

Mandates of the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL IRN 14/2024
(Please use this reference in your reply)

31 July 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 55/5, 54/14, 53/7, 52/9, 50/17, 49/24, 52/5, 49/5, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of the recent alarming increase in the systematic targeting of Baha'i women, including through arrests, summoning for interrogation, enforced disappearance, raids on their homes and confiscation of their personal belongings.**

Concerns at the targeting of members of the Baha'i religious minority have been raised by Special Procedures mandate holders in several communications, including most recently on 14 December 2022 (IRN 27/2022). Allegations about violations of civil, political, economic, social and cultural rights of individuals belonging to the Baha'i religious minority have been raised by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his reports to the Human Rights Council and General Assembly and in several joint communications by Special Procedures, including on 15 August 2022 (IRN 15/2022); 21 February 2021 (AL IRN 4/2021); 29 May 2017 (IRN 18/2017); 22 July 2016 (IRN 21/2016); 3 June 2016 (IRN 15/2016); 30 May 2016 (IRN 14/2016) and on 19 February 2016 (IRN 5/2016). We thank your Excellency's Government for the responses sent to these communications, but remain concerned that the violations continue.

According to the information received:

Overall situation

The Baha'i community has seen a rise in attacks against women over the last year. It is reported that Baha'i women currently comprise two-thirds of all Baha'i prisoners in Iran, with a significant number being held without due

process and their whereabouts unknown. This intensification of attacks has reportedly seen a significant recent increase in arrests and summonses, with dozens of women facing baseless criminal charges and prison sentences. These women are being separated from their families, some with young children. It is reported that young mothers have endured the harsh conditions of solitary confinement, frequent interrogations, inadequate medical attention, and restricted family contact.

Since early March 2024 alone, 72 of 93 Baha'is summoned to court or prison, more than three-quarters, have been women. In the larger context of the targeting of women in Iran and the challenges with gender equality, this dramatic rise in persecution against Baha'i women is an alarming escalation, affecting a group of people who face intersectional persecution: as women and as members of the Baha'i religious minority.

The escalation comes as Baha'i women continue to be confronted with ongoing incidents of persecution faced by all Baha'is, including denial of higher education and economic and cultural restrictions, which spans their entire lives, impacting them intellectually, socially and economically as they are banned from university and public employment only for their faith.

Representative cases from different provinces

Recent cases in Isfahan and Mazandaran provinces

Of the 40 Baha'is who have been summoned to face court proceedings by the judicial authorities in Isfahan and Mazandaran provinces since the Naw-Ruz (Persian New Year) holiday (commencing 20 March 2024), 33 are women.

In a summons served on 20 April 2024, issued by Branch 1 of Isfahan Revolutionary Court, 15 women, all residents of Baharestan, a district of Isfahan province, have been called to appear in court on 1 May 2024. Ms. **Mojgan Pourshafi**, Ms. **Nasrin Khademi**, Ms. **Azita Rezvanikhah**, Ms. **Sholeh Ashouri**, Ms. **Mojdeh Bahamin**, Ms. **Boshra Motahhar**, Ms. **Sara Shakib**, Ms. **Samira Shakib**, Ms. **Roya Azadkhosh**, Ms. **Noushin Hemmat**, Ms. **Shourangiz Bahamin**, Ms. **Sanaz Rasteh**, Ms. **Maryam Khorsandi**, Ms. **Firouzeh Rastinejad** and Ms. **Farkhondeh Rezvan-Pey** have been called to defend themselves against charges of "propaganda against the Islamic Republic" and "participating in deviant preaching and teaching activities that are contrary to the Holy Sharia of Islam (under article 500 bis of the Islamic Penal Code)." This follows from the issuance of an indictment against these fifteen women by the Isfahan Prosecutor's Office on 8 April 2024.

These new summonses follow similar ones the previous week of 10 other Baha'i women from Isfahan, Ms. **Neda Badakhsh**, Ms. **Bahareh Lotfi**, Ms. **Neda Emadi**, Ms. **Parastou Hakim**, Ms. **Yeganeh Agahi**, Ms. **Shana Shoghifar**, Ms. **Mojgan Shahrezaie**, Ms. **Negin Khademi**, Ms. **Arezou Sobhanian** and Ms. **Yeganeh Rouhbakhsh**. These women face charges of "propaganda activities against the religion of Islam by spreading the beliefs of the Baha'i sect." In the lead-up to these summonses, agents of the Ministry of Intelligence have allegedly been engaged in an orchestrated campaign of

coercion and intimidation of the neighbours and associates of these women in order to secure forced statements of complaint against them.

On 8 April 2024, 12 Baha'is from Qaemshahr, in Mazandaran province, were also summoned to appear in court. Among those were seven women, Ms. **Zahra Golabian**, Ms. **Emilia Fanaian**, Ms. **Nasim Samimi**, Ms. **Raquel Ataian**, Ms. **Banafsheh Asadian**, Ms. **Anahita Koushk-Baghi** and Ms. **Melodi Samimi**. These Baha'is all face charges under article 500 bis of the Islamic Penal Code, pertaining to alleged involvement in "deviant educational and proselytizing activities deemed contrary to or disruptive of Islamic Sharia law."

At the end of March 2024, three other Baha'is in Mazandaran were handed down fines by Branch 2 of the Revolutionary Court of Sari, including one woman, Ms. **Shirin Kasiri (Samandari)**, charged with "engaging in educational or propaganda activities deemed contrary to or disruptive of Islamic Sharia law" under article 500 bis of the Islamic Penal Code.

Recent cases in Khorasan Razavi province

On 21 October 2023, Ms. **Nasim Sabeti**, Ms. **Roya Ghane Ezzabadi** and Ms. **Soheila Ahmadi**, all residents of Mashhad, Khorasan Razavi province, were each sentenced to three years and eight months in prison by the Revolutionary Court of Mashhad on the charge of "[m]embership in a group with the intention of disrupting the country's security" and eight months of imprisonment for the charge of "propaganda against the system." On 27 April 2024, Ms. Sabeti was apprehended during a visit to Branch 21 of the Mashhad Prosecutor's Office following a summons she received on 4 April 2024. She was immediately transferred to Vakil Abad prison to commence serving her three-year sentence. On 29 April 2024, Ms. Ghane Ezzabadi and Ms. Ahmadi were summoned to Branch 21 of the Execution of Sentences in Mashhad. The two women had previously appealed to the Supreme Court for a retrial, and Branch 9 of the Supreme Court was initially appointed for the trial. After further consultations with judicial authorities, they were instructed to submit a new request for retrial.

It was learned on 8 August 2023 that Ms. **Sanaz Tafazzoli** was sentenced to a total of 10 years and nine months in prison according to the verdict issued by Branch 1 of the Mashhad Revolutionary Court. Ms. Tafazzoli was also sentenced to six years and six months in prison for the charge of "forming a group with the intention to disrupt internal security". She was sentenced to a further three years and seven months of imprisonment under the charge of "gathering and colluding with the intention of committing a crime against the security of the country" and another eight months in prison for the charge of "deviant educational or propaganda activity contrary to or disturbing the holy Islamic law in the form of a sect, group, crowd or the like". Other accusations against her were "owning books and works related to the Baha'i faith" and "forming an educational group for Baha'i children".

On 21 October 2023, Ms. **Azita Foroughi Motlagh**, resident of Mashhad, was sentenced to three years and eight months in prison by the Revolutionary Court of Mashhad on the charge of "membership in a group with the intention

of disrupting the country's security” and eight months of imprisonment for the charge of "propaganda against the system."

On 12 April 2024, Ms. Tafazzoli and Ms. Foroughi Motlagh along with Ms. **Roya Malakouti** returned to Vakil Abad prison in Mashhad after the conclusion of a period of temporary leave. Ms. Malakouti was granted leave from this prison on 18 March, while the two other Baha’i women were temporarily released on 4 April. Ms. Tafazzoli was subsequently released on bail on 23 June 2024, while the other two women remain in detention.

Recent cases in Fars province

On 17 April 2024, a trial was held for three Shiraz residents who had been previously released on bail, and the verdict handed down on 25 April 2024. Ms. **Setareh Taami** and Ms. **Sahar Mohebpour** were sentenced to five years imprisonment with electronic ankle band monitoring limiting their movements to 1000 meters from their residences, as well as 15 years deprivation of social rights, a 50 million tomans fine (equivalent to US\$1,190.48), a two-year ban on leaving the country and a two-year ban on using the internet. Ms. **Roxana Vojdani** was sentenced to five years imprisonment with electronic ankle band monitoring, also limited to 1000 meters from her residence, a two-year ban from leaving the country and a two-year ban on using the internet.

In addition, the prison sentence of Ms. **Bahareh Ghaderi** has been reduced following retrial. Ms. Ghaderi was first arrested on 15 September 2018 and later released after 50 days of detention on bail of 150 million tomans (US\$3,571.43). At that time, she was sentenced to a total of six years imprisonment by the court of first instance. On appeal, her total sentence was reduced to two years, nine months and 16 days in prison. Following her recent retrial, the Court announced the acquittal of the charges against her relating to “membership of groups creating a threat to national security” but upheld her sentence for “propaganda against the system” of seven months and 16 days of imprisonment.

Representative individual cases

The case of Ms. Shabnam Tebyanian

Ms. **Shabnam Tebyanian** was arrested by security forces on 21 August 2023, as she was leaving her residence. After a brief detention period, she was released on bail. During a subsequent search of her home, security agents confiscated personal belongings and materials related to the Baha’i faith. Ms. Tebyanian is a mother of two young children, aged 8 and 12. On 17 March 2024, the Revolutionary Court of Semnan province sentenced Ms. Tebyanian to six months in prison and mandated her participation in "cult therapy" classes. She was charged with "propaganda against the system through educational activities." Additionally, she is banned from political and social group memberships for two years and required to attend six months of "cult therapy" sessions conducted by the Islamic Propaganda Department.

The case of Ms. Anisa Fanaian

On 10 March 2024, Ms. **Anisa Fanaian**, a Baha'i from Semnan province, was sentenced to 10 years imprisonment by the Revolutionary Court for "forming a group with the aim of disrupting the security of the country," five years for "deviant educational or propagandist activities against the holy laws of Islam" and one year for "propaganda against the system." Additionally, she was fined 50 million tomans (US\$1,190.48), deprived of social rights for 15 years, and banned for two years from participating in political and social groups. The Government also confiscated US\$4350 from her family. The sentence is subject to appeal.

Ms. Fanaian's severe sentence reportedly stemmed from her efforts to provide educational support to underprivileged children. She had previously been arrested in 2013 and initially sentenced to over four years in prison, later reduced to 22 months. Her imprisonment left her young children to live with relatives until her husband's release. He also served a three-year sentence for his Baha'i beliefs in 2013, and Ms. Fanaian's mother served a similar sentence.

The case of Ms. Roya Sabet

Ms. **Roya Sabet**, a resident of the United Arab Emirates (UAE), travelled from the UAE to Shiraz in early January 2024 to take care of her elderly ailing parents and was scheduled to return to the UAE on 25 January 2024, but she was intercepted by intelligence officers of the Islamic Revolutionary Guard Corps (IRGC) two days prior to her departure. The officers conducted searches at her parents' residence on the basis of a warrant and then, without providing a search warrant, they searched the house of two other family members. They confiscated personal items, including four mobile phones belonging to Ms. Sabet's family members and some of her documents, including her passport, plane ticket, UAE driver's licence and her UAE identity card. The officers told Ms. Sabet that she was banned from leaving the country and was to wait for the summons of the Shiraz Islamic Revolution Prosecutor's Office.

Ms. Sabet was subsequently arrested on 15 February 2024, and she was forcibly disappeared for over 100 days until 14 June 2024, where it was reported that she had been detained in an unknown location in Shiraz without any charges having been made against her. During this period, Ms. Sabet has reportedly been summoned for interrogation several times, and she was recently transferred to Adel Abad prison in Shiraz. Ms. Sabet's family has repeatedly asked judicial and security officials for the reason for her detention, but the only response they have received is, "She is not cooperating with us." When the family inquired further about how Ms. Sabet was not cooperating, officials stated, "We cannot tell you anything, she knows it herself." Ms. Sabet's family has yet to receive any information regarding the nature of any charges against her, and her case raises significant concerns for her safety and wellbeing. In a phone call on or around 3 May 2024 between Ms. Sabet and her family members, the attending officers did not permit her to speak about her whereabouts or her health status. The health of her elderly parents has deteriorated due to the stress caused by their daughter's arrest and the ongoing uncertainty on her fate and whereabouts, and her husband and

children in the UAE are also very anxious about her wellbeing. Ms. Sabet has lived outside of Iran in the UAE for 20 years and has no prior criminal record either in Iran or elsewhere.

The case of Shoghangiz Saadatmand

Ms. **Shoghangiz Saadatmand**, an elderly resident of Hamadan, had her home broken into, raided and ransacked by State agents in November 2023, after having been instructed to leave her home.

We express serious concern at what appears to be an increase in systematic targeting of Iranian women belonging to the Baha'i religious minority throughout the country, including through arrests, summoning for interrogation, enforced disappearance, raids on their homes, confiscation of their personal belongings, limitations on their freedom of movement as well as prolonged, consecutive deprivations of liberty. We are particularly concerned about the arrest, summoning and continued detention of the above-mentioned individuals, as well as the enforced disappearance of some of them. We are concerned at the use of ambiguously formulated accusations such "threat to national security" or "propaganda against the State" to systematically restrict the peaceful exercise of their rights. We are further concerned about the continued criminalization of freedom of religion or belief, freedom of opinion and expression and the right to take part in cultural life of members of the Baha'i religious minority by the Iranian authorities. The systematic nature of these violations represents a continuous pattern of targeted discrimination and persecution of this community and its members based on their religious affiliation and identity. We are also concerned that the group of individuals affected face intersectional persecution: as women and as members of the Baha'i religious minority. Further, we express concern about the notable chilling effect of the allegations described on other members of the Baha'i religious minority and the exercise of their human rights and freedoms.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations, and specifically the 47 cases referred to above.
2. Please provide the factual and legal grounds for the arrest and detention of all the individuals mentioned above, as well as updated information concerning their cases and their state of health.
3. Please provide information on measures adopted to ensure that each of the detainees can communicate with their families and counsels and is brought before a judicial authority to assess the lawfulness of their deprivation of liberty without discrimination, and, where appropriate,

order their immediate release.

4. Please provide information on the measures taken to ensure the rights to a fair trial and to effective legal representation of the individuals arrested, and how such measures are compatible with Iran's international human rights obligations.
5. Please provide detailed information on the measures undertaken to investigate the allegations of enforced disappearance, identify those responsible, prosecute and sanction them. In case no investigations have been undertaken, please specify the reasons.
6. Please provide detailed information and examples on how the national courts interpret the terms "threat against national security" and "propaganda against the state", when considering cases of minority religions and persons belonging to religious minorities, and how these interpretations are compatible with the international norms and standards on freedom of religion or belief, freedom of opinion and expression, freedom of peaceful assembly and association and the right to take part in cultural life. Furthermore, please provide detailed information on how charges against religious minorities such as "deviant educational or propaganda activity contrary to or disturbing the holy Islamic law in the form of a sect, group, crowd or the like" and "membership of groups creating a threat to national security" are compatible with Iran's international human rights obligations and its own constitutional commitment to justice and equity.
7. Please provide information on measures taken to ensure that Iranians belonging to the Baha'i faith are able to enjoy their right to freedom of religion or belief, including the right to manifest their religion, in private and in public, in worship, observance, practice and teaching, and that they can enjoy security of tenure and property rights without discrimination in accordance with their rights under international law, and that as persons belonging to a religious minority they are not denied the right, in community with the other members of their group, to profess and practise their own religion.
8. Please indicate steps taken to ensure that Iranians belonging to the Baha'i religious minority can exercise their fundamental rights to freedom of opinion and expression, association and assembly, and their right to take part in cultural life without undue restrictions, fear of threats or acts of intimidation and harassment of any sort, according to international human rights standards.
9. Please indicate steps taken to ensure that Iranians belonging to the Baha'i religious minority can exercise their right to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable harm to the life or physical integrity of the women concerned, to halt the alleged violations, and to prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to bring to the attention of your Excellency's Government that should sources submit the allegations concerning enforced disappearance for the consideration of the Working Group on Enforced or Involuntary Disappearances under its humanitarian procedure, the case will be examined by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Please accept, Excellency, the assurances of our highest consideration.

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Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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Special Rapporteur on violence against women and girls, its causes and consequences

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation above.

The International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975, and in particular articles 6, 7, 9, 10, 14, 16, 17, 18, 19, 21, 22, 26 and 27, read alone and in conjunction with article 2(1) and 2(3) provide for the right to liberty and security of person and the protection against arbitrary arrest or detention, prohibition of enforced disappearance, guarantees of humane treatment while in detention, the right to a fair trial, the right to recognition everywhere as a person before the law, privacy, freedom of thought, conscience, religion or belief, freedom of opinion and expression, freedom of association and of peaceful assembly, the principle of non-discrimination and the rights of persons belonging to minorities.

Deprivation of liberty

Article 9 of the ICCPR enshrines the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. At the time of arrest, every person shall be informed of the reasons for the arrest, and shall be promptly informed of any charges against them (art. 9(2)). Another guarantee is that the detained person shall be brought promptly before a judge (art. 9(3)) and is entitled to challenge the legality of such detention before a judicial authority (art. 9(4)). In its general comment No. 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22) and freedom of religion or belief (art. 18). It has further stated that arrest or detention on discriminatory grounds in violation of article 2(1), article 3 or article 26 is also in principle arbitrary. Furthermore, article 14 of the ICCPR upholds the right to a fair trial and equality of all persons before the courts and tribunals.

Freedom of religion or belief

The right to religious practices and manifestations is provided by article 18(1) of the ICCPR which stresses that "[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." General comment No. 22 of the Human Rights Committee further explains that "[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship [...] the display of symbols [...] In addition, the practice and teaching of religion or belief includes acts integral to the

conduct by religious groups of their basic affairs, such as freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.” (CCPR/C/21/Rev.1/Add.4, para. 4).

In addition, while the manifestation of religion or belief may be restricted as per article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including the least restrictive measure. According to the Human Rights Committee in its general comment No. 22, any restriction may not be imposed for discriminatory purposes and may not be applied in a discriminatory manner (para. 8). Moreover, if a certain belief is treated as an official ideology, this shall not lead to “any impairment of the freedoms under article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it.” (Para. 10). In addition, the Human Rights Committee raised concern over “any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.” (Para. 2).

The 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) states in its article 2(1) that: “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” According to article 4(1), “[a]ll States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Furthermore, article 4(2) states that “[a]ll States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter. According to articles 6(d) and (e), the right to freedom of thought, conscience, religion or belief includes also the freedom “to write, issue and disseminate relevant publications in these areas”, and the freedom “to teach a religion or belief in places suitable for these purposes”.

In addition, the General Assembly, in its resolution 63/181 paragraph 9(j) urges States “[t]o ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of fulfilling their official duties, respect all religions or beliefs and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate education or training is provided.”

Absolute prohibition of enforced disappearance

With regard to the alleged enforced disappearances concerned, they would amount to violations of articles 6, 7, 9 and 16 of the ICCPR, read alone and in conjunction with article 2(3). Equally, the right not to be subjected to an enforced disappearance is of a non-derogable nature and the prohibition of this crime, as well as the obligation to investigate it, have attained the status of *jus cogens*. Furthermore, enforced disappearance constitutes a particularly aggravated form of arbitrary detention and such deprivation of liberty, entailing a refusal to disclose the fate or whereabouts of the persons concerned or to acknowledge their detention,

lacks any valid legal basis under any circumstance and is inherently arbitrary, as it places the person outside the protection of the law, in violation of article 6 of the Universal Declaration of Human Rights. The Human Rights Committee has established that enforced disappearance violates the right to personal liberty and personal security, and the right to life (CCPR/C/GC/36, paras. 57 and 58).

Pursuant to article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance, no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearance. Moreover, articles 9-12 establish the guarantees to be afforded to any person deprived of liberty. In this connection, we stress that a failure to acknowledge deprivation of liberty by state agents and refusal to acknowledge detention constitute an enforced disappearance, even if it is of a short duration. Article 13 of the Declaration sets forth the State's obligation to investigate promptly, thoroughly and impartially any complaints of enforced disappearance. Article 19 of the Declaration requires that victims of acts of enforced disappearance and their family obtain redress and integral reparation for the harm suffered. The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

The Working Group on Enforced or Involuntary Disappearances notes in its general comment on women affected by enforced disappearances (A/HRC/WGEID/98/2) that States must acknowledge disappeared women, and recognize the particular types of harm they suffer based on their gender, including instances of sexual violence and forced impregnation, and the resulting psychological damage and social stigma as well as the disruption of family structures (para. 5).

Pursuant to the 2019 Guiding Principles for the Search for Disappeared Persons, States are under an obligation to search for the disappeared. In particular, the search for a disappeared person should begin without delay (principle 6) and is an obligation of continuing nature (principle 7). Moreover, pursuant to principle 4, in cases involving women who have disappeared, all stages of the search should be conducted with a gender perspective and staff, including female staff, who have received proper training.

Freedom of opinion and expression

Article 19 of the ICCPR guarantees the right of everyone to freedom of opinion and expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

In its general comment No. 34 on the right to freedom of opinion and expression, the Human Rights Committee has found that restrictions of the right to freedom of opinion and expression that a Government seeks to justify on grounds of national security and public order should adhere to the principles of necessity and proportionality, be designed and implemented in a way that respects the universality of human rights and the principle of non-discrimination, and should not be used to prosecute human rights defenders. The Committee has also established that States parties to the ICCPR are required to guarantee the right to freedom of expression,

including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (para. 11). With regard to the laws under which the victims have been prosecuted, it is established in paragraph 25 of the General Comment that a norm, to be characterized as a “law”, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not (CCPR/C/GC/34).

Freedom of assembly

Human Rights Council resolution 24/5 “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions of the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law (OP2)”

Religious minorities

Article 27 of the ICCPR and article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Islamic Republic of Iran on 24 June 1975, establish, respectively, that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language” and “the right of everyone to take part in cultural life.” As stressed by the Committee on Economic, Social and Cultural Rights, article 15, paragraph 1(a), of the Covenant “includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve, promote and develop their own culture. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership” (general comment No. 21, para. 32).

Article 13(3) of the ICESCR obliges States to undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end

(article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.

Furthermore, the recommendations of the sixth session of the Forum on Minority Issues on “Guaranteeing the rights of religious minorities” (A/HRC/25/66) and in particular recommendation 17, calls on States to ensure that “there is no discriminatory treatment in regard to the legal and administrative recognition of all religious and belief groups. Any registration and administrative procedures, including those relating to the property and the functioning of places of worship and other religious-based institutions, should be conducted according to non-discrimination standards. International standards do not allow non-recognition of religious or belief groups to result in denial of their rights. Such standards require an inclusive approach to be taken”.

In a report to the 75th session of the UN General Assembly on the elimination of all forms of religious intolerance in the context of the 2030 Agenda for Sustainable Development, the former Special Rapporteur on freedom of religion or belief has expressed concerns about the criminalization of apostasy in Iran, and he highlighted a number of cases in which states have used national security imperatives as the stated objective in criminalizing membership in and/or activities of certain religious or belief groups (A/75/385, paras 16 and 17).

Women belonging to religious minorities

The Committee on the Elimination of Discrimination Against Women notes in para. 18 of its general recommendation No. 28 that “[i]ntersectionality is a basic concept for understanding the scope of the general obligations of States parties contained in article 2. The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. They also need to adopt and pursue policies and programmes designed to eliminate such occurrences, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25.”

In addition, the Working Group on discrimination against women and girls notes in its thematic report on women’s participation in political and public life (A/HRC/23/50) that women who belong to vulnerable groups, based on race, class, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity, are effectively barred from political and public life based on multiple stereotyping. For women to have the capacity to participate in political and public life on equal footing with men, including to build autonomous movements for their own empowerment, they must be able to exercise their rights to freedom of thought,

conscience, religion, expression, movement and association.

Moreover, the Working Group on discrimination against women and girls notes in its thematic report on women deprived of their liberty (A/HRC/41/33) that deprivation of liberty is deeply linked to gender. The causes of deprivation of liberty do not affect all women or all groups of women equally. There are certain groups of women who experience multiple and intersecting forms of discrimination, many of whom are subject to particularly damaging stereotypes and/or are more likely to be confronted with violence or conflict, poverty and economic marginalization, and who are thus at higher risk of being deprived of their liberty. Women and girls may be targeted and detained based on their religion, ethnicity, tribal identity or place of origin. Measures to combat terrorism and corresponding national security measures sometimes profile and target women, in particular those from certain groups, and sometimes even women human rights defenders.

Finally, the former Special Rapporteur on freedom of religion or belief emphasized in a report on gender-based violence and discrimination in the name of religion or belief that it is of particular concern that many religious actors “citing religious justifications for their actions have advocated to Governments and to the broader public for the preservation or imposition of laws and policies that directly or indirectly discriminate against women.” (A/HRC/43/48, para. 7).