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*Plenary sitting*

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**B9-0101/2022**

15.2.2022

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on the death penalty in Iran  
(2022/2541(RSP))

**Cornelia Ernst, Emmanuel Maurel**  
on behalf of The Left Group

**B9-0101/2022**

**European Parliament resolution on the death penalty in Iran  
(2022/2541(RSP))**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social and Cultural Rights,
- having regard to the Convention on the Elimination of All Forms of Discrimination against Women (1979),
- having regard to the Convention on the Rights of the Child (1989),
- having regard to the UN Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment of 1984,
- having regard to the UN's Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment of 1988,
- having regard to the UN's Standard Minimum Rules for the Treatment of Prisoners (the 'Nelson Mandela Rules') of 2015,
- having regard to the Iranian President's Charter on Citizens' Rights,
- having regard UN Security Council Resolution 2231,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Iran continues to carry out executions and remains the only country to have executed juvenile offenders; whereas in 2020, at least 267 people were executed, and 91 of them were not announced; whereas at least 38 executions in 2020 and more than 3,619 executions since 2010 have been based on death sentences issued by the Revolutionary Courts;

B. whereas the Islamic Penal Code of Iran (2013) provides for the death penalty for a wide range of acts and offences that do not meet the threshold of the "most serious crimes" under international law, such as drug-trafficking and some consensual same-sex sexual conduct; whereas particularly vague criminal charges that carry the death penalty and are often used against political opponents include, among others, "waging war against God", "corruption on earth", and "armed rebellion"; whereas Javaid Rehman, UN Special Rapporteur on the situation of human rights in Iran, stated that "the entrenched

flaws in law and in the administration of the death penalty in Iran mean that most, if not all, executions are an arbitrary deprivation of life.”<sup>1</sup>;

- C. whereas the death penalty is frequently imposed based on forced confessions extracted through torture and after unfair trials; whereas there are consistent testimonies of mistreatment of prisoners, including ill-treatment, solitary confinement, a recurrent lack of access to health care and insufficient or non-nutritional food; whereas Iranian authorities have not yet made any notable progress in addressing the large numbers of documented cases of torture and ill-treatment, and impunity continues to work as an enabler of such gross human rights violations; whereas prisoners have no real access to justice domestically;
- D. whereas under the Penal Code of Iran, boys aged above 15 years and girls aged above 9 years can be sentenced to death; whereas Iran continues to use the death penalty against people who were under the age of 18 at the time of the crime, despite the absolute prohibition under international law, and particularly in violation of its obligations under the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child; whereas in 2013, Iran amended its Penal Code to allow judges to provide alternative sentences for child offenders under Article 19, if there was uncertainty about their “mental development” at the time of the crime, or if they had not realised the nature of the crime; whereas in 2016, Iran assured the UN Committee on the Rights of the Child that the amendment would apply systematically to all child offenders on death row; whereas, nevertheless, in 2021, Sajad Sanjari, Arman Abdolali and Ali Akbar Mohammadi were executed and over 80 children and juvenile offenders are currently on death row, for allegedly committing crimes while legally minors;
- E. whereas the Sentence Reduction Law (2020) is a positive step and has led to the release of some imprisoned human rights offenders; whereas, despite the new law, protesters, human rights defenders, lawyers, trade unionists, journalists and civil society actors continue to be subjected to intimidation, arbitrary detention and criminal prosecution, including charges that carry the death penalty; whereas several lawyers and civil society activists have been imprisoned for advocating women’s rights and an end to compulsory veiling laws; whereas there has also been a dramatic increase in executions for drug-related offences, as well as of individuals from ethnic and religious minorities, notably of Baluchi and Kurdish prisoners; whereas in 2021, Iranian authorities secretly executed four Ahwazi Arab men, Ali Khasraji, Hossein Silawi, Jasem Heidary and Naser Khafajian, and a Kurdish man, Heidar Ghorbani, and refused to return the bodies to their families; whereas Farhad Najafi and Ali Ahmadi were executed in July 2022 for “sodomy”, a term used by Iranian authorities to refer to homosexual relations;

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<sup>1</sup> “Iran: Death penalty used as a political tool” - UN Expert (2021) accessible in: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27705&LangID=E>

F. whereas in November 2021, the Iranian's Guardian Council ratified the "Youthful Population and Protection of the Family" law, which severely restricts access to abortion and other sexual and reproductive health services; whereas a provision of the new law states that if carried out on a large scale, abortion would fall under the crime of "corruption on earth" and carry the death penalty; whereas under the new law, pregnant women and girls can no longer decide even on therapeutic abortions with the support of their doctors - in cases of threat to the life of the pregnant woman or foetal abnormalities -, instead, the final decision will come to a panel consisting of a judge, a medical doctor and a forensic doctor; whereas the law also provides for the health ministry to monitor pregnancies by collecting information on all women and girls who go to a health centre for pregnancy, delivery, and abortion; whereas Iran has yet to criminalise child marriage and marital rape, and forcing victims to carry pregnancies from such experiences could contribute irreversibly to their trauma; whereas the law will force women with limited resources to continue unwanted pregnancies to term or to resort to unsafe and clandestine abortions; whereas the new law potentially doubles the risk of entirely preventable maternal deaths: first as a result of unsafe abortions, and secondly, for death sentences on charges of "corruption on earth";

1. Reiterates the European Union's strong opposition to the death penalty in all cases and under all circumstances; considers it as a major objective within the human rights dialogue between the EU and Iran to abolish the application of the death penalty, especially in the cases of child offenders; calls on the High Representative, the EEAS and all Member States, to use all foreseen engagements with the Iranian authorities, to call for an immediate halt of the planned execution of all individuals who were below the age of 18 at the time of the crime for which they were convicted; urges the High Representative, the European External Action Service, and all Member States, to publicly call for a moratorium on the use of the death penalty in Iran;
2. Calls on the Iranian authorities to establish an immediate moratorium on the use of the death penalty as a step towards its abolition; pending abolition, urges the Iranian authorities to amend the Islamic Penal Code of 2013 and to withdraw vaguely defined criminal charges that carry the death penalty, as well as acts and offences not that are not recognised as "most serious crimes" under international law;
3. Calls on the Iranian authorities to immediately halt all planned executions of the over 80 juvenile offenders currently on death row; calls on the Iranian authorities to amend Article 91 of the Islamic Penal Code to completely abolish the use of the death penalty for crimes committed by people below the age of 18 in all circumstances and without any discretion of judges, and to remove all discriminatory provisions against girls by bringing their age of criminal responsibility to the same as boys; pending the legislative amendments, urgently calls on the Iranian authorities to systematically apply Article 91 to provide alternative sentences in cases involving persons aged below 18 at the time of the crime; calls on the Iranian authorities to take all necessary measures to guarantee that all proceedings involving children and persons suspected of committing crimes when they were children meet international standards for fair trial, as laid down in Article 37 of the Convention on the Rights of the Child and Article 14 of the

International Covenant on Civil and Political Rights; calls on the Iranian authorities to immediately and unconditionally release Hossein Shahbazi, who was 17 when he was arrested and remains at risk of imminent execution;

4. Calls on the Iranian authorities to take the necessary measures to respect the right to a fair trial of all prisoners, and notably to decline forced confessions extracted through torture as evidence; calls on the Iranian authorities to respect the human rights of its prisoners, including access to health care and sufficient nutritional food; calls on the Iranian authorities to put an end to the ill-treatment of prisoners, including solitary confinement and torture; expresses deep concern at the impunity for such serious human rights violations in Iran; calls on Iranian authorities to strengthen the cooperation with the UN Special Rapporteur on the situation of human rights in Iran, including to address allegations of torture and to ensure accountability;
5. Welcomes the ratification of the Sentence Reduction Law by the Iranian Parliament, as well as the consequent reduction of sentences and release of some human rights defenders; urges the Iranian authorities to make use of this law and swiftly release other human rights defenders who have been arbitrarily deprived of their liberty, including prominent journalists and women's rights defenders Narges Mohammadi, Nasrin Sotoudeh and Mehdi Mahmoudian;
6. Calls on the Iranian authorities to ensure that protesters, human rights defenders, trade unionists, lawyers, journalists and civil society actors can carry out their legitimate work in a safe environment and free from intimidation, fear and criminal prosecution; urges the Islamic Republic of Iran to end widespread and serious restrictions on the right to freedom of expression, opinion, association and peaceful assembly;
7. Is appalled by the recent murder of Mona Heydari by her husband, a 17 year old girl who was forcibly married to her cousin at the age of 12 and a first-time mother at 14; calls on the Iranian authorities to ensure that Sajjad Heydari is held to account; calls on the Iranian authorities to eliminate, in law and in practice, all forms of human rights violations against women and girls, and to align their rights with international human rights law; in particular, calls on the Iranian authorities to respect, fulfil and protect the human rights of women and girls to life, to health, to a life without violence, and to freedom of expression, including their right to choose not to wear religious veils;
8. Calls on the Iranian authorities to immediately repeal the "Youthful Population and Protection of the Family" law, and to ensure public sexual and reproductive health services, including safe, legal, free and good quality abortion services under all circumstances; recalls that denying abortion constitutes a form of gender-based violence, and may amount to torture or cruel, inhuman and degrading treatment; strongly condemns the threats of the Iranian authorities to impose the death penalty for abortion, and calls on the Iranian authorities to repeal this provision in particular without delay; calls on the EU and the Member States to cooperate with the UN in closely monitoring the new "Youthful Population and Protection of the Family" law, its impact on maternal deaths, and any development concerning the application of the death penalty for abortion;

9. Stresses that the COVID-19 pandemic has had a severe impact in Iran, and that there is an urgent need for enhanced humanitarian assistance and the lifting of sanctions; calls on the EU and its Member States to provide financial assistance and other aid to Iran's public healthcare system and NGO partners working in the country; urgently calls on the Member States to double the efforts to make INSTEX fully operational and effective in order to facilitate legitimate trade between EU and Iran;
10. Expresses its continued commitment to working constructively with the Islamic Republic of Iran on the Joint Comprehensive Action Plan (JCPOA); reiterates the importance of universal compliance with the JCPOA; welcomes the progress made over the last weeks of discussions in view of a possible return of the United States to the JCPOA, and the willingness of every party to reach compromises that will be in the interest of all; calls on all parties to ensure the full and effective implementation of the JCPOA;
11. Notes with deep concern the negative impact of US extraterritorial sanctions on the economic and social situation in Iran, which affect ordinary Iranians and their enjoyment of their economic and social rights; strongly calls on the president Biden to lift these sanctions, regardless the outcome of their negotiations to return to the JCPOA;
12. Instructs its President to forward this resolution to the government and parliament of Iran, the governments and parliaments of the EU Member States, the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, and the EEAS.