

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



WORKSHOP

Human rights in Iran after the nuclear deal: Business as usual or time for change?

DROI



WORKSHOP

Human rights in Iran after the nuclear deal: Business as usual or time for change?

ABSTRACT

This report summarises the proceedings of a workshop organised jointly by the European Parliament's Subcommittee on Human Rights (DROI) and the Delegation for relations with Iran (D-IR). The purpose of the workshop was to analyse the most recent developments regarding human rights in Iran since the Joint Comprehensive Plan of Action (JCPOA) was signed in July 2015 and to explore the options available to the EU in seeking to help improve the situation. Experts and human rights defenders pointed to the gaps between law and practice in Iran and raised continuing concerns about the death penalty, political prisoners, prison conditions, arrests of dual nationals, minority rights and restrictions to internet access. They identified Iran's dual power structure of elected and non-elected institutions and corruption as some of the chief constraints to any reform efforts. They said the EU should keep human rights — including support for the relevant UN mechanisms and efforts — high on its agenda. They said the key factors for engaging successfully with Iran on human rights in future were clear criteria and benchmarks, detailed knowledge of the human rights issues at stake and interaction with Iranian civil society both inside and outside Iran.

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WORKSHOP

POLICY DEPARTMENT, DG EXPO
FOR THE SUBCOMMITTEE ON HUMAN RIGHTS (DROI)
AND THE DELEGATION FOR RELATIONS
WITH IRAN (D-IR)



European Parliament

Tuesday 24.01.2017 – **14:00-15:30**
ALTIERO SPINELLI BUILDING – ROOM **A5E-2**

CONTACT AND REGISTRATION: poldep-expo@europarl.europa.eu

HUMAN RIGHTS IN IRAN AFTER THE NUCLEAR DEAL

BUSINESS AS USUAL OR TIME FOR CHANGE ?



Elena Valenciano, MEP

Chair of the Subcommittee
on Human Rights (DROI)

Janusz Lewandowski, MEP

Chair of the Delegation
for relations with Iran (D-IR)

Programme of the workshop

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



European Parliament

For the Subcommittee on Human Rights (DROI) and the Delegation for relations with Iran (D-IR)

WORKSHOP: Human rights in Iran after the nuclear deal - business as usual or time for change?

Tuesday, 24 January 2017, 14.00-15.30
Brussels, Altiero Spinelli building - ASP 5E2
Interpretation: EN/FR/ES/IT

PROGRAMME

14.00-14.10 Welcome and introductory remarks by

- Elena Valenciano, MEP
- Janusz Lewandowski, MEP, Chair of the Delegation for relations with Iran (D-IR)

14.10-14.30 Expert presentations

- Firouzeh Nahavandi, Professor, Department of Social and Labour Sciences, Université Libre de Bruxelles, Director of the *Centre d'études de la coopération internationale et du développement* (CECID)
- Nazila Ghanea, Associate Professor in International Human Rights Law, University of Oxford, Associate Director of the Oxford Human Rights Hub

14.30-14.50 Inputs from human rights defenders

- Roya Boroumand, Executive Director, Abdorrahman Boroumand Foundation (via visio-conference)
- Karim Lahidji, President of the Iranian League for the Defence of Human Rights (LDDHI) and honorary President of the International Federation for Human Rights (FIDH)

14.50-15.00 Response from the EEAS

- Maja Urbańska, Task Force Iran

15.00-15.25 Debate

15.25-15.30 Concluding remarks by the Chairs

1. Workshop report

This report summarises the proceedings of a workshop jointly organised by the European Parliament's Subcommittee on Human Rights (DROI) and the Delegation for relations with Iran (D-IR). The workshop, which took place on 24 January 2017, was co-chaired by Members of the European Parliament (MEPs) Elena Valenciano (S&D, Spain) and Janusz Lewandowski (EPP, Poland, Chair of the Delegation for relations with Iran).

The main aim of the workshop was to debate the most recent developments in the human rights situation in Iran after the Joint Comprehensive Plan of Action (JCPOA, hereinafter 'nuclear deal') signed in July 2015 by the Islamic Republic of Iran (hereinafter Iran) with the European Union (EU), France, Germany, the United Kingdom (UK), Russia, China and the United States (USA). The workshop also addressed the means available to the EU in order to bring about a positive change in the country in terms of human rights.

1.1 Introductory remarks

As MEP Elena Valenciano pointed out in the introductory remarks, the Iranian government has recently shown a certain extent of good will to discuss reforms and to have a dialogue in international human rights bodies. The situation on the ground, however, remains critical. The September 2016 report from the UN Secretary General points out that infringements of human rights are ongoing and of great concern, particularly the excessive use of the death penalty, corporal punishment, persecution of journalists and of minorities. Similarly, the UN Special Rapporteur on the Human Rights Situation in Iran concluded that political and legislative reform has not produced tangible effects. More specifically, there is a major gap between the legislation that has been put in place and the practices implemented by the state in violation of fundamental human rights.

The Chair of the Delegation for relations with Iran, MEP Janusz Lewandowski, underlined that the nuclear deal and its implementation present a major opportunity for trust building between the EU and Iran. The agreement was a real 'game changer' opening up the possibility for a revitalisation of relations between the EU and Iran. The Delegation for relations with Iran is a part of this process and is engaged in bridge building on a number of non-controversial issues, such as business cooperation, the fight against drug trafficking and environmental concerns. On the other hand, Mr Lewandowski reminded the European Parliament's commitment to the protection of human rights and its concern with regard to issues such as the number of death sentences in Iran, including for juveniles. 2017 will be a crucial year for EU-Iran relations, which will unfold in a less stable, evolving context, marked *inter alia* by uncertainties regarding the US strategy towards Iran under new President Donald Trump.

The workshop featured a panel of academic experts and the participation of human rights defenders, and was followed by a debate where MEPs could provide their inputs into the discussion.

1.2 Experts' presentations

The invited experts who intervened on this panel were Dr Firouzeh Nahavandi, Professor at the Department of Social and Labour Sciences of *Université Libre de Bruxelles* and Director of the *Centre d'Études de la Coopération Internationale et du Développement* (CECID), and Dr Nazila Ghanea, Associate Professor in International Human Rights Law at the University of Oxford and member of the Organisation for Security and Co-operation in Europe (OSCE) Panel on Freedom of Religion and Belief. The two experts analysed the human rights situation in Iran from a socio-political and a legal perspective respectively.

1.2.1 Presentation by Firouzeh Nahavandi, Professor at the Department of Social and Labour Sciences of *Université Libre de Bruxelles* and Director of the *Centre d'Études de la Coopération Internationale et du Développement* (CECID)

The European Parliament (EP) Resolution of 25 October 2016 on the EU strategy towards Iran after the nuclear agreement (2015/2274(INI)) (European Parliament, 2016a) provides comprehensive information on a wide range of subjects with regard to EU-Iran relations. According to Dr Nahavandi, the issues raised by that resolution remain valid, as there has been no significant change in Iran's attitude towards human rights, if not for the worse.

The deterioration of human rights in certain sectors has a direct link with the economic situation in Iran, which has been negatively affected by the tough embargo imposed on the country in the years that preceded the signature of the agreement. Nonetheless, the majority of experts agree that the embargo and sanctions only explain around 20 % of the economic problems which Iran is currently facing. The reasons for them should, therefore, be sought elsewhere, namely in the poor management of the economy, which has been based on authoritarianism and clientelism. Iran's economic system is dominated by the so-called *Aghazadeh* ('nobles'), and corruption is rampant in the country. The country has been ranked 130/168 by Transparency International's Corruption Perceptions Index 2015 (Transparency International, 2016), with a score of 27/100 for perceived public sector corruption – in a scale ranging from 0 (highly corrupt) to 100 (very clean)¹. Similarly, the recent disputes between members of the Iranian establishment – *inter alia* the controversy between the President and the head of the judiciary – testify to the state of corruption in the country.

This partly explains why according to the World Bank economic growth did not exceed 0.5 % between March 2015 and March 2016 (Iranian calendar), and why 15 million Iranians (of a total population estimated at 78 million inhabitants) are living in multidimensional poverty (World Bank, Country Overview – Iran). The World Bank estimates that around 10 % of the Iranian population live under the threshold of USD 5.5 a day and 3 % under the threshold of USD 2 a day (World Bank, Country Overview – Iran). Unemployment officially stands at 11 %, and in certain regions, particularly those inhabited by minorities, can also reach 50 to 70 %. In this context, in March 2016 Iran's Supreme Leader Sayyed Ali Hosseini Khamenei announced the 'Resistance Economy', i.e. an economic model aimed at providing responses to these issues. The model put forward by the Supreme Leader shows that the structures of the Iranian economy are not going to be changed significantly.

The economic situation described above gives rise to behaviours that can be defined as 'deviant' from a sociological point of view, such as children sale, marriage of minors, prostitution or organ sale on the black market. It also results in pressure on women, particularly after the Supreme Leader called for a demographic change with the aim of achieving a population of 150 million. This will have harmful consequences also on the situation of the more deprived people, as well as in terms of access to sexual and reproductive rights. A further outcome of the economic situation is drug consumption, which affects today more than 1 million people, of which 10 % are women. It must also be noted that currently the majority of executions are allegedly linked to drug trafficking.

The political structure of Iran combines elected institutions – such as the President or the Parliament – which have very little power and non-elected institutions – such as the Council of Guardians and, to a certain extent, the Supreme Leader – which have strong powers. This configuration is supported by paramilitary structures and charitable foundations which are accountable to no other body apart from the Supreme Leader. Within this framework, marriage links between the elites consolidate that political

¹ The Corruption Perceptions Index 2016, released on 25 January 2017, ranks Iran 131/176, with a score of 29/100 (Transparency International, 2017).

structure, as was the case in the West during the Middle Ages. This complex political structure represents an obstacle to genuine accountable negotiations, as guarantees provided by one side can be overturned by the other.

In such situation, the EU's attitude should certainly not be of resignation. However, the EU should bear in mind that progress is not going to happen quickly and smoothly. For this reason, Dr Nahavandi offered a number of recommendations to the EU and the European Parliament for their future strategy towards Iran.

The European Union should push the fight against corruption in Iran, bearing in mind that corruption and clientelism are the main source of sustainment for the regime and that the increasing links with the outside world are likely to result in an increase of internal corruption. An effective response to this risk lies in greater control over business with Iran and in coherence from the EU's side.

The EU should continue to call for reform of the civil and criminal law, with a view for example to depenalising feminism, political activity or minorities' claims, which are seen as a betrayal of the state rather than simply an opinion.

The EU should also support the proposals put forward by the United Nations (UN) and ensure that the question of human rights is raised in all negotiations with Iran. It should engage with civil society activists both within and outside the country and support and fund blogs and information channels which allow the Iranians to be in contact with the outside world. In particular, it should be acknowledged that television channels play a crucial role in this, as the internet is often blocked. Similarly, the evolution of the 'national internet' should be closely monitored, as it might prove to be yet another tool to further control the Iranians by 'protecting' them against undesirable contents.

Another issue which should be closely monitored is the government's recent plan to pass a law according to which all dual nationals would have to choose one nationality or otherwise they might lose their properties in Iran. That would *inter alia* further feed corruption through confiscations.

Finally, the EU should support environmental activists, because pollution, the drying out of rivers and other environmental problems are scourges affecting the Iranian population dramatically, in particular in the countryside, where half of the inhabitants are being forced into slums. Furthermore, as stressed by a 2016 World Bank report (Hallegatte et al., 2016), climate change is an obstacle to poverty eradication.

1.2.2 Presentation by Nazila Ghanea, Associate Professor in International Human Rights Law at the University of Oxford and member of the OSCE Panel on Freedom of Religion and Belief²

According to Nazila Ghanea, the significance of the nuclear deal with Iran in domestic human rights terms lies precisely in the opportunity it offers for advancing the respect for human rights in the country, as it offers the possibility to continually raise human rights concerns alongside all other interactions with Iran. Paragraph 7 of the European Parliament Resolution of 25 October 2016 endorses this ambition, namely that the renewed political dialogue between the EU and Iran include a human rights dialogue based on mutual trust and respect, and including representatives of the judiciary, security forces and civil society (European Parliament, 2016a).

The opportunities for raising human rights concerns at the present time are different from the time of the EU-Iran human rights dialogue of 2002, as the environment is very different nowadays. For example, there are better opportunities for access to and partnerships with Iranian actors. The solidarity between prisoners of conscience and various groups whose rights are violated with impunity in Iran has improved dramatically especially since 2009. The extent and quality of information getting out of Iran on human

² The comments below do not represent the views of OSCE and are shared in Dr Ghanea's private capacity.

rights matters has increased and is more timely. Finally, there is an organised presence of Iranian – and Iran-focused – civil society outside Iran and particularly in Europe.

However, raising human rights issues will without doubt face rejection and rebuffs from the Iranian counterparts. They will continue to assert that any raising of human rights matters amounts to external interference and intervention, and they will seek to deflect attention on their human rights record by stating that there are human rights concerns also in EU member states, such as Islamophobia and the treatment of Muslim migrants and minorities in EU member states. Whilst vigilance on these issues remains of utmost importance in Europe, the human rights situations are neither equivalent, nor should this extinguish attention on the state of human rights in Iran.

The same pattern of rejection and rebuffs can be observed in Iran's interactions with the United Nations. For example, in the second Universal Periodic Review of Iran in October 2014, only 45 % of the recommendations were fully accepted. Around 59 of those recommendations were rejected or partially accepted because they were deemed by Iran to be against the Constitution, basic laws and Islamic values. The former UN Special Rapporteur on the Human Rights Situation in Iran, Dr Ahmed Shaheed, was not allowed access to the country between 2011 and 2016. It remains to be seen whether the newly appointed UN Special Rapporteur, Ms Asma Jahangir, will gain access to the country.

In terms of the UN human rights treaties, it must be noted that Iran has not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention Against Torture (CAT), the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), nor the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). On the other hand, it has ratified the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of Persons with Disabilities (CRPD). These conventions in themselves give rise to many opportunities and constitute a range of human rights laws to which Iran has voluntarily bound itself. Iran's cooperation with the monitoring bodies, however, leaves much to be desired.

According to Dr Ghanea, a simple assertion of equivalency between human rights challenges in EU member states and Iran misses a number of essential observations. For example, a first major difference lies in the actors: Iran does not only have the police, the army, the navy, the air force and the air defence force; it also has the Islamic Revolutionary Guards, who also control the Basij paramilitary forces. Secondly, Iran also has additional mechanisms and organs enforcing laws and policies which violate numerous human rights, for example the morality police which enforces the dress code in universities (*Herasat*), or the body responsible for holding the entrance exams of state universities, which enforces gender-based exclusions and dismissal of Bahá'í students from universities (*Sanjesh*). Even if a superficial observation may lead to the conclusion that both EU member states and Iran suffer from discrimination, these structural mechanisms and the enforcement make the situation dramatically different. The situation is also very different because the rule of law and the operation of the judicial system in Iran leave much to be desired.

A third difference lies in the crimes and offences and the scope of their application, such as for example the crimes of waging war against God (*moharebeh*), corruption on earth (*mofsed fel arz*), insulting/denigrating the Prophet Mohammad (*saab ul nabi*), apostasy (*irtidad*) and the very broad national security offences that have been used against journalists, women's rights activists, religious minorities, dual nationals and others. To this should be added the high execution rate, including the execution of juveniles, the range of crimes punished with the death penalty and the prison conditions which fail to live up even to the Iranian prison laws themselves.

Fourthly, the general environment around restrictions to freedom of opinion and expression should also be considered. These restrictions aggravate the structural differences between human rights challenges in the EU member states and Iran. They include restrictions on the press, television and radio, surveillance of the internet, restrictions on journalists, citizen media, bloggers, women's rights activists and no right to reply for minorities even in the face of constant incitement against them in the state media.

By way of example, Dr Ghanea suggested considering the application of the four differences outlined above to the field of freedom of religion or belief in Iran, which leads to a variety of levels of discrimination and persecution for all those who are not Muslim Twelver Shias – the only religion deemed 'revolution-compliant' by the state. First, the Iranian Constitution itself enshrines discrimination by stating in its article 13 that the only recognised religious minorities are Iranian Christians, Jews and Zoroastrians – however, even they do not enjoy equality. For instance, evangelical Protestant Christians suffer persecution, and there are significant pressures on Jews and Zoroastrians to publicly pledge allegiance to the government and curtail their activities. Furthermore, the situation of the Bahá'ís – the largest non-Muslim religious community in Iran – is alarming. They are, according to the former UN Secretary General Ban Ki-Moon, the most severely persecuted religious minority in Iran (UN General Assembly, 2016). This is an intentional, state-engineered and state-directed religious persecution that has not abated over the last 38 years. Their persecution is systematic, embedded, far-reaching and includes severe human rights violations such as suspicious killings without investigation, the destruction of cemeteries, a relentless incitement of hatred, the exclusion from civil service and universities, and the mass closure of private businesses.

The Citizens' Rights Charter, which was released with much fanfare by President Hassan Rouhani on 19 December 2016, does very little to address human rights concerns despite its 120 articles, mainly due to its non-binding nature, general language, loopholes and legal limitations.

In conclusion, the European Union would not be acting alone and from outside in adding its concern to Iran's human rights violations. It would be echoing what is already being much more bravely championed in Iran by Iranians themselves, as testified, for example, by the activities of Ayatollah Abdol-Hamid Masoumi-Tehrani and Faezeh Hashemi Rafsanjani.

Finally, Dr Ghanea offered a set of recommendations to the European Parliament.

Firstly, the European Parliament should support the continuity of the attention of the UN human rights mechanisms to the human rights situation in the Islamic Republic of Iran, including the follow-up to its Universal Periodic Review commitments and international obligations in light of the UN human rights treaties. She also highlighted the importance of cooperation with Asma Jahangir – the new UN Special Rapporteur on the Human Rights Situation in Iran – and following up on the human rights resolutions adopted by the UN Human Rights Council and General Assembly.

Secondly, the European Parliament should provide tailored human rights training and detailed preparation on human rights objectives for all delegations meeting with Iranian counterparts, in order for them to be prepared to effectively respond to the rebuffs that they would undoubtedly face.

Thirdly, clarity and specificity regarding human rights developments should be sharply set out as objectives of the European Parliament, namely as regards: i) the relevant actors, actions, measurable criteria and benchmarks; ii) the identifiable human rights objectives linked to Iran's human rights obligations; iii) the timelines expected from Iran and their implications; iv) human rights objectives that are closer and further from reach; and v) the negative and positive measures required for the advancement of each.

Fourthly, there should be an understanding of specific questions in each human rights area, e.g. the status of the Golpaygani Memorandum of 1991 regarding the human rights situation of the Bahá'ís in Iran. Similar criteria may be set out for each of the human rights challenges.

Finally, Dr Ghanea pointed out that the European Parliament has gained much experience in interacting with the Iranian civil society regarding human rights in the country. It needs, therefore, to build on that experience in its further interactions with Iran.

1.3 Inputs from human rights defenders

The second panel aimed to provide inputs from Human Rights Defenders and saw the intervention by video-conference of Roya Boroumand, Executive Director of the Abdorrahman Boroumand Foundation, and the participation of Karim Lahidji, President of the Iranian League for the Defence of Human Rights (LDDHI) and Honorary President of the International Federation for Human Rights (FIDH).

As reminded by the Co-Chair MEP Elena Valenciano, the Boroumand Foundation has been gathering evidence on violation of human rights in Iran for the last 15 years. One of the priorities of the Foundation is the fight against death penalty. In a recent statement, the Foundation expressed its concern that at the beginning of 2016 the nuclear agreement had changed the view of the world with regard to the situation of human rights in Iran.

1.3.1 Presentation by Roya Boroumand, Executive Director of the Abdorrahman Boroumand Foundation

Analysing the human rights situation in Iran is particularly important, argued Roya Boroumand, in order to understand the context in which the European Union would be engaging with Iran.

The new context created by the easing of tension with Iran offers both opportunities and challenges. In the past few years, Iran has been more open to the world and has welcomed foreign business and, to some degree, a human rights dialogue. Changes in the penal code and in the code of criminal procedure, though inconsistently implemented, have been positive signs and the drafting of a law limiting the death sentences for unarmed drug offenders also indicate that progress is possible. The positive trend, if sustained, can contribute to the establishment of the rule of law in the country. However, unless the international community – in particular Iran's friends and those who believe in the importance of engaging with Iran – prioritises human rights, affirms principles clearly and persists in calling publicly on Iran to respect its international obligations, it will be business as usual, thereby putting at risk long-term stability and prosperity not only for Iranians, but also for Iran's partners.

In the past 15 years, the Boroumand Foundation has been monitoring executions, extra-judicial killings, deaths in detention, cases of deaths in confrontation with security forces that have occurred since 1979. The main goal of the organisation is to help promote a culture of human rights and democracy in Iran, with a particular focus on the right to life and the right to a due process. The data, in particular for ordinary crimes and drug-related offences, is far from being complete. The difficulty of accessing the country and its most vulnerable populations, lack of official transparency with regard to the death penalty, scarcity and unreliability of statistics, fear of retaliation and sometimes shame among the victims' relatives are among the most serious challenges encountered in the Foundation's documentation efforts. Nevertheless, looking at the existing data, the numbers appear staggering and patterns of serious human rights violations emerge. The excessive use of capital punishment and summary justice in Iran has been a major obstacle to the establishment of the rule of law for more than three decades. Despite some changes in the laws and practices, progress has been slow. The death penalty, systemic due process violations and the lack of transparency continue to take an unacceptable toll, leading to the gallows the guilty and the innocent alike. Iranian authorities try to hide their crimes and defend them with unconvincing religious and cultural justifications. There is no religious necessity to executions, argued Dr Boroumand, as testified by the fact that many countries with a majority of Muslim population have abandoned the death penalty.

The available statistics, though incomplete, show the urgency of the situation. For several years now, Iran has had the highest known per capita execution rate in the world. The penal code prescribes the death

penalty for more than 200 acts, mostly non-violent, including consensual sex, drug possession or dealing and theft. The Boroumand Foundation has collected at least 567 reports of executions in 2016 and 64 so far in 2017. The Foundation's database contains more than 18 800 victims, a great number of whom were executed in the 1980s. However, the numbers of recent executions remain significant. 7 987 executions have been documented by the Foundation since the year 2000.

The law authorises the judiciary to execute juvenile offenders – at least 122 have been executed since 2000, among which 26 were reported to be 15 at the time of the crime they were accused of committing. Many more remain on the death row, including for example Mohammad Reza Haddadi, who was 15 at the time of arrest. To Mohammad's family's pleas about the wrongful conviction, the Kazerun judge who convicted him replied that 'a judgement is like a spit: when it falls on the ground, you cannot take it back'. This reaction reflects the attitude of the judiciary in many remote provinces.

Of these executions, an average of 53 % were drug related. However, the percentage has been as high as 77 % in 2011 and 90 % in 2010. Based on the information available, an estimated 685 individuals were executed for drug-related offences in 2015 and at least 327 in 2016.

In light of the current developments in Iran and of the EU stated interest in working with Iran on drug control, it is important to have a better understanding of the scope of the problem and the serious social impact of Iran's drug control policies over the past decades. Since 1980, millions of Iranian citizens and immigrants, often the most vulnerable, have been affected by the state's drug control apparatus and judiciary's eradication crusade against drugs. Drug control policies have placed a massive burden on Iran's criminal justice and have led to the arrest, torture and conviction of several million of alleged addicts and traffickers, summary executions of thousands, killing and imprisonment of innocents and massive and repeated forced detoxification of addicts with an unreported number of fatalities.

According to statistics published by the United Nations Office on Drugs and Crimes (UN ODC), between 1979 and 2003 911 646 addicts and 1 644 497 drug dealers were sent to prison³. In other words, a total of 2 556 143 individuals were sent to jail in 24 years. That means a yearly average of 106 509. Between 1989 and 2003, 1 962 000 drug-related cases were filed in courts. Since then, the number of arrests has been steadily increasing. The UN ODC does not report statistics on executions and Iranian authorities release only partial news of executions, which makes assessments difficult. However, according to one official in charge of the state Welfare Organisation for the Province of Lorestan, between 1995 and 2005 about 5 000 individuals were executed for drug offences. The charges leading to the conviction of these individuals range from addiction and complicity in storing 18 grammes of heroin, possession of 48 grammes of heroin in prison, to carrying and storing 4 410 kilogrammes of heroin and producing and distributing more than 2 tonnes of drugs.

A closer look to arrests and prosecutions of ordinary criminals in the past few years reveals serious due process violations. Throughout the years, the police criminal investigation office has been given much leeway in the manner in which it conducts its investigations and obtains confessions. Victims have reported severe beatings, threats and sexual assaults, hanging from the arms, flogging, burning and various other forms of torture, sometimes leading to the death of detainees, in violation of Iranian and international laws.

The court system is plagued by political interference, incompetence and corruption. Iran's judiciary, which fails to report most of the executions it carries out, is accountable to neither the Iranian citizens it is supposed to protect nor the international community. Iranians who try to bring visibility to the lack of due process, including torture and coerced confessions, are persecuted, and UN monitors are denied access by the authorities.

³ See for example United Nations Office on Drugs and Crimes, *Drug Supply Reduction: An overview of drug supply and trafficking in Iran* and United Nations Office on Drugs and Crimes, *Crime and Justice Situation: Laws and Legislations*.

The common denominator of the executions documented by the Boroumand Foundation is systemic disregard for the rights of the accused, in particular the violation of the right to proper defence. Over the past decades, authorities have also intimidated, threatened and punished lawyers defending their clients' legal rights, including with heavy prison sentences, loss of licence and sometimes forced exile.

Iran's judicial system does not value life, encourages revenge in lieu of justice and discriminates and punishes the weak and the poor. Prosecutions also draw attention to a leadership that sees violence and physical elimination of problematic individuals as a means to solve problems. Rather than allocating the resources necessary to seriously address the underlying causes of crime, the state simply eliminates the symptoms. Today, discussing the death penalty is no longer taboo (for drug offences at least), but progress remains slow. In the meantime, the thousands of prisoners on death row and the many thousands who will be arrested and sentenced will continue to fill Iran's cemeteries, leaving behind families in distress and poverty.

In the past few years, the Islamic Republic's leaders sought to show a more moderate and open face to the world. The rate of executions however shows another face of Iran's decision-makers: one of senseless brutality and contempt for citizens' lives. Iran's decision-makers have refused to acknowledge facts and to hear the voices, including among officials, who call for a change of focus from punitive actions – for drug cases for example – to prevention and harm reduction. The human cost of more than 35 years of war on drugs is unjustifiably high. However, argued Boroumand, it does not have to be so in the years to come.

All the panellists who intervened in the workshop depicted a grim reality in terms of justice and human rights in Iran. However, the situation should not be interpreted as hopeless. The changes in law and practice in the past three decades are the result of internal and external efforts.

The European Parliament, the European Union and the international community more generally should keep human rights as a priority in their dialogue with Iran. The EU should bear in mind, when dealing with the Islamic Republic of Iran, that the interest of the EU and the Iranian people converge when it comes to human rights and the rule of law. Centuries of diplomacy and trade by nation states with short-term and narrow objectives have failed to prevent wars and bloodshed and to guarantee international stability. Human rights were integrated into EU foreign policy for good reasons, some principle-based and some more strategic, aiming at a more stable and peaceful world.

Sustainable change is the product of a dialogue, if not cooperation, between rulers and citizens. However, the EU should bear in mind that Iranian authorities do not engage in dialogue with those Iranians who document human rights violations and promote reform. The EU, and the international community more broadly, are thus the only means of dialogue between the Iranian civil society and the Iranian authorities.

1.3.2 Presentation by Karim Lahidji, President of the Iranian League for the Defence of Human Rights (LDDHI) and Honorary President of the International Federation for Human Rights (FIDH)

The European Parliament Resolution of 25 October 2016 on the EU strategy towards Iran after the nuclear agreement (2015/2274(INI)) (European Parliament, 2016a) provides according to Karim Lahidji a detailed insight on the very precarious situation of human rights in Iran and a valid starting point for a reflection on how to reform this situation.

In the first part of his presentation, Karim Lahidji provided an introduction to the legal and political nature of the Islamic Republic of Iran. While most external observers are familiar with presidential and parliamentary systems, it must be acknowledged that the Islamic Republic of Iran does not fall into either categorisation. It is a theocratic regime, in which the power lies in the hands of a Supreme Leader who is not elected by the people and who has been in power for the last 27 years.

Why has the human rights situation not been improving since President Rouhani's election in 2013? A major reason lies in the balance of power between the highest authorities of the Iranian regime. The Islamic Revolution Corps and the paramilitary forces are under the control of the Supreme Leader, whereas the President of the Republic has no power over these institutions which are central to the executive power. The judiciary power lies in the hands of a clerical figure who has not studied law nor has legal experience as a magistrate, and who is nominated for a five-year renewable period by the Supreme Leader. Since President Rouhani's election, there has been a struggle between the part of the executive power which is under the President's authority and the judiciary power. The centre of corruption, argued Dr Lahidji, lies precisely in the judiciary system, as testified by the stalled legal investigations on the brother of the head of the judiciary system.

In this context, in the absence of a political will among the highest authorities, no progress regarding human rights and fundamental freedoms can be envisaged. That is why the situation of human rights is very concerning; the repressive machine is indeed run by the intelligence and security services under the authority of the Supreme Leader with the complicity of the judicial authorities, which are also under his direct control.

When the reforming President Mohammad Khatami came into power in the 2000s, there was some form of dialogue between the European Union and the Iranian government. Some reforms were carried out by President Khatami during his two mandates, for example on freedom of the press. However, these reforms did not bear fruit. In fact, the Ministry of Culture and Islamic Guidance, which controls the entirety of the media and the press, gave authorisation to new newspapers and periodicals. However, these new media were closed shortly after by the judicial authorities.

A similar pattern can be observed as regards Iran's failure to ratify the Convention Against Torture and the Convention on the Elimination of All Forms of Discrimination against Women. Under President Khatami, the Iranian Parliament voted in favour of the laws authorising Iran to ratify those two conventions. However, these laws were annulled. These concrete examples testify to the very little power of the Iranian Parliament. First, its election is not direct: it is the Council of Guardians of the Constitution, which includes six clerical figures appointed by the Supreme Leader, that selects the candidates. Secondly, every piece of legislation that is adopted by the Parliament has to be assessed and subsequently either validated or annulled by the Council of Guardians. The laws authorising Iran to ratify the two international conventions mentioned above were thus overturned by the Council of Guardians.

As long as there is no will within the state – i.e. from the Supreme Leader – unfortunately reforms cannot be implemented, concluded Dr Lahidji. From time to time, some little reform is carried out. For example, article 91 of the Islamic penal code was reformed with regard to minors, and the Convention on the Rights of the Child was ratified. However, the convention is not respected in practice. For example, on 17 January 2017 the UN Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran Asma Jahangir, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions Agnes Callamard and the Chairperson of the Committee on the Rights of the Child Benyam Dawit Mezmur stated that the death sentence of a further minor had recently been confirmed by Iran's Supreme Court. As a result, the minor may be executed at any moment (UN Office of the High Commissioner for Human Rights, 2017). In 2016 alone, five juveniles were executed. According to Dr Lahidji, Iran should once again reform article 91 of the criminal code, so that juveniles having committed a crime to which death penalty would be applied under the Islamic penal code would no longer be condemned to death and executed.

Dr Lahidji also mentioned the case of a bill currently under discussion which aims to replace death penalty with imprisonment for certain drug trafficking-related crimes. This would represent a significant progress, as it would reduce by a large extent the number of executions for drug trafficking-related offences in the country. However, it must be noted that in Iran the judicial authority itself, rather than the government, has the power to present judicial bills to the Parliament. After being drafted by a group of Members of

Parliament, therefore, the bill has to be confirmed by the judicial authority and only then presented to the Parliament. It needs to be approved by a majority in the Parliament and further validated by the Council of Guardians, including the six clerical figures who are its main members.

One of the main concerns of the European Parliament, also expressed in its resolution of 25 October 2016, is the issue of political prisoners in Iran. Dr Lahidji reminded that two representatives of the Defenders of Human Rights Center, Narges Mohammadi and Abdolfattah Soltani, are currently in prison after being sentenced to 10 and 16 years of imprisonment respectively. The President of the organisation, Shirin Ebadi, is currently in exile. To these kinds of sanctions – highly disproportionate and applied in other contexts to crimes such as murder – are exposed hundreds of defenders of human rights, defenders of religious and ethnic minorities such as not only Bahá'ís and Christians but also Sunnis. In fact, it should not be forgotten that around 20 % of the Iranian population is made up of Sunnis, who do not enjoy the same rights as the Shia Muslims. Over a thousand political prisoners and prisoners of conscience are currently in prison in Iran; some of them are forced to go on hunger strike either because of their detention conditions or because there are no accusations against them even under the Islamic penal code.

To date, President Rouhani's Citizens' Rights Charter, which is welcomed by the EP resolution, has not yet been presented as a bill to the Iranian Parliament. The Charter, as President Rouhani himself has stated on several occasions, is based on the Constitution of the Islamic Republic of Iran. That Constitution is a document according to which all Iranians do not enjoy equal rights. They are discriminated on the basis of gender, political opinion, religion and so on. If the European Union really wants to put in place a genuine dialogue and cooperation with Iran, therefore, such a dialogue has to be based on the primacy and respect of international law and principles of human rights – notably the international conventions ratified by Iran. Secondly, each stage of this dialogue should not only produce commitments but also provide tangible results in terms of the rule of law, the independence of the judiciary, the possibility for Iranians to enjoy their rights with no distinction based on religion, gender or political opinion, and a civil society which is free from the current constraints.

1.4 Response from the European External Action Service (EEAS): Maja Urbańska, Task Force Iran

It is very timely to take stock of developments in Iran at this time of the year, argued Maja Urbańska, because it falls almost precisely on the first anniversary of the 'implementation day' of the JCPOA which occurred on 16 January 2016. The implementation day of the JCPOA confirmed that Iran had complied fully with its nuclear obligations under the agreement. This has effectively triggered the lifting of some nuclear-related sanctions and, in consequence, the opening up of bilateral relations between the EU and Iran was made possible. This new reality has been in place for a year, during which contacts and relations have been built in a number of fields, and trust between the EU and Iran has started to be slowly rebuilt. The European Union is engaging in cooperation with Iran in an incremental manner, which means that cooperation can only move forward if the JCPOA is fully implemented. So far, underlined Ms Urbańska, Iran has been delivering on its commitments, and this was confirmed by four reports of the International Atomic Energy Agency (IAEA) issued in the course of 2016.

It is very important to underline that the nuclear deal is working, because beyond the nuclear dimension it carries the potential for better economic and social conditions in Iran. Moreover, the EU can contribute to a positive change through its bilateral engagement. Trade relations with Iran have already grown by over 63 % within a year. Cooperation was also established in a number of sectors such as environment, climate change and energy. These areas will be further expanded in 2017, when the launch of cooperation on culture, education and research is planned. This is a slow process which requires confidence building, but the gradual establishment of a trustful relationship will allow opening channels of communication in more sensitive areas.

Human rights obviously remain an area of concern for the European Union. The European External Action Service (EEAS) has been following closely the developments on the ground and supporting the work of the UN Special Rapporteur. As indicated in his latest report, the country has not seen a major improvement of the human rights situation. Therefore, the EU has continued to be active bilaterally and in multilateral fora. On the bilateral scene, the EU has been actively carrying out *démarches*, raising concerns at high level meetings and issuing statements whenever there were major violations, and will continue to do so.

A major concern is the number of executions, which, even if lower in 2016, still remains high. Also, restrictions to civil freedoms persist. An increased number of arrests of dual nationals, which is a worrying development, can also be noted. For these reasons, when in April 2016 a joint statement was negotiated with Iran on the future of EU-Iran relations (European Commission, 2016), the High Representative/Vice-President of the European Commission (HR/VP) Federica Mogherini stated very clearly that human rights have to be an integral part of the engagement.

This is indeed materialising. For example, a dedicated delegation from the Iranian judiciary system visited Brussels in early November 2016 in the framework of the political dialogue in order to hold talks on human rights. It was the first time in more than 10 years that an exchange with the Iranian authorities on human rights issues took place, and it was constructive. The EU will continue its informal talks with Iran and to progressively address concerns through these channels. Ultimately, the objective is to establish a proper human rights dialogue. There is openness also on the Iranian side to engage, even if this means discussing difficult and potentially contentious matters, concluded Ms Urbańska.

1.5 Debate

During the debate, MEP Anneliese Dodds (S&D, United Kingdom) highlighted the case of Nazanin Zaghari-Ratcliffe, which is also mentioned in the EP resolution of 25 October 2016, and updated the members of the Subcommittee on some very recent developments. Mrs Zaghari-Ratcliffe is a non-governmental organisation (NGO) worker with dual Iranian and British citizenship. In April 2016, together with her 22-month old daughter, she was about to board a flight back to the United Kingdom after visiting her parents in Iran, when she was arrested by the Revolutionary Guard and put into solitary confinement for 45 days. In September 2016, after an unfair trial in front of a secret court she was sentenced to five years in prison. Her five-year prison sentence was upheld by an Appeal Court and two new – and false – accusations were raised against her – namely that she worked for BBC Farsi and that she was knowingly married to a British spy. Ms Dodds welcomed the European Parliament's pleas for her release.

MEP Julie Ward (S&D, United Kingdom) pointed out that the nuclear deal should not allow the EU and the European Parliament to be held hostage to human rights abuses and to be afraid to speak out about them. The European Union should put human rights at the centre of its work, particularly with regard to countries that still have the death penalty and where attacks against women and human rights defenders are increasing rather than decreasing. Ms Ward expressed her full support for Anneliese Dodds in the campaign for the release of Nazanin Zaghari-Ratcliffe, and underlined that nobody should become a pawn in a discussion between governments – which she fears is what has happened in that case. She called on MEPs to adopt a much stronger stance in their condemnation of the human rights abuses that Iran continues to perpetrate.

Barbara Lochbihler (Greens/EFA, Germany) underlined the need to address and investigate the individual cases of political prisoners. Ms Lochbihler recently transmitted a list of individual political prisoners to the Iranian Embassy, which she would also share with the EEAS for information and follow-up. More particularly, she highlighted the case of a long-term political prisoner, an Iranian cleric, Hossein Kazemeyni Boroujerdi, whose health conditions are very serious. Ms Lochbihler called on the EEAS to support the plea that an independent medical officer look at his health conditions.

Klaus Buchner (Greens/EFA, Germany) drew the attention to the very bad conditions in which prisoners are detained in Iran. Secondly, Mr Buchner voiced his concern regarding the possibility of an increase in trade relations with Iran which would not be linked to a human rights clause. This would be a wrong signal sent to the country, and the European Parliament should make its voice heard on this. All countries should be treated alike. Finally, Mr Buchner stressed the need to act on the worrisome environmental conditions, which are particularly alarming in some regions – especially in the north-west – and on which to some extent the Iranian authorities are willing to cooperate.

Mohsen Behzad Karimi (freelance journalist) commented on the reference made by the report from the former MEP Richard Howitt (S&D, United Kingdom) on EU strategy towards Iran after the nuclear agreement to the change of Iran's judicial code. The report in fact '[w]elcomes the fact that the adoption of the 2013 Islamic Penal Code and Iran's ratification of the UN Convention on the Rights of the Child prohibit child executions and allow all juvenile offenders sentenced to death prior to 2013 to seek retrial' (European Parliament, 2016b). Mr Karimi pointed out that, thanks to a new interpretation of the code by the Iranian government, nothing has changed in practice. The 2013 reform has not had any positive outcome with regard to juvenile executions so far, and under President Rouhani, 977 executions were carried out in 2015, including of juveniles.

Janusz Lewandowski (EPP, Poland) agreed that legislation is important but interpretation and implementation are equally crucial in order to achieve concrete change on the ground. The European Union should, therefore, monitor not only the formal legislation but also whether it is respected and correctly implemented.

Nazila Ghanea pointed out that, while the EU has to push to stop the *killings* in Iran, it should also allow those under Iranian jurisdiction to *live* freely and equally and according to the universal standards of human rights.

Roya Boroumand underlined the key importance of the focus on the judiciary. If the European Union is to invest in political change and reinforcing more moderate forces within the Iranian leadership, it should bear in mind that exclusively addressing the needs and concerns of the government may not lead to such reinforcement in the long term. Those moderate forces need society at large, and citizens need to have the protection of the law. This is a long-term effort for sustainable change, which requires that the EU maintain human rights as a priority in dialogue and engagement with Iran and help create a political space where civil society and the more moderate forces can initiate a genuine and democratic dialogue on policy choices. It also requires persistence and tenacity on the part of the EU.

Karim Lahidji highlighted that, further to Nazanin Zaghari-Ratcliffe, around 20 dual-nationals are currently in prison in Iran. Some of them were invited to go as scholars or researchers (as for example in the case of a Swedish-Iranian researcher) to Iran, where they were arrested and convicted as spies.

1.6 Concluding remarks

To conclude, Janusz Lewandowski noted that the nuclear deal and its implementation create both opportunities and challenges. He underlined the importance a common denominator reached by the European Parliament with regard to its position towards Iran.

Elena Valenciano reminded that the European Parliament is composed of representatives of the European citizens. For this reason, it should not be driven by questions related to *Realpolitik*. A message should be sent out clearly to civil society that the European Parliament is standing with the people of Iran and will not allow things to unfold according just to the mandates of *Realpolitik*. The achievement of a real democracy can only be obtained by the Iranian society, she concluded, but the latter does indeed have an ally in the European Parliament.

2. Experts' outlines

2.1. Firouzeh Nahavandi – Human rights in Iran from a socio-political perspective

Introduction

The European Parliament Resolution of 25 October 2016 on the EU strategy towards Iran after the nuclear agreement (2015/2274 (INI)) has already given a complete outline of current EU-Iran relations and issues still pending.

Some of the issues tackled in the report have already been subject to change, as for example the country's economic situation. Despite a period of positive change, the expected 8 % economic growth has not been attained and moreover the World Bank has emphasised that the true figure did not exceed 0.5 % between March 2015 and March 2016 (Iranian calendar). This has had a serious impact not only on international economic relations, but also on the issue of poverty, which, in a country as rich as Iran, immediately prompts concern and debate. In April 2016, Deputy Interior Minister Morteza Mir-Bagheri, as quoted by the state-run Iranian Students News Agency (ISNA), said that the unemployment rate has reached 70 % in at least 1 200 Iranian towns, with general unemployment currently standing at between 40 and 60 % in approximately 420 counties.

This contributes to a situation in which around 15 million Iranians are reportedly deprived of even the most basic social services. Mir-Bagheri further indicated that some 10 million people are currently living in what could be described as slums, and that the problem is compounded by an exploding population in these areas. Recent news about people having to live in graves has provoked international concern. According to the World Bank, around 10 % of Iranians are existing under the threshold of 5.5 dollars a day and 3% under the threshold of 2 dollars a day. Such figures imply a serious impact particularly on the situation of women and children. In March 2016, Khamenei declared in his public message that the new Iranian year would be the year of the 'Resistance Economy'.

The structure of Iran's population is changing fast. Although the EP Resolution on the EU strategy towards Iran estimated that 60 % of the population was less than 30 years old, the current figure is no more than 50 %. This marked reduction has pushed Khamenei to call for demographic change with the aim of achieving a population of 150 million as soon as possible. Even though this is not demographically justified and the objective is probably more geopolitically driven, it has already badly impacted on women's situation and will in the long run have very negative consequences for public health and the situation of more deprived people.

Added to this perspective, it can further be seen that little progress has been achieved with regard to human rights in 2016, which was also raised as an issue in the EU Annual report on Human Rights and Democracy 2015. There has been little change with regard to the number of executions, the lack of guarantees for free and fair trial, violation of freedom of expression, issues to do with religion and belief as well as women's rights. To the list should be added environmental challenges (stressed in the EP Resolution on the EU strategy towards Iran) and the lack of basic needs. Former special Rapporteur Ahmed Shaheed's report on the situation of human rights in the Islamic Republic of Iran (30 September 2016) submitted to the UN General Assembly confirms the situation.

This presentation is based on the situation described above. The underlying question is: has anything changed after Rohani's election and the nuclear deal?

Historical reminder

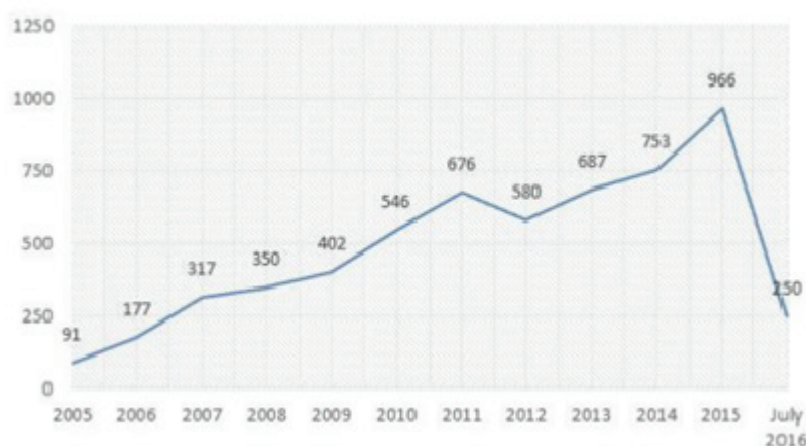
1. 1979: Ayatollah Khomeini returns to Iran
2. The advent of the Islamic Republic of Iran and the adoption of *Velayat-é faqih*
3. A change of perspective: New values, new man, new woman, new rules (apostasy, '*moharebeh*' [enmity against God...], spreading corruption on earth)
4. The issue of human rights in the new regime (the role of religion, the respect of international norms...); the judiciary and parallel intelligence apparatus

Human rights in Iran: poverty and its consequences

1. Early marriage
2. Organs sale
3. Child abuse
4. Prostitution
5. Drug consumption

Human rights in Iran: repression without qualms

Executions in the Islamic Republic of Iran, 2005 to July 2016



Source: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran - 30 September 2016

- Death penalty
 1. According to Amnesty International, in 2015 Iran together with Saudi Arabia and Pakistan was responsible for the sharp rise of death penalties and executions, which worldwide reached their highest level for 25 years. Nearly 90 % of these executions took place in those three countries.
 2. Iran put 977 people to death in 2015, over 200 more than in 2014, and mostly for drug-related offences. Some were under 18 years old at the time of the crime, making their executions a breach of international law.
 3. The range of 'crimes' punishable by death is wide, including insulting the Prophet, apostasy, homosexuality and adultery.
- Public executions
- Torture
- Condemnation to degrading treatments (flogging, blinding, amputation, stoning...)

Human rights in Iran: infringed individual rights

1. Freedom of expression and information
2. Freedom of assembly and association
3. House arrest or imprisonment without charge or trial

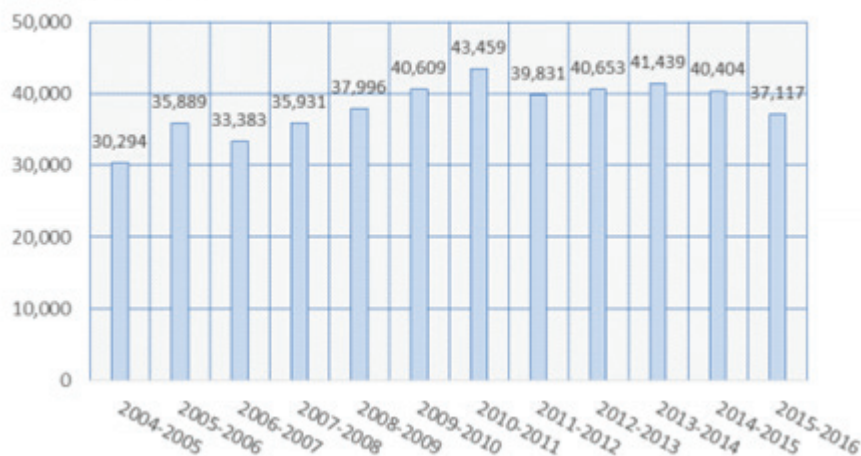
Human rights in Iran: women as second-class citizens

1. Discriminatory laws
2. Inadequate protection against violence or sexual assault
3. Public segregation and ban of public spaces (e.g. stadium)
4. Temporary marriage
5. Women's rights activists as enemies of the state – Feminism as a national offence

Human rights in Iran: violation of children's rights

1. Who is a child?
2. Condemnation
3. Forced marriage

Number of marriages of children under 15 years of age in the Islamic Republic of Iran, 2004-2016



Source: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran- 30 Sept. 2016

Human rights in Iran: the issue of religious minorities

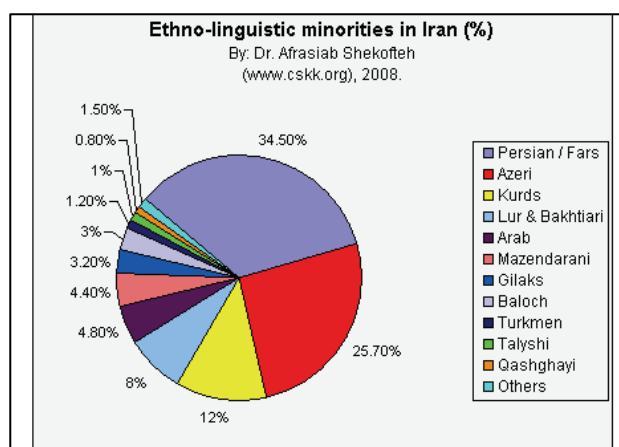
1. Freedom of religion denied for some minorities: the case of Baha'is or Sunnis
2. The case of converts from Islam
3. 'Acting against the national security' and 'propaganda against the state'
4. Economic marginalisation and forced migration

Muslim (official) 99.4 % (Shia 90-95 %, Sunni 5-10 %), other (includes Zoroastrian, Jewish, and Christian) 0.3 %, unspecified 0.4 %

Human rights in Iran: the issue of ethnic minorities

1. Restriction of cultural rights and political activities

2. Execution of ethnic-religious minorities prisoners based on forced confessions and unfair trials



Human rights in Iran: sexual minorities

1. From denial to an increased medical discourse
2. Gay Iranians forced to change gender surgically
3. Criminalisation of particular sets of sexual acts
4. Harassment, arrest, death penalty

Concluding remarks

On 16 November 2016, UN member states denounced the violations of human rights in Iran, including the continuation of numerous executions as well as discrimination against women and minorities. This non-binding resolution, presented annually, was adopted by a Committee of the United Nations General Assembly by 85 votes in favour, 35 against and 63 abstentions. Votes in favour were more than last year (76 votes in favour, 35 against and 68 abstentions). This document, submitted to the UN General Assembly in December 2016, as well as other reports from the EU illustrates that the situation regarding human rights is not really improving in Iran. There is still a long way to go.

Recommendations

General recommendations:

- It should be recognised that the Islamic Republic of Iran has a very complicated political structure. On the one hand it has elected western-type institutions (Presidency, Parliament, etc.) with weak power and on the other hand non-elected Islamic-type institutions with strong power (the Council of Guardians, etc.). This structure is an obstacle to genuine accountable negotiations, as the promises and engagements of one party can be annulled by another. For now there are no guarantees that engagements made by the President would not be annulled by the Supreme Leader as has been reported for economic decisions.
- It should be taken into account that in Iran corruption has reached plague levels. The country has been given a score of 27/100 for perceived public sector corruption and ranked 130/168 by Transparency International. Corruption has direct consequences on the economic situation and human rights. For instance, there is no transparency about how financial assets released after the nuclear deal have been spent. Some were reportedly earmarked for repayment of outstanding debts, while others were due to go into projects aimed at modernising Iran's oil industry, commercial air fleet, and so on. However, following the latest statistics about poverty and unemployment it is easy to conclude that the benefits from such projects are not reaching most of the country's population.

- It should be acknowledged not only that the Islamic Republic of Iran's political culture is different from the EU's but that values and references are also hard to reconcile. This includes issues such as the value of human beings generally and the value of women specifically. Even though the definitions are not necessarily endorsed by the state, they are permitted and backed by the state, which reflects for instance the difficulty in organising fair trials or hearings for victims. Moreover, the struggle for power features strongly in the Islamic Republic of Iran, something that should be acknowledged as taking priority over other issues.

Targeted recommendations:

- Points 40 to 52 of the EP Resolution on the EU strategy towards Iran after the nuclear agreement should be carried forward as they are, since there has been no significant change in Iran's attitude towards human rights.
- Pressure for change should continue – some improvements have been introduced, for example to the Islamic Penal Code, even though not yet implemented. The Iranian government should be called on to abolish all legislation that criminalises consensual same sex conduct and punishes sex between adults.
- Corruption, which feeds abuse, should be addressed.
- It should be noted that some offences qualifying as national security crimes such as feminist action, political activity, etc., are still punished severely and should, therefore, be targeted.
- The EU should back and support fully the recommendations made to the General Assembly of the UN by the UN Special Rapporteur on the Human Rights Situation in Iran.
- The EU should ensure that the issue of human rights is brought up in every discussion with Iran.
- The EU should fully support all civil society activists in Iran. The internet makes possible contact beyond the country's borders and thereby expansion of ideas without internal detection. Such contact should be subject to outside encouragement and support. Moreover, funding TV programmes such as Euronews is very helpful in situations where the internet is not accessible or blocked by Iranian authorities.
- The EU should follow the implementation of the 'national internet' in Iran as it could be a way to cut Iranians from outside.

Further insights

- Amnesty International Reports
- Human Rights Watch Reports
- Defenders of Human Rights Centre's (DHRC) Iran Reports
- Sanei, F. (2010), *We Are a Buried Generation. Discrimination and Violence against Sexual Minorities in Iran*, New York, Human Rights Watch, https://www.hrw.org/sites/default/files/reports/iran1210webwcover_0.pdf, last accessed on 3 March 2017
- Bevilacqua, C., Harper, E., Kent, C. (2014), *Sexual Orientation and Gender Identity: Iran's International Human Rights Obligations*, University of Essex, Human Rights in Iran Unit, <https://www.essex.ac.uk/hri/documents/briefing-sexual-orientation.pdf>, last accessed on 3 March 2017
- International Gay and Lesbian Human Rights Commission (IGLHRC) (2015), *Lesbian, Gay, Bisexual and Transgender Rights in Iran, An Analysis from Religious, Social, Legal and Cultural Perspectives*,

http://www.outrightinternational.org/sites/default/files/LGBTRightsInIran_0.pdf, last accessed on 3 March 2017

- Report of the special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 30 September 2016

2.2 Nazila Ghanea – Human rights in Iran and the legal dimension

I. Human rights in Iran after the nuclear deal

- Importance in Human Rights Law terms
- Noting the [European Parliament's Resolution of 25 October 2016](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0402+0+DOC+PDF+V0//EN), para. 4 (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0402+0+DOC+PDF+V0//EN>)

II. Challenges of raising human rights with Iran

Different opportunities at the present time compared to the time of the EU-Iran Human Rights Dialogue of 2002. It is a very different environment now in terms of:

- Access and partnerships with Iranian actors;
- Solidarity between prisoners of conscience and various groups whose rights are violated with impunity;
- Extent and quality of information getting out of Iran on human rights matters;
- Organised presence of Iranian (and Iran-focused) civil society outside Iran, particularly in Europe.

III. Iran-UN interactions

Raising of human rights matters considered as interference by Iran. The same pattern can be observed in Iran's interactions with the UN. See:

- Universal Periodic Review – February 2010, October 2014, November 2019
- UN Special Rapporteur on the human rights situation in Iran, Dr Ahmed Shaheed, 2010-2016, Ms Asma Jahangir 2016-
- UN Treaty Bodies, recalling that Iran has not ratified CEDAW, CAT/OPCAT, CMW, CED
 - Committee on the rights of the child (CRC) – 2016, CRC/C/IRN/CO/3-4
 - Committee on Economic, Social and Cultural Rights (ICESCR) – 2013, E/C.12/IRN/CO/2
 - Human Rights Committee (ICCPR) – 2011, CCPR/C/IRN/CO/3
 - Committee on the Elimination of Racial Discrimination (CERD) – 2010, CERD/C/IRN/CO/18-19
 - Committee on the Rights of Persons with Disabilities (CRPD) – 2015, initial report CRPD/C/IRN/1

IV. Equivalence?

A simple assertion of equivalency between human rights challenges in EU member states and Iran misses some essential observations.

- Mechanisms and organs enforcing Iranian laws and policies, e.g. Herasat, Sanjesh, Basij, plain clothed police;
- Rule of law and operation of the judicial system;

- Crimes and offenses and the scope of their application, e.g. *moharebeh*, *mofsed fel arz*, *saab ul nabi*, *irtidad*, national security; and high execution rate including the execution of juveniles, the crimes that attract the death penalty, prison conditions, failure to live up to Iranian prison laws;
- General environment around restrictions around freedom of opinion and expression aggravate these re. the press, TV and radio, satellite TV and surveillance of the internet; and impact on e.g. journalists, citizen media, bloggers, women's rights activists and no right to reply to minorities even in the face of constant incitement.

V. Example of the application of these four observations – Freedom of religion or belief

- Discrimination and persecution, the Iranian Constitution and recognised religious minorities;
- E.g. Situation of Baha'is – according to Ban Ki-Moon – most severely persecuted religious minority in Iran (<https://www.bic.org/news/ban-ki-moon-bahais-most-severely-persecuted-religious-minority-iran#euikbuTL9WihWMwg.97>) and the intentional, state-engineered and state-directed religious persecution. Systemic, embedded, far-reaching and with well-established and severe human rights violations, including suspicious killings without investigation, attack on cemeteries and mass closure of private businesses.

VI. Citizenship Charter

- Despite much fanfare, does little to address human rights concerns
 - <http://www.ejiltalk.org/the-iranian-charter-of-citizens-rights/>

VII. Solidarity between prisoners of conscience

- The EU would not be acting alone and from outside in adding its concern to these violations, echoing what is already being much more bravely championed in Iran by Iranian actors themselves, e.g. Ayatollah Tehrani
 - <https://www.opendemocracy.net/openglobalrights/nazila-ghanea/using-faith-to-reinforce-human-rights-of-bah%C3%A1%E2%80%99%C3%ADs-in-iran>
 - <http://www.tonyblairfaithfoundation.org/foundation/news/case-study-iran-building-consensus-against-intolerance>and Faezeh Hashemi Rafsanjani
 - <https://www.theguardian.com/world/2016/may/17/rafsanjani-daughter-criticised-meeting-leader-banned-sect-iran>
 - <http://www.al-monitor.com/pulse/originals/2016/05/faezeh-hashemi-rafsanjani-bahai-leaders-activists.html>

VIII. Conclusion – Recommendations

- The priority of continued attention to the human rights situation in the Islamic Republic of Iran; and the objective of encouraging Iranian co-operation with the United Nations regarding:
 - Its Universal Periodic Review commitments;
 - Follow-up on international obligations in light of the UN human rights treaty bodies, and
 - Co-operation with the UN Special Rapporteur on the situation of human rights in Iran.
- Tailored human rights training and detailed preparation on human rights objectives for all delegations meeting with Iranian counterparts.

- Clarity and specificity regarding human rights developments set out as objectives of the European Parliament.
 - Specificity regarding the relevant actors, actions, measurable criteria and benchmarks;
 - with identifiable human rights objectives linked to Iran's human rights obligations, with timelines and implications;
 - those closer and further from reach, negative and positive measures required.
- Understanding of specific questions in each human rights area, e.g. status of the Golpaygani Memo of 1991 regarding the human rights situation of the Baha'is in Iran.

Biographical notes

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For the Subcommittee on Human Rights (DROI) and the Delegation for relations with Iran (D-IR)

WORKSHOP: Human rights in Iran after the nuclear deal **- business as usual or time for change?**

Tuesday, 24 January 2017, 14.00-15.30

Brussels, Altiero Spinelli building - ASP 5E2

Interpretation: EN/FR/ES/IT (Farsi tbc)

Biographical notes

Roya Boroumand is the Executive Director of the Abdorrahman Boroumand Foundation.

She has a PhD in history of international relations from France and is a specialist in Iran's post-Second World War history.

She is a former consultant with the Women's Rights Division of Human Rights Watch and has researched and written about women's rights and family law in North Africa. She has co-authored several articles on the political situation in Iran and the nature of Islamist terrorism. She is a regular contributor to The Huffington Post.

She was the recipient of the Lech Walesa Prize in 2009, shared with Ladan Boroumand.

The Abdorrahman Boroumand Foundation is a non-governmental non-profit organisation dedicated to the promotion of human rights and democracy in Iran. The Foundation is an independent organisation with no political affiliation. It is named in memory of Dr Abdorrahman Boroumand, an Iranian lawyer and pro-democracy activist who was assassinated in Paris on April 18, 1991. The Foundation believes that promoting human rights awareness through education and the dissemination of information is a necessary prerequisite for the establishment of a stable democracy in Iran.

Nazila Ghanea is Associate Professor in International Human Rights Law at the University of Oxford. She serves as a member of the OSCE Panel of Experts on Freedom of Religion or Belief, on the Board of Trustees of the independent think tank, the Universal Rights Group, and as Associate of the Oxford Human Rights

Hub. Her research spans freedom of religion or belief, freedom of expression, women's rights, minority rights and human rights in the Middle East.

Dr Ghanea has been a visiting academic at a number of institutions including Columbia and NYU. She has been invited to address UN expert seminars on numerous occasions. She has acted as a human rights consultant/expert for a number of governments, the UN, UNESCO, OSCE, Commonwealth, Council of Europe and the EU.

Her publications include nine books, five UN publications as well as a number of journal articles and reports, such as the book *Human Rights, the UN and the Bahá'ís in Iran* (2002) or [*Case Study: Iran: Building Consensus Against Intolerance*](#) (2015, TBFF).

She is a regular contributor to the media on human rights matters in Iran.

Karim Lahidji was born in 1940 in Tehran. After obtaining a law degree, he was called to the Tehran Bar in 1965 and began a career defending hundreds of political prisoners who opposed the imperial regime and then the Islamic regime before the military, civil and Islamic courts. He is a founding member of the Iranian Lawyers Association, the Iranian Association for the Defense of Human Rights and Freedoms, and the Office of the Iranian Committee for the Defense of Political Prisoners—three organisations that were outlawed by the Islamic regime in 1981.

Harshly threatened because of his defence of human rights, Karim Lahidji was forced to go into exile and took refuge in France in 1982. In 1983, he founded the Iranian League for the Defense of Human Rights (LDDH), a member organisation of the FIDH, for which he serves as president. In 1997, he was elected Vice-President of FIDH, an office which he held until 2013, when he was elected President. At the end of his mandate in 2016 Mr Lahdji became President of Honour.

Karim Lahidji is a recipient of a Human Rights Watch Award (1990) and the author of two books and nearly a hundred articles and essays on legal issues and human rights.

Firouzeh Nahavandi is Professor at the Université Libre de Bruxelles and Director of the Centre d'études de la coopération internationale et du développement (CECID). She previously worked as an Associate Professor at the Senghor University in Alexandria and at the Mandé Bukari University in Bamako (Mali). She also taught at the Vietnam National University of Agriculture. Her research interests have focused on issues linked to revolutions, in particular on the roots of the Iranian revolution of 1979, as well as on development. Lately, she has focused particularly on gender issues in Muslim countries and on issues related to inequalities in development.

She is a member of the Belgian Académie Royale des Sciences d'Outre-mer. Her publications include *Aux sources de la révolution iranienne ; Contributions à une sociologie politique des révolutions ; L'Islam et l'État; Développement et globalisation: histoire d'une colonisation; Iran; Être femme en Iran, quelle émancipation; Afghanistan ; Commodification of Body Parts in the Global South: Transnational Inequalities and Development Challenges*.

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