

CCPR - International Covenant on Civil and Political Rights

HUMAN RIGHTS COMMITTEE

139th session

9 October – 3 November 2023

Palais Wilson, Geneva

Examination of the 4th report and country situation of Iran (Islamic Republic of)

12 September 2023

Submitted by: Sharof Azizov, a Human Rights Lawyer, Founder and Secretary of the Board of the Association “Justice for All International / Justice pour Tous Internationale”.

A not-for-profit Association “Justice for All International / Justice pour Tous Internationale” is registered in Geneva (CHE-226.634.549). The Association has no profit purposes, including combating injustice and human rights abuses worldwide; promoting and protecting human rights and fundamental freedoms, with a particular focus on the protection of entrepreneurs, human rights defenders, political activists, bloggers, and journalists at risk of persecution; and strengthen developing civil societies and democracies in the countries engaged. The Association offers professional assistance in preparing and submitting human rights violation complaints to the UN protection mechanisms.

POLICE BRUTALITY AND EXCESSIVE USE OF FORCE IN IRAN

In September 2022, the tragic incident involving Mahsa Jina Amini, a young Iranian Kurdish woman, has spotlighted the ongoing struggles surrounding women's rights and police brutality in Iran. Her arrest and subsequent death, a consequence of Iran's stringent Islamic dress code, have catalyzed a wave of protests and international outcry. This submission seeks to explore the historical backdrop of women's rights in Iran, the role and actions of the police, and the pressing need for systemic reforms. A significant part of this reformative journey involves transforming what appears to be the brutal police force in Iran to align with international policing and human rights standards.

Iran's commitment to international human rights standards, including the ICCPR, is evident in some progress made domestically in implementing the ICCPR and in Iran's interactions with global human rights bodies. However, the effective implementation of the international human rights obligations by Iran requires a nuanced understanding of Iran's unique context. Historically, political unrest, states of emergency, and heightened security concerns have been situations where the risk of human rights violations, including torture, escalates. The role of the police, especially in the context of brutality and a lack of accountability of the use of force, necessitates a comprehensive approach to ensure Iran's compliance with Articles 3, 6, 7, 9, 14 and 26 of the ICCPR. Thus, modernizing the police service is paramount, which involves not only investing in advanced equipment but also fostering a culture of

respect for human rights. Introduction of continuous training programs focusing on ethical conduct, community engagement, and international human rights standards can play a transformative role. Furthermore, the establishment of an independent oversight body can ensure accountability, fostering a culture of responsibility.

Iran's commitment to international standards is not just about addressing instances of human rights violations but, more crucially, about preventing them. A cornerstone of this preventive approach is the establishment or enhancement of independent oversight bodies. These entities, with the mandate to inspect detention facilities, can ensure adherence to international standards. Their authority to conduct unannounced inspections and interview detainees can act as a significant deterrent to potential abuses. Partnering with international human rights organizations can bolster the credibility of these inspections.

For Iran to fully realize the principles of international human rights standards, it requires a meticulous, goal-oriented approach. One of the primary goals should be the unequivocal criminalization of torture under national law. Another pivotal goal should be the establishment of independent monitoring bodies. A cornerstone in Iran's path towards implementing international standards must be comprehensive police reform. Training programs tailored for law enforcement personnel are another essential goal. By investing in these preventive measures and fostering a culture of transparency, accountability, and respect for human rights, Iran can ensure the dignity and safety of all its citizens.

The events surrounding Mahsa Jina Amini's death have brought global attention to the pressing issues of women's rights and police brutality in Iran. While the country has seen some progress over the years, significant challenges remain. For Iran to move forward, comprehensive reforms, especially within the police force, are essential. Only then can the nation truly protect and uplift all its citizens, regardless of gender or ethnic background, in line with international standards.

Association "Justice for All International / Justice pour Tous Internationale" would like to draw attention of the UN Human Rights Committee to the following matters of concern and offer its conclusions and recommendations:

1. According to prevailing NGO reports **torture and ill-treatment** are allegedly widespread in Iran's police custody, detention centers and prisons. Reportedly, detainees are often subjected to physical and psychological abuse, including beatings, electric shocks, and solitary confinement. According to OHCHR, torture and ill-treatment of detainees in Iran's detention centers and prisons is a grave human rights concern.

Reportedly, since mid-September 2022, Iran has been witnessing a surge in police brutality and torture, resulting in a human rights crisis. The escalation of violence and human rights abuses began following the death of Jina Mahsa Amini, a 17-year-old girl who was arrested for not wearing the hijab. According to OHCHR, the Iranian government's response to the ensuing protests has been marked by widespread violence, torture, and suppression of dissent.

The death of Jina Mahsa Amini in September 2022 triggered a wave of protests across Iran, with people demanding justice for her and an end to the enforced hijab law. In response, the Iranian government reportedly employed excessive force to suppress the protests, leading to numerous cases of torture, police brutality, and other human rights violations. Allegedly, the Iranian security forces, including the Islamic Revolutionary Guard Corps (IRGC) and the morality police, have been responsible for arbitrary arrests, gender-based and sexual violence, enforced disappearances, and the killing of children.

The Iranian Government has blamed outside influence for the protests. Speaking in November 2022, Supreme Leader Ayatollah Sayed Ali Khamenei said they were engaging in hybrid warfare: "In the hybrid warfare of the recent weeks, America, the Zionist regime, certain sly European countries, and some grouplets employed all their facilities to harm the Iranian nation."¹ This coincided with an Iranian intelligence report that accuses the US, UK, Israel and Saudi Arabia of providing training and support to opposition groups.²

According to OHCHR sources, several Iranian institutions have played a significant part in perpetuating the culture of torture and police brutality in the country. Allegedly, the law-enforcements have been key actors in suppressing protests and dissent, while the Iranian morality police, officially known as the Gasht-e Ershad, have been responsible for enforcing the country's strict dress code for women. Allegedly, the Iranian judiciary has also been complicit in the crisis by handing down harsh sentences, including the death penalty, to protesters without due process.

On the records of OHCHR, the international response to the human rights crisis in Iran was swift and led by the United Nations, which condemned Iran's use of excessive force and human rights violations. UN Secretary General António Guterres called on Iran to stop the "unnecessary and disproportionate [use of] force," while UN human rights experts condemned the various human rights abuses perpetrated by the Iranian security forces. Moreover, the UN Human Rights Council held a special session on Iran in November 2022 and voted to establish an investigation into the protests. However, Iran has refused to cooperate, claiming that the investigation is politically motivated. To address this issue, the Iranian government needs to take concrete steps to improve the situation of torture and ill-treatment in the country.

- Firstly, the government should strengthen legal protections against torture and ill-treatment to ensure that all detainees are treated humanely and with dignity. This can be achieved by amending relevant laws and regulations to bring them in line with international human rights standards. The government should also establish effective monitoring mechanisms to prevent torture and ill-treatment in detention centers and prisons. This can involve setting up independent oversight bodies to monitor detention conditions and investigate allegations of abuse.
- Another important strategy is to provide training to law enforcement officials and prison staff on the importance of respecting detainees' rights and dignity. This can involve educating officials on the consequences of torture and ill-treatment and training them on alternative methods of interrogation that do not involve such practices.
- The Iranian government also needs to investigate and hold accountable those responsible for torture and ill-treatment. This can be achieved through the use of independent and impartial investigations and prosecutions, ensuring that those who engage in such practices are held accountable for their actions.
- Victims of torture and ill-treatment should be provided with access to legal counsel, medical care, and support services. The government should also provide reparations to victims, including compensation, rehabilitation, and guarantees of non-repetition.

¹ BBC Monitoring, Khamenei blames US, Europe for "hybrid war" in Iran protests, 2 November 2022

² [Joint explanatory statement of the Ministry of Intelligence and the IRGC \[...\]](#), Fars News Agency [online], 28 October 2022

- Strengthening cooperation with international organizations, including the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is also important. This can involve inviting international experts to visit detention centers and prisons in the country to assess the situation and provide recommendations on how to improve it.
- Another important strategy is ratification and implementation of international treaties. In particular, Iran could ratify and implement international human rights instruments such as the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) and its Optional Protocol. This would demonstrate Iran's commitment to preventing torture and police brutality.
- Iran could undertake legal reforms by revising existing legislation and enacting new laws that explicitly prohibit torture and ill-treatment, in line with international standards. This includes ensuring that the definition of torture is consistent with the CAT and that acts of torture are criminalized.
- Also, Iran could establish independent oversight bodies to monitor and investigate allegations of torture and police brutality. These bodies should have the authority to hold perpetrators accountable and provide appropriate redress to victims.
- Another measure to address torture and police brutality is through organizing training and education. Iran could provide comprehensive human rights training for law enforcement officers, prison staff, and other relevant personnel. This training could emphasize the prohibition of torture and ill-treatment and promote non-coercive interrogation techniques and proper use of force.
- An important strategy is to ensure accountability and transparency. Iran could ensure that all allegations of torture and police brutality are promptly, impartially, and thoroughly investigated, and that perpetrators are held accountable, regardless of their position or rank. Transparent reporting of investigations and their outcomes can help build trust in the system.
- Victim support is vital in addressing torture and ill-treatment. Iran could establish rehabilitation and support services for victims of torture and police brutality, including medical, psychological, and legal assistance.
- Whistleblower protection could encourage law enforcement officers and other public officials to report instances of torture and police brutality. In this regard, it is important to undertake measures to protect whistleblowers from retaliation.
- Iran could also promote public awareness of human rights and the prohibition of torture and ill-treatment through public education campaigns and other initiatives.

By taking these actions, the Iranian government can work towards creating a system that respects the rights and dignity of all detainees and ensures that torture and ill-treatment are not used as a means of punishment or interrogation. This will contribute to greater social harmony and unity within the country and promote greater stability and development.

2. Iran has been criticized for its restrictions on **religious freedom**, particularly against the Baha'i community, which is not recognized as a religious group in Iran. Members of other religious minority groups, such as Christians and Sunni Muslims, have also faced discrimination and persecution. The Iranian government needs to respect the right to freedom of religion and belief and ensure that all individuals can practice their religion without fear of persecution. To improve the situation of religious freedom in Iran, the government should consider implementing the following strategies, including more specific measures, such as:

- Creating an independent body to oversee and monitor religious freedom and ensure that all individuals are able to exercise their rights.
- Strengthening efforts to combat hate speech and intolerance towards religious minorities through education and awareness campaigns.
- Providing training and resources to law enforcement officials and judges to ensure that they are equipped to handle cases involving religious discrimination or persecution.
- Engaging in dialogue and consultation with religious leaders and communities to address issues related to religious freedom and promote greater understanding and tolerance.
- Encouraging interfaith dialogue and cooperation to build bridges between different religious communities and promote mutual respect and understanding.
- Increasing support for the preservation of religious and cultural heritage sites and traditions of religious minority communities.
- Ensuring that all individuals, regardless of their religion or belief, are free to practice their religion without fear of persecution or discrimination.
- Recognizing and respecting the rights of religious minorities, including the Baha'i community, Christians, and Sunni Muslims.
- Ensuring that members of religious minority groups have equal access to education, employment, and other opportunities.
- Reviewing and amending laws and regulations related to religious freedom to bring them in line with international human rights standards.
- Strengthening cooperation with international organizations, including the UN Special Rapporteur on Freedom of Religion or Belief.
- Conducting investigations into reports of religious discrimination or persecution and holding those responsible accountable.
- Providing education and awareness-raising programs to promote greater understanding and tolerance of different religions and beliefs.

By taking these actions, the Iranian government can work towards creating a society that respects and values religious diversity and promotes greater social harmony and unity. This will contribute to a more stable and prosperous Iran that is better able to meet the needs and aspirations of all its citizens. By taking these actions, the Iranian government can demonstrate its commitment to promoting religious freedom and fostering a more inclusive and tolerant society. This will contribute to a more stable and prosperous Iran that respects the human rights of all its citizens, including their right to freedom of religion and belief.

3. According to various sources **human rights defenders** in Iran face harassment, arrest, and imprisonment for their work. These defenders include lawyers, journalists, and activists who work to promote and protect human rights in the country. The Iranian government needs demonstrate its respect to the rights of human rights defenders and ensure that they can carry out their work without fear of retaliation. To improve the situation for human rights defenders in Iran, the government should consider implementing the following strategies:
 - Respecting the rights of human rights defenders, including their freedom of expression and association, and ensuring that they can work without fear of persecution.
 - Ensuring that human rights defenders are protected from harassment, arrest, and imprisonment for their work, and that their families and colleagues are also protected.

- Investigating reports of harassment or attacks against human rights defenders and holding those responsible accountable, including government officials who engage in or condone such actions.
- Providing support and resources to human rights defenders, including legal assistance and protection mechanisms, such as emergency shelters and hotlines.
- Engaging in dialogue and consultation with human rights defenders and civil society organizations to address human rights concerns and find solutions to common problems, such as reforms to restrictive laws or policies.
- Encouraging a more open and tolerant public discourse that allows for the free exchange of ideas and opinions, and taking steps to combat hate speech and intolerance.
- Strengthening cooperation with international human rights organizations and supporting the work of the UN Special Rapporteur on human rights defenders, and accepting his recommendations for improving the human rights situation in the country.

By taking these actions, the Iranian government can demonstrate its commitment to protecting the rights of human rights defenders and promoting a more open and inclusive society that values freedom of expression and association. This will contribute to a more just and equitable Iran that respects the human rights of all its citizens. However, it is important to note that the government's actions should be sustained and consistent over time, rather than just short-term responses to specific incidents or pressure from external actors.

4. **Access to justice is a fundamental human right** that ensures individuals can seek legal recourse when their rights are violated. In Iran, the legal system has been criticized for its lack of independence and transparency, and for its failure to adhere to international standards of due process. Defendants are often denied access to legal counsel, and the judiciary is subject to political influence. To improve access to justice in Iran, the government should consider implementing the following strategies:

- Firstly, the government could work to strengthen the independence and impartiality of the judiciary by ensuring that judges are appointed on merit and are protected from political interference. This would help to ensure that court decisions are based on the law and evidence, rather than political considerations.
- Secondly, the government should ensure that all individuals have access to legal counsel and that lawyers are able to carry out their work without fear of retaliation. This would help to ensure that defendants are able to understand their legal rights and to make informed decisions about their legal representation.
- Thirdly, the government should ensure that all individuals are afforded due process protections, including the right to a fair trial, the right to legal representation, and the presumption of innocence. This would help to ensure that court decisions are fair and impartial, and that individuals are not wrongfully convicted.
- Fourthly, the government should strengthen legal aid programs to ensure that all individuals, including those who cannot afford legal representation, have access to legal assistance. This would help to ensure that all individuals, regardless of their financial means, are able to seek legal recourse when their rights are violated.
- Fifthly, the government should improve the transparency of the legal system by ensuring that court proceedings are open to the public and that verdicts are published. This would help to promote accountability and to build public trust in the legal system.
- Sixthly, the government should strengthen accountability mechanisms to ensure that judges, lawyers, and other legal professionals who engage in misconduct are held

accountable for their actions. This would help to promote professionalism and ethical conduct within the legal profession.

- Finally, the government could provide training and resources to judges, lawyers, and other legal professionals to ensure that they are equipped with the skills and knowledge necessary to carry out their work effectively. This would help to ensure that the legal system is efficient, effective, and fair.

By taking these actions, the Iranian government can demonstrate its commitment to promoting a fair and impartial legal system that protects the rights of all individuals and provides access to justice for all. This will contribute to a more just and equitable Iran that respects the human rights of all its citizens.

5. **Children's rights are an area of concern in Iran**, as children face a range of challenges such as child labor, child marriage, and limited access to education and healthcare. To improve the situation of children's rights, the Iranian government needs to take proactive measures.

- One possible strategy is to strengthen child protection laws and policies to prevent child labor, child marriage, and other forms of exploitation and abuse. This can be achieved by working with civil society organizations to develop and implement effective child protection measures.
- Another important strategy is to invest in education and healthcare to ensure that all children have access to quality education and healthcare services. This can be achieved by increasing the budget allocation for education and healthcare, improving the quality of facilities and resources, and providing incentives for qualified teachers and healthcare professionals to work in disadvantaged areas.
- The Iranian government also needs to strengthen child protection services, including social welfare programs, to ensure that children who are at risk of harm or who have experienced harm are provided with appropriate support and assistance. This can be achieved by developing and implementing comprehensive child protection services, including counseling and rehabilitation programs for children who have been victims of abuse or exploitation.
- Raising awareness about children's rights and the importance of protecting children from harm and exploitation is another crucial strategy. This can be achieved through public awareness campaigns, education and training programs for parents, teachers, and other stakeholders, and the promotion of child-friendly policies and practices.
- Strengthening child participation mechanisms is also essential to ensure that children have a voice in decisions that affect their lives. This can be achieved by promoting child participation in schools, community groups, and other forums where decisions are made about their lives.
- Finally, strengthening the capacity of law enforcement and judicial officials to respond to cases of child abuse and exploitation is crucial. This can be achieved by providing specialized training for police officers, judges, and other officials, and ensuring that they have the necessary resources and support to effectively investigate and prosecute cases of child abuse and exploitation.

By taking these actions, the Iranian government can ensure that children are protected from harm and exploitation and are able to enjoy their rights to education, health, and well-being. This will contribute to a more just and equitable Iran that respects the human rights of all its citizens, including its youngest and most vulnerable members.

6. According to OHCHR reports, **LGBTQ+ individuals** in Iran face widespread discrimination and persecution, including arrest, detention, and imprisonment, due to their sexual orientation or gender identity. The Iranian government needs to undertake urgent measures to promote respect of their rights and ensure that they can live their lives free from discrimination and persecution. To achieve this, the government should consider implementing the following strategies:

- Firstly, the government should repeal laws criminalizing same-sex conduct and ensure that all individuals, regardless of sexual orientation or gender identity, are protected under the law from discrimination and violence.
- The government should take steps to protect the rights of LGBTQ+ individuals and ensure that they are not subject to discrimination, harassment, or violence based on their sexual orientation or gender identity. This includes ensuring that law enforcement officials are trained to recognize and respond to hate crimes.
- Another essential step is to protect the rights of LGBTQ+ individuals by decriminalizing homosexuality and ending the persecution of LGBTQ+ individuals. The government could ensure that LGBTQ+ individuals are not subjected to torture or other cruel, inhuman, or degrading treatment.
- Due to the traditional values in Iran, it is important to strike a real and sustainable balance for the enjoyment of the rights of LGBTQ+ individuals and the interest of the traditionally minded society, public peace and order, as well as protection of children from earlier unnecessary exposure to sexuality to avoid child trauma and abuse. In this regard, the best possible human rights-based approach could be to ensure full guarantees to LGBTQ+ individuals of equality before the law, right to personal security, freedom of belief of sexual orientation and sexuality and right to privacy of LGBTQ+ individuals.
- In Iran's cultural context, their rights to freedom of expression and the manifestation of sexuality and its limitations could be restricted within the permissible limitations of articles 18, 19, and 21 of ICCPR, namely "limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others", without any need for further negotiations of any additional derogation from or reservation for these rights.
- Lastly, the privacy and confidentiality of LGBTQ+ individuals should be respected, particularly in healthcare settings and in interactions with law enforcement officials. It goes without saying that improving the human rights situation in Iran is a long-term and complex task that requires the cooperation of all stakeholders. The government must take concrete steps to protect the rights of all citizens, including minorities and LGBTQ+ individuals, and ensure that the rule of law and privacy are respected.

By taking these actions, the Iranian government can demonstrate its commitment to promoting and protecting the rights of LGBTQ+ individuals and creating a more inclusive and just society.

CONCLUSION AND RECOMMENDATIONS

Recommendations for Iran on eradicating torture and other forms of ill-treatment:

Torture is a grave violation of human rights that is allegedly prevalent in Iran. To improve the situation with torture, in particular in the context of violence of September 2022 events, several key steps can be taken and brought to the attention of the Government of Iran as an option for the decisive resolution of the international community concerns. The first and the most important one is the

ratification of the Convention Against Torture (CAT) and its Optional Protocol (OPCAT). This step must become as a testament of Iran to its domestic and international community's commitment to eradicating torture and other forms of ill-treatment. Its universal principles underscore the inherent dignity of every individual. The CAT's comprehensive framework, which encompasses prevention, accountability, and redress, offers countries a roadmap to ensure the rights and well-being of all individuals, particularly those in detention.

Now and after ratification, Iran should prioritize legal reforms to align national laws with the CAT's provisions, ensuring clear prohibitions against torture and mechanisms for accountability. Our Association believes that modernizing police service and investment in training initiatives for law enforcement, judiciary, and other relevant personnel is crucial in this regard. Such training should emphasize human rights standards and the prohibition against torture.

Furthermore, we call on the UN Human Rights Committee to recommend Iran to establish independent oversight bodies, which can ensure regular monitoring of detention centers and places where individuals are at risk of torture. Civil society organizations should be encouraged and supported to play an active role in prevention of torture, ensuring diverse voices are heard. Efforts of Iran should be made to improve detention conditions, ensuring the rights and well-being of detainees, timely access to legal representation, and medical care. Iran should prioritize rehabilitation and redress mechanisms for victims of torture, ensuring they receive comprehensive support and reparations.

Our Association asserts that addressing past human rights violations, including instances of torture, through transitional justice mechanisms can foster reconciliation and ensure non-recurrence. Iran should ensure that security concerns, especially in the context of counter-terrorism operations, do not infringe upon human rights obligations. Collaboration with international organizations, experts, and other countries can enhance Iran's engagement in improving situation, offering technical assistance, capacity-building, and sharing of best practices:

Firstly, the Iranian government must ensure that all instances of torture are investigated thoroughly and that those responsible are held accountable for their actions. Impunity for torture only serves to perpetuate this heinous practice, and it is crucial that the government sends a strong message that torture will not be tolerated.

Secondly, the Iranian Government must take steps to prevent torture from occurring in the first place. This could include training law enforcement officials on appropriate interrogation techniques and ensuring that they are aware of their obligations under international human rights law. The government must also provide adequate resources to law enforcement agencies to ensure that they are able to carry out their duties without resorting to torture.

Thirdly, independent monitoring of detention centers and prisons must be conducted to prevent torture and other forms of ill-treatment. Civil society organizations and independent human rights monitors should be given unrestricted access to detention facilities to monitor the conditions of detention and treatment of detainees.

Lastly, the Iranian Government must take steps to ensure that detainees have access to legal representation and that they are informed of their rights. Detainees should also be allowed to communicate with their families, and they should be given access to medical care and basic necessities such as food and water.

Torture is a grave human rights concern in Iran that must be addressed urgently. The government must take concrete steps to prevent torture from occurring, investigate all instances of torture, and hold those responsible accountable. Independent monitoring of detention facilities, providing access to legal representation and basic necessities for detainees, and applying pressure from the international community can also contribute to improving the situation with torture in Iran. Only by taking sustained and concerted action can the scourge of torture be eradicated from Iranian society.

Building a modern police service:

The police in Iran is under the Law Enforcement Command of the Islamic Republic of Iran. Previously known as the Law Enforcement Force of the Islamic Republic of Iran or Disciplinary Force of the Islamic Republic of Iran, abbreviated as Faraja (فراجا), it is the uniformed police force in Iran. The force was created in early 1992 by merging the Shahr bani (شهربانی), Gendarmerie (ژاندارمری), and Islamic Revolutionary Committees (کمیته انقلاب اسلامی) into a single force. It has more than 60,000 police personnel, including border guard personnel, and is under the direct control of the Supreme Leader Ali Khamenei who is the head of state and Commander-in-Chief of the Armed Forces. In 2003, some 400 women became the first female members of the police force since the 1979 Iranian Revolution. The Guidance Patrol, commonly called the "morality police", was a vice squad/Islamic religious police in the Law Enforcement Force of the Islamic Republic of Iran, established in 2005 with the task of arresting people who violate the Islamic dress code, usually concerning the wearing by women of hijabs covering their hair.

As stated above, in this context, the issue of torture in Iran has been a longstanding and serious concern, and addressing this issue requires a comprehensive and multifaceted approach. Thus, building a modern police service is an important element of this approach, as it can help establish a culture of professionalism, accountability, and respect for human rights within law enforcement agencies.

Several key elements of police reform need to be addressed to combat and prevent torture in Iran. These include:

1. **Police in Iran is an old-style paramilitary formation:** The entire legal framework for police in Iran is outdated. Most of the relevant laws and by-laws do not align with international standards such as the United Nations' Code of Conduct for Law Enforcement Officials (1979), the Council of Europe's Rec (2001) 10 European Code of Police Ethics (2001), and the Council of Europe's Declaration on the Police (1979). The laws governing police have not been modernized and are not in compliance with international policing standards, particularly in the context of depoliticizing the police.
2. **Recruitment and training:** Effective police reform requires recruiting and training police officers who have the skills and values necessary to carry out their duties in a professional, ethical, and human rights-respecting manner. This includes education and continued training on human rights norms and standards, including the use of force, communication skills, and community policing approaches. Human Rights standards should become the core and mandatory subject in the curricula for police recruits, specialized training, and officer development training, as well as in the vetting program for senior officers.
3. **The internal rules and regulations** and other by-laws regulating the activity of the police are secretive and not accessible to the public. Hence the very essence of democratic policing based on the rule of law is currently missing.

4. **Legal framework:** The legal framework that governs law enforcement in Iran needs to be strengthened to ensure that it is consistent with international human rights standards. This includes provisions on the use of force, detention and interrogation, and accountability for human rights violations. Development and endorsement by Iran a new law on Iranian Police Service (IPS), which can be built on the best international democratic policing standards enshrined in the United Nations, Code of Conduct for Law Enforcement Officials (1979), Council of Europe, Rec (2001) 10 European Code of Police Ethics (2001) and Council of Europe, Declaration on the Police (1979).
5. **Transparency:** De-classification/making public of all existing police internal rules and regulations, as well as developing a comprehensive series of policies and procedures for police based upon the international accreditation standards, like those endorsed by the US Commission on Accreditation for Law Enforcement Agencies, Inc. (<http://www.calea.org>). This US Commission offers currently the most advanced system of police accreditation standards, which are in full compliance with international human rights standards.
6. **Strict control and accountability on the use of force:** Law enforcement's use of force should strictly adhere to principles of necessity and proportionality. All actions taken must be justifiable, with national laws guiding the extent of force and weapon use. Immediate medical assistance is mandatory for any injuries caused by officers, who must also be held accountable for their actions. The primary goal of all police operations should be to minimize harm. Force is only valid for genuine law enforcement purposes, and its application should be minimal and cease once no longer needed. The level of force should correspond to the threat posed, and even if necessary, disproportionate force is unlawful. Firearms are reserved for imminent threats of severe harm or death, with some exceptions for non-immediate threats. Property threats don't justify firearm use, and lethal force is a last resort to protect life. Key resources on this topic include the 1990 Basic Principles, the 1979 Code of Conduct, the OHCHR/UNODC Handbook, and the Caribbean Model Policy.
7. **Accountability mechanisms:** An effective police reform program should include strong accountability mechanisms to ensure that police officers who engage in misconduct, including torture, are held accountable for their actions. This includes establishing an independent oversight body to investigate complaints of police misconduct and to hold police officers accountable for human rights violations. Comprehensive review and improvement within the Faraja of the existing police discipline and complaints procedure with the view of bringing it in full compliance definition of the effective remedy as provided by article 2(3)(a) of the International Covenant on Civil and Political Rights and article 13 of the Convention against Torture.
8. **Community policing:** A community policing approach can help build trust and cooperation between police officers and the communities they serve. This involves engaging with local communities, identifying their needs and concerns, and working with them to develop solutions to address issues related to public safety and security.

We call on the Human Rights Committee to encourage the Government of Iran to overhaul its existing police force and build a modern police service. In this regard, it is recommended that a number of institutional-building steps need to be taken by Iran in cooperation with the international community. These steps could include:

1. **Political will:** The Iranian government needs to demonstrate a strong commitment to police reform, including a willingness to invest the necessary resources and make the necessary legal and policy changes.
2. **Technical assistance:** The international community can provide technical assistance to support police reform efforts in Iran. This could include providing expertise on recruitment and training, developing legal and policy frameworks, and establishing accountability mechanisms.
3. **Financial support:** Building a modern police service will require significant financial resources. The international community can provide financial support to help cover the costs of police reform, including the recruitment and training of new police officers, infrastructure development, and the establishment of accountability mechanisms.
4. **Collaboration:** Building a modern police service in Iran will require collaboration between the Iranian Government, civil society organizations, and the international community. This collaboration should be based on shared goals and values, including respect for human rights and a commitment to professional, accountable, and community-oriented policing.

The Government of Iran should also address this issue with the relevant international interlocutors. In terms of international partners, several organizations could play a role in supporting police reform in Iran. These include the United Nations Development Programme, UN ODC, the European Union, and individual countries such as Switzerland, the United Kingdom, Sweden, Norway and Denmark. These partners can provide technical assistance, financial support, and other resources to help build a modern police service in Iran.

Modern police discipline and complaints procedure:

In addition to building a modern police service in Iran, the complete overhaul of the entire legal framework for police, and the creation of a new legal basis for police discipline and complaints procedure is an important step forward in the effort to achieve a fully comprehensive legal framework for the modern IPS.

A democratic society demands that police officers are held to account for how they behave and perform their duties. That requirement must be met through robust legislation, based on the need for integrity, professional conduct and respect for basic human rights. For instance, Article 20 of the European Code of Police Ethics (ECPE) makes this clear in the following words:

‘The police organization shall contain efficient measures to ensure the integrity and proper performance of police staff, in particular, to guarantee respect for individuals’ fundamental rights and freedoms as enshrined, notably, in the European Convention on Human Rights.’

Certainly, in the case of Iran, the International Covenant on Civil and Political Rights and, potentially, Convention against Torture apply, which have similar standards. We suggest that in the modernized police discipline and complaints mechanism, all complaints against police officers would be overseen and monitored by the Iranian Police Inspectorate (IPI), a fully independent team of Iranian civil servants with legal not police background, and disciplinary hearings will be conducted by the Senior Police Appointments and Discipline Committee (SPADC), another fully independent body within the Faraja. This will be in full compliance with Article 2(3)(a) of the International Covenant on Civil and Political Rights and Article 13 of the Convention against Torture.

The IPI could become a nationally recognized leader in implementing legal mandates to prevent mismanagement, corruption and other criminal activities within Iranian police. In addition to the police discipline and complaints procedure, the IPI would conduct regular and ordinary police inspections, which could be focused on the IPS management performance, in terms of its effectiveness, efficiency and compliance with the law with the view to provide policing services at the minimum cost to the taxpayer. The envisaged modern and democratic police service must not only meet its objectives at minimum cost but do so in a way that respects the law and complies with the standards of the European Code of Police Ethics, the 1990 Basic Principles, the 1979 Code of Conduct, the OHCHR/UNODC Handbook, and the Caribbean Model Policy and other applicable international human rights standards.

Summary of the proposed new police discipline and complaints procedures:

Our Association recommend to the Government of Iran to apply human rights due diligence and create a new police discipline and complaints procedures, which will be effective and efficient. For example, such viable and human rights-compliant procedures would be as follows:

Once a complaint against the police is received, it is first recorded by the IPI and then, depending on the nature of the alleged misconduct, it is investigated by the competent authority. Criminal allegations, as in the past, are forwarded to the Office of the Public Prosecutor for investigation under the criminal procedure law of Iran.

If it is not a criminal matter or the criminal investigation has been finalized, the IPI will decide whether the alleged misconduct – if proven – would amount to a ‘minor misconduct’ or a ‘serious misconduct’, as defined in the future law on IPS. Minor discipline misconducts would be referred to the Police Commissioner [New Head of Police in Iran] for investigation by the Professional Standards Unit (PSU) composed of professional police officers and actively monitored by the IPI, to ensure that the statutory time limits are met.

If the alleged offence amounts to serious discipline misconduct, it would be investigated by the IPI and, where there is sufficient evidence, sent to the Senior Police Appointments and Discipline Committee (SPADC) for a disciplinary hearing. The SPADC would decide whether or not the IPS officer is guilty and, if found guilty, would recommend a penalty that the Head of Faraja is competent to impose. IPS officers who are found guilty in this way have a right to appeal to an independent court.

Proposal for the Ratification of the Optional Protocol to the Convention against Torture (OPCAT) and the effective and independent National Human Rights Institution and Special Torture and Ill-treatment Preventive Group in Iran:

In light of the international commitment to uphold human rights and prevent torture and other forms of inhumane treatment, we propose the following:

1. **Ratification of OPCAT:** It is strongly recommended that Iran ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). This ratification will signify Iran's dedication to international human rights standards and its commitment to preventing torture within its borders.
2. **Establishment of the effective and independent National Human Rights Institution and Special Torture and Ill-treatment Preventive Group:** The Government of Iran must create an effective and independent National Human Rights Institution. Under the auspices of the NHRI, the creation of a Special Preventive Group can also be proposed in accordance with the terms

of OPCAT. This group's primary objective will be to prevent torture and other inhumane treatments in Iran.

- *Inspections:* The group will conduct both regular and ad hoc inspections to places of restriction or deprivation of liberty, ensuring that human rights standards are consistently upheld.
- *Selection of Members:* Members of this group will be meticulously selected through annual competitions. This ensures they possess a deep understanding of the legislation of Iran, international human rights standards, and other pertinent legislative acts.
- *Guiding Principles:* Upholding principles such as fairness, trust, confidentiality, and objectivity will be paramount for the group's operations.
- *Oversight and Coordination:* The Department of Prevention and Monitoring within the NHRI will oversee and coordinate the activities of this group, ensuring a systematic and effective approach to inspections and reporting.
- *Transparency and Accountability:* Members will be obligated to produce detailed, objective reports on their findings, fostering transparency and accountability.
- *Integrity Measures:* Provisions will be in place for the early termination of a member's role based on specific criteria, including non-participation and political affiliations.

End of the report