



LDDHI

جامعه دفاع از حقوق بشر در ایران

(عضو فدراسیون بین المللی جامعه های حقوق بشر)

League for the Defence of Human Rights in Iran
(FIDH Member)

FIDH – International Federation for Human Rights
and its member organisation for Iran
League for the Defence of Human Rights in Iran (LDDHI)

Briefing paper for the EU-Iran human rights dialogue

20 November 2017

The gravest human rights violations in Iran continue to occur in the following areas:

1. Death penalty
2. Arbitrary detention and torture of dissidents
3. Discrimination against women, religious minorities, and ethnic communities
4. Labor rights

1. Death penalty: More than one execution per day, juveniles not spared

Iran is the world's second biggest executioner, after China. Since the beginning of 2017, more than 435 executions have been recorded. The real figure is likely to be higher, as the authorities keep information regarding executions secret.

Iran imposes the death penalty for offenses that do not fall under the category of “the most serious crimes” under international human rights law - in particular political, economic, religious, drug-related, and so-called sexual offenses. Members of a number of ethnic communities or religious minorities are often condemned to death and executed for political activities and offenses related to the ‘security of the state’. Iranian law also provides for stoning for adultery. A woman by the name of Fariba Khaleghi was sentenced to stoning in 2016.

Most executions – ranging from 60% to 75% – concern drug-related crimes. Under a law passed in Parliament in October 2017, the threshold quantities for drugs possession required to impose the mandatory death sentence have been increased and the development is expected to lead to a relative decrease in the number of drug-related executions. Some legislators had initially aimed at drastically reducing the number of these executions by proposing the abolition of capital punishment for certain categories of drug trafficking. However, the proposal was rejected as a result of huge opposition from the Judiciary and the Guardian Council of the Constitution. According to members of Parliament, at least 5,000 drug traffickers are currently on death row.

Iranian law provides for death penalty for religious offenses and the threat of execution on religious charges is real. In September 2014, a man was executed near the city of Karaj after being found guilty of “heresy”.¹ Recent cases of death sentences imposed or upheld for religious offenses include:

- Sina Dehghan and Mohammad Noori were arrested in October 2015 for publishing writings against Islam and the Koran in social networks. They were later sentenced to death on charge of “cursing the prophet of Islam.” The Supreme Court upheld their sentences in February 2017.
- Mohammad Ali Taheri, the imprisoned founder of a group (*erfan-e halghe*) that believes in healing patients through “complementary and alternative medicine”, was sentenced to death for the

second time in August 2017. He was accused of “cursing the prophet of Islam”, “apostasy”, and “assembly and collusion against the national security.” The Supreme Court quashed the sentence again in late October 2017.

Iranian law provides for the execution of juvenile offenders.² In most cases, they are kept in prison until they reach the age of 18 and are subsequently executed. Between 1 January 2017 and early November 2017, Iran executed at least four individuals for crimes they allegedly committed when they were under 18 years of age. As of early November 2017, at least 86 juvenile offenders were on death row, but the real figure is likely to be higher.

Many prisoners on death row do not receive fair trials and are denied access to a lawyer. They are sentenced on the basis of vague charges and confessions that are usually made under torture or other forms of ill treatment during pre-trial detention.

In 1988, many imprisoned political activists were reaching the end of their prison terms. As the time of their release approached, Iranian authorities ordered their execution. Beginning in July-August 1988, between 4,000 and 7,000 of these political prisoners were subjected to summary re-trials and were executed. Authorities have failed to bring to justice the perpetrators of these mass executions and to acknowledge these large-scale crimes that ought to be qualified as crimes against humanity under international law.³

We urge the EU to call on Iran to:

- Adopt a moratorium on the death penalty as a step towards complete abolition.
- Immediately quash all death sentences against juvenile offenders.
- Adopt a law that prohibits the death penalty for juveniles.
- Invite the United Nations (UN) Special Rapporteur on extrajudicial, summary or arbitrary executions and facilitate the implementation of her mandate.
- Investigate the large-scale executions of 1988, prosecute those responsible, and stop denying the rights of victim’s relatives to know the truth and the burial place of their beloved.

2. 1,000 political prisoners arbitrarily detained, more than 500 unresolved cases of enforced disappearances

As of early November 2017, around 1,000 people were estimated to be serving lengthy jail terms for purely political reasons or for their human rights activities or journalistic work. Political prisoners are routinely subjected to arbitrary arrest by the authorities and imprisoned for their peaceful activities. They are then placed in unbearable conditions of detention, where they are often denied access to a lawyer. Examples include:

- Sadigheh Vasmaghi, an Islamic scholar and writer and former spokesperson of Tehran City Council, was detained on 22 October 2017 upon returning from Europe after five years. She had been sentenced in absentia to five years in prison on charges of “acting against national security” and “spreading propaganda against the state” for her involvement in protests following the 2009 presidential election. “Membership of the Green Movement of Hope”, “membership of the Committee to Support the Persons Harmed in 2009 Events” were among the reasons substantiating the charges. She denied her membership in both cases. Ms Vasmaghi’s eyesight is severely failing. She was released on a bail of more than 200,000 euros on 4 November 2017.
- Narges Mohammadi, spokesperson of the Defenders of Human Rights Centre (an FIDH member organization), began serving her second prison sentence of 10 years on 16 March 2017, when her previous six-year sentence ended. She had been tried while in prison in April 2016 on charges of “assembly and collusion with intent to commit crimes against national security”, “spreading propaganda against the state” – for meeting with former EU High Representative Catherine Ashton

- and “co-founding and running the illegal LEGAM splinter group”.⁴ Ms. Mohammadi has been suffering from emboli of the lungs and muscular paralysis.
- Abdolfattah Soltani, a founding member of the DHRC, has been incarcerated since September 2011. He was sentenced to 18 years in prison in March 2012, when he was also banned from exercising the legal profession for 20 years. He was charged with “spreading propaganda against the state” and “assembly and collusion against national security”, including for co-founding the DHRC and “earning illegitimate assets” for accepting the Nuremberg Award for human rights in 2009. His prison sentence was later reduced to 10 years’ imprisonment and a two-year ban on exercising the legal profession.
- Journalist Soroush Farhadian was sentenced to a one-year prison term in late August 2017 on charge of “spreading propaganda against the state” for publishing articles critical of the house arrest of the 2009 presidential election candidates. He had already been sentenced to seven months in prison on the same charge in May 2017, but the appeal court had commuted his sentence to a fine.
- Issa Saharkhiz, a veteran journalist, was sentenced to six months in prison for “insulting the Head of the Judiciary” in July 2017. He had been released two months earlier following a two-year imprisonment for “insulting the Supreme Leader Ayatollah Ali Khamenei, and spreading propaganda against the state.”
- Morad Saqafi, editor of *Goftegu* [‘Dialogue’], was detained at his home on 17 March 2017 for unknown reasons and released on 21 May 2017.
- Hossein Movahedi, correspondent of the *Najafabad News* website, was sentenced to 40 lashes on charge of “publishing false news” for a June 2016 report on the confiscation of 35 motorcycles by the police. His sentence was carried out on 5 January 2017. Some other journalists have also been sentenced to lashing on similar charges.

Since 2003, about 50 prisoners, most of whom were incarcerated for political reasons, have lost their lives in prisons across Iran as a result of beatings, other forms of torture and inhumane treatment, and the deliberate deprivation of medical treatment. Punishments such as amputation, gouging of the eyes, virginity tests, and flogging, among others, are frequently meted out to prisoners. For example:

- Sentences of amputation of hands were carried out on three thieves in Qom prison on 20 September 2017 and another thief in Mashhad prison on 19 October 2017.
- A convicted man was executed for murder in Shiraz in April 2017, 10 days after his hand had been amputated on charges of theft.

Political activists and human rights defenders are frequently victims of enforced disappearances. While in its latest report (July 2017) the UN Working Group on Enforced or Involuntary Disappearances (WGEID) reported at least 528 outstanding cases of enforced disappearances (including 102 women), there are a number of other persons whose fate and whereabouts are unknown. These include:

- Sasan Aqaei, deputy editor of the daily *Etemad*, and Yaghma Fashakhami, another journalist, who have been detained at unknown locations since 12 August and 20 August 2017, respectively. The charges against them are not known and they have been denied access to a lawyer and visits from their families.
- Ramin Hosseinpanahi, a member of Komala, a Kurdish opposition group, who was arrested in armed clashes with the security forces in Kurdistan province on 23 June 2017 and has not been seen since.

Families of activists also face harassment for pursuing the fate of, or seeking justice for, their loved ones:

- Raheleh Rahemipour was sentenced to two years in prison in February 2017 on charges of “spreading propaganda against the state” for making a complaint to the UNWGEID regarding the fate of her brother and her niece. Her brother Hossein Rahemipour, a political activist arrested in

1983, and his daughter, who was born in prison, have disappeared since then. His wife, who had also been arrested, was reportedly released after a few months.

- Maryam Akbari-Monfared, who has been serving a 15-year prison sentence since 2009 for alleged contacts with an opposition group abroad, has been subjected to persecution and harassment in prison and denied adequate medical care for making a complaint to the UNWGEID in 2016. In 2017, the UNWGEID asked the Iranian government for information about Ms. Akbari-Monfared's sister and brother, who may have been among the victims of the 1988 prison massacres [see Section 1, above].
- Shahnaz Akmal has been frequently detained and persecuted since 2009 for seeking justice for her son who was shot dead by the security forces during 2009 post-presidential election protests. She was sentenced to one year in prison and a ban on travelling abroad in October 2017.

The media in Iran remain under constant threat of closure and media workers abroad and their relatives in Iran face persecution and judicial harassment:

- The daily *Mostaqel* was banned on 4 October 2017 after publishing a picture of Mir Hossein Mousavi, one of the 2009 presidential candidates, who remains under house arrest with his wife.
- Iran-based family members of BBC Persian Service journalists working abroad have faced harassment including being detained and a ban has been issued on financial transactions of more than 150 of current and former BBC journalists.

We urge the EU to call on Iran to:

- Immediately and unconditionally release all political prisoners who are arbitrarily detained in Iran – including human rights defenders, journalists, independent trade unionists, women's rights and political activists – for peacefully exercising their rights to freedom of expression, freedom of peaceful assembly, and freedom of association.
- Ensure respect for the rights to freedom of expression, association, and peaceful assembly and allow independent human rights groups to work and monitor the situation of human rights in their country.
- Take measures to stop torture and inhumane treatment and ratify and implement the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and its Optional Protocol.
- Promptly guarantee all prisoners immediate access to appropriate and adequate medical treatment and health care.
- Provide information to victims' relatives about the fate and whereabouts of the victims and put an end to harassment of victims' families.
- Grant unconditional access to Iran for international monitoring bodies, such as the UN Special Rapporteur on human rights in Iran and independent international human rights organizations like FIDH, which have not been permitted to send missions to Iran since early 1979.

3. Women and religious minorities and ethnic communities discriminated against⁵

Iranian laws, including under the Islamic Penal Code, the Civil Code, and the Family Law, continue to violate women's rights. Women's rights are equally shunned in practice, particularly with regard to: inheritance; custody of children; ban on studying certain subjects at university; access to certain occupations; and harassment and prosecution of women's rights activists. Examples include:

- Alieh Motallebzadeh, women's rights activist and photojournalist, was arrested in late November 2016 after returning from Georgia where she had taken part in a workshop on empowerment of women. She was released in December 2016 and was sentenced to three years' imprisonment in August 2017.
- Farzaneh Jalali, a Kurdish women's rights activist, was arrested in Kermanshah in late February 2017 and was released on bail of nearly 65,000 euros after 17 days.

- Mino Khaleghi, a woman elected to Parliament in February 2016, was barred from taking office reportedly because she had shaken the hand of a man.

Many women's rights activists were summoned for interrogations and threatened by security and intelligence forces throughout 2016 and subsequently forced to suspend their activities.

Discrimination based on ethnicity and religion is widespread, both in law (including the Constitution and the Civil Code)⁶ and in practice, in the political, social, cultural and economic fields. Iran denies the right to believe in or practise a religion of one's choice or not to believe. Iran also denies ethnic communities the right to receive education in their mother tongue, to access certain occupations, to publish freely in their mother tongue, and to celebrate their cultural or religious events.

Followers of the Baha'i religious minority in particular have continued to face persistent persecution, which has resulted in arrests and imprisonment of Baha'i followers for practising their religion, closure of their businesses, desecration of their cemeteries, and a ban on higher education. As of June 2017, over 90 followers of the Baha'i religious minority were incarcerated.

Christian converts also regularly face prosecution for alleged missionary activities. For example:

- Yousef Nadarkhani, a Christian convert and priest, who was sentenced to 10 years' imprisonment and two years' exile in a remote city in July 2017. He had previously been arrested in 2009 and sentenced to death for "apostasy", but the death sentence was later quashed and he was released in 2012.
- Amin Afshar-Naderi, a Christian convert, who was sentenced to 15 years in prison for insulting the sanctities of Islam on charges of "acting against national security through establishment of house churches and proselytising" in July 2017.
- Hadi Asgari, a Christian convert, who was sentenced to 10 years in prison for "acting against national security through establishment of house churches and proselytising" in July 2017.
- Ibrahim Firoozi, a Christian convert, was sentenced to five years in prison on charges of "establishing a group to undermine the national security." His sentence was upheld by the Court of Appeals in March 2017.

Dervish (Sufi) Muslims and Sunni Muslims continue to face discrimination and persecution.

We urge the EU to call on Iran to:

- Amend or repeal all provisions of the Constitution, the Civil Code, and the Islamic Penal Code that are incompatible with international human rights standards and that discriminate against ethnic communities and religious minorities and women.
- Adopt legislation that recognizes the rights of all people to freedom of thought, conscience and religion, which include the freedom to freely exercise one's religion or belief without any restriction, and the right to be agnostic or atheist.
- Recognize, respect, protect, and fulfil the right of people belonging to ethnic communities to practise their culture, access all types of occupations, receive education in their mother tongue and have their own publications and media in conformity with international human rights treaties to which Iran is a State party.
- Stop the discrimination against ethnic communities, religious minorities, and women in all fields.
- Take specific measures to ensure the right of all citizens to education, work, and adequate housing, regardless of their race, color, descent, national or ethnic origin, language, religion or belief.

4. Violations of labor rights unchecked⁷

The current legislation and government policies in Iran are among the root causes of violations of labour rights. The government exercises strong control over all "legal institutions" that are officially authorized to represent workers under the Labor Code. Independent trade unions are prohibited. Attempts to establish

independent trade unions have been harshly repressed, and labor leaders have been dismissed from their jobs, harassed and persecuted, and imprisoned on charges such as “acting against national security” and “spreading propaganda against the system” under the Islamic Penal Code. At least eight unionist workers and teachers are currently serving prison terms and others have been sentenced to prison terms or are facing judicial proceedings for trying to establish independent unions or conduct union-related activities. A selection of the cases includes:

- Esmail Abdi, Board member of the Teachers Association of Iran (TAI), serving a six-year prison term.
- Medhi Beheshti Langaroodi, spokesperson of TAI, serving a total of 14 years in prison.
- Mahmood Salehi, a founding member of the Bakers Association in the city of Saqqez, arrested on 28 October 2017, serving a one-year prison sentence.
- Reza Shahabi Zakaria, Treasurer of the Syndicate of Workers of United Bus Company of Tehran and Suburbs, who was taken back to prison on 9 August 2017 to serve 17 months after serving a six-year prison sentence.
- Ebrahim Madadi and Davood Razavi, Board members of the Syndicate of Workers of United Bus Company, who were sentenced to five years and three months, and five years in prison, respectively. Mr. Razavi appeared in the Court of Appeals on 4 November 2017 and Mr. Madadi's appeal hearing is due in December 2017.
- Mr. Jafar Azimzadeh, secretary of the Free Union of Iranian Workers (FUIW), has been summoned to serve a six-year prison term.

This repression is part of a systematic denial of the most basic rights of workers in Iran, who are subjected to discriminatory and repressive laws and purely political charges. The right to strike has never been expressly recognised and in practice strikes are brutally suppressed. Independent peaceful gatherings are banned in Iran during 1st May Labor Day every year.

The minimum wage determined for the solar year beginning 20 March 2017, as in previous years, is estimated to be around one-third of the poverty line.⁸ Several million workers do not receive even that minimum wage, as they are employed in workplaces with fewer than 10 workers, where the Labor Code's provisions - i.e. minimum wage, wage increase, and insurance benefits - do not apply.

We urge the EU to call on Iran to:

- Allow the establishment of independent trade unions and put an end to any kind of harassment against trade unionists and workers.
- Immediately and unconditionally release all people arbitrarily detained for their role in defending worker rights.
- Eliminate legal restrictions on the right to strike, demonstrate, organize, and peacefully assemble.
- Establish guarantees regarding the payment of due wages and genuine social security mechanisms, as well as compliance with the Labor Code provisions under which to raise the minimum wage is to be raised in line with the inflation rate.
- Amend or repeal all provisions in the Constitution, the Labor Code, the Civil Code, and the Selection Law⁹ that are discriminatory against women and minority groups with regard to their ability to enjoy worker rights.
- Swiftly ratify and implement key ILO Conventions,¹⁰ as well as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).

¹ Apostasy has been mentioned only in the Press Code (Article 26), but the penal code provides the death penalty for “cursing the Prophet of Islam, other grand prophets...” (Article 262). Nevertheless, under article 167 of the Constitution, if the laws are silent on an issue (e.g. apostasy), “judges must base their judgment on authoritative Islamic sources and authentic fatwa.”

² For more information see: [Death Penalty in Iran : A State Terror Policy](http://www.scribd.com/document_downloads/175038412?extension=pdf&from=embed&source=embed) (http://www.scribd.com/document_downloads/175038412?extension=pdf&from=embed&source=embed) and [The death](#)

[penalty for drug crimes in Asia](#)

(https://www.fidh.org/IMG/pdf/asia_death_penalty_drug_crimes_fidh_wcadp_report_oct_2015_pdf.pdf)

3 For more information see: [Iran: 25 years on, and still no justice. 1988 prison executions remain unpunished:](#)

http://fidh.org/IMG/pdf/fidh_dddhi_report_25_years_on_and_still_no_justice_sept_2013.pdf

4 A campaign group established by a number of other human rights defenders aiming at abolishing the death penalty. Ms. Mohammadi was not a co-founder but joined it later.

5 For more information see: [The hidden side of Iran: discrimination against ethnic and religious minority:](#)

<http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>

6 See: <http://www.fidh.org/IMG/pdf/IrandiscrimLDDHI545a.pdf>; <https://fidh.org/11035>; and <https://www.fidh.org/21567>

7 For more information see: [Iran: rising poverty, declining labour rights](#) (http://www.fidh.org/IMG/pdf/iran_report_en.pdf) and [Briefing note on the situation of workers rights and the repression of trade unionists in Iran](#) (2017):

<https://www.fidh.org/21567>.

8 Minimum wage for the year beginning 21 March 2017 is around 195 Euros per month, while the monthly expenses of a four-member family amounted to around 685 Euros in March 2017 (based on 7 November 2017 exchange rate).

9 The Selection Law requires public sector employees, among others, to: believe in Islam or one of the religions stipulated by the Constitution; practically adhere to Islam's decrees; belief in and adhere to the guardianship of the Islamic canonist, the Islamic Republic of Iran and the Constitution, wearing of full-body hijab (chador) by women.

10 ILO Convention on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the ILO Convention on Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the ILO Minimum Age Convention, 1973 (No. 138), and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.