly monitor women for wearing their *hijabs* inappropriately or not at all while travelling in vehicles. Where a female is detected with 'bad *hijab*' inside a vehicle, the owner of the vehicle receives an automated text message instructing them to report to a police station and sign a declaration undertaking not to wear or tolerate 'bad *hijab*' again. According to local sources, repeat offenders incur a fine and, concurrently, are requested to settle any outstanding traffic infringements. A failure to do so can result in the impounding of one's car and potential suspension of licence until all outstanding fines are settled.

## Honour Killings and Female Genital Mutilation (FGM)

3.132 There are no reliable statistics on the prevalence of ‘honour killings’ in Iran. Honour killings are defined as a murder committed or ordered by a relative as a punishment to a family member who is seen – or suspected – to have damaged the family’s reputation by their actions. Such actions can include extramarital sex, refusal of an arranged marriage, choosing one’s own spouse without the family’s approval, becoming a victim of rape, homosexual acts, or liberal behaviour and dress. International human rights observers note that honour killings are an established phenomenon in many of Iran’s outermost provinces, particularly in areas where state infrastructure is scarce and tribal traditions strong. While honour killings can take place in all kinds of families, from different social classes and educational backgrounds, the likelihood of honour killings decreases with education, urbanisation and access to social services. For cultural reasons, women and girls are the most likely victims.

3.133 The Penal Code does not specifically criminalise honour crimes and, in line with *sharia* principles, provides for reduced sentences for those who commit them. For example, Article 630 includes provisions on the husband’s right to kill his wife and her lover if they are caught in the act, while Article 303 states that judges cannot issue a ‘retribution crime’ punishment against fathers or grandfathers who kill their children. In cases where authorities have attempted to stop the phenomenon of honour killings by sentencing some perpetrators to long prison terms (as has reportedly occurred in Khuzestan Province), new strategies have quickly evolved to circumvent these punishments, including through hiring third parties to commit the murder. In cases of honour killings, it is extremely unlikely for the head of the victim’s family to demand punishment. Most perpetrators of honour killings therefore serve only a short prison sentence or avoid punishment altogether.

3.134 The Penal Code criminalises Female Genital Mutilation (FGM). In practice, FGM continues to occur, particularly in the southern province of Hormozgan and the western provinces of Kurdistan, Kermanshah and West Azerbaijan. FGM is practised mostly among Sunni communities. FGM is usually practised by traditional mid-wives.

3.135 DFAT assesses that most Iranian women face persistent societal discrimination and the threat of gender-based violence. Legislation, longstanding traditional values and gender roles continue to restrict the participation of women in the workforce and community. Activists attempting to promote women’s rights face a high risk of official discrimination. This may include arrest, monitoring, harassment, smear campaigns and travel bans. Women perceived by the authorities to be pushing Iran’s moral boundaries face a high risk of arrest and severe punishment.

## Tattoos and People with ‘Western’ Appearance

3.136 International and domestic observers agree that men are subject to less strict controls on personal appearance than women. DFAT is aware that some men have claimed to have been harassed or discriminated against on the basis of their appearance — for example, for having ‘Western-style’ hairstyles (including through use of hair gel) or clothing styles (including long hair and ripped jeans), visible tattoos or visible hair removal (such as plucked or waxed eyebrows). Notwithstanding such reports, it is common to see young men fitting all of these descriptions on Iranian streets, particularly in larger cities such as Tehran. Tattoos are increasingly popular among young Iranians. Young men with visible tattoos are common in Tehran. DFAT saw some men with tattoos covering nearly the entire length of their arms (‘sleeve tattoos’). DFAT also saw some women with visible – albeit significantly smaller – tattoos than men (for example, on their wrists). Tattooists operate underground, and generate business through word-of-mouth and Instagram. DFAT is not aware of tattooists being targeted by the authorities. Like tattoos, Western-style clothing is common — jeans and short-sleeved t-shirts (including with Western branding) are de rigueur for men in

Tehran during summer. DFAT observed a number of men in Tehran with earrings and women with ankle bracelets.

3.137 DFAT assesses that authorities are far more likely to target women than men for dress code violations. Where there have been incidents of harassment of men for violating the dress code, DFAT assesses these were most likely the result of either over-zealous enforcement by individual security authorities in particular locations (particularly outside of major cities) or because the individual had come to the attention of the authorities for other activities, particularly political activism. DFAT assesses that the restrictions the dress codes place on men do not amount to discrimination. DFAT is not aware of the authorities targeting people on the basis of a 'Western' appearance or for having visible tattoos. While such appearances may be frowned upon by more conservative Iranians, DFAT assesses that people of 'Western' appearance, including people with visible tattoos, face a low risk of official and societal discrimination.

## Unmarried Couples

3.138 Close contact between unmarried men and women is illegal, as is being in a de facto relationship. While prohibited by the law and frowned upon by the religious establishment and more conservative Iranians, relations outside of marriage occur in practice. DFAT assesses that there is greater tolerance today for mixed-gender interactions, particularly in the larger cities. DFAT heard anecdotally that so-called 'white marriages' – that is, unmarried couples living together in long-term relationships – are common in Tehran. According to local sources, while some landlords may refuse to rent property to couples in such arrangements, others have no qualms. The practice of 'white marriage' is less prevalent in rural areas and in cities like Qom and Mashhad, where more conservative social attitudes generally prevail.

3.139 The authorities generally tolerate unmarried couples being together in public, particularly in the major cities. Local sources told DFAT that, in Tehran, unmarried couples appearing together in public does not meet societal resistance. In the event of arrest, DFAT understands that an unmarried couple would be taken to the nearest police station and their parents or guardians summoned. Typically, the unmarried couple would sign a written statement and then be released. A fine may be imposed occasionally.

## Adultery

3.140 Adultery is a criminal offence that can attract the death penalty. Under the Penal Code, a non-Muslim man is considered to have committed adultery when he has sexual intercourse with a Muslim woman, regardless of his marital status, and is subject to the death penalty. In contrast, a Muslim man must be married for the death penalty to apply. The punishment for adultery for a Muslim man with a Muslim woman is 100 lashes. The Penal Code does not specify any punishment for a Muslim man committing adultery with a non-Muslim woman. The Penal Code allows a man to kill his wife if she is caught in the act of committing adultery. Strict standards of proof are required to convict someone of adultery, including testimony from four eyewitnesses, and DFAT is not aware of the death penalty being applied in recent times.

## Mixed-Gender Parties and other forms of 'Immoral' Behaviour

3.141 Mixed-gender parties are prohibited by law. Attendance at mixed-gender parties can attract a fine or flogging. According to Amnesty International, hundreds of people were arrested at private mixed-gender parties in 2018, some of whom were reportedly subjected to flogging sentences. Local sources told DFAT that private mixed-gender parties are common, particularly in the major cities and among wealthier Iranians. Such parties invariably involve alcohol.

3.142 While the police raided several mixed-gender parties in Tehran in highly-publicised sting operations in 2019, raids of mixed-gender parties are not common overall. Where they come to the attention of the authorities, it is usually through tip-offs by neighbours, particularly where loud music is involved. DFAT understands that it is common practice for police to accept a bribe and turn a blind eye to mixed-gender parties (usually 1 million *rials*, or approximately AUD10 at current market rates, per officer, with two officers routinely in attendance). DFAT understands that, in some cases, an arrangement with police, including payment of a fee, will be made prior to the party. Where a bribe is not accepted, offenders may be taken to the nearest police station and asked to make a written declaration not to attend such parties in future. In the event of a punishment being imposed, DFAT understands a fine is more common than flogging. DFAT understands that individuals repeatedly caught hosting mixed-gender parties can receive a suspended prison sentence and be requested to pay a good behaviour bond. The latter is redeemable in the event of no further transgressions after a certain period of time.

3.143 Enforcement of 'immoral' behaviour is not consistent, and is often lax, particularly in more affluent and progressive parts of major cities. However, the authorities have shown greater vigilance in the past year, spurred partly by the anti-*hijab* protest movement (see [Dress Code](#)). In May and June 2019, police closed 547 restaurants and cafes in Tehran for not observing Islamic principles. Eleven people were arrested in relation to the closures. The offences included 'unconventional advertising in cyberspace, playing illegal music and debauchery'. DFAT understands some shops were closed because female patrons were not wearing *hijabs*. Sources told DFAT that the shop owners would need to pay a fine before being allowed to reopen.

3.144 In May 2019, 30 people were arrested for taking part in a private, mixed-gender yoga session in Gorgan (Golestan Province). Professional-level yoga teaching is banned in Iran. The authorities claimed the instructor did not have a licence to run the class, and that participants had worn 'inappropriate outfits' and 'behaved inappropriately'. The authorities reportedly monitored the residence before making their arrests. In 2017, the authorities arrested six Zumba dance instructors for seeking to 'change lifestyles and promote a lack of *hijab*'.

3.145 In June 2019, authorities called on residents of Tehran to report 'immoral behaviour' – including mixed-gender parties, women not wearing their *hijabs* in cars and immoral Instagram posts – by texting a designated telephone number.

3.146 There is tolerance for 'immoral behaviour' behind closed doors, particular in major cities like Tehran, where, according to an official source, one could 'get away with a lot of things'. However, many Iranians are religiously conservative, and this is reflected in societal attitudes, particularly in provincial areas.

## Sexual Orientation and Gender Identity

3.147 The Penal Code criminalises all sexual relations outside of traditional marriage, including heterosexual relations. Chapter 2 of the Penal Code explicitly criminalises same-sex relations, including where consensual in nature. Punishments for male homosexual acts are more severe than those given to women. Whereas a man can be executed on the first conviction in cases involving penetration, a woman can only be sentenced to death on her fourth conviction. Article 234 of the Penal Code distinguishes between the 'active' and 'passive' parties in male-on-male sexual acts involving penetration (sodomy). Whereas it allows for the execution of the passive partner in all cases, the active partner may only be executed if he is married, if he rapes the passive partner or if he is a non-Muslim who has engaged in penetrative acts with a passive Muslim partner. Article 237 states that non-penetrative homosexual acts such as kissing or 'touching as a result of lust' are punishable by flogging, applicable to both men and women, while Articles 238 and 239 specifically define and prohibit sexual acts between women, stipulating flogging as punishment. Same-sex

conduct not involving sexual organs – like ‘passionate kissing’ – also attracts flogging as punishment. There is no distinction between the active and passive parties or between Muslims and non-Muslims in cases involving sexual acts between women.

3.148 Iran does not publish official statistics or details relating to executions. This makes it difficult to estimate how many individuals have been executed for same-sex acts, and whether those acts were consensual. Numerous media reports relate to the execution of men who have engaged in same-sex acts. DFAT is not aware of any such executions involving women. However, in many cases, the media has reported that these acts involved non-consensual sexual encounters, including against minors. The issue is further complicated as the Penal Code does not recognise rape as a separate crime: it treats heterosexual and homosexual rape as forms of adultery and sodomy, respectively. As a result, if a consensual homosexual relationship is discovered by law enforcement, the passive partner has a significant incentive to claim that he has been raped as this may be the only way to enable him to escape a death sentence. Moreover, in an actual male-on-male rape case, the victim faces substantial risk in filing a complaint, as if the alleged rapist succeeds in arguing that the act was consensual, the victim could be executed for being the passive partner to an act of sodomy.

3.149 In August 2016, a 19-year old man was executed in Arak (Markazi Province) after being convicted of an act of ‘forced sodomy’ (as defined in Article 234). The alleged offence occurred while the man was still a juvenile. Authorities arrested the man after receiving a complaint accusing him and two other youths of forcing a teenage boy (of undisclosed age) to have sexual intercourse with them. The executed man had maintained that the sexual acts were consensual. In January 2019, a 31-year-old gay man was reportedly executed by hanging on charges of kidnapping and raping two 15-year old adolescents (apparently boys). According to local media reporting, the man had several prior criminal records. It is difficult to find evidence of recent cases involving the execution of adults who have indisputably engaged in consensual same-sex relations. International organisations report that authorities are aware of the negative international reactions large-scale persecution and severe punishment of homosexual individuals creates. Where courts find offenders guilty in same-sex relations cases, reporters observe that, in most cases, they generally refrain from imposing the death penalty and instead order floggings.

3.150 The prevailing view among Iranian healthcare professionals is that homosexuality is a psycho-sexual illness. Official ‘treatment’ for gay men and women includes prescription medications (such as Valium) and gender reassignment surgery (GRS). International observers report that private and semi-governmental psychological and psychiatric clinics offer ‘corrective treatment’ for LGBTI persons. These clinics allegedly use electric shock therapy on the hands and genitals of LGBTI persons, prescription of psychoactive medication, hypnosis and coercive masturbation to pictures of the opposite sex. One such clinic, The Anonymous Sex Addicts Association of Iran, reportedly has branches in 18 provinces. In March 2016, the UN Committee on the Rights of the Child expressed concern at reports that children identifying as LGBTI had been subjected to electric shocks and the administration of hormones and psychoactive medications as forms of cure. Men whose homosexuality or transgenderism has been established (through an intrusive medical examination) are exempted from military service and given the designation ‘mentally ill’ on their military cards (see [Military Objectors](#)), which can lead to later difficulties when seeking employment.

3.151 There is a strong societal taboo against homosexuality, particularly among older, more conservative Iranians — one local source said it was impossible for Iranians, as Muslims, to accept homosexuals. While official rhetoric against homosexual individuals and practices has reduced since the Ayatollah Khomeini era, high-level officials (including Ayatollah Khamenei) have continued to issue derogatory statements about homosexuality. The government censors all materials related to LGBTI issues, including blocking websites or content within sites that discusses such issues. NGOs are unable to work openly on LGBTI issues. The law does not prohibit discrimination based on sexual orientation and gender identity, and no criminal justice mechanisms exist to prosecute those accused of committing hate crimes against LGBTI persons. Authorities

have reportedly expelled individuals from university for alleged same-sex relations. It is not possible for an LGBTI person to seek state protection, as doing so would be an act of self-incrimination and leave them vulnerable to arrest and prosecution. Given the criminalised and hidden nature of homosexuality, harassment of and discrimination against LGBTI persons is under-reported.

3.152 Local sources told DFAT that younger Iranians, particularly in more progressive parts of major cities, are increasingly more tolerant, but that, on balance, homosexuality is not openly discussed and gay people face severe discrimination. This includes abuse and harassment from family members, work colleagues, religious figures, and school and community leaders. Ostracism from one's family is common, particularly in the case of conservative families. DFAT heard anecdotally that gay men and lesbians face considerable societal pressure to enter into a heterosexual marriage and produce children.

3.153 International observers report that homosexual and bisexual persons who do not openly reveal their sexual orientation and keep a low profile are able to move freely within society, particularly in larger cities that offer greater anonymity. It is not uncommon in Iran for people of the same sex to live together, although this is not necessarily associated with homosexuality. The rise of social media means activities such as dating now largely take place online in chat rooms, dating sites and via social media platforms rather than in established 'beats' (areas frequented by gay men, where sexual acts may occur), although these continue to exist, particularly in major cities. Local sources told DFAT that there are two gay-friendly parks in Tehran — Daneshjoo Park and Honarmandan Park (in central Tehran). The parks are patrolled by the police (sometimes in plain clothes), although contacts were not aware of any recent arrests there. DFAT heard anecdotally that one can observe same-sex couples holding hands in these parks, although couples show greater discretion today given the known police presence. There are no gay bars in Iran. While intelligence services have the capacity to monitor the behaviour of individuals, human rights observers report that security agencies do not usually seek to identify or punish individuals solely for engaging in same-sex relations.

## Lesbians

3.154 While the Penal Code's punishment for sexual conduct is less harsh for lesbians, human rights observers report that their social and economic situation is significantly more restrictive than that of gay men. The restrictions already imposed on lesbians as women in Iranian society are compounded by the discrimination they face because of their sexual orientation. Financial and social survival for lesbians depends on their ability to repress or hide their sexual identity, particularly from family members. 'Honour killings' of lesbians by male kin reportedly occur (see [Honour Killings](#)), as do beatings and other physical and psychological abuse. Most often, lesbians find themselves abandoned by their families, a situation that can compel them to engage in sex work in order to survive. This leaves them further vulnerable to abuse, harassment and possible arrest.

## Transgender Individuals

3.155 While it criminalises same-sex relations for men and women, the law allows GRS for individuals who are officially diagnosed with 'gender identity disorder'. Transgender individuals have been recognised since 1987 (pursuant to a *fatwa* issued by Ayatollah Khomeini declaring transsexuality to be in conformity with Islam). Authorities regard transsexuality as a mental disorder for which medical solutions are available, and permit hormone treatment and GRS. The government provides loans specifically to fund treatments, and requires health insurers to cover the cost of GRS. Only transgender individuals who have undergone GRS can change their legal gender. Decisions regarding 'sex reassignment' fall within the purview of the Family Court,

and one must apply to the court to be approved for GRS. Upon application to the Family Court, an individual wishing to undergo GRS is referred to the Legal Medical Organization, where an examination is performed and a medical opinion issued. If the Legal Medical Organization determines the individual qualifies for such treatment, the Family Court issues a permit for GRS. After completing GRS, the individual returns to the Family Court with a petition to the National Organization for Civil Registration (ONOCR, also known as Vital Records) to amend their national identity documents to reflect their new name and gender. If approved, the Family Court issues an order for the ONOCR to update and reissue the individual's official records.

3.156 After GRS has been completed and their legal documents (including identity card, birth certificate and passport) adjusted, one is legally allowed to dress according to the opposite sex and to move into the spaces reserved for this sex (but not before). Authorities do not generally permit cross-dressing because men or women dressing as the opposite sex is considered disruptive to the social order. However, once an individual is diagnosed as suffering from gender dysphoria and agrees to undergo GRS, local authorities may issue them a permit to allow them to appear in public dressed as the opposite sex prior to the actual surgery. Post-surgery, transgender persons are advised to maintain discretion about their past due to stigma associated with being transgender.

3.157 No reliable data are available on the extent of GRS operations in Iran, but media reports suggest they are common. Human rights activists and NGOs have reported that authorities and families pressure gay men and lesbians and other gender non-conforming individuals to undergo GRS to avoid the legal and social consequences of their sexual orientation or gender-identity ambiguity. Observers have also raised concerns about the quality of medical services offering GRS operations, citing reports of operations that have fallen short of international clinical standards and resulted in long-term health complications. Few legal remedies are available to those who endure botched operations. Despite the financial assistance provided by the government, the cost of GRS and hormone therapy is still beyond the means of many people. Those who undergo GRS report mixed rates of satisfaction, and cite ingrained social stigma against gay people (often including from the medical professionals performing the surgery), lack of follow up medical treatment, and insufficient funds to subsidise the procedure. Those who do not undergo GRS are often abandoned by their families, and many resort to prostitution to survive. In addition to leaving them further vulnerable to abuse and harassment, transgender women who have not undergone GRS and engage in sex work are at risk of arrest and prosecution as homosexuals as they are deemed to be men.

3.158 DFAT assesses that LGBTI persons who express openly their sexual orientation face a high risk of official and societal discrimination, including potential arrest and prosecution, and ongoing traditional views about sexuality and gender severely restrict their participation in the community and workforce. High profile or highly visible LGBTI persons of any sex face a high risk of violence, including from family members, members of the public and the authorities. Notwithstanding the uncertainty over how often executions occur and in which circumstances, legal provision for the use of the death penalty for consensual same-sex acts creates significant risk to those who engage in such acts. DFAT assesses there is greater official and societal tolerance for transgender persons who have undergone GRS, although they continue to experience some discrimination.

## Military Objectors

3.159 Article 151 of the constitution commits the government to providing a program of military training for all of its citizens to ensure they will be able to engage in the defence of the country. Military service is compulsory for men aged between 18 and 40, and usually lasts between 18 and 24 months. One cannot choose in which force and geographic location to undertake military service. The government does not recognise conscientious objection. The UK Home Office, citing media sources, reported in 2016 that conditions for conscripts were often poor, with low pay, poor living conditions, malnutrition, and frequent

physical and psychological abuse by senior officers contributing to low morale. However, military service conditions can vary considerably depending on individual placements and circumstances. A local source who had undergone military service told DFAT they had not experienced or witnessed abuse or malnourishment, but could not discount them, particularly in more remote areas of the country.

3.160 Article 144 of the constitution states that the military must be Islamic, must be committed to Islamic ideals and must recruit individuals who are committed to the objectives of the Islamic Revolution. By law, non-Muslims cannot hold positions of authority over Muslims in the armed forces. Members of recognised religious minorities with a college education may serve as officers during their military service, but cannot become career military officers. DFAT understands there are some Sunni officers, but no non-Muslims. The UK Home Office cites reports of harassment and abuse of conscripts due to their faith, leading to suicide or self-harm in some cases. The law does not provide for exemptions for religious minorities.

3.161 Authorities can grant an individual exemption from military service on several grounds. These include: medical reasons; outstanding scholastic abilities; being the only son in the family; having elderly parents; and having a brother currently serving in the military. Students entering university at 18 can defer their military service until they complete their studies. Homosexuality or a designation as a transsexual are regarded as medical and psychological conditions that warrant an exemption. Those exempt from military service are issued exemption cards by the General Conscription Department of the Police Force. An exemption card includes the basic biographical details of the holder, including their name and date of birth. Some cards indicate the reason for exemption, which, in the case of individuals exempt as a result of their sexual orientation, may become a basis for later discrimination (see [Sexual Orientation and Gender Identity](#)). Women are exempt from military service.

3.162 Exemptions could be purchased legally in the past, through payment of an absence fine. This practice was common among wealthier Iranians. According to local sources, the quantum was dependent on one's educational attainment (those with a higher education were liable for higher fines than those without). Discounts reportedly applied to married men and those with children. According to EA WorldView, absence fines in 2015 ranged from roughly USD6,500 to more than USD13,000. The policy was scrapped in 2019, and the payment of an absence fine in exchange for military exemption is no longer an option.

3.163 Draft evaders are liable for prosecution. An individual who evades military service by leaving the country must complete their service on return if they are under the age of 40. For those over 40, a fine is the most common punishment. Evading military service for up to a year during peacetime or two months during war can result in the addition of between three and six months to the total length of required service. More than one year's draft evasion during peacetime or two or more months during war may result in criminal prosecution. Draft evaders may lose social benefits and civic rights, including access to government jobs and higher education, and the right to establish a business. The government may also refuse to grant draft evaders drivers licences, revoke their passports or prohibit them from leaving the country without special permission (see [Exit and Entry Procedures](#)). DFAT understands that the desire to evade military service is a key motivating factor for the emigration of middle-class families with teenaged sons.

3.164 DFAT assesses that most – but by no means all – Iranian males will undergo military service. Obtaining an exemption from military service is possible, but depends heavily on individual and socioeconomic circumstances. Religious minorities face a moderate risk of harassment on the grounds of their religious faith while undergoing military service. Those seeking to avoid military service are likely to face arrest and restricted access to a wide range of social benefits and civic rights, which may impact their ability to leave the country.



## Refugees and Undocumented Afghans

3.165 Iran has one of the largest refugee populations in the world, primarily from Afghanistan. According to the United Nations High Commissioner for Refugees (UNHCR), Iran hosts nearly 1 million registered Afghan refugees, plus up to 2 million undocumented ones (see paragraph 3.167). Approximately 97 per cent of registered Afghan refugees live among host communities in urban areas. The remaining 3 per cent live in 20 refugee settlements managed by the Iranian Government. Refugee settlements are generally well-equipped, and include schools and vocational training centres. Iran also hosts around 26,000 registered refugees from Iraq.

3.166 Registered refugees are granted legal recognition under a system known as *Amayesh*. An *Amayesh* card proves legal right of residence and entitles the cardholder access to government services, including healthcare and education. However, no new *Amayesh* card registrations have taken place since 2007, meaning there is no way for post-2007 arrivals to become registered refugees. In 2015, the government granted *Amayesh* cardholders access to Iran's national universal health insurance scheme. Access to the latter is on a par with the health insurance package available to Iranian nationals, through the payment of monthly premium fees. *Amayesh* cardholders are eligible to receive work permits from the government, giving them the legal right to employment. While *Amayesh* cardholders can move freely within the province in which they are registered, they are subject to restrictions regarding their ability to relocate to other parts of Iran. Refugees are prohibited from residing in specified areas of the country, including Gilan and Mazandaran provinces along Iran's Caspian Coast. Local sources told DFAT that, in practice, *Amayesh* cardholders often ignore these restrictions, but, where they do, would find it difficult to find formal employment.

3.167 Registered refugees who choose to leave Iran, including through third-country resettlement, must surrender their *Amayesh* card and any other Iranian documentation. Those who choose to return to Afghanistan are issued a care pack of basic hygiene goods, water, a blanket, a repatriation grant of USD150 and a transportation fee (USD30–70) by UNHCR. DFAT understands nearly 2,000 Afghan refugees returned to Afghanistan voluntarily in 2018, with another 702 having returned as at 28 August 2019. DFAT understands that, of the Afghan refugees who repatriated voluntarily in 2018, the majority returned to Iran as university students on valid Iranian visas after obtaining an Afghan passport. UNHCR does not promote voluntary repatriation to Afghanistan owing to security conditions there, but still assists those who choose to return.

3.168 According to government estimates, Iran hosts between 1.5 million and 2 million undocumented Afghans (i.e. who reside in the country illegally, without an *Amayesh* card or valid visa). This includes an unknown number of undocumented Afghans who regularly move back and forth between Afghanistan and Iran for seasonal employment, trade and other purposes. Undocumented Afghans experience significant disadvantage, and most have to rely on their ability to work illegally to generate income, or have to rely on NGOs and informal support (as they are not registered refugees, undocumented Afghans are ineligible for UNHCR assistance). Undocumented Afghan children have been able to register in national public schools since May 2015, following a decree from the Supreme Leader that all children in Iran, regardless of their legal status, be allowed access to formal education. According to UNHCR, 420,000 Afghan children – of whom 103,000 were undocumented – were registered in primary and secondary school in the 2017-18 academic year. The decree does not include tertiary education (hence why the bulk of Afghan returnees are students who obtain a passport in Afghanistan before returning to Iran on student visas). Afghan children enrolled in school are issued a 'blue card' in lieu of other documentation, which prevents their families from being deported.

3.169 Undocumented Afghans have been leaving Iran in large numbers since 2018, either to return to Afghanistan or to seek refuge in Europe, as a result of the deteriorating economic situation in Iran. Most

cited a lack of employment opportunities for their decision to leave, although some cited insecurity, including harassment and intimidation. According to the International Organization for Migration (IOM), 485,000 undocumented Afghans returned to Afghanistan from Iran in 2019. These are a mixture of voluntary returns, seasonal workers and deportations. Only a small fraction (2,009 individuals for 2019) of returnees are documented refugees who are eligible for UNHCR assistance packages. The pace of returns increased in 2020, as a result of worksite closures linked to the COVID-19 outbreak in Iran. Afghan arrivals in Malaysia and Indonesia have also typically spent long periods in Iran, and cite the deteriorating economic situation as the reason for onward migration.

3.170 The Ministry of Interior's Bureau for Aliens and Foreign Immigrants' Affairs is responsible for refugee affairs, including the issuance of *Amayesh* cards. The *Amayesh* registration scheme commenced in 2003 and has been carried out periodically since (with no new registrations since 2007). *Amayesh* cardholders must re-register annually. As part of the re-registration process, an *Amayesh* cardholder may add new family members to their registration. Re-registration involves the payment of a fee. According to sources, re-registration is prohibitive financially for many refugees. DFAT is unable to verify if a registered refugee has had their *Amayesh* card confiscated or been denied re-registration. If such a practice exists, DFAT assesses it is unlikely to be common.

3.171 The US Department of State claims that Iranian authorities have recruited – including through the threat of arrest and deportation – Afghan male adults and children to fight in Syria. A range of reputable sources, including Human Rights Watch, support this claim, and DFAT understands it to be true.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extrajudicial Killings

4.1 The most significant case of extrajudicial killings in the Islamic Republic era occurred in 1988, when an estimated 5,000 political prisoners were executed following a *fatwa* issued by Ayatollah Khomeini. The majority of those executed (at least 3,000) were members of the MeK (see [Political Exile Organisations](#)). Others executed included intellectuals, students, members of other opposition parties, and ethnic and religious minorities. Many of those killed had been sentenced for non-violent offences such as distributing newspapers and leaflets, taking part in demonstrations, or collecting funds for prisoners' families. Some had already completed their sentences but had not been released, as they refused to 'repent'. To date, no officials have been investigated and brought to justice for these killings. Some of the alleged perpetrators continue to hold political office or other influential positions, including in the judiciary.

4.2 According to Amnesty International, in 2018 Iranian border guards unlawfully shot and killed tens of Kurdish *kolbars* transporting goods on their backs, on horses or on mules between Kurdish-majority areas in Iran and the Kurdistan Region of Iraq. Many *kolbars* transport goods illegally, without an official permit (the Iranian authorities began issuing permits in 2016; only heads of families who have completed military service and live within 15km of the Iran-Iraq border are eligible). The Iranian Government claims some *kolbars* traffic illicit goods, including narcotics. The activity is popular among Iranian Kurdish males (including minors), given high rates of unemployment in Kurdish-populated provinces— up to 84,000 *kolbars* make the crossings annually. NGOs and the Special Rapporteur on the situation of human rights in Iran reported that extrajudicial killings of *kolbars* continued in 2019.

#### Enforced or Involuntary Disappearances

4.3 Iran is not a signatory to the Convention for the Protection of All Persons from Enforced Disappearance. In July 2017, the UN Working Group on Enforced or Involuntary Disappearances expressed concern over allegations of individuals disappearing from within the Iranian prison system, including after their detention in Evin Prison. The Working Group has also expressed concern about allegations of harassment and intimidation against persons who have reported cases of enforced disappearances or who have actively campaigned for information about, and justice for, disappeared relatives. The Working Group reported 535 outstanding cases of enforced disappearance in its most recent report (July 2019). The government agreed to a visit by the Working Group in 2004, which it has repeatedly delayed. The visit is yet to occur.

## Deaths in Custody

4.4 Iran does not publish official statistics on deaths in custody. The media and NGOs occasionally report deaths in custody, including as a result of torture or denial of proper medical care. Some individuals arrested in connection to the 2009-10 and 2017-18 protests reportedly died in custody (see [Critics of the State and 'Green Movement' Activists](#)). A prominent environmentalist died in prison in Tehran in February 2018 under disputed circumstances (see [Civil Society Activists/Human Rights Defenders](#)). DFAT is not aware of any investigation into these deaths. In February 2018, President Rouhani announced a commission to investigate deaths in custody, comprising the Intelligence Minister, Interior Minister, Justice Minister and Vice President for Legal Affairs. The commission delivered its findings to the President in October 2018, but a report was never made public.

## DEATH PENALTY

4.5 Iran implements the death penalty at one of the highest rates in the world, both in actual numbers and per capita. More than 80 offences are punishable by death, including: murder; rape; drug possession; security-related crimes; and 'moral crimes' like adultery and homosexuality. Vaguely-defined offences such as 'insulting the Prophet', 'enmity against God' and 'spreading corruption on earth' (including blasphemy and heresy) also attract the death sentence. Revolutionary Courts issue most death sentences. Some offences that attract the death sentence are not considered 'most serious crimes' under the International Covenant on Civil and Political Rights (to which Iran is a signatory).

4.6 Iran does not publish statistics on executions, and accurate figures are difficult to obtain. Amnesty International, which tracks executions worldwide, recorded at least 253 executions in 2018, down from 507 in 2017. The over 50 per cent decline in executions was largely the result of amendments to Iran's Anti-Narcotics Law, which reduces the application of the death penalty for many drug trafficking offences (about 80 per cent of death penalty verdicts related to drug trafficking at the time of the amendments). The Special Rapporteur on the situation of human rights in Iran claims 217 people were executed between 1 January and 31 October 2019. Hanging is the general method of execution, although the Penal Code also permits death by stoning. The government says a judicial moratorium on the use of stoning has been in place since 2008, and Amnesty International did not record any executions by stoning in 2018. Most executions take place in prisons, although some continue to be carried out in public (usually by hanging in a public square). According to the Special Rapporteur, there were at least 12 public executions between 1 January and 31 October 2019. Iran commutes some death sentences, but accurate figures are difficult to obtain.

4.7 Iran is one of the few countries in the world to sentence minors to death. Under the Penal Code, girls from the age of nine years and boys from the age of 15 years can be sentenced to death in the same way as adults for murder and certain other capital crimes. Since 2013, judges have had the discretion to impose an alternative punishment if they determine the juvenile offender did not understand the nature of their crime or its consequences, or if they have doubts about the offender's 'mental growth and maturity' at the time of the crime. In most cases, courts stay executions until the offender turns 18, and occasionally commute death sentences to prison terms. Amnesty International claims seven people were executed in 2018 for crimes committed when they were minors, and believes at least 85 others were on death row as at April 2019. In the most recent known case, in October 2019 a 21-year old man was executed in Karaj for an alleged murder committed when he was 16. In April 2019, two 17-year old boys were executed in Shiraz (Fars Province) for alleged rape and robbery.

4.8 Of the 253 executions recorded by Amnesty International in 2018, 160 were for murder; 25 for drug-related offences; 22 for rape; 18 for 'enmity against God' (12 of which related to robberies and six to political

activities); and 14 for ‘spreading corruption on earth’. Although the media occasionally reports death sentences for adultery, apostasy and blasphemy, very few executions for these offences have occurred in recent years. Executions in relation to homosexuality are now extremely rare, and are usually coupled with other serious convictions such as rape. Those executed in Iran are overwhelmingly Iranians, although Afghans make up a significant minority. A very small number of those executed (as few as 2 per cent) are women. Under Islamic law, murder victims’ relatives have the power to pardon the offender and accept financial compensation instead.

4.9 There is significant domestic opposition to the death penalty. A number of groups and individuals campaign actively on the issue, including through Internet and social media campaigns. Campaigns have focused on persuading the families of murder victims to pardon the perpetrator, allowing them to avoid execution; and on raising ‘blood money’ (*diyeh*) as restitution for the families of murder victims on behalf of defendants who are unable to raise the required sum themselves. These campaigns have had some success, with the number of family pardons increasing considerably in recent years. The Iranian system views these campaigns as being in line with *sharia*, and broadly encourages them: the High Council for Human Rights itself organises fundraising for ‘blood money’. However, authorities have discouraged efforts by activists to eliminate the death penalty. Several activists of LEGAM (the Farsi acronym for the Gradual Elimination of the Death Penalty) have been imprisoned for their activities, which authorities perceive as promoting anti-Islamic and anti-government messages.

4.10 Iran takes a conservative, law and order-centred approach to issues involving illegal drugs, which cause significant social problems and elicit strong community views (see [Health](#)). Traditionally, most executions have been for drug-related offences. In November 2017, parliament adopted – and the Guardian Council approved – amendments to the Anti-Narcotics Law. Under the amended law, the death penalty can be applied only in convictions that, in addition to drugs, involve the trafficking of arms; where the accused played a leading role in organising and financing the trafficking of drugs, including through the use of children; and in cases involving previous death sentences, life sentences or sentences of more than 15 years. The amended law also increases significantly the threshold for the quantity of drugs required to trigger a mandatory death sentence, and permits people sentenced to death for drug-related crimes to request a review with a view to having their sentence commuted. The amended law can be applied retroactively. In line with these amendments, the judiciary has suspended most executions of people convicted of drug offences pending review of their cases. Iran’s Prosecutor-General revealed in July 2018 that, of the 1,700 cases reviewed, most death sentences for drug-related crimes had been reduced, and a further 1,300 cases were awaiting review. The death penalty still applies to the production and distribution of particular amounts of opium, heroin and methamphetamine, as well as for armed smugglers, ringleaders and financiers.

## TORTURE

4.11 Iran is not a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Article 38 of the constitution prohibits all forms of torture for the purpose of extracting confessions or acquiring information. Article 169 of the Penal Code stipulates that a confession obtained under coercion, force, torture, or mental and physical abuses shall not be given any validity and weight.

4.12 Despite these legal protections, international human rights organisations report that torture and other mistreatment of detainees occurs in Iranian detention facilities, especially as a means to extract information. International sources report that common methods of torture used in Iranian prisons include threats of execution or rape, sexual humiliation, sleep deprivation, electroshock, burnings, the use of

pressure positions, and severe and repeated beatings. Allegations of forced confessions through torture, denial or delayed access to legal representation, and mistreatment while in detention are common in the case of individuals charged with national security offences. Individuals arrested for minor offences, dress code violations and consuming alcohol face a low risk of torture.

4.13 Although the Penal Code prohibits the admission into evidence of confessions obtained under torture, it does not set out any procedure for judges and prosecutors to investigate allegations of torture and ensure that confessions are voluntary. Human rights organisations report that the authorities have systematically failed to investigate allegations of torture and other mistreatment, and have sometimes threatened to subject complainants to further torture and long sentences. According to Amnesty International, judges continue to admit confessions obtained under torture as evidence against defendants. As far as DFAT is aware, no formal mechanism exists through which victims of mistreatment and torture can register a complaint.

4.14 DFAT assesses that the authorities use violence or other pressure tactics to extract confessions from defendants, including those charged with national security-related offences. DFAT further assesses that individuals suspected or found to be guilty of national security-related offences are vulnerable to mistreatment that may amount to torture inside prison.

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.15 Article 39 of the constitution prohibits all affronts to the dignity and repute of detained persons. However, the Penal Code provides for the use of physical punishment, including flogging, blinding and amputations (usually the hand or fingers), for a range of offences. More than 100 offences attract the punishment of flogging, including theft, assault, alcohol consumption, extra-marital sex and attending mixed-gender parties. The judiciary has consistently rejected the notion that floggings, blindings and amputations amount to torture, maintaining they are permitted under *sharia* and are effective deterrents to criminal activity.

4.16 While it is no longer common, amputation as a form of punishment continues to be used periodically. In the most recent known case, in October 2019 the hand of a man was amputated for alleged theft in Sari (Mazandaran Province). The Justice Department of Mazandaran Province claimed the amputation was part of its policy 'to crackdown, severely and without hesitation, on those who disrupt public order and security and steal public funds'. Human rights groups reported that authorities amputated by guillotine the hand of a man in Mashhad (Razavi Khorasan Province) in January 2018 for stealing livestock and other valuables.

### Arbitrary Arrest and Detention

4.17 Article 32 of the constitution stipulates that no one may be arrested except by the order and in accordance with legal procedure. Authorities must communicate the charges to the arrested person in writing without delay, and forward a provisional dossier to the competent judicial authorities within 24 hours. Article 36 states that only a competent court may pass and execute a sentence, and it must be in accordance with the law. Article 37 guarantees the presumption of innocence.

4.18 Despite these constitutional protections, many organisations report that authorities commonly use arbitrary arrests to impede perceived anti-government activities by a range of actors, including ethnic minority, religious, labour, civil and environmental rights activists. Individuals under arrest often remain in

detention facilities for long periods without charge, and authorities sometimes prevent them from informing others of their whereabouts for several days. Authorities often deny detainees' access to legal counsel while in detention, and impose travel bans on individuals released on bail or pending trial. State television often broadcasts documentary accounts of crimes before formal charges are laid.

4.19 In 2016, the UN Working Group on Arbitrary Detention identified an emerging pattern involving the arbitrary detention of citizens with dual citizenship or residency. In their most recent report (July 2019), the Special Rapporteur on the situation of human rights in Iran claimed that at least 30 dual and foreign nationals were being held in detention in Iran. The Special Rapporteur claimed these individuals were arrested arbitrarily, underwent trials that failed to meet basic fair trial standards and were convicted on fabricated or no evidence. Some have reportedly been denied appropriate medical treatment, including for life-threatening illnesses. Iran does not recognise dual citizenship, thus depriving some foreign citizens of consular access while in custody.

## Corporal Punishment

4.20 Iranian law provides for corporal punishment for several offences, including flogging, blinding, stoning and amputation (see [Cruel, Inhuman or Degrading Treatment or Punishment](#)). Under the Penal Code, at least 148 offences are punishable by flogging. These offences relate to sex, false accusation, consuming intoxicants and bodily injury. Attending mixed-gender parties can also attract flogging. Floggings are administered differently for men and women, and for different offences. Generally, males are lashed on the bare body (except on the face, hands and genitals), while females are lashed while clothed. At least three witnesses must be present.

4.21 Article 158 of the Penal Code explicitly provides for the right of parents and guardians to impose corporal punishment on children, 'provided the measures taken are within the bounds of religion and custom'. Article 1179 of the Civil Code entitles parents to punish their children within 'the limits of correction'. Corporal punishment is not prohibited in schools, although a directive ratified by the Higher Council of Education in August 2000 advises against its use. Corporal punishment is prohibited in juvenile correction centres.

4.22 Amendments to the Penal Code in 2013 abolished corporal punishment and the flogging of children under the age of 18 for *ta'zir* crimes (offences for which a punishment is not specified by the Quran, and is at the discretion of a judge). The Penal Code retains corporal punishment for children who have reached the legal age of criminal responsibility (nine years for girls, 15 years for boys) for *hudud* and *qisas* crimes (*hudud* crimes are 'crimes against God' that carry a fixed punishment under Islamic law, including illicit sex and sodomy. *Qisas* crimes are crimes for which Islamic law provides a retaliatory punishment against the offender that is analogous to the crime, and includes murder).

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

5.1 Security forces are conspicuous in many aspects of Iranian life. An extensive network of police, security and intelligence services exercises effective control over most of the country (see [Security Situation](#)). Lines of authority between various security bodies can be blurred, with overlapping and competing responsibilities and, occasionally, unclear command and control structures. For ordinary Iranians, interaction with the security forces can be unpredictable, and can be influenced by the prevailing political environment and individual personalities. A number of offices exist to enable individuals to register complaints of human rights violations and improper treatment by security forces, and the judiciary is responsible for prosecuting these cases. DFAT is unable to establish whether a complaints office exists for the IRGC or the Basij. DFAT assesses it is unlikely that a complaint from a member of the public against a law enforcement officer from any agency would result in prosecution.

### Islamic Revolutionary Guards Corps (IRGC)

5.2 The Islamic Revolutionary Guards Corps (IRGC) is Iran's most powerful security and military organisation, responsible for the protection and survival of the Islamic Republic. Ayatollah Khomeini established the IRGC after the 1979 revolution to enforce his concept of an Islamic state governed by a *Velayat-e-faqih* (see [Political System](#)). The IRGC played a crucial role in suppressing early opposition to Khomeini's vision and in repelling the 1980 Iraqi invasion. Since then, the IRGC has eclipsed the regular military as Iran's pre-eminent internal and external security force. The IRGC operates substantial land, sea and air forces independent of the regular military, including the Basij (see [Military and Basij Resistance Force](#)). The IRGC also has a cyber command and a powerful intelligence arm that conducts domestic intelligence operations, including against political activists. The IRGC maintains its own detention facilities. The IRGC helped to suppress the Green Movement demonstrations in 2009 and, together with other parts of the security apparatus, played a role in responding to the December 2017, January 2018 and November 2019 protests.

5.3 Over time, the IRGC has transformed into a leading economic and political actor. The IRGC and its associated companies are deeply enmeshed in the Iranian economy, with significant interests in the energy, construction, telecommunications, banking, shipping and financial sectors. In addition to its strength in the security and economic spheres, the IRGC wields significant influence in domestic politics and foreign policy. The IRGC is estimated to have about 150,000 active personnel, divided into land, sea and air forces. The land forces are the largest, estimated at between 100,000 and 125,000 personnel, and have a presence in all of Iran's 31 provinces; the navy at up to 20,000; the air force at up to 20,000; and the elite Quds Force at up to 5,000. The Quds Force is responsible for the IRGC's external operations. The head of the IRGC is appointed by, and reports directly to, the Supreme Leader. According to international observers, the IRGC's top leadership comprises conservatives and hardliners who are deeply opposed to political reform. The rank-and-file of the organisation reflects Iranian society and politics at large, and includes many reformist members. The US designated the IRGC, in its entirety, a foreign terrorist organisation in April 2019 (the



IRGC's senior leadership and most IRGC-controlled state-owned enterprises were the subject of pre-existing US sanctions).

## Basij Resistance Force

5.4 The Basij Resistance Force ('the Basij') is a volunteer paramilitary force that operates under the command of the IRGC. The Basij was established shortly after the Islamic Revolution as an auxiliary law enforcement unit and was brought under the direct command of the IRGC in 2007. The Basij is one of the primary enforcers of internal security and moral codes, including in relation to Islamic dress. The Basij has a countrywide presence, with branches in virtually every Iranian city and town. The Basij maintains three primary armed wings: (1) the Ashoura and Al-Zahra Brigades, which are tasked with defending neighbourhoods in the event of emergencies; (2) the Imam Hossein Brigades, which comprise war veterans and cooperate closely with IRGC ground forces; and (3) the Imam Ali Brigades, which deal with security threats. The IRGC also has multiple branches with specialised functions. According to the United States Institute of Peace, each of these specialised branches functions as a counterweight to NGOs and the perceived threat they pose to the state. For example, the Labor Basij provides a counterpart to labour organisations, unions and syndicates, while the Student Basij balances independent student organisations. The Basij is headed by a commander appointed by, and answerable to, the Supreme Leader

5.5 Estimates of the total number of Basiji vary widely. In 2009, the IRGC commander claimed the Basij had 11.2 million members; however, independent sources cite considerably lower figures (the US Council on Foreign Relations estimates the Basij's strength at 600,000). Not all Basiji are uniformed. As such, the Basij's presence on the street is not always overt and obvious. Its membership includes both sexes and a wide range of ages, although the majority are between high school age and mid-30s. Membership of the Basij comes with privileges, including in relation to university admission, government jobs and bank loans. Local mosques provide background information about each volunteer applicant, and also serve as the Basij headquarters for the neighbourhood. For full-time paid positions, applicants must apply to the Basij's provincial headquarters.

5.6 The state has periodically mobilised the Basij to suppress anti-government protests, including during the November 2019 unrest and Green Movement demonstrations. Basij members often receive less formal training than other Iranian security forces. International sources report that Basij units often repress political opposition elements and intimidate civilians perceived to be violating Iran's strict moral code without formal guidance or supervision from their superiors. DFAT assesses that there is considerable popular resentment against the Basij, although this may vary according to location.

## Military

5.7 Although considerably larger in size, Iran's regular military ('Artesh') plays a secondary role to the IRGC in the provision of internal and external defence (see also [Islamic Revolutionary Guards Corps \(IRGC\)](#)). Iran's military consists of an army (comprising 130,000 enlisted personnel and 220,000 conscripts); a navy (18,000); and an air force (30,000). The military maintains an additional 350,000 reserves, and can mobilise Basij forces as appropriate (see [Basij Resistance Force](#)). International analysts describe Iran as a comparatively weak regular military power with limited modernisation since the Iran-Iraq War.

## Police

5.8 The Law Enforcement Force (also known as the Disciplinary Force or the abbreviation NAJA) is Iran's uniformed national police force, and operates under the Ministry of Interior. It is responsible for internal security, although receives support from the IRGC and the Basij in quelling large-scale protests. The exact size of the police force is unclear. It comprises a number of specialised branches, including (but not limited to): traffic; cyber; prevention; intelligence and public security; anti-narcotics; immigration and passport; diplomatic; criminal investigation; border guard command; and the special unit. The special unit is responsible for suppressing riots, anti-terrorist activities, urban defence and resolving hostage situations. The police have an obvious street presence, particularly in the major cities. The police force is highly organised, including in responding to crime. The level of violent crime in Iran is low relative to other countries in the region (see [Security Situation](#)).

## Ministry of Intelligence and Security (MOIS)

5.9 The Ministry of Intelligence and Security (MOIS) has responsibility for gathering and analysing domestic and foreign intelligence, providing counter-intelligence and security advice, foreign intelligence liaison and countering threats to the Islamic Republic. Like the IRGC, MOIS has the power to investigate cases and to arrest and detain individuals, and maintains its own detention facilities. The head of MOIS is technically appointed by the president, via parliament, but like the defence and foreign ministers, this appointment is made in close consultation with the Supreme Leader.

## Judiciary

5.10 Chapter 11 of the constitution outlines the functions of the judiciary, affirms its independence and provides for a judicial system based on *sharia* (Islamic law). The Supreme Leader appoints the head of the judiciary for renewable five-year terms. The head of the judiciary must be a cleric who can interpret *sharia* (a '*Mujtahid*'), and is responsible for hiring, assigning, promoting and firing judges. Most judges are clerics trained in Islamic jurisprudence. The Supreme Leader nominates the chief of the Supreme Court and the prosecutor-general, who must also be *Mujtahids*.

5.11 The constitution establishes civil, criminal and military courts. Prosecutions originate in lower courts and can be appealed to higher courts. The Supreme Court reviews cases of capital offences and rules on death sentences. It has responsibility for ensuring proper implementation of the laws and uniformity of judicial proceedings. Regular courts (known as public courts) mainly deal with the civil and criminal matters of the common public. These courts are functionally classified according to their area of jurisdiction (civil or criminal), and according to the seriousness of the crime or the litigation. In the first instance, family law matters (including marriage, divorce and custody) come under the jurisdiction of the court allocated to family matters. Criminal courts comprise first level courts, which have jurisdiction over prosecution for felony charges, and second level courts, which try cases involving lighter punitive action. Iran has nearly 600 public courts. The right of appeal is guaranteed but limited in practice, particularly in national security-related cases.

5.12 The judiciary also includes Revolutionary Courts and Special Clerical Courts, both established pursuant to decrees from Ayatollah Khomeini. Neither court has been incorporated into the constitutional clauses that define the role and structure of the judiciary. Some legal experts have unsuccessfully challenged these courts' legal standing. Revolutionary Courts deal primarily with prosecutions involving acts against national security, as well as drug smuggling and espionage, and issue most death sentences. They do not use juries, and trials are frequently closed to the public. Revolutionary Court judges fulfil additional roles as

prosecutors and mediators. Revolutionary Courts often do not allow defence attorneys. Orders issued by the Revolutionary Courts are final and binding in penal/criminal affairs in most instances although, in limited cases (including capital cases), the defendant has the right of appeal. Special Clerical Courts deal with alleged offences committed by clerics, including political statements inconsistent with government policy.

5.13 Human rights observers criticise the judiciary for its lack of independence and denial of due process to detainees, and for the failure of trials to meet international standards of fairness. Freedom House claims the judicial system is used to silence state critics and members of the political opposition. The security establishment, particularly the IRGC, is thought to wield influence over the judiciary. The Special Rapporteur on the situation of human rights in Iran has consistently expressed concern about the lack of independence in the judicial system, particularly the Revolutionary Courts. In relation to the latter, the Special Rapporteur has noted a common pattern of short trials, after which the verdict is rarely published or provided in written form, and the issuance of long prison or death sentences. Writing to the HRC in March 2018, the Special Rapporteur reported a pattern of due process violations and denial of a fair trial with respect to human rights defenders, trade unionists, journalists, political opposition, members of the opposition, minority and religious groups, and foreign and dual nationals. DFAT shares the Special Rapporteur's concerns. DFAT assesses that defendants charged with national security offences may spend long periods of detention without charge and are unlikely to receive a fair trial.

5.14 In June 2018, the head of the judiciary implemented the Note to Article 48 of the Code of Criminal Procedure. This denies individuals facing national security charges the right to access a lawyer of their choosing. Defendants must instead select from a list of 20 lawyers approved by the head of the judiciary. The list is made public and the judge has the right to reject a lawyer. A planned amendment to the Note to Article 48 could deny individuals arrested on national security charges access to a lawyer for 20 days, which could be extended to cover the entire investigation phase. In August 2019, the head of the judiciary announced a review into Article 48. The status of the law was unclear at the time of publication, and there was wide public criticism regarding the planned amendment.

5.15 Bribery of judges occurs, and rich Iranians and/or Iranians with political connections have the ability to influence judicial outcomes. The authorities have attempted to clamp down on judicial corruption, and there have been cases of judges suspected of corruption being dismissed and/or prosecuted (including five judges dismissed for alleged corruption on 13 October 2019).

## Double Jeopardy

5.16 The Penal Code allows for the re-prosecution of an Iranian national for an offence committed and punished in another country ('double jeopardy') in limited circumstances. Article 7 of the Penal Code states that an Iranian national who commits a crime abroad and is found in, or extradited to, Iran shall be prosecuted and punished in accordance with Iranian law. However, crimes committed abroad that are punishable by *taz'ir* (including drug trafficking) are excluded from re-prosecution in Iran if the accused is not tried and acquitted in the place of the commission of the crime or, in the case of conviction, the punishment is not – wholly or partly – carried out against them. Crimes committed abroad that are punishable by *hudud* (including illicit sex and sodomy) and *qisas* (including murder) may be re-prosecuted in Iran if a private party impacted adversely by the crime registers a complaint with the Public Prosecutor's Office and the Penal Court. DFAT is not aware of double jeopardy being applied in recent times.

## Detention and Prison

5.17 Article 39 of the constitution states that all affronts to the dignity and repute of persons arrested, detained, imprisoned or banished in accordance with the law are forbidden and liable to punishment. The Prisons Organisation is responsible for the administration of prisons, while the judiciary is the responsible ministry. According to the Institute of Criminal Policy Research's World Prison Brief, in 2018 Iran had a total prison population (including pre-trial detainees and remand prisoners) of 240,000, over one-third of whom were convicted of drug-related crimes. The official capacity of the national prison system is 150,000. The authorities allegedly maintain unofficial secret prisons and detention centres outside of the national prison system. The MOIS and the IRGC maintain their own detention facilities.

5.18 Prison conditions are widely considered to be poor. Human rights observers report that, because of overcrowding, some prisoners sleep on floors, in hallways or prison yards (according to some reports, the prison population is nearly 28 per cent higher than its official capacity). Amnesty International claims prisoners receive insufficient food. Medical facilities are basic, and prisoners are often reportedly denied medical treatment for pre-existing conditions, injuries suffered at the hands of prison authorities or fellow prisoners, and for illnesses caused by poor sanitary conditions. There are reports of medical care being withheld for political prisoners as a form of punishment and as a means of extracting confessions, and of political prisoners being held with the general population (placing them, in turn, at higher risk of violence from other prisoners). Pre-trial detainees are occasionally held with convicted prisoners, and juvenile offenders with adult offenders. Female prisoners are held separately from male prisoners. According to international sources, the authorities often arbitrarily revoke privileges such as access to visitors, telephone contact and other correspondence. It is common for individuals charged with national security offences to be held in solitary confinement, often for long periods. Hunger strikes by prisoners are frequent. In December 2018, a political and human rights activist in Qom Province died after a 60-day hunger strike in protest at the prison conditions in which they were being held.

5.19 DFAT understands that the granting of rights to prisoners is highly variable and depends on the individual circumstances of the prisoner, including their category and location. Official channels exist for prisoners to submit complaints to judicial authorities, but they often face censorship and retribution for doing so. While the government does not permit independent monitoring of prison conditions, it has occasionally permitted visits by foreign delegations. President Rouhani has enjoined the judiciary to improve prison conditions. In July 2017, around 50 Tehran-based diplomats visited Evin Prison (one of the country's primary detention facilities) at the invitation of the government. DFAT assesses that such visits are of limited value in providing an accurate picture of conditions within Iranian prisons.

## INTERNAL RELOCATION

5.20 Article 33 of the constitution stipulates that no one can be banished from their place of residence, prevented from living in the place of their choice or compelled to reside in a given locality, except in cases provided by law. In practice, the government has placed some restrictions on internal movement. Certain groups, including registered refugees and individuals subject to security monitoring, are prevented from travelling to select provinces without permission (see [Refugees and Undocumented Afghans](#)).

5.21 Iranians can and do relocate internally, particularly for economic reasons. It is common for Iranians from less-developed provincial areas to move to major cities in search of employment. Internal relocation is generally easier for men and family groups than for single women, who are more likely to encounter official and societal harassment for travelling alone, particularly in rural areas. Certain groups, including Kurds, religious minorities, Baha'i and those evading military service, are less able than other Iranians to relocate internally. The countrywide capacity of the centrally-organised state security forces means that an individual

facing adverse official attention is unlikely to escape this attention by relocating internally. However, men facing adverse attention from non-state actors may be able to escape through internal relocation, depending on individual circumstance.

## TREATMENT OF RETURNEES

### Exit and Entry Procedures

5.22 Millions of Iranians travel into and out of Iran each year without difficulty, including the large Iranian diaspora residing in North America, Europe, the United Arab Emirates and Australia. Iranian nationals must pay an exit tax each time they depart Iran, which increases with each outbound journey. Payments of exit taxes are made at the airport, as one is departing Iran. An exit permit for foreign travel is required for Iranians employed in fields considered sensitive (e.g. employees of the Iranian Atomic Energy Organisation); those studying abroad (whether on government scholarships or privately-funded); and all males aged 18-30 who are yet to complete military service (principally those who have deferred military service to undertake tertiary studies). To obtain an exit permit, one must provide proof of their status (e.g. a letter from their university confirming their enrolment) and pay a bond (the bond is retrievable on return). Iranian nationals resident in Iran who require an exit permit must obtain one each time they leave the country (multiple exit permits are not available for Iranian nationals resident in Iran). Application for, and issuance of, an exit permit, where it is required, is done electronically.

5.23 In some cases, citizens require special permission to obtain a passport (see also [Passports](#)). This includes minors under the age of 18, who require the permission of their father/custodian; males who have not completed their military service, who must present authorities with their military service exemption or the written permission of the Public Military Service Department; and married women, who require their husband's permission. Iranian citizens residing abroad who are not under the obligation of military service can apply for the issuance of a multiple exit permit through the Ministry of Foreign Affairs. They are required to provide completed forms detailing their place of residence and requesting a multiple exit permit, evidence of the completion of (or exemption from) military service, the original and photocopies of their existing passport and photocopies of pages related to their previous travel to Iran, a photocopy of their residence permit and two passport photographs. Beyond their passport and, where it is required, an exit permit, Iranians exiting Iran are not required to present any other documents.

5.24 The authorities impose travel bans on some Iranian citizens. Reasons for a travel ban can include security concerns, financial debts, outstanding taxes and outstanding sentences awaiting enforcement. Citizens with ongoing charges or outstanding court matters and those released on bail or parole are subjected to travel bans. Civil and political activists may be subjected to travel bans. In some cases, individuals must obtain the permission of others to leave the country: the husbands of married women and fathers of unmarried women and underage children can request travel bans against their dependents. MOIS and the IRGC have the power to impose travel bans without recourse to the judiciary. Iranians under travel bans are often unaware of their status until they reach passport control at the airport and are turned back. The presence of security organisations in all Iranian airports, particularly those with border checkpoints, enables authorities to determine whether any Iranian citizen can leave the country by air.

5.25 DFAT assesses that leaving Iran through irregular means is more likely to be achievable overland (particularly in rugged mountain areas) than via air or sea, including for registered and unregistered refugees. Under Iranian law, smuggling people into or out of Iran is a crime punishable by up to 10 years'

imprisonment. The law against people smuggling applies to all Iranian nationals, including those outside the country.

5.26 Passengers undertaking domestic air travel are usually only required to present their ticket. Passengers may be asked for identification, but DFAT understands this practice is not consistent.

## Conditions for Returnees

5.27 Iran has a global and longstanding policy of not accepting involuntary returns. Historically, Iran has refused to issue temporary travel documents (*laissez-passers*) to facilitate the involuntary return of its citizens from abroad. In March 2018, Iran and Australia signed a Memorandum of Understanding on Consular Matters. This includes an agreement by Iran to facilitate the return of Iranians who arrived after March 2018 and who have exhausted all legal and administrative avenues to regularise their immigration status in Australia. A *laissez-passer* can be obtained from an Iranian diplomatic mission on proof of identity and nationality.

5.28 The IOM runs a program to assist voluntary returnees to Iran, in cooperation with the country from which they are returning. Iranian authorities cooperate with the IOM in this regard. In cases where an Iranian diplomatic mission has issued temporary travel documents, authorities will be forewarned of the person's imminent return. DFAT is not aware of any legislative or social barriers to voluntary returnees finding work or shelter in Iran, nor any specific barriers to prevent voluntary returnees from returning to their home region. Some countries offer failed asylum seekers financial packages to support their reintegration on return to Iran. The IOM also provides some resettlement assistance to voluntary returnees who fail to secure asylum in a third country.

5.29 Authorities pay little attention to failed asylum seekers on their return to Iran. Iranians have left the country in large numbers since the 1979 revolution, and authorities accept that many will seek to live and work overseas for economic reasons. Those who return on a *laissez-passer* are questioned by the Immigration Police at Imam Khomeini International Airport in Tehran about the circumstances of their departure and why they are traveling on a *laissez-passer*. Questioning usually takes between 30 minutes and one hour, but may take longer where the returnee is considered evasive in their answers and/or immigration authorities suspect a criminal history on the part of the returnee. Arrest and mistreatment are not common during this process. A well-placed source was not aware of voluntary returnees being prosecuted for criticising the Islamic Republic, converting to Christianity or proselytising while abroad on their return to Iran. As far as DFAT is aware, the authorities do not check the social media accounts of Iranians returning from abroad.

5.30 International observers report that Iranian authorities have little interest in prosecuting failed asylum seekers for activities conducted outside Iran, including in relation to protection claims. This includes posting social media comments critical of the government (heavy Internet filtering means most Iranians will never see them), protesting outside an Iranian diplomatic mission, converting to Christianity or engaging in LGBTI activities. In such cases, the risk profile for the individual will be the same as for any other person in Iran within that category. Those with an existing high profile may face a higher risk of coming to official attention on return to Iran, particularly political activists. The treatment of returnees, including failed asylum seekers, depends on the returnees' profile before departing Iran and their actions on return. According to local sources, the greatest challenge facing failed asylum seekers on return is reintegrating economically and finding meaningful employment.

5.31 DFAT assesses that, unless they were the subject of adverse official attention prior to departing Iran (e.g. for their political activism), returnees are unlikely to attract attention from the authorities, and face a low risk of monitoring, mistreatment or other forms of official discrimination.

## DOCUMENTATION

### Birth Certificates (*Shenasnameh*)

5.32 Birth registration is compulsory and must occur within 15 days of birth. Hospitals issue birth certificates for newborn children. The certificate includes the parents' national identity card and *shenasnameh* numbers, and, where the parents have settled on one, the newborn's name. Parents then submit the birth certificate along with their own national identity card or *shenasnameh* to the local ONOCR, which then issues the child's *shenasnameh* (the ONOCR is the sole issuing authority for *shenasnameh*). Where a child is born at home, a doctor's note stating all of the particulars of the birth is required for a birth certificate and subsequent issuing of a *shenasnameh*.

5.33 The *shenasnameh* itself is a small passport-style book issued to all Iranians. The first page is the inside of the cover page and includes the bearer's fingerprint. The second page contains a photograph (for bearers over the age of 15), the names of the bearer's parents, the date and place of birth, the location where the *shenasnameh* was issued, the name of the issuing officer and a serial number. The third page contains information on the bearer's marriage(s), divorce(s) and children. The current style of *shenasnameh* was introduced in 2013.

5.34 To obtain a replacement *shenasnameh*, a person must attend the national ONOCR and produce an official identity document (such as a passport or national identity card) that confirms their identity. An affidavit of identity must also be presented. The replacement *shenasnameh* features a diagonal printing across the centre of all pages stating 'duplicate', and a new date of issuance.

### National Identity Cards

5.35 Every permanent resident of Iran over the age of 15 (including non-citizens) must hold a national identity card. National identity cards are compulsory for a range of activities, including obtaining passports and driver's licences and using bank services. ONOCR initially issues applicants with temporary cards upon receipt of a completed application form, an original copy and photocopy of all pages of the applicant's *shenasnameh*, and two photographs. Applicants must present all of this documentation in person at either a local branch of the ONOCR or an Iranian diplomatic mission abroad. Applicants' fingerprints are also taken. The ONOCR then issues a permanent card with a 10-year validity. The front of the national identity card includes the bearer's photograph, national identity number, full name, date of birth and *shenasnameh* number. The reverse features the bearer's residential numerical code, validity date and the numerical identifier of the issuing office. National identity cards do not specify the bearer's religion. National identity cards are biometric. The ONOCR is the issuing authority.

5.36 There is no requirement for Iranians to carry either or both of their *shenasnameh* or national identity card at all times. They are required only when it is necessary to prove identity — not having them will prevent individuals from being able to complete their business. Different offices require different forms of identification: banks require only a national identity card, while notary public offices require both a national identity card and *shenasnameh*. Iranians generally check with offices ahead of time to see which form of identification is required, or carry both as a means of security.

5.37 DFAT is not aware of the existence of a 'Foreign National Identity Card'. As far as registered refugees are concerned, an *Amayesh* card is the sole form of identification issued (see [Refugees and Undocumented Afghans](#)).

## Passports

5.38 Iranian passports are burgundy, with the Iranian Coat of Arms emblazoned on the top of the front cover. Passports serve as proof of Iranian citizenship. All Iranian passports are biometric (since February 2011). Iranian passports include the following data: holder's signature; country of residence; place of issue; name and position of the issuing authority; passport type; country code; passport number; national identity number; holder's name; father's name; date and place of birth; sex; date of issue; and date of expiry. Passport applicants are required to provide their original *shenasnameh*, photocopies of all of the pages of the *shenasnameh* containing an ID photograph, the original and a copy of their Residence Permit, and three passport photographs taken within the last three months. Applications can be lodged at police stations. New passports are dispatched by registered post and arrive 10-15 days after the application's date of lodgement. As with driver's licences and other forms of identification, women must have a headscarf covering their hair completely in their passport photographs. The Iranian Passport Office is the issuing authority for Iranian passports.

## Other

5.39 The minimum age for driving in Iran is 18 years. The Traffic Police issue driver's licences. The issuing authority for Iranian driver's licences does not change. Passport-sized photographs are required for driver's licences.

5.40 Iranian citizens are able to obtain court documents and documentary evidence of convictions or fines like traffic offences by applying for a personal certificate or personal record from the police. A small fee is involved. Recordkeeping practices by the police are robust and well-developed.

## PREVALENCE OF FRAUD

5.41 Iranian identity documents include sophisticated security features and are difficult to manufacture for fraudulent use. While it may be possible to obtain a genuine identification document with the intention of impersonating another person, DFAT assesses that sophisticated border control procedures would make it difficult to use such a document in order to leave Iran.

5.42 Local sources told DFAT that document fraud is 'extremely difficult' for primary forms of documentation like passports, national identity cards, *shenasnameh* and driver's licences. Obtaining these documents is considered beyond the technical and financial means of most Iranians. Passports and national identity cards have advanced security features, including chips with the bearer's biometric data, making them difficult to forge. These features also make fraudulent passports and national identity documents easy to detect. Secondary forms of documentation like military exemption cards are technically more vulnerable to fraud, as they have less robust security features, but are expensive to obtain. Paper-based documents, including court documents, summonses, bank letters, real estate documents and tertiary certificates, are relatively easier to obtain through fraudulent means.

5.43 Multiple layers exist to protect against the issuance of fraudulent documents. In addition to being prohibitive financially, the potential consequences for officials involved in the fraudulent procurement of primary or secondary forms of identification, if caught, act as a major deterrent (including imprisonment). While DFAT cannot discount the existence of corruption in relation to official documentation, it does not assess it to be prevalent, particularly in relation to primary and secondary forms of documentation. DFAT assesses that the chances of obtaining a fraudulent Iranian passport or a genuine passport through fraudulent means are low.



5.44 According to Article 34 of the Penal Code, the penalty for leaving Iran without a valid passport (or similar travel document) is between one and three years' imprisonment, or a fine of between 100,000 and 500,000 *rials* (approximately AUD1-5 at current market rates). A special court located in Tehran's Mehrabad Airport deals with such cases. The court assesses the background of the individual, the date of their departure from the country, the reason for their illegal departure, their connection with any organisations or groups, and any other circumstances. This procedure also applies to people who are deported back to Iran and who are not in possession of a passport containing an exit visa. The UK Home Office, in a February 2019 Country Policy and Information Note, assesses that individuals who exit Iran illegally and have not previously attracted the adverse attention of the authorities – for example, for their political activism – face a low risk of prosecution. If prosecuted, the most likely punishment is a fine. DFAT understands that, where prosecution for illegal departure occurs, it often does so in conjunction with other, unrelated offences.

5.45 Security procedures at Imam Khomeini International Airport in Tehran are robust. They include computerised cross-checking and multiple layers of physical security and document checking. Immigration officials are considered highly competent. A source told DFAT that it was 'next to impossible' to bypass security procedures at Imam Khomeini International Airport. DFAT assesses that the likelihood of an individual exiting Imam Khomeini International Airport with a fraudulent passport is extremely low. DFAT assesses that it is easier to depart Iran on a fraudulent passport at land border crossings, where immigration authorities deal with a greater volume of people and their capacity can be stretched.