



Rights Up Front Responding to Human Rights Abuses in Iran¹

by Dokhi Fassihian
December 18, 2014

SUMMARY

- Since at least the late 1990s, the nuclear dispute and regional conflicts have eclipsed the demands of the Iranian people for peaceful democratic reforms.
- Hassan Rouhani's presidency—coinciding with diplomatic engagement between the international community and Iran—ushered in an important opening for diplomatic action to help improve the grave state of human rights in the country.
- While Rouhani's overtures on the need for increased freedoms gave hope to the Iranian people, structural limitations to the power of elected officials in the Islamic Republic present serious obstacles to citizen-driven change without intensive engagement by the international community.
- Today, more than a year after Rouhani took office, and despite ongoing international negotiations, human rights conditions in the country have deteriorated.
- If the Rouhani government and reformers inside Iran are to succeed in introducing genuine human rights and democratic reforms, increased focus and investment on these issues by the international community is necessary ahead of the 2016 legislative and Assembly of Experts elections.

Since the late 1990s, the dispute over Iran's nuclear program and regional conflicts have consistently eclipsed the demands of the Iranian people for peaceful democratic reform. Hassan Rouhani's presidency—coinciding with the Iranian leadership's decision to engage with the international community—ushered in an important opening for diplomatic engagement to help improve the grave state of human rights in the country. Elected to serve through 2017, Rouhani gave hope to Iranians that gradual reform might still be possible in a country where deep structural obstacles preclude citizen-driven change. Simultaneously, President Obama's administration pledged to keep the spotlight on Iran's human rights

record as it entered into historic negotiations with Iran's new government. After securing an interim nuclear deal, U.S. National Security Advisor Susan Rice stated in December 2013: "In Iran as we test the potential for a diplomatic solution to the nuclear issue, we are mindful that another key test is whether we begin to see progress on human rights. We call on the government to allow the UN Special Rapporteur on Human Rights to visit the country. Our sanctions on Iran's human rights abusers will continue and so will our support for the fundamental rights of all Iranians."

A year later, we are failing this test. Iran has not allowed access to the country by the UN

¹ "Human Rights Up Front" is a new initiative by the United Nations Secretary-General to improve UN action to safeguard human rights around the world through organizational preparedness and prevention of serious human rights violations becoming mass atrocities.

Special Rapporteur, appointed in 2011, and has failed to allow access to seven thematic UN human rights experts since 2003.² According to multiple human rights organizations working to document rights abuses inside Iran, politically motivated arrests have significantly increased since Rouhani took office.³ At least 900 political prisoners remain in detention, including opposition candidates from the 2009 presidential elections.⁴ Executions have risen dramatically: 700 individuals were executed in 2013,⁵ and 674 have been executed in 2014.⁶ Forty to fifty percent of these executions are carried out in secret, and they continue to include juvenile and public executions. Discrimination and violence against women have also worsened with new laws adopted to curtail education, employment, and personal freedoms.⁷

It's time to reevaluate our approach. Analyzing the views of Iran's citizens would be a good start. According to regular Zogby polling, Iran is the only country in the Middle East whose citizens consistently view political reform issues as top-tier concerns. Polls conducted in 2011 and 2013 showed that "advancing democracy, protecting civil and political rights, increasing the rights of women, ending corruption, and reforming the government" were consistently among the highest priorities for Iranians, whereas "continuing the nuclear enrichment program" and "resolving the stand-off with the West so that economic sanctions can be lifted" were among the least important issues. These findings coincide with the results of Iranian elections since the 1990s, as the electorate has repeatedly demonstrated its preference for reformists whenever such candidates were allowed to run. This includes the 2013 victory of Hassan Rouhani, who was the only candidate to campaign on a platform of human rights

reform out of the eight carefully selected by the Supreme Leader.

According to the same 2013 poll, about half of the respondents lacked confidence that their government or the Iranian system could actually deliver reforms. Their doubts are not misplaced. Over the past year, Rouhani's conservative opponents have used their control over Iran's security, judicial, and intelligence establishment to undermine the president and his coalition ahead of the 2016 parliamentary elections. The Supreme Leader, ideologically conservative and aware of the sheer breadth of dissent in the country, seems bent on preventing a social or political opening similar to what occurred during the reformist era of Mohammad Khatami. The intense fight over Rouhani's cabinet nominations, and pitched battles over women's rights and higher education policies, reflect a larger struggle that the president is not currently poised to win, despite his popular mandate. Iran today is reminiscent of the late 1990s, a period during which the democratization efforts of reformists faltered due to opposition from Khamenei, coupled with a lack of sufficient pressure from the international community.

The key to reading Iranian politics is understanding the Islamic Republic's power structure and political makeup. Electoral events in the country do not necessarily determine policy shifts; policy shifts often take place ahead of carefully controlled electoral events. The Supreme Leader maintains final say on all decisions of the state, including the approval of candidates for public office, through constitutional and extra-constitutional organs and procedures. Though he is largely inaccessible both to the Iranian public and

² UN thematic experts have made a combined total of 21 requests that remain outstanding: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx>

³ According to data collected from United for Iran's Political Prisoners Database, 241 individuals were arrested on politically motivated charges since Rouhani's inauguration compared to 143 arrested in the 12 months prior to his presidency. <http://united4iran.org/political-prisoners-database/>

⁴ "Rouhani Has Not Stopped Iran Repressing Human Rights: UN Envoy." Stephanie Nebehay, March 14, 2014. http://articles.chicagotribune.com/2014-03-14/news/sns-rt-us-iran-un-rights-20140311_1_ahmed-shaheed-president-hassan-rouhani-iran

⁵ Report of the Secretary-General. "The Situation of Human Rights in the Islamic Republic of Iran." August 12, 2014.

⁶ IHRDC Chart of Executions by the Islamic Republic of Iran. IHRDC. <http://www.iranhrdc.org/english/publications/1000000425-ihrdc-chart-of-executions-by-the-islamic-republic-of-iran-2014.html>

⁷ October 2014 Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran/>

to the international community, his strategic calculations can be influenced through carefully targeted measures. The Iranian president and parliament rarely act against the views of the Supreme Leader; when they have done so, they have been overruled by him and the Guardian Council.

The disputed 2009 election and subsequent crackdown represent a watershed event in post-revolutionary Iran. The brutality of the regime intensified the desire for democratic change and highlighted the challenges facing Iran's citizenry. Since the initial decision of leaders of the Green Movement to reject international support, a new awareness of the power relationship between Iran's citizenry, the regime, and the international community has taken shape. As with any entrenched authoritarian system that proves intractable, the role of the international community becomes extremely important to help shift the strategic calculus of unaccountable leaders. Where systems are unresponsive and lack domestic accountability, the international community must help fill the accountability gap—or face the more costly consequences of instability and conflict, as we have seen in Syria and Libya. The risk of mass atrocities increases when political and diplomatic efforts fail to address serious and systematic human rights violations.

While the international community appears to have made some progress in shifting the Iranian leadership's calculus on the nuclear file, no such effort has been invested in influencing the Supreme Leader's political will on issues of domestic political reform or human rights. This is not because such a shift is impracticable; Iran has demonstrated that it is responsive to pressure and incentives. Rather, this type of effort requires sustained diplomatic attention by the international community, as well as the elevation of human rights as an international priority—as was achieved in Myanmar and is currently being pursued on North Korea. "If we have proved that human rights violations turn into mass atrocities, then logic tells you that you have some type of process," said Jan Eliasson, Deputy Secretary-General, in describing the UN's new initiative to address serious human rights violations, Rights Up Front. "Member

States have a responsibility. We have a responsibility in the Secretariat. The connection between us is important."

Today, Iranian human rights defenders and political activists increasingly understand the crucial role the international community can play in encouraging peaceful reform. There is heightened awareness that Iran's democratic shortcomings must be addressed if genuine and sustainable human rights reforms are to succeed. A critical opportunity is emerging in the lead-up to the 2016 elections for both the Parliament and the Assembly of Experts, the body whose role includes electing a successor to Iran's Supreme Leader in the event of his death or resignation. These elections, and the conditions under which they are held, could determine the political direction of the country for years to come.

Iranian civil society and its human rights community have maintained all along that they support a diplomatic resolution to the nuclear conflict to achieve both peace and a return to a healthy economy. They have also said that human rights goals should not be compromised for progress on the nuclear file, nor should the grave state of human rights be used by those opposed to a nuclear deal to block a diplomatic breakthrough. Instead, both issues should be pursued independently, and in tandem. Nasrin Sotoudeh, a leading human rights defender released from prison at the start of negotiations, has warned that keeping silent on human rights today will make it more difficult to raise the issue later. "If the Iranian state wants to rehabilitate its relations with the international community, it must certainly address fundamental human rights concerns on issues such as juvenile executions and freedom of expression. The Iranian government should clearly state its position on these issues during the nuclear negotiations."

Since 2011, the United Nations, the United States, and the EU have failed to increase diplomatic pressure on Iran to end its abuses. Public diplomacy, the use of available multilateral tools, and targeted sanctions against human rights violators have been used minimally, if at all. The "nuclear-only" strategy

raises legitimate concerns that the Iranian people's top priorities—including reform at home—are being neglected.

The international community should reshape its approach toward Iran to include a robust human rights posture, as it aggressively pursues a nuclear deal and economic reengagement

with the country. Western fears that the Iranian government will “walk away” from talks are exaggerated and only raise suspicions that Iranian authorities are using endless negotiations to shield their abuses and lessen international scrutiny. Despite its rhetoric, Iranian leaders understand that the demand for more freedoms is home-grown. They also understand that no

TEN-POINT AGENDA FOR HUMAN RIGHTS PROTECTION: BENCHMARKS TO INCLUDE IN 28TH UNHRC RESOLUTION

- Release all prisoners of conscience, including opposition leaders, human rights defenders, religious leaders and dissidents, journalists and bloggers, labor rights and student activists, women's rights activists, lawyers, and those imprisoned due to their real or perceived gender identity, sexual orientation, and/or mutually agreed sexual activities.
- Impose an immediate moratorium on executions and move towards full abolition. In any event, immediately ban public executions, stoning and suspension strangulation.
- Immediately amend the Islamic Penal Code to abolish (and proscribe) the death penalty for those who were under the age of 18 at the time they allegedly committed a crime, consistent with Iran's obligation under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Commute all existing death sentences for offenders on death row who have been convicted of commission of a crime under the age of 18.
- Accede to the Convention on the Elimination of All Forms of Discrimination Against Women and the protocols thereto.
- Proscribe the use of all forms of corporal punishment, including floggings and amputations. Accede to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the protocols thereto.
- End restrictions on the press and media representatives, Internet users, and Internet providers, including selective jamming of satellite broadcasts, which violate the rights to freedom of information and association.
- Adopt a comprehensive anti-discrimination bill in compliance with Article 2(2) of the International Covenant on Economic, Social and Cultural Rights, and General Comment 20 of the covenant, and Article 2 of the ICCPR and CEDAW.
- Establish a full, impartial, and independent investigation into allegations of killings, torture, and other ill treatment (during and following the June 12, 2009 presidential elections), and prosecute those officials found responsible.
- Provide unfettered access to the country mandate holder and to thematic rapporteurs.
- Establish a national human rights institution in compliance with the Paris Principles (General Assembly Resolution 48/134)

country isolated in the world has improved its situation without some degree of international support. If Iran's leadership is goading the international community to politicize human rights—one of its long-standing accusations against Western governments—world leaders should ensure they do not fall into its trap.

POLICY RECOMMENDATIONS

1. **The U.S. government and the EU should reshape their bilateral and multilateral approach to Iran to elevate human rights goals on par with other objectives. Existing human rights mechanisms and measures should not be compromised in return for progress on the nuclear or broader national security agenda with respect to Iran.** The nuclear negotiations, and their failure to reach a conclusion, continue to overshadow international concerns over the state of human rights in the country. Human rights have been relegated to a tertiary position on the international agenda, facilitating worsening conditions for the Iranian people. The U.S. and EU should demonstrate through concrete actions that attention to human rights will be a permanent feature of bilateral and multilateral foreign policy toward the country, notwithstanding the pace and outcome of the nuclear talks, and after normalization of diplomatic and trade relations. Existing human rights reporting mechanisms and resolutions should be progressively strengthened until verifiable progress is made on specific and measurable human rights benchmarks.
2. **As the main sponsors of the resolution on Iran at the UN Human Rights Council, the U.S., Sweden, and EU should work with other members to strengthen attention to the situation in Iran. In March 2015, the Human Rights Council should adopt a resolution that outlines areas of ongoing human rights violations**

in the country and sets specific benchmarks for progress.⁸ Of the 18 recurring resolutions adopted by the UN Human Rights Council on specific country/territorial situations of concern, the resolution on Iran stands oddly alone in failing to outline the international community's concerns and expectations of Iranian authorities. This is even more puzzling because Iran falls into a special category of six countries out of the 18—along with North Korea, Eritrea, Syria, Burma, and Belarus—designated for governments that show a persistent failure to cooperate with the international community to improve their situation. The United States, EU, and other members of the Human Rights Council have yet to use this permanent agenda item reserved specifically for Iran to chart a path forward on human rights reform. This March, the body should adopt a resolution that reflects specific measures Iran should take, as outlined by the UN Secretary-General, UN General Assembly, UN Special Rapporteur, and Treaty Bodies to uphold its international human rights obligations.

3. **The UN Secretary-General should appoint a special envoy to travel to Iran and engage in diplomatic efforts to induce Iran's genuine cooperation with the UN human rights bodies and mechanisms, starting with access to the country by the UN Special Rapporteur on the situation of human rights in Iran.** In response to Iran's post-election crackdown and persistent non-cooperation with UN special procedures, the UN Human Rights Council established a mandate of a UN Special Rapporteur in 2011 to report on the situation. The international community has repeatedly called on Iranian authorities to allow the appointed mandate holder, Dr. Ahmed Shaheed, to visit the country. Instead of working with him, Iranian authorities have vilified him and worked to undermine the international human rights

⁸ See included: Ten-Point Agenda for Human Rights Protection: Benchmarks to Include in 28th UNHRC Resolution

⁹ A mandate of a UN special rapporteur is established to work with countries that maintain a consistently poor record of cooperation with UN human rights bodies and mechanisms and a severely deteriorating human rights situation. Upon a government's decision to begin cooperation, it is customary to work with the country rapporteur. In an effort to isolate the UN special rapporteur, high level government officials have engaged in personal attacks against him, while extending disingenuous offers of cooperation with other thematic rapporteurs.

system.⁹ Iran has also failed to allow any UN thematic special procedure to visit the country in nearly a decade, with a combined total of 21 outstanding requests by special procedures since 2003. Iran also maintains a very poor record of response to urgent communications from UN experts—only 36 percent.¹⁰ The UN General Assembly, in its annual resolution on Iran, has asked the Secretary-General to take additional steps to help improve the implementation of the UNGA's recommendations by the international community to Iran. The Secretary General should use his “good offices” to promote implementation of recommendations by Iran and appoint a special envoy to discuss Iran's cooperation with the UN.

4. The UN Human Rights Council, UN General Assembly, and UN Secretary-General should press for free and fair elections for the Parliament and Assembly of Experts in 2016, including objective criteria for candidates and international observation. The Iranian government should be urged to partner with the UNOPS/OSCE/UNDP to provide assistance to improve the electoral process to meet international standards, including electoral observation missions. Iranian elections are currently neither free nor fair. The ongoing imprisonment of opposition leaders, restrictions on speech and assembly, and arbitrary vetting of candidates by the Guardian Council prevent an inclusive and transparent electoral process. In the 2013 presidential elections, some 678 candidates were disqualified from running, including all 30 female candidates and former elected officials. Over the past three and half

decades, the Guardian Council rejected approximately 90 percent of candidates, and as a matter of practice, it fails to provide an explanation for disqualifications.¹¹ According to Human Rights Watch, the Guardian Council uses criteria that are “vague or open to interpretation and enable authorities to make sweeping and arbitrary decisions.”¹² The UN General Assembly has called on Iran to ensure free, fair, transparent, and inclusive elections consistent with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), as well as independent observation by civil society, international experts, and journalists.¹³ The UN Human Rights Committee has called on Iran to introduce legislative reforms that ensure its electoral laws are in conformity with the rights guaranteed in article 25 of the ICCPR, including through the establishment of an independent electoral monitoring commission.¹⁴

5. The U.S. government and EU should continue to designate persons and entities responsible for human rights violations against the Iranian people, including high level officials. Existing visa bans on sanctioned persons should be strictly enforced, particularly by EU states, while sanctions should not be reversed until verifiable progress on specific and measurable benchmarks are met. In particular, the Islamic Republic of Iran Broadcasting (IRIB) should be re-designated as a sanctioned entity given its role in ongoing human rights violations.¹⁵ Both the U.S. and EU maintain legal authorities that allow for targeted sanctions against human rights violators. With one exception, no

¹⁰ Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to the Council resolution 16/21. Islamic Republic of Iran. August 18, 2014.

¹¹ “Duality by Design.” IFES. March 2011. http://www.ifes.org/Content/Publications/Press-Release/2011/~media/Files/Publications/Books/2011/Duality_by_Design_The_Iranian_Electoral_System.pdf

¹² “Iran: Threats to Free and Fair Elections.” Human Rights Watch. May 24, 2013. <http://www.hrw.org/news/2013/05/24/iran-threats-free-fair-elections>

¹³ 67/182. Situation of human rights in the Islamic Republic of Iran, Dec. 20, 2012. http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/182

¹⁴ Human Rights Committee Concluding Observations, Islamic Republic of Iran. October 2011. <http://www.ohchr.org/en/countries/asiaregion/pages/irindex.aspx>

¹⁵ “Iran's State TV: A Major Human Rights Violator.” International Campaign for Human Rights in Iran, June 2014. http://www.iranhumanrights.org/wp-content/uploads/IRIB_Briefing-6.30.14.FINAL.pdf

new designations have been made since President Rouhani's inauguration, despite well-documented abuses by human rights organizations. In February 2013, the U.S. government sanctioned IRIB due to its role in preventing access to information to the Iranian people through satellite jamming and airing "forced confessions" of individuals denied due process. However, in February 2014, Secretary Kerry signed a temporary waiver on IRIB, citing Iran's commitment to stop satellite signal jamming. Shortly after this act, the Iranian government resumed jamming satellite signals using a different "down link" method believed to be physically harmful to humans. They have also continued the practice of airing "forced confessions" of political detainees.



DOKHI FASSIHIAN has led three nongovernmental organizations in the area of human rights and democracy, multilateral affairs, and Iranian affairs since 2003. At the Democracy Coalition Project, Ms. Fassihian led multilateral strategies to promote democracy and human rights around the world. Ms. Fassihian led an international campaign that led to the establishment of the UN Human Rights Council's first country special rapporteur on Iran in 2011. She has also served as a co-director at United for Iran and as the executive director of the National Iranian American Council. Ms. Fassihian holds a M.A. in Advanced International Studies from the Paul H. Nitze School of Advanced International Studies and has served on the boards of the Democracy Coalition Project, the International Campaign for Human Rights in Iran, United for Iran, and the National Iranian American Council.

THE PROJECT ON MIDDLE EAST DEMOCRACY is a nonpartisan, nonprofit organization dedicated to examining how genuine democracies can develop in the Middle East and how the U.S. can best support that process. POMED Policy Briefs are short analysis pieces for U.S. policymakers on issues of core relevance to democratic development in the region. The views expressed in the briefs are those of the authors and do not necessarily reflect the views of POMED. For more information, please contact the series editor, Nussaibah Younis, at nussaibah.younis@pomed.org.

