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Report submitted to the Human Rights Council
by the Organization for Defending Victims of Violence
(ODVV)
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About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a nongovernmental, non-political, non-partisan organization in Special Consultative Status to ECOSOC. The ODVV was established in 1988, and is active in the promotion and education of human rights.

2. The ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labour (based in New Delhi) which cooperated in a variety of issues with international organizations and has working relations with many NGOs in Iran and around the globe. The ODVV is also member of the International Action Network on Small Arms (IANSA), Conference of Non-Governmental Organizations (CONGO), and the International Movement for a Just World (JUST), and International Rehabilitation Council for Torture Victims (IRCT), and AMAN Network of Middle East and North Africa Rehabilitation Centres for Torture Victims.

3. The ODVV is made up of three departments, which are: Public and International Relations Department; Rehabilitation Department; and Research and Education Department.

4. The Public and International Relations Department is responsible for establishing links with national and international organizations for the effectiveness of the ODVV's position and information dissemination.

5. The Rehabilitation Department conducts its activities in two forms of prevention and treatment of victims.

6. The Research and Education Department conducts its activities through presentation of studies on economic, social and cultural rights, fair trial, human rights, women, children, youths, and migrants, by benefiting from an expert workforce made up of university lecturers, freelance researchers, popular voluntary workforce.

Summary

7. This report submitted by the ODVV is in two fields: "Review of Trafficking in Women and Children in Iran", and "Training of Family Court Counsellors". These two fields are projects that have been conducted by the ODVV Research and Education Department with the cooperation of governmental and nongovernmental organizations and international organizations, and also the assistance of experienced experts and university academia from 2006 to the present. This report is a narrative of the achievements of the projects.

Review of Trafficking in Women and Children

Background

8. Following drugs and arms trafficking, as an organized crime, human trafficking is the third biggest trade in the world that is growing at amazing speed in various countries. Human trafficking related issues such as slavery, prostitution, sex tourism, racial discrimination, illegal migration, money laundering, HIV/AIDS, domestic workers or domestics etc. have turned human trafficking into one of the most serious issues of the 21st Century at national and international levels. By deceiving or kidnapping of women and children, currently hundreds of criminal groups use their victims as soldiers, workers, prostitutes or organ donors, or are sold as slaves.

9. The international community has set various laws and regulations for the prevention of and the fight against human trafficking, and many countries have adopted these laws. The preamble to the Protocol on the Prevention of Trafficking expresses concern on the lack of a comprehensive and enforceable international document for the prevention of human trafficking, women and children in particular. Understanding the importance and dangers of the subject, the Islamic Republic of Iran has been committed to joining and ratifying these documents. Even before joining them, by deriving from them in 2004, Iran passed the Fight against Human Trafficking Act. Just as in international documents procedures, documents have gradually been improved to eliminate previous shortfalls, the said law in Iran – despite its positive points – needs to be amended for the sake of removal of a number of ambiguities and protective mechanisms for the victims.

10. In view of past history and memorandum of understanding with some regional countries, by adopting security measures, changing of the passports format with the aim of forge prevention, establishment of coordination and cooperation between countries, the setting up of the Commission for the Fight Against Human Trafficking, and serious fight against the organized entry of this phenomenon, the Islamic Republic of Iran is determined to take fundamental steps. Iranian officials have announced that they want a serious approach to be made towards human trafficking, and a resolute and comprehensive approach with the participation of all member countries. Iran gives particular importance to the fight against terror groups who are one of the important factors in human trafficking and illegal migrations that pursue political objectives. The provision of parts of the costs in the fight against trafficking from departure countries, the transit process and the establishment of a uniform information network are activities that Iran conduct.

Link with the subject

11. In a joint research project with the International Organization for Migration (IOM), the ODVV is currently working on the raising of a target group's awareness with regards to prevention of human trafficking (women and children in particular) in the Islamic Republic of Iran. By utilising various tools such as the drafting and publication of a book, holding scientific-promotional sittings, individual experiences studies, policies and the law, research findings and the media, this project raises the awareness of the target group and presents solutions for the reduction and prevention of human trafficking. In spite of this, there are numerous problems such as conflicting definitions of human trafficking, lack of enforceable mechanisms, human trafficking being an organized crime, the criminalisation of the victims which require further attention of all concerned.

Methodology

12. For the purpose of this report, the ODVV has applied various methods which include: political and legal study (assessment of domestic and international laws and

policies particularly with regards to human trafficking prevention laws), the review of research findings (library and media study), review of personal experiences findings (collection of information on thematic study).

Going concerns

13. As a nongovernmental organization active in the field of human rights, the ODVV expresses its deep concern over the daily rise in human trafficking – women and children in particular – across the world. Having long borders with seven neighbouring countries, Iran is not immune to the human trafficking growth process, but as a departure, transit and destination country of this organization crime, Iran is faced with numerous domestic and international challenges.

14. The lack of coordination between institutions and organizations involved in the fight against human trafficking is one of the challenges which result in the wasting of time and resources and lack of concentration in the fight against human trafficking.

15. Weakness of law: The Fight against Human Trafficking Act (2004) is crime oriented more than anything else. Whereas the law should be victim oriented, and pay more attention to the victim than the crime. The result has been that contrary to existing international documents which alongside prohibiting the crime and calling for the punishment of the crime, these documents include the basis for the support of the victims of these crimes, the Iranian law lacks support mechanisms in this regard.

16. Lack of executive and enforceable mechanisms are some of the things that the Iranian justice system is faced with. With all its shortfalls the existing law must be fully and properly implemented and our justice procedure must with full comprehension and understanding of the appearing factors and various aspects of human trafficking use all available resources to fight with the causes of this phenomenon and not the end result so that the victims of these crimes do not have to endure more punishments by the society under pretexts such as extramarital affair or illegal border crossing.

17. Another worrying issue is the reintegration of the victims of human trafficking into society through supporting and assisting them. This is while the protection and support for the victims are often ignored in policies and decisions of made by authorities and the law.

Recommendations

18. The human rights perspective which is the respect of human dignity and unshakeable in his or her protection against discrimination and oppression, must present a protective definition for the victims of human trafficking in laws and justice procedures.

19. It is necessary to ensure that steps must be taken towards coordination between the laws and the justice system in Iran with regards to the safeguarding of the rights of the victims.

20. Considering the crime of trafficking being an international and organized one, the fight against it and its control is out of the hands of just one country. Therefore the cooperation of all countries in the fight against forged identity papers, the review and amendment of laws on confronting traffickers, and boosting border controls, and strengthening the support and monitoring procedures of the Human Rights Council can all be effective in the reduction of this phenomenon.

21. Perhaps it can be said that the freedom, recuperation and reintegration of the victims back into their societies is one of the most challenging measures in

intervention programmes. The victims of trafficking have multiple and emergency needs that must be taken into account in national and international policies and plans.

22. A regime or government that seriously pays attention to the three principles of education, increased people participation, and correct management and planning, that same government will be able to bring under control and manage all the social problems that exist in its society. Human trafficking (women and children in particular) is not an exception to this.

Training of Family Court Counsellors

Background

23. Violence against women is one of the most important and common forms of domestic violence, and one of the reasons that always threatens the continuation and survival of the influential family institution.

24. The protection of this unit is of significant importance and the practicality of the justice system in providing answers to the needs of the constituents of the family institution when faced with problems, play a crucial role in the strengthening of the family institution.

25. In the present conditions, when do not have enough information about the justice system in general and family courts specifically when faced with domestic violence. As a result when they go to the courts they feel more at al loss, particularly if they're illiterate or poorly literate, and or are unable to pay for their court case. Although the literacy rates have increased over the recent decades and has reached a substantial level at basic education in particular, but information about the family courts procedures is very low.

Link with the subject

26. In view of the aforementioned facts, the "Training of Family Court Counsellors" project was designed with the aim of helping the majority of cases who refer to the justice system, women in other words, within family court complexes, and naturally to raise and improve the function levels of both institutions: the family and justice system. This project was implemented in the years 2006-07 by the ODVV.

27. A number of members of nongovernmental organizations that had experience and specialised in family counselling were selected to attend a short course as "family court counsellors". During the course the counsellors were introduced to the family court system and following the end of the course they spent 3 months at the Family Court Complex as counsellors.

28. During the three months of the pilot project, 540 women had gone to the court to lodge a claim to their marriage portion (mehrieh), but following couples attending a number of counselling sessions, approximately 32% of the women changed their minds about their claims. It meant the operational "family court counsellors" project succeeded in returning around a third of the women back to their family lives. This meant that for at least a third of the marriage portion case files reconciliation became possible following counselling. But for around 65% of the women plaintiffs conciliation was not possible and the cases went to court for processing.

Going concerns

29. Everyone might think that lodging a demand for marriage portion might be the simplest form of the realisation of a right, but this is not the case in reality. If we take a look at the reasons behind the lodging of a demand for marriage portion it will

become clear that addiction and unemployment of the husbands are the two main reasons for the demand. In both cases women do not benefit from going to the courts, because the men are not able to pay the marriage portion. The continuation of these case files often result in divorce, which makes the situation even worse. Because young divorced women with one or more children are often unable to provide the living costs of themselves and their children. According to interviews conducted with some judges, a group of these women resort to activities that even the judges see them the only way that these women can survive, but even Islamic benevolence and compassion cannot decriminalise these activities.

30. Attention must be made that a noticeable share of women (65%) whose problems did not get resolved through counselling and there was no other choice but to send their case files to the court. These women were a group of women who endured the most difficulties and who went without any judicial or social support. As well as needing legal guidance before the issuing of the verdict and thereafter, these women need social support to learn skills and access to an honourable economic activity, and undoubtedly according to the experiences of the judges of the Complex, those women in lower age groups (under 30) need more family and social systems support and protection than others.

Recommendations

31. In view of all the different factors which threaten the health of the family and society, the sensitisation of the management of the justice systems of countries and the presentation of practical solutions become more urgent; and it is recommended that findings of the “Family Court Counsellors” education project to be made available to the managers of justice systems so that necessary sensitivities are created towards the consequences of the lack of such mechanisms.

32. Considering the results of the “Family Court Counsellors” project it is suggested that by eliminating previous shortfalls this project to be held in more complete forms in two levels within family justice systems:

- Family counsellor, when women go to the courts and for the health of the family,
- Family aid, following the issuing of the sentence with the aim of helping women and preservation of society’s health.

33. At a wider level it is recommended the United Nations sets up a body for the strengthening of the family institution. This body’s responsibility would be to investigate the factors that bring about domestic violence and also protect the victims of this violence.