

Submission of NGO Monitor at the 136th Session of the Human Rights Committee for the Adoption of the List of Issues for the Islamic Republic of Iran

Introduction

NGO Monitor, a project of the Institute for NGO Research,¹ an organization in Special Consultative Status with UN ECOSOC since 2013, respectfully submits the following information to the Human Rights Committee (HRC or Committee) in advance of its adoption of the List of Issues for the Islamic Republic of Iran at the 136th Session. We hope that this submission will aid the Committee in its preparation of the List of Issues for the Islamic Republic of Iran.

This submission focuses on the rampant campaign of antisemitic and anti-Israel incitement within the Islamic Republic of Iran. This campaign of incitement is endemic throughout Iranian society and is especially aimed at inculcating hatred within many generations of Iranian children. Iranian incitement and funding of armed terrorist groups undergirds the ongoing armed conflict with Israel and is responsible for countless deaths of both Palestinians and Israelis. This campaign is also responsible for the murder of Jews abroad in terror attacks carried out in South American, Europe, and Asia. Any review of the Islamic Republic of Iran's compliance with the International Covenant for Civil and Political Rights (ICCPR) must address the issues of antisemitism and incitement in depth.

Additionally, despite some progress in certain areas, such as access to education and health care, the human rights arena for women and members of the LGBTQ+ community in the Islamic Republic of Iran continues to be characterized by inequality and exclusion. Many efforts at reform within Iran have been obstructed, with recent protests by women and

¹ Members of NGO Monitor's Advisory Board include Elliott Abrams, Senior Fellow for Middle Eastern Studies at the Council on Foreign Relations; former Canadian Ambassador to Israel, Amb. Vivian Bercovici; Michal Cotler-Wunsh, former member of Knesset for the Blue and White Party; Hon. Michael Danby, MP, senior member of the Australian Labor Party; Harvard Professor Prof. Alan Dershowitz; Canadian Senator, Hon. Linda Frum; best-selling author and commentator and British journalist and international affairs commentator, Tom Gross; Bonnie Glick, former Deputy Administrator and Chief Operating Officer of USAID; Colonel Richard Kemp, former commander of British forces in Iraq and Afghanistan; Douglas Murray, Director of the Centre for Social Cohesion, best-selling author and commentator; former Member of Italian Parliament, Hon. Fiamma Nirenstein, UCLA Professor and President of the Daniel Pearl Foundation, Prof. Judea Pearl; US Jurist and former Legal Advisor to the State Department Judge Abraham Sofaer; Dr. Einat Wilf, former member of Knesset with the Israel Labor Party and advisor to Shimon Peres; Harvard Professor Prof. Ruth Wisse; R. James Woolsey, former US Director of Central Intelligence; and Israeli Supreme Court Justice. Justice Elvachim Rubinstein

LGBTQ+ activists against state repression accompanied by escalations in governmental intimidation. Any review of the Islamic Republic of Iran's compliance with the International Covenant for Civil and Political Rights (ICCPR) must address the issues of discrimination and marginalization in depth.

The ICCPR Explicitly Prohibits Discrimination and Incitement Campaigns Based on Religion or National Origin

According to the ICCPR, the Islamic Republic of Iran is required "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art. 2); "to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein" (Art. 5); to prohibit by law "any propaganda for war" and "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (Art. 20); and to "prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art. 26).

Iran has extensively violated all of these provisions.²

The Islamic Republic of Iran Promotes Hatred and Violence Against Jews and Israelis

Despite the clear obligations mandated by the ICCPR, the Islamic Republic of Iran systematically promotes hatred and violent incitement against Jews and Israelis. Much of this campaign is aimed at poisoning the minds of children, inculcating antisemitic hatred. Iran floods Iranian society with racist and antisemitic messages, encouraging participation in violence, and heroicizing those who engage in antisemitism and extreme violence.

From the north, south, east, and west, Israel is confronted by adversaries (namely Hamas, Hezbollah, and the Islamic Republic of Iran) that are acting in concert with what is, arguably,

² While this submission addresses ICCPR provisions pertaining to discrimination and incitement, we note that the Islamic Republic of Iran has also violated Articles 6 (right to life), 7 (torture and CIDT), 9 (arbitrary arrest and detention), 14 (fair trial), 18 (freedom of religion and belief), 19 (free expression), 21 (free assembly), 22 (free association), 23 (women's rights), 27 (minority rights). We urge the HRC to review the Islamic Republic of Iran's obligations under these articles as well.

a genocidal intent to destroy it and its population. This specific intent is reflected in official statements, policies, and actions of these organizations.

Iranian government officials have – repeatedly and publicly – stated an intention to destroy Israel. In May 2021, Ali Shirazi, Iranian Supreme Leader Ayatollah Ali Khamenei’s representative in the Quds Force, was quoted as promising young Iranians that one day they would “witness a world without Israel,” whilst he threatened to “destroy the forged regime in less than 24 hours.”³ Iran’s Supreme Leader and its Islamic Revolutionary Guards Corps (IRGC) have both reiterated these promises to destroy Israel. According to the Middle East Media Research Institute, on October 10, 2020, the IGRC posted on its Telegram channel the text, “...Yesterday was the fifth anniversary of the promise that ‘Israel will be destroyed within 25 years,’ made by another deputy of the Hidden Imam, [Ali Khamenei]. So now only 19 years, 11 months and 30 days are left until the destruction of Israel and Zionism...”⁴

The Islamic Republic of Iran is also a leader in state-sponsored antisemitism in the world today, propagating anti-Jewish propaganda and Holocaust denial. Current Iranian textbooks teach children that Zionism is fundamentally evil and that the Jewish state is the spearhead of global imperialism. In 2021, the Anti-Defamation League published a report surveying Iranian state textbooks, exposing blatantly hateful and antisemitic depiction of the Jewish people.⁵ One such textbook geared toward 8th grade students featured a quote that “The only way on the path of confrontation with Israel until it is completely eradicated is to unite the Muslims, continue the resistance, and strengthen the courageous protests and popular struggle of this country (intifada).”

Islamic Republic of Iran’s Funding to Armed Groups

The Islamic Republic of Iran’s support for terrorism is well known. Iran has provided political and military support to militant movements such as Hezbollah, Hamas, and the Palestinian Islamic Jihad (PIJ). The Islamic Republic of Iran spends billions of dollars to support these terrorist organizations and extend its influence.

³ According to an Iran International news article, published on May 7, 2021

⁴ <https://www.memri.org/reports/iran-responds-bahrain-and-uae-normalization-israel-israels-destruction-near-gulf-state>

⁵ <https://www.adl.org/resources/report/incitement-antisemitism-and-violence-irans-current-state-textbooks>

In August 2019, the Islamic Republic of Iran agreed to increase its monthly payments to Hamas to \$30 million per month in exchange for intelligence in Israeli missile capabilities.⁶ Iran's support goes further than mere funding, and in 2014, IRGC missile commander Ahmed Hosseini disclosed that Hamas operatives had been "armed and trained by Hezbollah...Some of them even came to Iran for training."⁷ In May 2021, during the latest round of fighting in Israel, the commander of Iran-backed militia Kataib al-Imam Ali Abu Azrael announced that some Iraqi officials "were deployed" to join the war against Israel. In an interview, Hamas chief Yahya Sinwar stated "We have sufficient financial resources... a large part of which are from Iran."⁸

From its establishment, Hezbollah has been a primary beneficiary of Iranian support. According to the United States' 2020 State Department "Country Reports on Terrorism," Iran provides "annual financial backing to Hizballah — which in recent years has been estimated at \$700 million."⁹ In 2016, Hezbollah's Secretary-General Hassan Nasrallah admitted the organization's budget, revenues, expenses, food, and weapons were all connected to Iran. In a speech that was leaked to the Iranian media, Nasrallah admitted that the "organization regarded itself as a soldier in the service of Iran's Supreme Leader."¹⁰

In 2018, Israeli media reported that the Islamic Republic of Iran was transferring approximately \$30 million a year to the Palestinian Islamic Jihad.¹¹ In May 2021, senior Palestinian Islamic Jihad official Ramez Al-Halabi stated in an interview that "I am proud to say that the rockets that are used to pound Tel Aviv have an Iranian signature on them, the signature of Qassem Soleimani."¹² In 2012, Palestinian Islamic Jihad deputy chairman Ziad al-Nahala praised Iran "for the great sacrifices they made to deliver this weapon to us for the sake of defending the Palestinian people."¹³ PIJ spokesman Dawud Shihab further affirmed "It is no secret that we say that the military assistance provided to the Palestinian resistance – from A to Z, from bullet to rocket – is assistance from the Islamic republic, Iranian assistance. This is something we should say, and it is very appropriate for us to say so clearly and without being ashamed."

⁶ <https://www.timesofisrael.com/iran-agrees-to-increase-hamas-funding-to-30-million-per-month-report/>

⁷ <https://www.washingtoninstitute.org/policy-analysis/how-iran-fuels-hamas-terrorism>

⁸ <https://old.iranintl.com/en/iran-in-brief/hamas-chief-says-his-group-has-sufficient-money-provided-iran>

⁹ <https://www.state.gov/reports/country-reports-on-terrorism-2020/>

¹⁰ <https://www.ajc.org/news/hezbollah-is-the-long-arm-of-iran-factsheet-5>

¹¹ <https://www.ynetnews.com/articles/0,7340,L-5321985,00.html>

¹² <https://www.memri.org/reports/hamas-islamic-jihad-officials-iran-provides-our-missiles-weapons-funds-and-food-our-g-unmen>

¹³ <https://www.terrorism-info.org.il/en/20430/>

Further to funding these terrorist organizations, the Islamic Republic of Iran have also directed terrorist attacks for which there has been no accountability. In 1994, Iranian officials were accused of participating in a terrorist attack at the Jewish community's AMIA/DAIA building in Buenos Aires, Argentina which killed 85 people. According to the Argentinean Intelligence Service, the Iranian Intelligence Minister at the time, Ali Fallahian, was responsible for the implementation of the attack.¹⁴ In May 2013, the General Prosecutor of the case published an indictment "accusing the Iranian regime of infiltrating several South American countries and building local intelligence gathering facilities tasked with fostering and executing terrorist attacks." There has been an international arrest warrant against several Iranian officials since 2006.

Islamic Republic of Iran's Discrimination against Women

Women in Iran confront an array of barriers, legally and socially, restricting not only their lives, but also contributing to economic inequality. In a January 2021 report, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran Javid Rehman stated that he "remains deeply concerned at the persistent discrimination against women and girls in public and private life, enshrined in the Constitution of the Islamic Republic of Iran and within law and practice."¹⁵ Some manifestations of this oppression are in the forms of laws such as prohibitions on obtaining permission from their husbands before traveling abroad, women entering entertainment venues, prison for feminist activism, and limiting the ability of a woman to divorce her husband.

The 2021 Global Gender Gap report, produced by the World Economic Forum, ranks Iran among the last countries (150 out of 156) for gender equality, including equality in economic participation.¹⁶ The 2022 "Women, Business, and Law" index, published by the World Bank, shows that there are at least 21 instances of legal discrimination in Iranian law, pertaining to issues such as physical mobility, the workplace, marriage, pay, etc.¹⁷ Similarly, Georgetown's 2021/22 Women, Peace, and Security index ranked Iran 125th out of 170 countries for women's inclusion, justice, and security.¹⁸

¹⁴ <https://www.adl.org/resources/backgrounders/amiadaia-bombing-terror-argentina>

¹⁵ <https://www.ohchr.org/en/press-releases/2021/03/iran-women-and-girls-treated-second-class-citizens-reforms-urgently-needed>

¹⁶ https://www3.weforum.org/docs/WEF_GGGR_2021.pdf

¹⁷ <https://wbl.worldbank.org/content/dam/documents/wbl/2022/snapshots/iran-islamic-rep.pdf>

¹⁸ <https://aiwns.georgetown.edu/wp-content/uploads/2021/11/WPS-Index-2021.pdf>

Under Iranian law, women are liable for criminal responsibility at the age of 9, as opposed to 15 for men. Women must receive formal permission from their father for marriage, and if trying to marry a man not of Iranian heritage, they must receive written permission from the government. Furthermore, in marriage, the husband retains absolute authority over the wife, including the ability to prevent her from applying for a passport or traveling abroad, and can force her not to enter into employment.

Discriminatory compulsory veiling laws have also led to daily harassment, torture, and other forms of ill-treatment. Numerous women's rights activists remain imprisoned for campaigning against compulsory veiling. In 2019, one Iranian women's rights activist participated in a public protest against Iran's law mandating women wear head scarfs and shared a video with another activist. She was sentenced to 24 years in prison for "inciting and facilitating corruption and prostitution," "gathering and colluding to commit crimes against national security," and "spreading propaganda against the system."¹⁹

Discrimination against LGBTQ+ in Iran

Mahmoud Ahmadinejad's infamous denial in September 2007 that homosexuality exists in Iran is consistent with the Iranian government's denial and intolerance towards sexual minorities. According to Equaldex, Iran ranks 190 out of 198 countries for LGBTQ+ equality, with a score of 6 out of 100.²⁰ In 2011, the Human Rights Committee recommended that Iran repeal or amend all legislation which provides for or could result in discrimination against, and prosecution and punishment of, people because of their sexual orientation or gender identity.²¹ It further recommended that any member of the LGBTQ+ community held in prison solely on account of mutually agreed sexual activities or sexual orientation should be released immediately and unconditionally.

The Islamic Republic of Iran is one of ten countries that imposes the death penalty for consensual same-sex relations.²² Under Iranian Law, male homosexual activity can result in punishments ranging from public lashes to public execution depending on the activity in question.²³ Homosexual activity between women is punishable by 100 lashes. The Islamic

¹⁹ <https://www.amnesty.org.uk/urgent-actions/young-activist-given-24-year-jail-sentence>

²⁰ <https://www.equaldex.com/equality-index>

²¹ Human Rights Committee, Concluding observations: Islamic Republic of Iran, 29 November 2011, CCPR/C/IRN/CO/3, para. 10

²² https://ilga.org/sites/default/files/downloads/ENG_ILGA_World_map_sexual_orientation_laws_dec2020.png

²³ <https://www.amnesty.org/en/documents/mde13/5180/2022/en/>

Penal Code also specifies that women punished three times for engaging in same-sex sexual activity may be sentenced to death on the fourth occasion.²⁴

The non-cisgender community of Iran also faces heavy descrimination and hardship under Iranian law and society. Under Iranian law, it is unlawful for individuals to identify as a gender other than that of their birth, unless they undergo full sexual reassignment surgery and steralization. The availability of sex reassignment surgery in Iran is not the progessive step that some may see it as. As a matter of fact, though not official policy, Iranian officials will often exert great pressure on those perceived as homosexual to undergo sex reassignment surgery, whether or not they identify as the opposite gender.²⁵ Those who do not want to identify as either male or female, or do not wish to undergo sexual reassignment surgery and steralization face severe hardship in accessing public facilities and services due to Iran's strict enforcement of gender seperation and dress codes. These areas of hardships reach across fields like education, healthcare, employment, and others.²⁶

Recommendations for the List of Issues

This submission has briefly highlighted only a small portion of the extreme campaigns of antisemitic and anti-Israel incitement actively carried out by the Islamic Republic of Iran. It also highlighted the need for reforms in the human rights arena for women and members of the LGBTQ+ community.

Rather than creating a tolerant, liberal, and open society, the Islamic Republic of Iran fosters hatred, antisemitic discrimination, prolonged armed conflict, and societal discrimination against women and LGBTQ+. This poisonous campaign is not only a violation of the Islamic Republic of Iran's obligations under the ICCPR but is the primary obstacle to peace worldwide.

We therefore recommend the Committee to adopt the following in the List of Issues at the 136th Session:

- The Islamic Republic of Iran must address the issue of antisemitic and anti-Israel incitement in its reporting to the Committee.

²⁴ <https://www.refworld.org/docid/518a19404.html>

²⁵ <https://www.bbc.com/news/magazine-29832690>

²⁶ <https://www.amnesty.org/en/documents/mde13/5180/2022/en/>

- The Islamic Republic of Iran must specify what measures it has adopted to combat campaigns of antisemitism, racial discrimination, and violent incitement by Iranian officials and the armed groups it funds.
- The Islamic Republic of Iran should move towards amending or abolishing all laws under the civil code that discriminate against women
- The Committee must call on States that provide monetary aid to the Islamic Republic to take measures to ensure that their funding is not going towards programs that unfairly target or discriminate against women or LGBTQ+ individuals
- The Islamic Republic of Iran should amend or abolish laws that enforce punishments against those who protest or speak out against government policy
- The Islamic Republic of Iran must stop enforcing hateful laws that violate the ICCPR treaty with regards to the rights of LGBTQ+ individuals