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Iran - recent cases of human rights violations

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The European Parliament ,

- having regard to its previous resolutions on Iran, notably those concerning human rights, and in particular those of 7 September 2010 and 20 January 2011,
- having regard to UN Human Rights Council Resolution 16/9 establishing a mandate for a Special Rapporteur on the situation of human rights in Iran,
- having regard to the 123 recommendations made following the universal periodic review of the Human Rights Council of February 2010,
- having regard to the appointment by the President of the UN Human Rights Council on 17 June 2011 of Ahmed Shaheed as UN Special Rapporteur on the situation of human rights in Iran and to the interim report of 23 September 2011 submitted by the Special Rapporteur to the 66th session of the UN General Assembly on the situation of human rights in Iran,
- having regard to the report of 15 September 2011 submitted by the UN Secretary-General to the 66th session of the UN General Assembly on the situation of human rights in the Islamic Republic of Iran,
- having regard to the report by the Iran Human Rights Documentation Center of 10 June 2011 on the use of rape as a method of torture by Iranian prison authorities,
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy of 15 and 26 September 2011 on the detention of human rights lawyer Nasrin Sotoudeh and the arrest of six independent film-makers and of 18 October 2011 on the sentences imposed on filmmaker Jafar Panahi and actress Marziah Vafamehr,
- having regard to the stepping-up of the EU's restrictive measures on 10 October 2011 in response to serious human rights violations in Iran,
- having regard to UN General Assembly Resolutions 62/149 of 18 December 2007 and 63/168 of 18 December 2008 on a moratorium on the use of the death penalty,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on

the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, to all of which Iran is a party,

– having regard to the Constitution of the Islamic Republic of Iran, and in particular Articles 23 to 27 and 32 to 35 thereof, which provide for freedom of expression, assembly and association and the right to practise one's religion and basic rights for persons indicted and detained,

– having regard to Rule 122(5) of its Rules of Procedure,

A. whereas the current human rights situation in Iran is characterised by an ongoing pattern of systematic violations of fundamental rights; whereas human rights defenders (in particular women's, children's and minority rights activists), journalists, bloggers, artists, student leaders, lawyers, trade unionists and environmentalists continue to live under severe pressure and the constant threat of arrest;

B. whereas the most urgent issues concern accumulated deficits in relation to the administration of justice, practices that amount to torture or the cruel or degrading treatment of detainees, including rape, the unequal treatment of women, the persecution of religious and ethnic minorities and a lack of civil and political rights, in particular the harassment and intimidation of human rights defenders, lawyers and civil-society actors;

C. whereas the rate of executions in Iran during the first half of 2011 make it the world's leading per capita user of the death penalty, in contrast to the worldwide trend towards the abolition of the death penalty;

D. whereas, in spite of being a signatory to the ICCPR and officially prohibiting the execution of persons under the age of 18, according to various reports Iran executes more juvenile offenders than any other country;

E. whereas the Iranian authorities have to date failed to meet their UN obligations and refused to cooperate with the Special Rapporteur; whereas the interim report describes a 'pattern of systemic violations' and an 'intensified' campaign of abuses, expresses alarm at the growing use of the death penalty for minor crimes, and without due process, and indicates that so far in 2011 there have been at least 200 official executions and 146 secret executions in the eastern Iranian city of Mashad; whereas in 2010 more than 300 people were executed in secret in Iran;

F. whereas the relatives of Iranians in prison or on trial are also being arrested, questioned and harassed, outside Iran and in the EU; whereas thousands of Iranians have fled the country and found refuge in neighbouring countries;

G. whereas the opposition leaders Mir Hossein Mousavi and Mehdi Karroubi have been held illegally under house arrest and arbitrarily confined since 14 February 2011; whereas these leaders, along with their politically active spouses, have for periods of time been forcibly disappeared to unknown locations and cut off from all contact with friends and family, periods during which they have been at severe risk of torture;

H. whereas in February and March 2011 hundreds were arrested and at least three people died when thousands of demonstrators took to the streets in support of the pro-democracy movements in neighbouring Arab countries and to protest against the detention of opposition leaders Mir Hossein Mousavi and Mehdi Karroubi;

I. whereas in April 2011 security forces killed several dozen protesters, mostly ethnic Arabs, and arrested dozens more in the south-western province of Khuzestan, and whereas dozens of people were arrested and injured in environmental protests in Western Azerbaijan Province against the drying-up of Lake Urmia;

J. whereas the pressure on religious minorities, most notably the Bahai⁴, converts and dissident Shia scholars, continues to increase; whereas the Bahai⁵, despite being the biggest non-Muslim religious minority, suffer heavy discrimination, including denial of access to education, and whereas legal proceedings against their seven imprisoned leaders are ongoing and over 100 community members remain under arrest; whereas there are reports that in the first half of 2011 at least 207 Christians were arrested; whereas Sunni Muslims continue to face discrimination in law and in practice, and are prevented from fully exercising their right to practise their religion; whereas a state-supported defamation campaign against (Shia) Nematullahi Sufis, depicting all forms of mysticism as satanic and persecuting Sufi worshippers, is continuing, the most glaring example being the armed attack in Kavar in September 2011, which killed one person and left others seriously injured;

K. whereas individuals who have converted from Islam have been arrested, and whereas Article 225 of the draft Penal Code seeks to make the death penalty mandatory for convicted male apostates; whereas the protestant pastor Yousef Nadarkhani is still under threat of execution for apostasy;

L. whereas the Iranian Revolutionary Guard, the secret services and the Basij militia are playing an active role in the severe and brutal repression in Iran;

M. whereas members of the lesbian, gay, bisexual and transgender community face harassment, persecution, cruel punishment and even the death penalty; whereas these persons face discrimination on the grounds of their sexual orientation, including as regards access to employment, housing, education and health care, and social exclusion;

N. whereas the prison sentences imposed on the prominent student activists Bahareh Hedayat, Mahdieh Golroo and Majid Tavakoli were each increased by six months after they were charged with 'propaganda against the regime'; whereas on 15 September 2011 political activist and doctoral student Somayeh Tohidlou received 50 lashes after completing a one-year prison sentence at Evin Prison; whereas Ms Tohidlou had already completed a 70-day prison sentence; whereas both prison sentences and the 50 lashes were punishments imposed for blogging and other internet activities; whereas on 9 October 2011 student activist Payman Aref received 74 lashes before his release from prison, on a charge of insulting the Iranian President;

O. whereas a six-year prison sentence, confirmed on appeal, has been imposed on the prominent Iranian filmmaker Jafar Panahi; whereas the sentence of one year's imprisonment and 90 lashes was given to prominent actress Marzieh Vafamehr, following her involvement in a film depicting the difficult conditions in which artists operate in Iran;. whereas on 17 September 2011 the Iranian authorities detained six independent documentary filmmakers, Mohsen Shahrnazar, Hadi Afarideh, Katayoun Shahabi, Naser Safarian, Shahn Timer Bazdar and Mojtaba Mir Tahmaseb, accusing them of working for the BBC's Persian Service and engaging in espionage on behalf of that news service;

P. whereas since 2009 dozens of lawyers have been arrested for exercising their profession, including Nasrin Soutoudeh, Mohammad Seifzadeh, Houtan Kian and Abdolfattah Soltani; whereas Nobel Peace Prize laureate Shirin Ebadi has effectively been forced into exile after the authorities shut down her Center for Defenders of Human Rights, and whereas lawyers taking on the defence of political detainees and prisoners of conscience face increasingly high personal risks;

Q. whereas the Iranian authorities have announced that they are working on an internet, parallel to and eventually designed to replace the open worldwide internet, that conforms to Islamic principles, describing it as a 'halal' network; whereas the 'halal internet' would effectively give the Iranian authorities 100% control over all internet traffic and content, seriously violating freedom of expression and restricting access to information and communication networks;

R. whereas it has been widely reported that EU(-based) companies have been providing the Iranian authorities with technical assistance and custom-made technologies, which have been used to track and trace (online) human rights defenders and activists and are instrumental in human rights violations;

1. Expresses grave concern over the steadily deteriorating human rights situation in Iran, the growing number of political prisoners, the continuously high number of executions, including of juveniles, the widespread torture, unfair trials and exorbitant sums demanded for bail, and the heavy restrictions on freedom of information, expression, assembly, belief, education and movement;

2. Pays tribute to the courage of all Iranians who are fighting in defence of fundamental freedoms, human rights and democratic principles and who wish to live in a society free from repression and intimidation;

3. Strongly condemns the use of the death penalty in Iran and calls on the Iranian authorities, in accordance with UN General Assembly Resolutions 62/149 and 63/138, to institute a moratorium on executions, pending the abolition of the death penalty;

4. Calls for the Iranian Criminal Code to be amended so as to prohibit the imposition of corporal punishment by judicial and administrative authorities; recalls that the use of corporal punishment – which amounts to torture – is incompatible with Article 7 of the ICCPR; strongly condemns the flogging of the student activists Somlyay Toile and Payman Aref;

5. Stands ready to support additional sanctions for individuals responsible for human rights abuses; calls on the EU Member States which are permanent members of the UN Security Council to raise the issue of opening an investigation into whether the crimes committed by the Iranian authorities amount to crimes against humanity;

6. Calls on the Iranian authorities to release all political prisoners, including the political leaders Mir-Hussein Mousavi and Mehdi Karubi, the human rights lawyers Nasrin Soutoudeh and Abdolfattah Soltani, the student activists Bahareh Hedayat, Abdollah Momeni, Mahdieh Golroo and Majid Tavakoli, the journalist Abdolreza Tajik, Pastor Yousef Nadarkhani, the filmmakers Jafar Panahi and Mohammad Rasouli and all the other individuals listed in the report of the UN Special Rapporteur on the situation of human rights in Iran, Ahmed Shaheed;

7. Deeply deplores the lack of fairness and transparency of the judicial process and of appropriate professional training for those involved therein, and calls on the Iranian authorities to guarantee a fair and open procedure;
8. Urges the Iranian Government immediately to allow the UN-appointed Special Rapporteur Ahmed Shaheed to enter Iran to address the country's ongoing human rights crisis; notes that the government's complete lack of cooperation with the Special Rapporteur's mandate and its continued refusal to allow him access to the country are an indication that it has no intention of taking meaningful steps to improve the human rights situation;
9. Calls on the Iranian authorities to demonstrate that they are fully committed to cooperating with the international community in improving the human rights situation in Iran, and calls on the Iranian Government to fulfil all its obligations, both under international law and under the international conventions it has signed; emphasises the importance of free and fair elections;
10. Calls on the Iranian authorities immediately to release members of Iran's artistic community who are being held and to put an end to the persecution – by means of detention or other forms of harassment – of that community; notes that such treatment is incompatible with the international human rights principles which Iran has freely signed up to; points out that the right to freedom of expression through art and writing is enshrined in Article 19 of the ICCPR, which Iran has signed;
11. Calls on Iran to take steps to ensure that full respect is shown for the right to freedom of religion or belief, including by ensuring that legislation and practices fully conform to Article 18 of the ICCPR, and points out that this also requires the right of everyone to change his or her religion, if he or she so chooses, to be unconditionally and fully guaranteed;
12. Calls on Iran to take immediate steps to ensure that members of the Baha'i community are protected against discrimination in every field, that violations of their rights are immediately investigated, that those found responsible are prosecuted and that the members of that community are provided with effective remedies;
13. Condemns Iran for illegally jamming BBC Persian Service and Deutsche Welle TV signals from the Hotbird and the Eutelsat W3A satellites, and calls on Eutelsat to stop providing services to Iranian state TV stations as long as Iran continues to use Eutelsat services to block independent TV programmes;
14. Expresses its concern at the use of (European) censorship, filtering and surveillance technologies to control and censor information and communication flows and to track down citizens, notably human rights defenders, as in the recent case of Creativity Software; calls on European companies to live up to their corporate social responsibilities by not providing goods, technologies and services to Iran which could endanger the civil and political rights of Iranian citizens;
15. Stresses that free access to information and means of communication and uncensored access to the internet (internet freedom) are universal rights and are indispensable for democracy and freedom of expression, ensuring transparency and accountability, as stated by the UN Human Rights Council on 6 May 2011;

16. Calls on the Iranian authorities to repeal or amend all legislation that provides for, or could result in, discrimination against and prosecution and punishment of people on account of their sexual orientation or gender identity, and to ensure that anyone held solely on account of consensual sexual activities or sexual orientation is released immediately and unconditionally;

17. Calls on the Member States to provide safe haven for Iranian citizens who have fled their country, such as through the Shelter City initiative;

18. Calls on the Iranian authorities to accept peaceful protest and to address the numerous problems facing the Iranian people; expresses particular concern at the pending ecological catastrophe in the Lake Urmia region and calls for decisive government action to try to stabilise the regional ecology, on which millions of Iranians depend;

19. Calls on EU representatives and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to encourage the Iranian authorities to re-engage in human rights dialogue;

20. Urges the European External Action Service (EEAS) to focus on EU citizens in Iranian prisons and to do everything possible to ensure their well-being and release;

21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Office of the Supreme Leader, the President of the Iranian Supreme Court and the Government and Parliament of Iran.