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Editorial

Measures for the protection & promotion of the human rights of women & girls

Action on the path of the human rights of women and girls necessitates a change to take place in both the notion of human rights and also the way we speak of women's lives. To do this it is necessary for the human rights framework to be looked at through a peephole that is aware of gender problems and women's lives must be defined in human rights framework.

The Vienna Declaration and Plan of Action clearly states: "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community."

The existence of a human rights framework for women not only is beneficial in the efforts for putting applying influence for making political and judicial changes, but also an important tool for the organization of the masses of people shall be facilitated.

In fact the future of human rights for all is dependent on the respect of the human rights of women, because if the rights of half of mankind is taken lightly, not only will women themselves suffer, but the full human rights of all mankind will move towards extinction.

Mother's rights towards her child in Iran's legal system & faced challenges



By: Leila Sadat Asadi

Abstract

The legal and raising support and protection of children regarding parenting, custody and guardianship, have been considered in Iranian laws. Natural guardian includes the father, and his father and anyone that is appointed by these two, who have full authority in the child's financial and non-financial matters. In the absence of the father, this authority causes complications for the child and the mother who often is the warden of the child. This is while at times the bureaucratic and the judicial procedures of Iranian laws have taken a stricter approach and thus add to existing problems. This article reflects and analyses Iranian laws in support of minors and mothers' status within children's protection institutions that include, parenting, custody and guardianship, and by reviewing the issues, the article proposes the legal vacuums regarding minors' financial matters.

Keywords

Custody; parenting; guardianship; custodianship; warden/

Since the personality of humans takes place during childhood and the raising perspectives are dominant in

the child, they are both important. The undeveloped character of the child and its ability to support itself, makes it necessary for careful planning for the child going through these stages from various aspects, although the role of the legislator is more highlighted than other institutions in this regard, because with the determination of rights, privileges and musts and must nots, issues the permit for the social and upbringing of the child establishes the role of parents, relatives, organizations and justice officials. This article deals with the concepts of the child, and its protective laws which include, custody, parenting and guardianship, problems in the application of the law for children and bearer of rights and privileges towards the child.

Child legal/protective institutions

Children's inability, underdevelopment and lack of power in tending their own financial affairs makes it necessary for them to be placed under special legal protection. This necessity in view of the importance of childhood years in the development of human characteristic becomes more evident. This part of the article reviews the protective methods of the legislator for children in the two financial and upbringing aspects.

1) Custody

Custody is given to the term for the enforcement of the law with regards to keeping and upbringing the child to the father and mother (Katoozian, 1993, Vol. 2; p139)

1-1) Custodian's duties

The custodian is duty bound to keep and raise the child. Keeping means "to utilise the necessary means for the survival of the physical and mental health" (Emami,

1987, Vol. 5, p188), such as food, clothes etc. which with attention to the child's age, these looking after transform, with regards to the duties of the parents according to article 1178 of the Civil Code, the parents have the duty to raise their children in the best of their abilities and not to neglect them.

1-2) Custody nature

The Iranian Civil Code deems custody as the duty and right of the parents and article 1168 states: "the keeping of children is both the duty and right of the parents."

1-3) Custody duration

According to the famous opinions of the imamate clergy, the mother has the custody of the first daughter till the age of seven (Najafi, Shahid Aval), some have even said the age of nine (Mohaghegh Hali). Article 1169 of the Civil Code of 1935 the mother has custody from birth till the age of two for the boy and from the birth till the age of seven for the girl.

The end of custody upon reaching adulthood age, can in practice produce some problems. Because it is obvious that most children are deemed adults according to article 1210 of the Civil Code, cannot recognise what's best for them and giving them the choice to choose who they live with is often not a correct decision, particularly in the cases where the child wishes to live with a third person other than its parents. Also considering that custody for parents is a duty as well as a right, therefore the shaking of responsibility of the parents towards their nine year old daughter and 15 year old son is not suitable with society's realities.

1-4) Loss of custody

Custody is lost under the below circumstances:

1-4-1) Insanity

2-4-1) Mother's remarriage

3-4-1) Failure in taking care of the child

Some examples of moral waywardness are as follows:

- Alcohol, drugs and gambling addiction
- Immorality and prostitution
- Mental illness diagnosed by the Coroner
- Exploitation of the child by forcing him or her to do immoral work such as corruption, prostitution, beggary and trafficking
- Excessive repeated assault and battery

According to article 1179 Civil Code, the parents have the right to discipline their child, but according to this

right they cannot discipline the child excessively.

2) Parenting

In the legal definition it is domination and power which the law gives to a direction towards another direction which cannot deal with its own affairs (Emami). Parenting in this definition is both a right and a duty (R. K. Shygan).

2-1) Parent's privileges

The parent has full privileges in the child's financial and non-financial matters. Article 1183 of the Civil Code "all property and financial matters of the child is in the hands of the parent as a legal representative"

- Marrying off of boy or girl child
- Permission to leave the country, signing of release note for surgery of the child

2-2) Loss of parenting

2-3) Mother's parenting

According to article 1180 of the Civil Code, the natural guardians of the child are the father and the father's father, but the developments of the Iranian society has put the application of this law to challenge. This caused the legislator to legislate the family protection law (1974) which approves the possibility of relinquishing the parenting right to the mother.

3) Guardianship

In the event of the lack of a specific parent (father, father's father and appointed guardian) the guardian is in charge of the child's financial matters.

In the legal terms "someone who is appointed the guardianship and keeping of the property of the child who does not have specific parent is appointed by the court." (Safae, Ghasemzadeh)

3-1) Cases of appointment of guardian

According to article 1218 of the Civil Code the following individuals are appointed guardians:

- Minors that do not have a specific parent
- Lunatics or mentally underdeveloped individuals whose underdevelopment is related to their childhood and do not have specific parents.
- Lunatics or mentally underdeveloped individuals whose underdevelopment is not related to their childhood.

3-2) Guardian's duties

Article 1235 of the Civil Code allocates two important duties to the guardian: the first is the taking care of the individual that is under guardianship; and the second is in the event that the child does not have a father or mother, or the parents have not accepted the custody of the child, the guardian has the duty to take over the custody of the child. The start of the guardianship is from the date the guardian is informed of his or her appointment.

4) Review

The application of laws regarding the protection of minors in financial and non-financial matters in practice causes complications for the child, the elimination of which requires legal reviews. Some of these complications are as follows:

4-1) Privileges of father's father

Currently with the formation of nuclear families and their becoming smaller, these challenges and complications have made further appearance. Nowadays the connection of the family with the father's father is not very strong for him to interfere in matters of the minor, which compared to the mother, his share of the inheritance is a lot more than her dead husband (his son) cannot be justified. In present conditions the education and social affairs levels of women has increased compared with the past. Also the distinction between the matter of custody to the parenting of the mother has caused challenges in custodial matters.

4-1-1) Complications of the privileges of the minor's property being given to the father's father following the father's death

Article 73 of the Non-Litigious Matters Act, the prosecutor only states the duties of the father's father and following this the custody case file of the child is closed. In practice the lack of monitoring of the prosecutor and the existence of disputes between the mother and the father's father results in the illegal confiscation of the property of the minor by the father's father. Therefore in view of the development of societies and advances of women in society on one hand and the custody of the minor which is often that of the mother on the other hand, seems that the mother in the first instance can interfere in the matters of the minor.

4-1-2) Lack of prosecutor's monitoring on the practices of the father's father

The betrayal of the parent takes place when a damaging transaction takes place and the annulment of this transaction, is not possible due to the conditions stated in article 1902, therefore the removal of the natural guardianship in most instances does not include compensation of damages inflicted on the minor, because according to damage claim principles, the minor's guardian and the prosecutor must prove the amount of damage inflicted, and be determined that the damages were inflicted by the actions of the natural guardianship or not. Also the presentation of a suit through special procedures such as the cancellation of the stamp, requires the lengthening, if the compensation verdict is issued, the implementation of the verdict becomes difficult. The truthfulness of this can be clarified by taking a look at the law on the application of civil verdicts with regards to the compensation of damages against the minor by the guardian through the property of the father's father. The necessity for the guardian to be informed of the property of the natural guardian for its introduction to the implementation of verdict unit, for sales purposes, in view of the lack of registration of properties on the basis of the owners' names, is a very difficult task. Also the transference of properties before their repossession before the natural guardian's repossession and sale of the house and suitable car is not possible in proportion with dignity, tools and household goods – according to articles 424 of the Civil Prosecution Act³ - and the application of civil laws are not possible, and also the lack of the application of the verdict in the event of no access to the properties of the natural guardian based on debt exemptions are some of the problems that are in the way of the compensation of damages for the minor due to the betrayal of the natural guardian.

4-1-3) Implementation problems in compensation of the minor's properties

4-1-4) Difficulty of proving the betrayal of trust of the guardian towards the minor's properties

4-2) Lack of mother's guardianship privileges

4-2-1) Conflict in the increase of the right of mother's custody with restrictions of privileges towards the child



The recent amendments to the law with regards to custody, has increased the limits of the mother's right of custody, but the lack of guardianship privileges of the mother towards the child, has in practice made the increase to the right to custody face with challenges. Because the meaning of custody in today's society is developed and does not just mean keeping the child, but also the duty of the upbringing and development of the child's potentials in view of the advancement of science and societies, has expanded. But with this hasn't come with an increase in the privileges of the custodian.

4-2-2) Legal vacuums in the custody laws mentally challenged adults

Since in the Iranian society, mothers take care of children after divorce and the privileges of the mother towards the immature child is limited, but towards the mature child that has left the age of custody and has not reached the adulthood age (9-18 for girls and 15-18 for boys) or his or her adulthood has not been proven in court, has no privileges. If this kind of mother is employed and wishes to keep her child under her own responsibility receives a dependency, will be faced with problems. If she demands her child's maintenance from the father, her petition is not accepted due to the

lack of position and due to lack of legal capacity, this child does not have the right to make financial claims against the father. This same problems exists in the cases of the death of the father and the existence of a natural guardian.

4-2-3) Restrictions as a result of above the law procedures

Existing procedures in governmental offices and organizations have imposed above the law restrictions on the mother in the event of the presence of the natural guardian. According to the law in the event of the existence of a natural guardian there is no restriction in the opening of a bank account by the mother for the child, and the mother can withdraw from the account. The consultative opinion of the legal bureau of the Judiciary (No. 7/880, 1983) in confirming this verdict states: "according to the Act, the mother can open a bank account for the child (June 1978), and the mother shall have the right to withdraw from this account till the child reaches adulthood age, and the father and father's father or their appointed representative do

not have a right to withdraw from this account". But presently banks do not allow the mother to withdraw from accounts that she has opened in her minor child's name.

4-3) Restrictions on the privileges of the custodian in the patroness management procedure

Although the law has set more restrictions on the privileges of the custodian than the natural guardian, but the existing procedures in the patroness matters are debatable. These procedures regarding the natural guardian are within legal texts, and all his privileges are respected, but for the mother as the custodian, more restrictions are imposed by the law.

5) Recommendations

For the purpose of the removal of these challenges review of the laws are urgent in view of the following instances:

5-1 Reduction of the privileges of the natural guardian towards minor's properties

5-2 Increase in mother's guardianship privileges with regards to financial matters

5-3 Elimination of above the law and at times illegal legal and bureaucratic procedures

5-4 Training of the patroness affairs staff and their monitoring under the monitoring of judicial officials

5-5 Spreading of a culture of will and testament in families, for the purpose of granting privileges of guardianship to the mother

5-5 Taking into consideration the needs of time and place, the Islamic judge must in secondary verdicts and with the approval of the court transfer the guardianship rights from the father to the mother.



Responsibility of aid workers towards the protection of women, particularly in sexual exploitation



By: Sara Alizadeh
Researcher

Humanitarian services support victims of conflict and natural disasters, and their objective is to reduce human pain and suffering, and saving the lives of people and protection of their dignity. By observing the principle of neutrality, non-discrimination and independence aid provision organizations, have international status, and conflicting parties have responsibilities and duties towards the protection of these groups. This responsibility of governments comes about as a result of their primary commitments in protecting all the people within the land that they live in it, meaning in circumstances where governments are not able to protect their citizens, aid workers access to the hurt and suffering population must be provided and all their rights be respected.

In this process it must be reassured that aid workers and aid agencies have mutual rights and duties, and while observing neutrality, non-discrimination and

independence, must refrain from participating in aggressive operations and or any form of action which violate humanitarian law and human rights principles.⁴

As well as being exposed to various injuries during armed conflict, women are always threatened with sexual exploitation and rape. Most of these crimes are not reported, because abused people believe that we need aid personnel. The UN refers to this issue as silent crimes, because women do not make any complaints and stay silent for their and their family's access to basic needs. Due to having moral backgrounds and high human values, must prevent such things happening and with full awareness see themselves as committed to international standards. Rape and sexual exploitation in crisis conditions shows failure to observe commitments and being negligent towards human rights, and causes complications for the humanitarian aid society. Sexual exploitation is rape or attempt to rape of vulnerable individuals and is done by people who have power. By providing financial, social and hygiene services, those in power commit sexual exploitation.

Aid workers must commit not to do the following:

1– The aid worker wants sex for exchange of services such as goods and concessions.

2– Aid workers that are in the education sector might

ask girls for sex in exchange of passing their tests.

3– Aid workers provide shelter, clothes and food in exchange of sexual favours.⁵

All aid agencies must make their personnel's behaviour principles transparent. The following are instances of abuse of these principles:

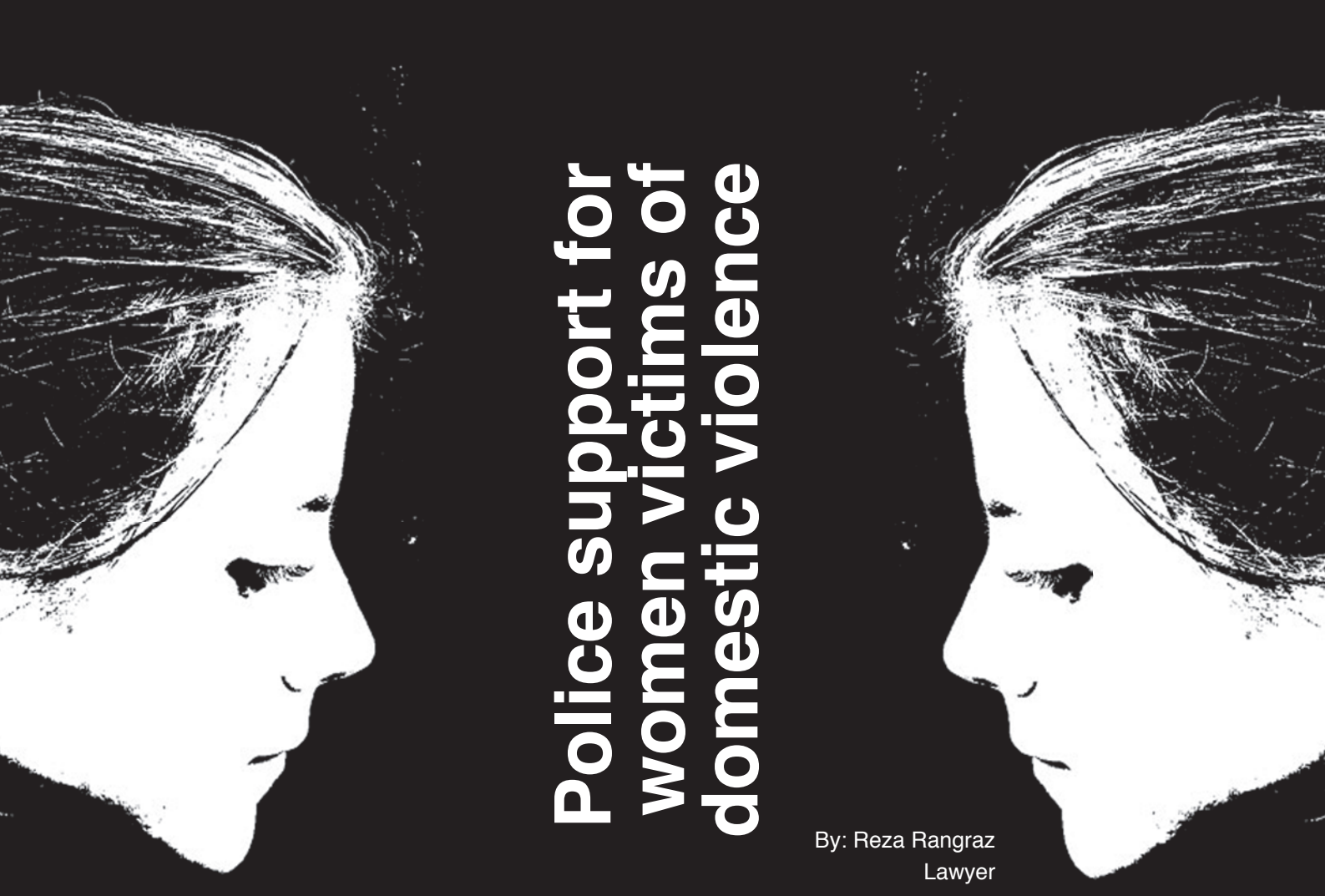
Sexual exploitation and rape by aid workers, which is a grave violation of human rights and results in the termination of employment of these workers.

- Exchange of financial and goods services for sexual relations that include belittling and humiliating women.
- In the event of sexual exploitation and rape, all aid workers are duty bound to report to the relevant organization and or the government.
- Sexual relationships between the aid worker, which is prohibited and damages the credibility of the aid worker.
- Aid provision organizations are duty bound to establish an environment safe from sexual exploitation and provide support and protection for abused women. Those in charge of this must be committed to create a safe environment as part of the protection that they provide.

Recommendations

In all levels of planning, and management of humanitarian aid special attention must be made towards the gender issue for the prevention and reduction of further suffering of women victims. For the realisation of part of these objectives the presence of women aid workers who are familiar with gender issues is necessary. The support for victims, particularly women and children, is one of the main humanitarian principles, and must not be neglected. Any form of sexual exploitation and rape by aid workers shows betrayal of trust and aid agencies and other responsible authorities have the duty to take measures in the prevention of these things.





Police support for women victims of domestic violence

By: Reza Rangraz
Lawyer

Introduction

Any victimised individual seeks help from the criminal justice mechanism and in many instances the victim informs the police immediately after the crime has taken place. Thus one of the main officials of the criminal justice system is the police. A society oriented, informed, popular, expert and well trained police officer can as the first link, provide various protection and support services for the victim. Domestic violence is one of the most extensive forms of violence in our current era, and one of the examples of which is women falling victims to it. Therefore the question is in the interaction between the police and the woman victim of domestic violence what kind of support can be provided? This article tries to discuss this in brief.

1) Easy and quick access to the police

Unlike other crimes where we cannot associate a specific environment to them, domestic violence solely takes place in the home environment that is shared by the husband and wife. In view of her history of living with her husband, the woman can guess the probable occurrence of violence before it takes place, or after it has taken place and she can go to a room in the house and lock herself inside so that she is not further beaten. In both of these cases further violence can be prevented by calling the police. As a citizen, the woman has a right to easy and speedy access to the police and the police has the duty to go the abused woman's house immediately after the call for help. In Iran the police emergency line is 110, which has been the initiatives of the police authority for easy and speedy access. (Shiri, 2007, p23)

2) Respect to the dignity of the victimised woman

Before anything else the victimised woman gives importance in the way in which the police interact with her, and that the police treat her without discrimination and without prejudgement. This is very important to the victim. The observation of respect to the victim woman's dignity is one of the priorities of the police in approaching the victim. Article 4 of the Respect to legitimate rights and the Protection of Citizen's Rights (2004) states: "It is necessary to fully observe Islamic morals and principles in dealing with plaintiffs". This factor leans on the important principle of observing human dignity which must be provided by the criminal justice system.

3) The right to a safe environment

Both the criminal and the victim live under one roof in domestic violence cases, and in view of the patriarchy of the criminal over his victim, there is the chance each moment that his abuse and violence will be repeated, therefore the victimised woman must be able to live in a safe and violence free environment. This requires a series of provisions explained in brief as follows:

a) Distancing the husband from the home

In most cases women want their husbands to quickly be removed from where they live and want the police to put an end to the violence (Hessami, 2005, p262). By considering the type of the victim and conditions of the woman victim the police must have the means to keep the husband away from the home for a period of time. For example in Austria the police are allowed to order the abusive husband to stay away from his house for a period of two weeks (Shayan, 2005, p77). This allows the victimised woman to spend a period of time in a safe environment, and also give the abusive man some time to reflect on his actions and mend his ways.

b) Taking the man to behavioural clinic

In some countries such as Spain men that commit acts of violence and abuse, depending on its severity and frequency, and the victim's conditions, are sent to behavioural clinics. These clinics have corrective and preventive functions, and correct behaviour is educated to the offender.

c) Taking the woman victim to a safe place

In some instances it is the women themselves that want to leave the place their share with their partners, but due to their economic conditions that are dependent on the offenders, and do not know where to go for shelter. In Iran a social emergency plan that included the 134 hotline was set up for the protection of victimised women and children; and by calling that number women can find themselves a safe place. But this must be done by the justice official, so that the offending man will be well aware of his despicable act and the consequences of his actions, so that he does not repeat his offence.

4) Lodging a complaint and knowing the rights

The police must inform the woman victim of her rights, one of the most important ones of which is her awareness of her right to lodge a complaint. But at the same time the woman must have the right to refuse to complain. But still it is the police's duty to inform her of such rights and upon consent to immediately register the complaint against the offender.



5) Preventive measures against repetition of abuse

As mentioned earlier in this article domestic violence has particular characteristics that other offences do not have. One of these characteristics is the extent (from assault and battery to murder), and their repetition. The reason for this extent and repetition is the cohabitation of the offender and the victim; so that in view of the three pillars of danger, interests and reward and with the domination that the offender has over the victim, there is a

higher risk of the repetition of the abuse. Therefore a certain right that a woman can have from this living is to constantly be threatened by abuse and thus the police must adopt measures to reduce the risk of repeat offence taking place to a minimum.

a) Allocation of a special police officer for domestic violence

In view of the delicacy of domestic violence and its all inclusive extent, police stations must set up special departments and for each of the violence cases to allocate a special police officer, this will result in a more careful attention being made by the police officer and his introduction to various examples and characteristics of domestic violence.

b) Installation of a silent alarm at home for a specific period

One of the most important preventive measures is the police being informed and their access. In other words once the offending individual realises that within minutes of his committing the offence the police will arrive he will realise of the high risks his actions may cause and therefore stop himself from committing the offence.

c) Education of neighbours and the children on informing the police

Due to it being very loud and noisy, neighbours hear and become aware of domestic violence. Educating neighbours to report the crime especially in cases where abuse has had a history in the family is a must, because it may be quite possible that while the abuse is taking place the abused woman may not have the means and opportunity to call for help, and also on the other hand in the place where domestic violence is taking place often children are witness to violence and usually just resort to crying and screaming, they must be trained by the police to report the offending parent.

Conclusion

In view of the advancements of societies and the raising of social and cultural levels and standards, violence and abuse is still one of the most important challenges and concerns of the criminal justice system and the police as the independent executive arm of this system and also as officers of the law play a very important role in all of this. The choice of a committed police, raising the police awareness to set up special police units, the use of policewomen, increasing the legal authority of the police, the setting up of a special domestic violence circle are among positive

and good measures that can combat domestic violence. Nevertheless we know that the police has roots in a suppressive criminal justice system, and the principle and basis is in having a healthy and crime-free society, and this is a sociological and cultural issue the realisation of which requires public education and institutionalisation of some rights and values.



Effective presence of NGOs in the 2010 Iran UPR

Civil society institutions such as NGOs have to opportunity to take part in all the stages of the Universal Periodic Review. For the purpose of the playing of a constructive role for NGOs in the UPR, a project entitled “the effective presence of NGOs in the 2010 Iran UPR” was placed in the working agenda of the ODVV.

This project consists of four main parts that include education courses on the introduction to the Human Rights Council and report formulation for the UPR, facilitation in the sending of NGOs’ reports to the Iran UPR, and meeting with governmental department officials, and participation in the HRC sessions. The following is a brief report of each of these stages.

a) Education courses on the introduction to HRC & project formulation for the UPR

A series of education courses on the abovementioned were held in July-August 2009 in three stages. These courses were held as part of the Cluster Project on the Promotion and Protection of Human Rights and Greater Access to Justice for NGOs and with an aim for NGOs to make an effective presence in the Iran UPR. Those participants that successfully the full education course and presented independent NGOs reports, the opportunity was brought about for them to participate in the HRC.

The first round of these workshops were held on 7-8 July, and the second round which was on women’s NGOs was held with the cooperation of the Women’s Studies and Research Institute on 18-19 July. The third round was held on 21-22 July. It must be said that these workshops were three day workshops in the method of 2+1 and the third day was decided by the participants to be held in August.

Representatives from 83 NGOs in Tehran and the provinces (Isfahan, Shiraz, Mazandaran, West Azerbaijan, Khorasan Razavi, and Golestan) took part in these courses. The first day of the workshops began with opening speeches followed by lectures on the human rights support



and protection mechanisms with a stress on the HRC and UPR, in the afternoon the general guidelines for project formulation with an emphasis on the UPR was reviewed. The second day was allocated to the Iran UPR reports of NGOs. The third day of the workshop was held within two weeks following the first two workshop which reviewed the reports that had been prepared by the NGOs.

b) Preparation and forwarding NGOs Iran UPR reports to the HRC



Following the acquirement of necessary skills in compiling reports, the NGO participants in these courses set up on writing their reports for the Iran UPR. A reports review and editing group was set up from the participants that were specialised in international relations, law, social and political science, who reviewed the reports written by the participants. The reports of 41 NGOs were selected and translated and sent to the HRC.

c) Meetings and sittings with government officials **NGOs' colloquium with the secretary general of the High Council of Human Rights of the Judiciary**

This colloquium was held in the International Conferences Iranian Organization of the Ministry of Foreign Affairs in August 2009. The secretary general of the High Council of Human Rights of the Judiciary was present in this sitting. Government officials, experts and representatives of NGOs were also present in this sitting. As the project host the ODVV director presented a report on the process and preparation for the effective presence of NGOs in the UPR. This

was followed by the representatives of each NGO to give explanations about their own reports for the UPR. The secretary general of the High Council of Human Rights, Dr. Mohammad Javad Larijani also believed the transforming of the Commission on Human Rights to the Human Rights Council was a positive move, and pointed out to the importance of the UPR.

NGOs' colloquium with the Minister of Foreign Affairs

This joint sitting was held in the office of the Minister of Foreign Affairs at the Ministry in August. In this sitting that which took place in the presence of officials, experts and representatives of project's NGOs, the effective presence in the Iran UPR was discussed.

Pointing to the importance of the HRC, the director of the ODVV thanked the cooperation of the High Council of Human Rights for bringing about the opportunity for the presence of NGOs in the HRC, and asked the course lecturers and a number of members of the Reports Review and Amendment Committee and also a number of NGOs representatives to present a summary of their activities and reports.

In this sitting, the Foreign Affairs Minister, Dr. Manouchehr Mottaki, said that the existence of NGOs and their influence on the international scene was an undeniable fact and in the shadows of global developments and the organization of new management of the human societies NGOs play a key role.

12th Session of the HRC

The ODVV facilitated the opportunity for participation in the 12th Session of the HRC for those participants. Overall this was then ninth education course on the introduction to the HRC that the ODVV has held. As always while participating the main meetings of the Council, the ODVV and participants were





actively present in sidelines meetings and panels. The participating NGOs read 14 statements on children in armed conflicts, education children, right to development, UPRs on Afghanistan, New Zealand, Slovakia, Chile, Islamophobia, human rights violations in Gaza (Items 3, 6, 7, 8). Some of the meetings that the ODVV delegation had were with CONGO, Interfaith International, International Committee of the Red Cross, and Women's World Summit Foundation. The course of NGOs was held in three phases. The ODVV also read 6 written statements on several of the items on various issues.

First phase of NGOs participation in the Session

In this phase the ODVV was host to representatives from the following NGOs: Raising Living Quality of Iranians Institute; Islamic Women's Justice Seeking Assembly; Rahbord Peymayesh Education and Research Institute; Iranian Elite Research Centre; Iranian Women Sustainable Development Supporters Association; Clean nature Support Institute; Society's Planning Association; National Studies Institute; Protection of Social Victims Institute, and UNA-Iran. This group was present in the Council between 15-22 September.

The participants also took part in the sidelines conferences on the right to development, the prison's health conditions; and human rights education. There were also meetings held with international organizations such as the Women's World Summit Foundation, Interfaith International, CONGO. In this session two important things became clear for the Islamic Republic of Iran: first of all the country reports for the 7th, 8th and 9th UPR (Iran was in the 7th UPR), and secondly the Troika for 6th and 8th UPRs were set for 9-19 February 2010. It must be said that the members of the Troika for Iran's UPR are: Senegal, Pakistan and Mexico.

Second phase of NGOs participation in the Session

The second group for the second week of attendance in the Session were: the Isfahan Justice Department Bar Association; Javedan Culture House; Daneshpajooan Javan Institute; Majma Jahani Ahle Beyt; Hazrat Maryam Charity Education Institute; Taabir Jameh Association; National Studies Institute; and the Protection of Social Victims Institute, were present in the Council Session from 22 to 25 September.

As well as taking part in the main Session, the participating NGOs took part in sideline meetings on introduction to the UPR mechanism, the role of NGOs in this mechanism, and human rights situation in different countries. One of the important points of the second phase is the meeting with the ME North America communications section of the ICRC.

The NGOs presented 3 oral statements on the right to development, children's education, and children in armed conflicts, and 6 statements on the UPR, on Afghanistan, New Zealand, Chile, and Slovakia.

Third phase of NGOs participation in the Session

The third group participated in the Session from 28 September to 2 October, and took part in the meetings of the Council. These were: the report of the Gaza Fact-finding Committee, the report of the special rapporteur on racial discrimination, Somalia independent expert, special rapporteur on Cambodia, complaints investigations guidelines, decision making and conclusion, the election of officials for the report of the 12th session of the Council.

On the sidelines of the 12th Session, the ODVV held a meeting on the learned lessons on the effective presence in the UPR with the attendance of Iranian NGOs.



5th Colloquium on Legal Measures for the Reduction of GBV

This colloquium sitting was held as part of a series of technical sittings on GBV in the assembly hall of he ODVV. This sitting was held in November 2009 with the participation of experts, university lecturers and NGOs representatives.

The speakers of this sitting were Dr. Ezatolsadat Mirkhani on the subject of gender in religious philosophy; Dr. Abbas Jaafari Dolatabadi (Tehran Prosecutor) on gender based murders; Dr. Hossein Mehrpoor on the the role of gender in determining inheritance share in Iranian laws; Dr. Leila Sadad Asadi on the privileges of the mother towards her child mechanism of Iran; and Dr. Shahindokht Molaverdi on the equality of men and women's Dia: logical reasons and necessities. At the end of the sitting the experts replied the questions of the participants in a Q&A session.

A summary of the presented subjects are as follows:

Dr. Ezatolsadat Mirkhni – Lecturer and consultant in Islamic jurisprudence and laws at Islamic University

Prophets of all religions have stressed on the right to justice and equality in all human societies and communities. On these basis the teachings of the Koran

confirmed this. Despite this throughout history we witness the superior mentality of men towards women, that see them as the second gender. Throughout history women's existence has been full of doubts, insults and even denial.

On these basis it is only proper for the wise and intellectuals of the Iranian Islamic society to think up measures and mechanisms for the improvement of women's status and to share their accomplishments with the international community.

Dr. Abbas Jaafari Dolatabadi – Tehran Prosecutor, gender based murders

Murder is one of the most commonplace crimes that



has been criminalized in all societies, and harsh punishments have been foreseen for these crimes. In some countries the severity of the punishment depends on the severity of the crime of murder that was committed, different punishments for different degrees of murders are considered: premeditated murder, unpremeditated murder, or brutal murder, are distinguished from simple murder. Without considering these cases, the Islamic Punishment Law defines murder in article 206 in three paragraphs.

On the other hand due to physical inequality and social status, women are more sensitive towards violent actions, and unfortunately suffer the most pain and suffering in the family, which requires them to get further protection. Increasing of punishment is one of the more general and specific preventive measures that the legal systems of the world have accepted. In Iran gender based murders are often related to honour which can be seen among the local tribes in Khuzistan province. On the other hand in view of their weak position from the law and custom's perspective, women are threatened by actions that cause their being disrespected and ultimately being driven to suicide.

Dr. Hossein Mehrpoor, legal and legal jurisprudence deputy of the Centre for Strategic Studies and a member of the press monitoring committee

The role of gender in determining inheritance share in Iranian laws with a look at the recent Civil Code amendment

As we know the inheritance of widow from her deceased husband and his next of kin just like other social rights, have been subject to developments and changes throughout history, and discriminations and differences have existed between the inheritance of men and women and gradually amendments have taken place.

In the Iranian laws which are based on the Islamic system, women, alongside men, inherit proportionately. The Koran is the main source of Iran's legislation, and verse 7 of the Nessa Surah places the inheritance of women in the same line as men, and independently. At the same time the Iranian law, with regards to



inheritance, in following the Islamic Imamite laws, there are differences between the inheritance levels of men and women which are described as follows:

1 – Principally the inheritance level of women is half of men, i.e. half for daughter, sister, wife, mother.

2 – In the event of the death of a woman, and if she has not inheritors apart from her husband, all her left behind property will be given the husband. But if it is the other way around, a quarter of her husbands property and possessions will be given to their wives and the rest is taken by the government (articles 905 and 949 of the Civil Code).

3- With regards to exclusion from inheritance, the existence of siblings, under conditions the mother is not allowed to receive more than a third of the inheritance, and naturally bigger portion is allocated for the father (article 892(b) of the Civil Code).

Also in the case of the proportionate reduction of the share of the heir, if the share is less for the inheritors, and according to the Civil Code is not enough for everyone, the share of a girl or two girls which is half reduces down to a third (article 914 Civil Code).

4 – While the man takes share of his inheritance from all of the possessions left from his wife, the wife does not inherit from fixed property i.e. land and building, until the 2008 amendment of the Civil Code, women did not inherit land from their husbands, but with the said amendment, she may inherit from the value of the land but does not inherit from it.

Dr. Leila Sadat Asadi, Tehran Province Prosecutor's Research and Education Deputy
Mother's privileges towards her child in the Iranian legal system and faced challenges

Iranian laws pay attention on the protection of children

in financial and raising matters within the parenting, custody and guardianship institutions. The natural guardian which includes the father, his father and anyone that is appointed on behalf of these two as representative, have full privileges and rights over the financial and non-financial matters of the child. In the event of having no father, these privileges cause problems for the child and the mother who often is taking care of the child.

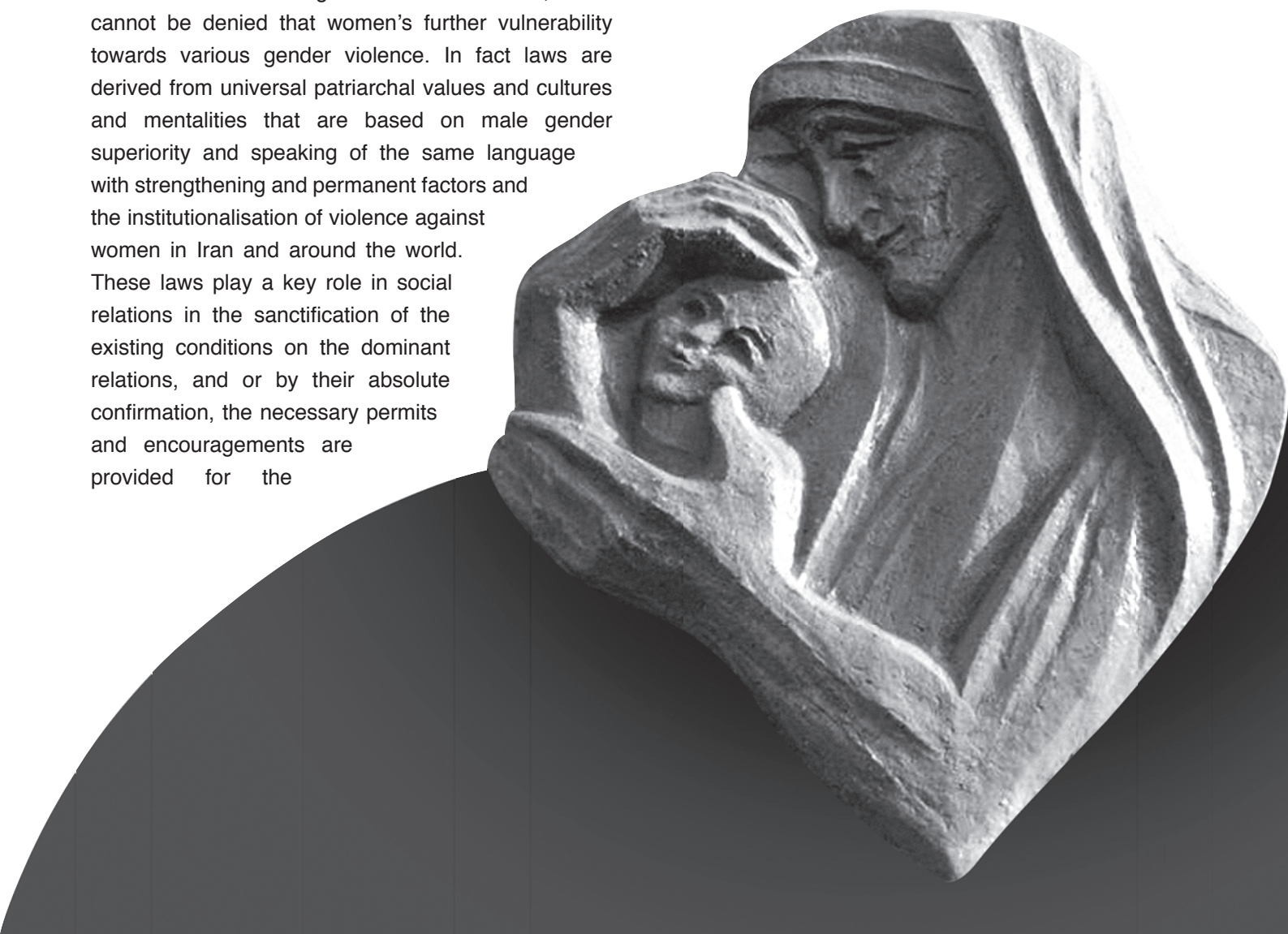
Shanidokht Molaversi, Masters degree in international law from Alame Tabatabee University

Equality of Dia between men and women

In spite of the fact that women are faced with various forms violations of their rights, but their most often experiences are gender related, and most forms of exploitation and discrimination take place solely due to being a women, and they take place because they are women. These acts are truly and solely committed against women, and their gender aspects are complete and totally apparent. Although discriminatory civil and criminal laws – as a cycle – are one of the factors in the continuation of gender based violence, but it cannot be denied that women’s further vulnerability towards various gender violence. In fact laws are derived from universal patriarchal values and cultures and mentalities that are based on male gender superiority and speaking of the same language with strengthening and permanent factors and the institutionalisation of violence against women in Iran and around the world. These laws play a key role in social relations in the sanctification of the existing conditions on the dominant relations, and or by their absolute confirmation, the necessary permits and encouragements are provided for the

addressees and the perpetrators and by legitimisation of that condition, guarantee the continuation and survival of abusive acts towards women by private and public players. By reviewing the collective of the thematic laws of the Islamic Republic of Iran, some examples of this are clearly visible; such as the inequality of the Diah, in this instance several cases of the Islamic Punishment Law which is being applied as a temporary test for about eleven years can be referred to: articles 294, 297, 258, 209, 483, 487k, 273, 301, 300, 306.

Aside from those that are for and against the equality of Diah between men and women, who have reasoned and referred to the Koranic verses , and by referring to several sources the reasons can be found; from the logical, moral, and sentimental views also there are several reasons for the necessity for the equality of Diah between men and women. Ultimately attention to this in the ratification and application of the new Islamic Punishment Law article legislation is a crucial step towards the realisation of the dynamicity of religion and the reduction of gender based violence.



6th Colloquium on Legal Measures for the Reduction of GBV

This colloquium sitting was held as part of a series of technical sittings on GBV in the assembly hall of the ODVV. This sitting was held in November 2009 with the participation of experts, university lecturers and NGOs representatives. In this sitting Dr. Zahra Kashaniha spoke on the subject of polygamy; Dr. Nasser Ghorbania spoke on the subject of the double standards in granting citizenship; Zeinab Ranjbar spoke on the subject of the role of the law and performance of the justice system and judges in reduction in divorces; and Ashraf Geramizadegan spoke on the subject of the principle of “rejal”⁶ in article 115 of the Constitution.

A summary of the presented subjects are as follows:

Dr. Zahra Kashania; professor at Shahid Rajaei University; polygamy

Polygamy is a subject that over a period of history has had supporters and opponents. Plenty of books and articles have been written on the subject.

In some periods polygamy apparently was occurring without any sensitivity, but today this act is constantly faced with strong and serious opposition. What is certain is that Islam takes the view on it with a permit, and does not issue a decree that it is essential. Some defensively propose polygamy, and without paying

attention to conditions and consequences, in they promote it and in often cases give Islam a bad name by this. Not only do they not serve Islam’s purpose, but at times they unwisely cause the cynicism of various groups of society, resulting in the youth distancing themselves from religion and preventing young girls from marrying, and ultimately they blame the drop in marriages and increase in the age of marriage and divorces on the economic conditions of society. This is while statistics show that out of ten divorces, approximately 8 are due to unfaithfulness and lack of commitment towards the wife and family and or second marriage – be it temporary or proper. In any event what is certain is that polygamy in Islam is neither Haram nor a necessity.

**Dr. Nasser Ghorbania;
assistant professor
at Mofid University;
Doublestandards in
granting citizenship**

The Iranian civil code legislator has made unequal approaches in two important articles of the Civil Code regarding the citizenship of



men and women

1 – For the granting of birthright citizenship the main bloodline system is towards the father is recognized in article 976(2). The legislator could have accepted the relationship to the father and mother in an equal way, just like some countries do such as France.

2 – With regards to the effects of marriage on the citizenship of the woman two systems of relative independence and complete unity have been applied. This is another instance of inequality which means marriage does not make a difference in men's citizenship status but if a foreign woman marries an Iranian man according to article 976(6) of the Civil Code, Iranian citizenship is forced upon her, and if an Iranian woman marries a foreigner, she loses her Iranian citizenship. In the event of Iranian women marrying foreign men that might seem to have gotten Iranian citizenship but on principle they do not have Iranian citizenship, therefore solutions must be found for this problem.



Zeinab Ranjbar; Deputy of the General Bureau of Judiciary Employees Education; the role of the law and practice of the justice system and judges in reduction of divorces

Divorce is a social problem in the occurrence of which several factors are relative, and bring about problems for the family and society,

and also bring about socio-pathological problems such as various crimes, abuse, addiction and promiscuity, and also mental and emotional and physical problems.

Figures and statistics indicate the daily rise in the number of divorces, so much so that experts say the divorce situation in the country is very alarming, and deem them to be a threat against social security and stability. For this reason social, cultural and economic planners of society, try to come up with effective solutions to reduce the divorce rates. This factor is more visible particularly within the legislative and judicial powers. As a legislative institution and organizer of social relations, the Legislative Power must ratify in line towards reduction of divorces and in proportion to today's society's needs and evaluation of existing realities. For example it seems that current laws drive couples

towards divorce and the guarantee for the application of the family laws are more dependent on divorce. Men's extensive privileges and rights in divorce are contrary to the aim of strengthening the family, reduce divorces and social interests. As the final post in the disintegration of families, the Judiciary Power can by adopting protective legal judicial measures such as arbitration, counseling, conciliatory and educational, take positive steps towards the disintegration of this holy matrimony.

Ashraf Geramizadegani; jurist and journalist; the subject of the principle of "rejal" in article 115 of the Constitution.

Article 115 of the Constitution states: "The President must be elected from among religious and political personalities possessing the following qualifications: Iranian origin; Iranian nationality; administrative capacity and resourcefulness; a good past-record; trustworthiness and piety; convinced belief in the fundamental principles of the Islamic Republic of Iran and the official madhhab of the country."

This article is in Chapter 9 under the heading of the Executive Power. Following the revolution in a referendum the majority of people (men and women included) voted yes to the Islamic Republic. According to the same Constitution, women had a key role in the revolution and therefore benefiting from the term rejal (not just men) resulted in women's wanting a share in managerial and decision making scenes of society to remain unchanged, and this assumption is strengthened that women's role is officially recognized. The efforts over the last three decades to define this term in society and the centres of power have been reviewed and analysed in this paper.



10th and 11 Sessions of the HRC

d) Participation in Human Rights Council Sessions

- 10th Session of the HRC

Introduction

The 10th Session of the Human Rights Council took place in Geneva, Switzerland in March 2009. In this conference, which is one of the most important annual sessions of the HRC, as well as the sitting of the member states representatives, a vast area of human rights issues were reviewed in the main meeting of the Council and within the framework of the provisional agenda of the Session.

The subjects and issues discussed and debated at the HRC included the following:

- Annual report of the UN High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary General.
- Review and discussion for the promotion and protection of civil and political rights, and economic, social and cultural rights.
- Holding of a technical roundtable on the right to food.
- Annual dialogue on the rights of the disabled.
- Rights of the child annual meeting.
- Presentation of reports of special rapporteurs on the right to food, access to healthy drinking water, right to housing, arbitrary detentions, freedom of religion and belief, forced and involuntary disappearances, freedom of expression, minorities rights, human rights defenders, internally displaced persons, workers' rights situation, fight against terrorism, human trafficking, and prevention of genocide.
- The review, assessment and improvement of the mandate of the special rapporteurs and independent experts regarding the abovementioned subjects.
- Review of country human rights situation
- Presentation of UN human rights mechanisms and agencies reports such as the Human Rights Council Consultative Committee.
- Initiative on the draft Declaration on Education and Human Rights
- Complaints procedure
- The rights of indigenous people and minorities rights

- Observation and approval of reports of countries under review in the 3rd Universal Periodic Review, such as the human rights situation of Israel report.

- Follow up and implementation of the Vienna Declaration and Programme of Action
- Report of the special rapporteur on racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action
- Reports of working groups including working group on African indigenous people
- Effective implementation of the Durban Declaration and Programme of Action
- Reports of HRC independent experts regarding the human rights situation in Somalia and Cambodia within the human rights technical and capacity building cooperation framework.

In view of the abovementioned and the importance of the issues in the HRC Session (official and unofficial meetings), extensive planning was done for the presence of a group of NGOs from the Health and the Promotion of Reproductive Rights Network.

Preliminary meeting and the preparation of the group in Tehran

The Iranian Civil Society Organizations Capacity Building and Human Rights Dialogue Course coinciding with the 10th Session of the HRC was held by the ODVV in two theoretic and practical parts.

The first stage of this course took place in 3 working days with several consultative meetings and the holding of the Solidarity and theoretic introduction to HRC Mechanisms workshop, with Dr. Soodabeh Amiri as the facilitator at the Women's Studies and Research Institute and the ODVV.

The introduction of the health and Promotion of Reproductive Health Network at the international level, the increase of the awareness of the members of the Network and their introduction to human rights mechanisms of the UN, and the benefits of visits as an experience for the better implementation of the project

by the participants were all stated objectives of this study trip headed by ODVV director and member of the Network, Mr. Alireza Taheri.

During the week long stay of the delegation in Geneva as well as participating in the various meetings of the Council, and being informed of the reports of the special rapporteurs on various issues such as the promotion and protection of human rights and fundamental freedoms, torture and other cruel, inhuman and degrading behaviour or treatment. The delegation also participated in education workshops and held meetings with the civil societies unit director of the Office of the High Commissioner for Human Rights, the team of the special rapporteur on the sale, prostitution and pornography of children, and the special rapporteur on arbitrary detention, university lecturers, the Middle East and North Africa programme director of APT, the Middle East unit of the Office of the High Commissioner for Human Rights.

Participation in education workshops

1 – Introduction to the main structure of the UN system and the work of the special rapporteurs.

The first workshop was held by the Assistant Human Rights Officer of the UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography mandate and facilitated by Ms. Mireya Pena. The mandates of special rapporteurs' and Office of the High Commissioner were explained to the participants of the workshop. While describing the main structure of the UN (General Assembly, Security Council, ECOSOC...) Ms. Pena spoke about the thematic special rapporteurs' work and said, "these rapporteurs have specific mandates on specific subjects, and they make some assessments based on international human rights standards and present their findings and reports to the Council."

Ms. Pena also gave explanations about the work of the special representatives and said, "these representatives who are also known as country special rapporteurs are experts who are appointed by the Council to monitor and review the human rights situation of countries. These representatives have mandates to gather reports and claims of individuals and organizations through contacting state representatives and if necessary to make country visits to review human rights situations and reflect their comments and recommendations through a report to the Council.

2 – Introduction to the Universal Periodic Review mechanism and civil society organizations' status

The second workshop was facilitated by Mr. Omar Kadiri from the central office of the Universal Periodic Review (UPR) for the Middle East and North Africa. Mr. Kadiri briefed the participants on the UPR of the Council as a perspective of the transformation of the Commission on Human Rights to the Human Rights Council. The UPR mechanism of the human rights situation in countries, the participation process of states in the UPR, states' reporting methods, the intervention levels of nongovernmental organizations in the UPR mechanisms were also briefed in this workshop.

3 – Introduction to the objectives and activities of the International Committee of the Red Cross (ICRC) with regards to women

The third workshop was facilitated by Mr. Guilhem Ravier, from the Middle East Section of the ICRC, and Ms. Medina Haeri on the subject of women and armed conflict at the ICRC headquarters in Geneva.

Regarding the objectives of the ICRC Mr. Ravier said, "the ICRC is a non-profit organization with a mission to protect the lives and dignity of victims of war, internal conflicts, and to support and provide aid for them.

While providing a definition for war and violence he said, "nowadays no one is safe from war and conflict, and it affects men, women, boys and girls through different ways. Today, there are several ethnic, religious and political conflicts which are all for the controlling of resources, territory or populations. As a tool for violence, is the fear of losing loved ones, deprivation of income, sexual abuse, displacement and at times death, and women and girls are the most vulnerable group in this regard.

Ms. Haeri spoke about women and war and said, "some of the instances regarding women and girls in conflicts that the ICRC has in its agenda are:

- Provision of the forgotten basic needs of women who have been forced from their homes in armed conflicts.
- Helping people to find their missing relatives
- Provision of health and hygiene assistance
- Efforts to reduce the pain and suffering of victims of sexual abuse
- Helping the mines and explosions maimed people
- Capacity building of women in prisons and detention centres for their readmission to society

Sittings & Meetings

1– First meeting of UN High Commissioner for Human Rights with NGOs representatives at the 10th Session of the HRC

While welcoming representatives of civil society organizations, Ms. Navanthem Pillay said that in the short time that she has accepted the responsibility of High Commissioner she has tried to provide suitable opportunities for nongovernmental organizations so that as the main partners of the Office of the High Commissioner, these organizations can present their recommendations on human rights situations. In this meeting Ms. Pillay gave a brief report of her country visits and at the end she mentioned gross violations of human rights in the Gaza Strip and Sri Lanka. At the end of the meeting the guidelines for NGOs on UN and HRC mechanisms that has been compiled by the Office of the High Commissioner was introduced to the participants of the meeting.

2– Meeting with the Special Rapporteur on Arbitrary Detentions

At first Ms. Manuela Carmena Castrillo spoke about her work and the joint cooperation mechanisms with NGOs. She welcomed the ODVV's proposal for an education course to be held for the educators of the Human Rights Administration Manual with the cooperation of the Iranian Judiciary and nongovernmental organizations.

The ODVV also invited the special rapporteur to attend the Islamic States Prosecutors Conference that is being held in Iran.

3– Meeting with the Association for the Prevention of Torture (APT) MENA Programme Officer

In this meeting which took place with the attendance of Iranian civil society organizations and AMAN Network, at first Ms. Esther Schaufelberger explained about the APT and said that the Association has for 25 years defended the idea of Jean Jacques Gauiter, that visits to places where people are deprived of their freedoms is one of the most effective ways to prevent torture and abuse. Thus, APT has been the origin for the European Convention against Torture.

This Association is also the origin of the UN Optional CAT Protocol, and over the last ten years has actively participated in the debates about this protocol. The Protocol was approved by the UN General Assembly in 2002. These types of international mechanisms play a key role in the fight against torture, but they're not enough.

Following the description of the Association's mission, the ODVV proposed the holding of a joint regional sitting on the training of torture prevention methods and also the holding of a conference in honour and



remembrance of the oldest victims of torture in the MENA region. This proposal was welcomed by the APT.

4– Meeting with the MENA officer of the OHCHR

Ms. Linnea Arvidsson **from** the MENA office of the OHCHR described the activities of the office and said, “Currently we have offices in the Middle East such as the Peace Machine in Iraq and Beirut, and we intend to open offices in North Africa. The Middle East is covered from Beirut and North Africa from Geneva.

We have had several technical projects in these regions which include seminars and education courses for victims of torture, disappearances and disability. We also present statements at the Council and give speeches and communicate with the media with regards to torture prevention, and also investigate torture cases.

The main activity of this office is promotion and making changes is not in our working agenda. Our support activities often include scientific and educational support.”

At the end of the meeting the Iranian NGOs representatives took turns in introducing their organizations and called upon joint cooperation with the Office.

5– Meeting with the UN Voluntary Funds for Victims of Torture representative

This meeting took place with the participation of Iranian NGOs representatives and representatives of AMAN Network, At first the Iranian representatives spoke a few words and then Mr. Ennio Boati from the United Nations Voluntary Fund for Victims of Torture introduced this department of the OHCHR and said, “The fact that you represent a network of Iranian and non-Iranian organizations from the MENA region is very important and means that you can speak with a louder voice about your needs, and also benefit from existing resources and opportunities.” He also spoke about the method in NGOs were provided assistance with. In this sitting the ODVV described some of its forthcoming programmes.

6– Meeting with the head of the Civil Society Unit of the OHCHR

This meeting which was held at the Wilson Palace Ms. June Ray said, “Our unit is a small unit that is expanding, but even with these small capacities to-date we have managed to compile a guide book on all HRC special procedures and made the book available to NGOs. I would like your honest opinion on this book. Also help us with presentation of NGOs’ reports on the review of human rights situation of countries so that we can play a much more key role in the UPR.

7– Meeting with the assistant to the Special Rapporteur on Violence against Women

At the start of the meeting the Iranian NGOs representatives introduced themselves and then Ms. Rosa Fidalgo da Costa the assistant to the UN Special Rapporteur on Violence against Women spoke about method of cooperation with Iranian NGOs. She also said that it was important for NGOs to exchange experiences and cooperate with special rapporteurs in the preparation of country reports for the UPR.

8– Meeting with Geneva University Professors

In this meeting with head of the School of Law of Geneva University Professor Maya Hertig Randall which was held with the attendance of a number of nongovernmental organizations directors, the Iranian academics spoke about Iranian universities activities in the field of human rights. Professor Randall also provided some details about the School of Law. At the end of the meeting it was decided to suggest ways for the cooperation of the Geneva School of Law with Iranian NGOs on human rights.

Technical panels

As well as the abovementioned activities, the representative organizations of the project held two technical panels on: 1 – Religious Solidarity and Human Rights; 2 – Religious Knowledge and Human Rights Concept; and 3 – Human rights situation in Occupied Palestinian territories

1– Religious Solidarity and Human Rights Panel

The present era was pointed out in this panel and significant developments have taken place within human societies, the Islamic societies in particular which have linked all of mankind like a family regardless of religion or belief. There are boundaries in existence today which are apparent but not real, and the peoples of the world have become a big family, and it is important to have previous knowledge of the facts of religions, and this has great effect in bringing religions closer together in understanding.

2– Religious Knowledge and Human Rights Concept

This panel reviewed human rights and humanitarian law principles, and reviewed the evolution and development of human rights, and it was said in the panel that mankind was evolving on a day to day basis. The panel pointed out that human rights was religious and debate and discussion should be carried out with a religious perspective.

3– Human rights situation in Occupied Palestinian territories

In this panel on the violation of humanitarian law and principles in occupied territories by Israel, with a presentation of figures for the 22-day Gaza conflict which included, human costs, destruction of private, public, historical and religious property. And also on the other hand the inattention of Arab nations towards the rights of Palestinians in Gaza was also raised. Dr. Amir Hashom, Dr. Mohammad Safa, Dr. Saeedi, and



Dr. Deyhim were the speakers of the panel.

According to the planning that had been done in the second week of the session 3 statements were read by the NGOs on:

- Forced disappearances which was on the abduction of 4 Iranian diplomats
- Torture on the subject of torture in the Occupied Territories
- Statement on women which dealt with the Promotion of Reproductive Health Network.
- 11th Session of the HRC

The 11th Session of the HRC was held in 2-19 June in Geneva. A number of special rapporteurs and experts that included the special rapporteur on women, extrajudicial executions, independence of judges and lawyers, freedom of belief, right to health, human rights, foreign debts and poverty presented their annual reports.

The fourth UPR took place in the second week of the session. The reports of Germany, Djibouti, Canada, Bangladesh, Russia, Cameroon, Cuba, Saudi Arabia, Senegal, China, Azerbaijan, Nigeria, Mexico, Mauritius, Malaysia, and Jordan were adopted.

The third week of the session dealt with general debates on the item on the violation of human rights in Palestine and other Arab occupied territories. The special rapporteur on racism, racial discrimination, xenophobia and related intolerance presented his report. Also through the 1503 procedure, in a closed session reviewed the complaints. The drafting of the 11th session report, the annual report (third round),



the selection of officials and also the completion of resolutions were other subjects that were dealt with in the third week.

As always the ODVV presented its views and presented statements on the human rights situation in Canada, Germany, and Jordan, and participated in the sidelines meeting on women's situation, and reflected on its activities on women

Volunteer Human Resources Management in NGOs Education Workshop



This workshop was held in line with the Cluster Project on the Promotion and Protection of Human Rights and Greater Access to Justice, with the attendance of a number of representatives of NGOs in Fars Province, in July, in the city of Shiraz. The workshop was held by the ODVV with the cooperation of the Fars Province Youth Organization, the Javedan Culture House with the aim of increasing the abilities of NGOs in the management and organization of volunteer forces. It was held over two days in the Bagh Javan of Shiraz. The topics of the two-day workshop included: the management of the human resources in NGOs; the duties of each member of these organizations; the principles of volunteer activities; creation of a positive atmosphere for volunteer activities; the elimination of unsuitable volunteer forces; methods to increase incentives for volunteer activities; and the corrective selection of volunteer forces. Altogether 29 members of NGOs that work in the fields of women, children, youths, the environment and culture took part in the workshops.

Strategic Planning Education Workshop in Mazandaran Province



This workshop was held by the ODVV with the cooperation of the Mazandaran Province Youth Organization. The aim of this three-day workshop was to increase the abilities of NGOs and was held in the Province's Interior Ministry Complex in Sari in November, with the participation of 25 youth organizations from various towns of the province. The concepts of strategic management and planning, organizational mission statement, SWOT and PEST analysis, and beneficiaries were reviewed in this workshop.

Through practical work groups the participants managed to write their own mission statements and parts of the strategic planning of NGOs.

Islamic Countries Prosecutors' Conference

This conference was held in May 2009 in the Islamic Leaders Conference Hall in Tehran. On the sidelines of the conference the ODVV held a audio-visual exhibit entitled “bombs on flowers” which included images, posters, 3-D models, with the theme of Israel’s war crimes committed in the 22-day Gaza conflict.

The subjects of the exhibit included: the violation of international laws and regulations; the use of phosphorous and banned weapons, destruction of buildings (hospitals, schools, homes and religious buildings); comparison between the First World War and the 22-day conflict, large number of civilian casualties, the international community’s protest against the war. Also there was a display of artists cartoon drawings of the war crimes committed by Israel.



Nongovernmental, civil society and citizen’s rights organizations conference

This conference was held by the Isfahan Justice Department’s Bar Association with the cooperation of the Islamic Human Rights Commission and the ODVV over two days in September 2009 in Isfahan. Citizen’s rights concept, citizen’s rights from the religious perspective, the status of citizen’s rights in the Iranian legal system, law practice and citizen’s rights, judging and citizen’s rights, and the role of the legislative power in the promotion of citizen’s rights were the focal points of this conference. Some of the other subjects of discussion of the conference included: obstacles in the way of citizen’s rights in Iran; globalisation and citizen’s rights; international law’s perspective on citizen’s rights; citizen’s rights education and their role in reducing violence; guarantee mechanisms in the application of citizen’s rights and NGOs; the civil society and citizen’s rights.

The afternoon of the second day of the conference was allocated to the ODVV, where speeches were given in the role of NGOs in the promotion of citizen’s rights and ODVV’s activities. The conference was welcomed by jurists, lawyers, law interns and governmental and nongovernmental organizations representatives.

Human Rights Development



1 – International developments

a) International organizations:

Start of the 5th UPR

The working group of the Human Rights Council's 5th UPR began its work on 4 May. In this session which lasted till the 15th, the UPRs on 16 countries that included: the Central African Republic; Chad; Comoros; Congo; Vanuatu; Vietnam; Yemen; Afghanistan; Uruguay; Belize; Chile; Malta; Monaco; New Zealand; Slovakia and Macedonia. The final adoption of these reports took place in the 12th Session of the Human Rights Council in September-October 2009.

Durban Review Conference on Racism - Geneva

This conference was held on 20-22 April in Geneva. The conference reviewed global advancements in the fight against racism, racial discrimination, and xenophobia eight years following the Durban Conference.

On April 6 in a strongly worded statement against racism

Human Rights Watch, called for the participating nations in the upcoming conference to show their will to fight against this problem. In spite of this, the United States, Holland, Germany, Italy, Australia and Israel decided to boycott the conference.

In his speech the UN Secretary-General criticised these countries for boycotting the conference and expressed his regret. Mr. Moon said: discrimination does not disappear by itself and to eliminate it, it must be challenged.

The Iranian president, who was the only head of state who had accepted the invitation to attend the opening, gave a controversial speech which was interrupted by protesters and hecklers, and a large number of delegates walked out in protest of his speech.

The participating countries issued the final statement earlier than expected. Mr. Moon welcomed this and said that by doing this the international community gave a new hope to millions of people that are victims of discrimination.



HRC membership elections

Votes were cast to elect 18 new members to the Human Rights Council on the 12 May meeting of the UN General Assembly. Twenty candidate countries campaigned for the 18 available seats and ultimately Bangladesh, Belgium, Cameroon, China, Cuba, Djibouti, Hungary, Jordan, Kyrgyzstan, the Mauritius, Mexico, Nigeria, Norway, Russia, Saudi Arabia, Senegal, the United States, and Uruguay successfully won seats in the Council.

ECOSOC Substantive Session (July 2009)

The session began with the speeches of Ban Ki Moon and the president of ECOSOC Sylvia Lucas. In his speech Mr. Moon referred to the energy, food and economic crises over the past year. He said this was a difficult period for ECOSOC. She also said that changes in the environment were the root of all grave concerns and a threat to accomplishing the MDG. ECOSOC president Ms. Lucas in her speech presented the Council's measures in responding global crises, and the reciprocal dependencies of health and hygiene towards each other, and other human developments aspects.

The current global and national procedures and their effects on social development particularly health and hygiene were reviewed in this Session. Eight resolutions and two decisions were made by ECOSOC in this session, such as support for African countries, implementation of working agenda on aid to lesser developed countries (2001-2010), the social and economic conditions of Palestinians in occupied territories, the report of the development policy committee from the 11th Session was presented and adopted.

UNHCR report on the occasion of the international day for refugees

On the occasion of the International Day of Refugees, UNHCR published a report on the refugees situation around the world. The report describes the bad living conditions of 42 million refugees and displaced people which according to UN statistics, two-thirds of these are those who are internally displaced and are living in refugees camps in their own countries. But approximately 10 million of them live in other countries in search of a new life. These figures are for 2008 and the number of new displaced peoples in Pakistan, Somalia and Sri Lanka are not included.

According to the High Commissioner eighty percent of

the refugees are in developing countries, most of which are forced to live in other regions without a hope of return. Currently 45% of refugees that receive assistance from the UN are from Afghanistan and Iraq. According to this report Pakistan with 1.8, Syria with 1.1 and Iran with 1 million refugees are the most important host countries for Afghan and Iraqi refugees.

Sixty-fourth Session of the UN General Assembly

The United Nations General Assembly opened on 15 September its 64th session at the UN Headquarters in New York, with veteran Libyan diplomat Ali Abdussalam Treki at the helm.

"The United Nations must be reformed and must gain international legitimacy, ensuring that its voice is heard and respected and its resolutions applied," Treki told delegates at the opening session.

"It is vital to reform the Security Council and to re-reform the General Assembly so that they can comprehensively fulfill their roles," he said.

The GA president's speech also touched upon other key issues relating to the 192-member body's work, including counter-terrorism, the Middle East peace process, development, climate change and non-proliferation.

"We have all condemned terrorism, which causes instability and endangers the international community," Treki said. "Yet despite our joint efforts and resolutions, terrorism continues to grow and spread."

"We must address its roots and take a close look at its causes and contributing factors. This is true of terrorism carried out by individuals, groups and states; state terrorism is the harshest form of terrorism," he stated.

On the Middle East peace process, Treki said that the Palestinian people's "aspiration towards independence and its rights to return to its land in accordance with United Nations resolutions are two fundamental conditions for the swift realization of peace and security" in the region.

Established in 1945 under the Charter of the United Nations, the General Assembly occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations.

Comprising all 192 members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the UN Charter.

It also plays a significant role in the process of standard-setting and the codification of international law. The

assembly meets in regular session intensively from September to December each year, and thereafter as required.

**b) Human rights conditions of countries:
Amnesty International publishes its Annual Report**

In May Amnesty International published its annual report titled "State of the World's Human Rights." With the report's release, "Amnesty International called for a New Global Deal on human rights, because of a human rights investment gap by world leaders."

Emphasizing the connection between economic crisis and increased repression of basic freedoms in many countries around the world, Amnesty's Secretary General Irene Khan wrote about the need for a new kind of global leadership of both economic and political systems which work for the benefit of all and not a select few. The many faces of inequality and forms of insecurity cataloged in the report, she said, show the urgent need for governments to purposefully invest in human rights as their citizens "demand dignity for the prisoners of poverty."

This 424 page report is a collective of the latest human rights situations from 157 countries.

Amnesty International criticises the EU over its migration policies

On the eve of the International Day of Refugees, the Amnesty International's Europe and Central Asia director criticised EU policies with regards to protection

of migrants and refugees and said, "Governments must stop endangering people's lives, and fulfil their international commitments towards the protection of vulnerable people".

He reassured that some actions of European countries such as Italy sending back Libyan refugees, or the Greek government's treatment of Turkish refugees, Spain's bilateral agreements with some African countries for justification of arbitrary detentions and repatriation of refugees, and Turkey's policies regarding non-acceptance of non-European asylum-seekers, were all clear examples of European governments' violation of international standards.

US government's refusal to prosecute CIA interrogators

On 17 April, US president Barack Obama announced that CIA operatives involved in the interrogation of terror suspects would not be prosecuted. This decision was made while human rights groups and several members of Obama's administration had condemned these methods as torture.

In spite of this Obama declared: "since CIA operatives where conducting their activities according to the regulations at the time, they cannot be prosecuted. We have put behind us a dark and painful period in history, but when we are faced with big challenges, spending all our time and energy in dwelling on the past does not solve anything."

In the memos issued by the US Department of Justice



during the Bush administration that was released on 16 April, it states: “forced naked, hitting in the face and stomach, interfering in the feeding of the inmates, smacking against walls, chaining individuals in painful positions, and the use of insects are certainly not deemed torturous acts.”

HRW calls on America to stop life sentences for juveniles

In a letter to the US Congress Judicial Committee’s members, on 7 May, Human Rights Watch called for a law to be ratified in the United States that bans the sentencing of juveniles to life imprisonment without being pardoned. According to this organization each year more than 2500 juveniles who committed crimes under the age of 18 are sentenced to life imprisonment without parole.

Investigation of accusations of Britain working with Pakistani intelligence in torturing terror suspects

Britain was put under pressure by accusation of its involvement in working with Pakistani intelligence in torturing terror suspects. On 9 August, the Parliament’s Foreign Affairs Committee accused Pakistani’s intelligence agency of mistreating and torturing prisoners and expressed deep concern over Britain’s connections to this. While calling upon the Government to clearly guarantee that Britain shall not remain indifferent to human rights violations under any circumstances nor will it take part in any violation.

HRW criticises Italy’s policies towards asylum-seekers

Regarding Italian government’s policies towards asylum-seekers, Human Rights Watch, who are found on waters and are sent back to Libya, says, this action of the Italian government is in violation of international law.

UN warns on the destruction of Palestinian homes

In a report published on 21 September, the UN expressed its concern over Israeli government’s decision to destroy 1500 homes in East Jerusalem. According to this report in spite of previous plans to build at least 1100 new homes for the Arab population of East Jerusalem, but these plans have not been put into practice and the Palestinians are in shortage of homes. This is while due to the restrictions of the municipality, the obtaining of construction permits for East Jerusalem are not in fact impossible. The UN called upon the Israeli government to immediately stop the destruction of Palestinian homes

and improve the conditions for this region.

G8’s statement on stopping settlements building in occupied territories

The foreign ministers of the big eight economic countries known as G8, in their final statement on June 26 in Italy called upon Israel to halt its settlements construction in Palestinian territories. On the sidelines of the conference the Middle East problem group 4 (US, UN, EU and Russia) called on Israel to stop settlements constructions.

This is while in his meeting in May with Barack Obama, Israeli Prime Minister Benjamin Netanyahu stressed on Israel’s right to continue the construction of settlements. He believed that the expansion of settlements in view of the population increase in Israel was a natural growth.

Publication of UN fact-finding group’s report on the Gaza Conflict

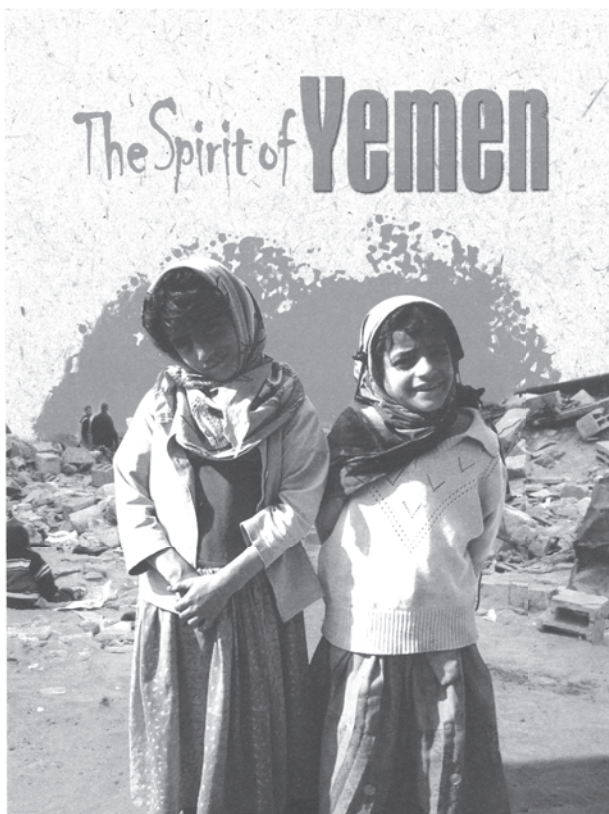
The mission of this fact-finding group was to investigate the recent Gaza conflict, and following Israeli government’s refusal to cooperate by letting the experts into Israel or West Bank, the group had meetings on 16-17 July with witnesses, plaintiffs, human rights defenders and experts in Geneva.

In its final report that was published on 15 September, at the Human Rights Council, the group reported that there was evidence that both Israeli forces and Palestinian Hamas forces had committed war crimes in the Gaza Strip. The report states that Israel must answer for its actions during the conflict.

2 – National Developments

Islamic Countries Prosecutors’ Conference

This two-day conference began on 21 April with the opening speech of the former head of the Judiciary, Ayatollah Shahroudi. This conference was held with the participation of over 200 judiciary head, justice ministers, prosecutor generals, and jurists from Islamic countries in Tehran. The criminal investigation of Israel was also in the working agenda of the conference. Ayatollah Shahroudi in his speech urged the participants to propose the setting up of an international tribunal against Israel at the UN General Assembly.



Statement

Dear Secretary-General Mr. Ban Ki-Moon,

We are a group of Iranian school children that have decided to write you a letter to let you know about the thing that is torturing our minds and souls.

Dear Mr. Moon, we see you face on the news every night and as children we sense and can tell that you are a kind and caring person who loves children, and your kind and gentle face shows us that you seek peace and tranquillity. Having said this, are you aware of the crises that children just like us are going through in Yemen right now? Mr. Secretary-General if you are aware of this then why aren't you stopping this?

Our parents have always taught us that the world is moving towards peace, and that is why we should love all the people of the world. What do you think those people who drop bombs on the children of the same age as us for the crime of believing in God, and the Shi'ite branch of Islam, learned from their own parents?

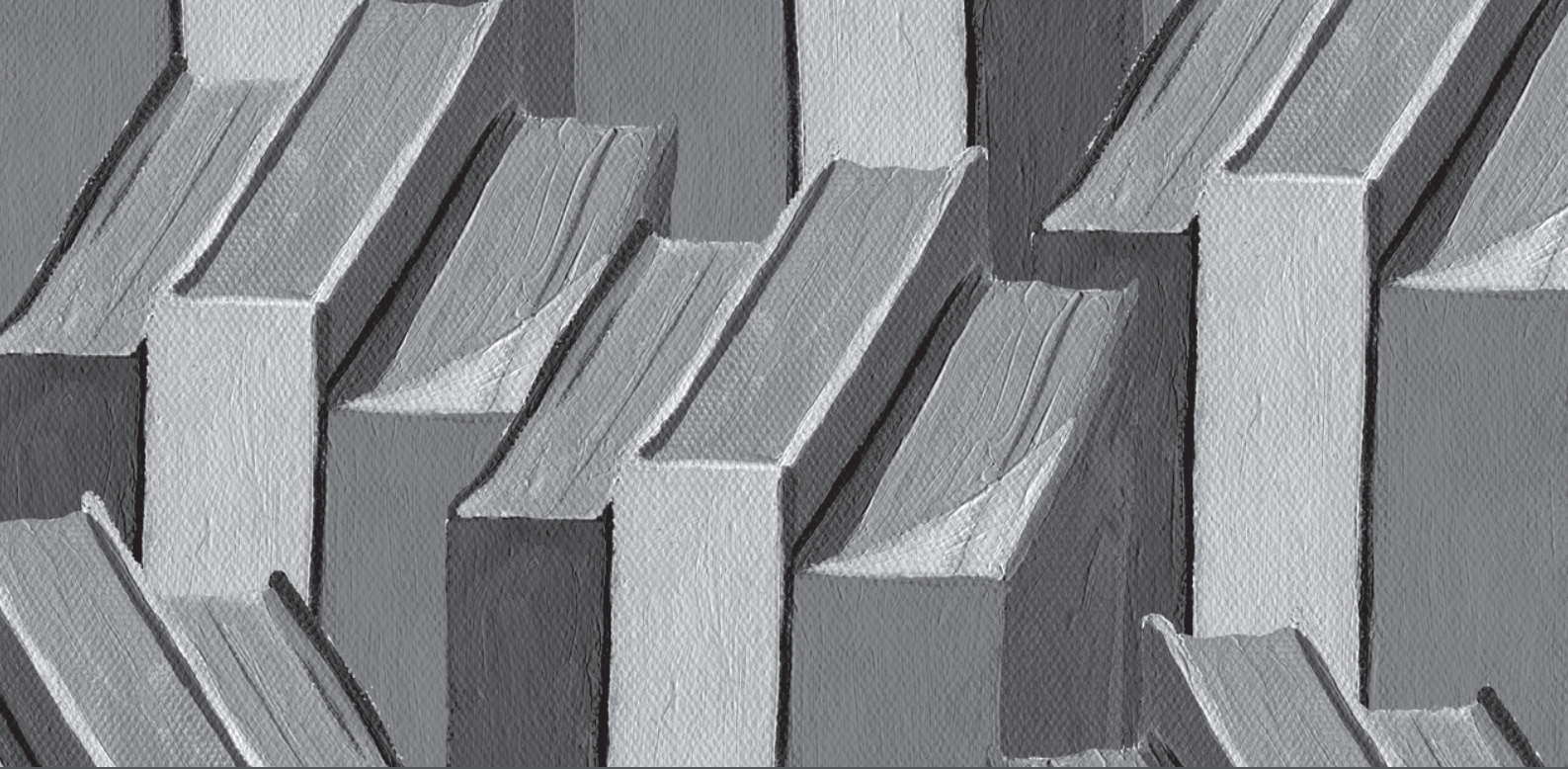
Dear Mr. Moon, we ask you to not allow Islamic countries to be engulfed in the flames of war. Each day and every day our hearts continue to ache for our friends in Palestine, Iraq and Afghanistan. We know that like us they wish to go to school and to grow up and to be useful to the world. We also know how hard it is on them when they lose their parents.

Dear Mr. Moon, we Iranian children and students, have friends that have lost family members in the eight year war that Iraq imposed against Iran. So we are fully aware of and know the meaning of war and bloodshed.

Mr. Secretary-General, the worshipping of God is soothing for everyone, therefore allow our friends in Islamic countries to freely reach tranquillity, and do your utmost to put an end to this brutal war.

We wish you all the success, and hope for the day when the children of the world, will live happily with their parents and not to have worries and concerns about all other children.

We, Iranian children and students, ask the Organization for Defending Victims of Violence (ODVV), a human rights nongovernmental organization to forward our letter to His Excellency Mr. Ban Ki-Moon the UN Secretary-General, and also a copy to Ms. Navi Pella the UN High Commissioner for Human Rights, and Mr. Jakob Kellenberger, the president of the International Committee of the Red Cross.

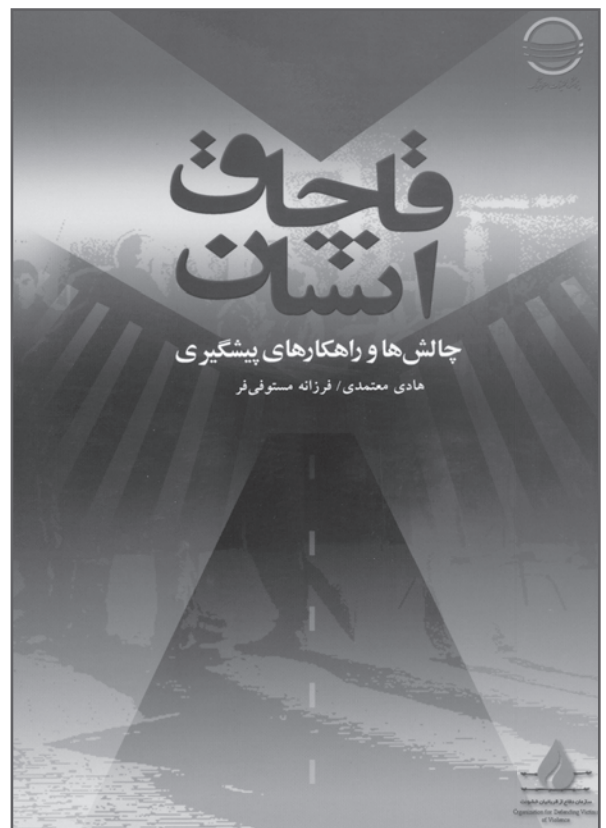


Publications

Human Trafficking: Challenges and Prevention Solutions

This book which was a joint prevention of trafficking in women and children project with the International Organization for Migration (IOM) is in 5 chapters on the following subjects: human trafficking in Iran and the world; definitions and concepts of human trafficking; human trafficking from past till present; consequences of trafficking; the statistical aspects of human trafficking; causes, challenges, solutions; opportunities.

For the first time in Iran in 2005-06 based on drawn up plans an index of existing resources (such as, books, thesis, articles, and research project), data was gathered on the aforementioned subjects. Another part of this project was the collection of international documents on the mentioned subjects that have been ratified by international conventions and treaties of the UN. The accumulated data from resources and human trafficking technical sittings are the basis of the economic, social, legal, psychological and media views of this book.



Human Rights in the Administration of Justice: a Manual on human rights for Judges, Prosecutors and lawyers (Professional training series No.9)

Within the framework of the Promotion of Human Rights and Greater Access to Justice Cluster Project, and following correspondence with the UN, and the UN's cooperation, coordination and encouragement, the ODVV undertook the task of translating the abovementioned manual which is a United Nations publication, into Farsi. The book is in two volumes, and includes 12 chapters and 1100 pages.

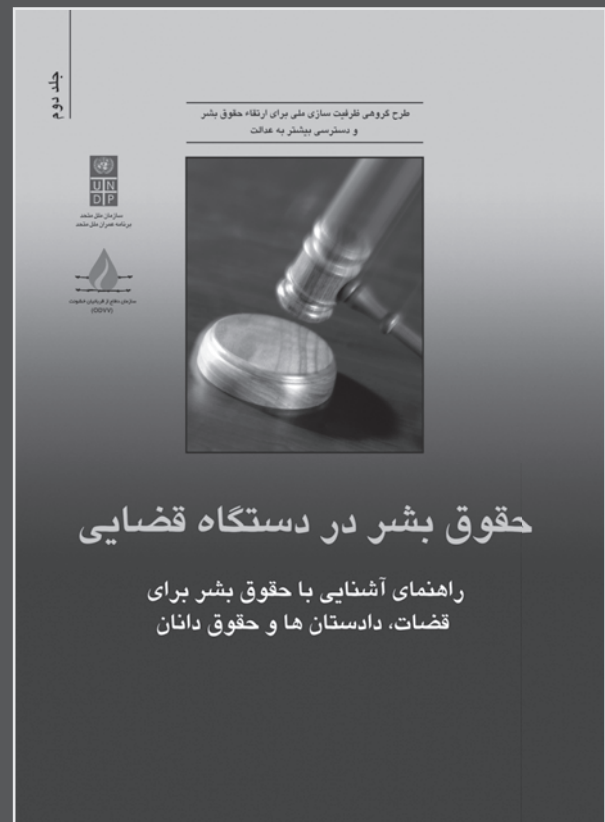
The Manual seeks to assist practitioners in ensuring they are familiar with human rights jurisprudence and statements, and their practical application.

The Manual will enable judges and lawyers to acquaint themselves with, and deepen their knowledge of, international and regional human rights law and its practical use. The comprehensive Manual and accompanying Facilitator's Guide constitute a detailed legal source of use to lawyers, judges and prosecutors in their everyday work and a structured training programme which can easily be used in all jurisdictions.

The manual is the result of the work and cooperation between the UN and the International Bar Association, which as 180 members.

Human Rights Encyclopaedia

This encyclopaedia has been published in five volumes on the following subjects: Labour Law; Women's Rights; Freedom of Expression; Children's Rights; Torture. The work to gather the data for this encyclopaedia was placed in the working agenda of the ODVV. As planned, during 2006-07 a directory of existing scientific resources (in Farsi, that included books, articles, research projects, thesis) were prepared by the ODVV team of researchers. Another part of this project was the collecting of international documents and instruments, and Iranian related laws of over the past 27 post-revolution years. In this stage the international documents related to the five subjects were extracted and placed in a table which detailed the date of Iran joining these instruments.



Publications

Human Rights in the world, procedures, cases & reactions

Human rights are a concept that its positive and negative capacities is more for the national security of a country than can be imagined. With the passage of time and alongside the development of other concepts such as globalisation and development of communications and media, these capacities have also expanded and have resulted for the subject of human rights inadvertently become a part of the daily lives of ordinary people. The importance or unimportance of human rights for governments is two-fold.

In the Islamic Republic of Iran, in view of the experiences of the last 30 years, with mainly conflicts in international views and their monitoring methods with domestic approaches towards human rights, although this subject is deemed as one of the important issues of the country, but overall often times it is looked at in negative threatening way, and attempts have been made to avoid its consequences. The logical conclusion of this approach, is turning a blind eye towards the extent of the growing subject of human rights in the international levels and also indifference and lack of attention to positive capacities and possible functions for the promotion of national security and domestic integrity and ultimately giving the Islamic Republic of Iran a positive image at the international level.

This book, while taking a glance that is based on better understanding of this phenomenon; it searches conflicts and identifies positive and potential points for the promotion and benefiting of human rights. The book is in six parts.

It must be said that the research conducted for the book is dated back to 2006, and all examples of human rights violations are up to that year, and it was not possible to add new developments to the book following that year.

