



Submission to the UN Special Rapporteur on Violence against Women

Justice for Iran- July 2013

Over the past two years, Justice for Iran (JFI) has interviewed close to 200 female former prisoners of conscience including those who were incarcerated over the past eight years, including the 2009 post-election uprising. Although many interviewees experienced or witnessed acts of sexual violation, including rape, no independent judicial investigation has been carried out to look into these alleged cases. For information and case studies please see:

[Raped out of Paradise: Women in Prisons of the Islamic Republic of Iran](#)

[Crime and Impunity, Part I](#)

[Crime and Impunity, Part II \(in Farsi\)](#)

- **Causes of arrest**

Women prisoners of conscience are arrested for a number of reasons. The most common causes of arrest include the following:

1. Political affiliation: This includes affiliation with political opposition, women's rights activists, student bodies, NGOs, individual activities related to journalism, media, blogging and human rights advocacy, participation in demonstrations or activism
2. Religious crimes: Including affiliation with unrecognized minorities (specially Bahá'í faith), human rights defenders of religious minorities, violations pertaining to laws affecting women such as hejab or extramarital relations
3. Members or defenders of the LGBT community

- **Conditions in prison**

- a. Reports indicate at times women are forced to stay at male detention centre (e.g. case of Baha'is in Shiraz or ethnic minorities incarcerated in provincial prisons) or face other male-specific spaces and male officials. Furthermore, male-dominated and often tight spaces were often associated with the act of rape. In this light those prisoners informed of this phenomenon demanded female interrogators or presence of a female prison authority at all times in order to mitigate chances of sexual abuse. In certain instances women report male prison guards' failure to observe Islamic laws with regards to gender segregation.
- b. One dehumanizing tactic is that of stripping prisoners, conducting cavity search or full body search by prison guards (mostly women) by hand, invading personal space and fondling, harming genitals and breasts, unwanted and forceful contact.
- c. Those bearing or caring for young children are denied even the most essential provisions such as baby food or bedding both for young mothers and the infants and young children. Such conditions result in both psychological and physical abuse and trauma of women and children. Furthermore, few women experienced labour or miscarriage in complete deprivation of most basic hygienic, nutritional, medical and personal care amounting to 'inhumane treatment' of detainees. To add to the psychological elements of abuse, some women were forced to give birth in the presence of male prison officials as a means of violating the woman's honour during this intimate process.
- d. Prisoners often face numerous violations of their legal rights that are guaranteed both in Islamic Republic domestic codes and international treaties and conventions. Examples include: lack of due process of law and principles of justice and impartiality, lack of or limited legal representation, lack of awareness of charges and proper documentation or presentation of documentation to the accused, irregular or denial of family visitation rights (in-person or through phone), lack of awareness and protection of prisoner's rights.
- e. Almost all prisoners face solitary confinement, often for long periods. Some prisoners suffer from unsanitary or limited access to facilities

causing infection and other forms of medical conditions. Others report of poor diet, lack of security measures, forced religious education, food deprivation, forced medication in order to extract confession and lack of or limited access to medicine and medical care. Few instances include throwing, pulling hair, tearing clothes, beating, stripping, breaking teeth, forced removal of hejab.

- **Violations**

- a. Threatening rape: Former prisoners widespread report prison officials use graphic and detailed language, accusation, intimidation, insult, screaming and yelling, shaming, ethnic slurs to threaten rape or gang rape
- b. Dehumanization: Another main tactic of the Islamic Republic judiciary officials is one of intimidation and interrogation incorporating verbal abuse branding the victim as illegitimate either born out of or practicing prostitution
- c. Act of rape: Reports indicate the act of rape or gang rape of prisoners did take place sporadically, however, the use of rape as a form of torture over the past eight years is not widespread or universally applied to all cases.
- d. Forced confession: Severe mental abuse and constant pressuring of prisoners in order to extract false confessions regarding details of prisoner's sexual relations in writing or recording, often in order to publicise over national media as a means of forcing prisoners to accept to falsely admit to espionage and acting against national security.

The above mechanisms were used because of the stigma associated with sex outside of marriage, a taboo subject within the context of Iranian culture and its traditional values. Furthermore, they can greatly undermine a woman's political activities and social position and generally discourage women from political participation and activism.

- **Impunity**

Article 578 of the Islamic Penal Code clearly indicates officials responsible for any act of torture can face prosecution.¹ However, our research indicates that Islamic Republic officials and authorities responsible or implicated in acts of torture enjoy full impunity, as they have never faced legal and impartial investigation.

- **Consequences for Women, their families and communities**

In general, the state provides no provisions for prisoners' re-socialization and re-integration into their families and communities. On the contrary, intimidation, threats, fear of repeated instances of injustice and stigmatization are among barriers faced by all prisoners upon their release. In addition, the following categories of consequences were identified during our research:

1. Economic: Many women are released only after their family members pledge heavy bails and bonds in exchange for their freedom. In addition, many are no longer able to secure employment due to security concerns on the part of employers or fear of further trouble by their families leading to their

¹ . Crime and Impunity, Part I, page 20

economic dependence on family members, limited or lack of economic freedom and in some cases, poverty. Some former prisoners are forced to leave the country facing difficult conditions in countries of transition due to financial limitations among other factors.

2. Cultural: For many Iranians it is the rape victim who is branded and often regarded as socially unacceptable. Rape victims face exclusion, fear and silence in their families and communities, the legal system as well as the society at large. Furthermore, there is a faulty generalization that women political prisoners are subjected to rape and, therefore, all former women political prisoners are subjected to social stigmatization and branding as rape victims.
3. Marital: More often than not, victims of rape suffer from PTSD and other forms of psychological trauma. In addition, some suffer from physical damage to their bodies including heavy bleeding. As a result of either or both conditions victims encounter problems within their marriage or relationships.
4. Physical: Damage to limbs and organs of body as a result of torture or substandard conditions while in custody, as well as acute or permanent conditions and illnesses affect almost all those who have faced imprisonment.
5. Psychological: Some prisoners were left with irreversible effects while others lost the ability to speak coherently. Prisoners also report suffering from PTSD and lack of mental stability. Some display violence against others around them, and manifest signs of depression. Reports also refer to use of insulting language and profanities, loss of self-esteem and compulsive behaviour. Survivors report some prisoners committed suicide after release. At least two cases documented by JFI point to the fact that prisoners can face rape after release from prison at the hands of state officials.² Feelings of shame and guilt that lead to exclusion and depression overpower some while others are blamed, shunned or abused by their family members. These coupled with threat of sexual harassment lead some former prisoners and their families to suffer from such high degree of psychological trauma that they choose to live a life in constant fear of retaliation or repetition of violations.

² Crime and Impunity, Part II (in Farsi), page 50