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Open letter
Iran: Call for a coherent and multi-faceted human rights strategy

Paris, 12th April 2016,

Madame High Representative,

Ahead of your upcoming visit to Tehran, we write to remind you of the legal obligation embedded in Article 21 of the Treaty of the European Union that the EU's foreign policy shall be guided by the advancement of human rights around the world, an obligation which was concretised under specific commitments in the EU strategic framework and action plans on human rights and democracy.

Your upcoming visit is scheduled at a decisive moment for the development of the EU's relations with Iran. Following the lifting of nuclear-related sanctions, we have already seen the beginning of increasing cooperation between EU member states and Iran in a number of areas, including trade, energy and technology. However, we must also keep in mind that these increasing ties also amplify the EU's position and influence in the support of human rights.

The EU's role is all the more imperative given the Iranian authorities' continuous refusal to cooperate with UN human rights mechanisms. The last time any UN human rights expert visited Iran was in 2005.¹ The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Dr Ahmed Shaheed, has never been granted access to the country despite numerous requests since his appointment in 2011. Moreover, independent international human rights organisations, including FIDH, have not been permitted to send missions to Iran since early 1979. FIDH's Iranian member organisations, *La Ligue de Defence des Droits de l'Homme en Iran (LDDHI)* and *The Defenders of Human Rights Center (DHRC)*², are banned from working and monitoring the situation of human rights in their own country.

The list of human rights concerns in Iran is long. Despite the promises for reform and openness put forth by President Rouhani during his electoral campaign, little has improved in terms of rights and freedoms

¹ The UN Special Rapporteur on violence against women visited Iran from 29 January to 6 February 2005, and the UN Special Rapporteur on adequate housing from 19 to 30 July 2005.

² The League for the Defence of Human Rights in Iran (LDDHI), has been forced to operate abroad since its establishment in France in 1983. Defenders of Human Rights Centre (DHRC) was established in Iran in 2001 but was forcibly closed in 2008; since then its members have been harassed and imprisoned (see below).



جامعه دفاع از حقوق بشر در ایران
(عضو فدراسیون بین‌المللی جامعه‌های حقوق بشر)
League for the Defence of Human Rights in Iran
(FIDH Member)



for the Iranian people:

- approximately 1,000 people were executed in Iran in 2015, the highest number of annual executions in the country since 1989;
- Iranian courts continue to sentence people to torture and inhumane punishments such as amputations, gouging of the eyes, virginity tests, and flogging;
- at least 1000 people are known to be in prison serving lengthy terms for purely political reasons or for their human rights activities;
- women's rights are consistently ignored in law and in practice, including bans on women studying certain subjects at university; and
- religious and ethnic minorities continue to be persecuted – as of September 2015, there were around 74 followers of the Baha'i faith, more than 90 Christians, at least five Dervish (Sufi) Muslims and an unknown number of Sunni Muslims in Iranian prisons solely for their beliefs.³

Given the seriousness of these persistent violations and the important role the EU can play as its relations with Iran continue to develop, our organisations urge the EU to deliver a coherent message that the development of EU-Iran relations will be tightly linked to concrete human rights improvements in Iran, and to adapt its internal strategy to ensure that the EU and its economic actors contribute positively to Iran's human rights situation.

The Council decision dated 11 April to extend its restrictive measures against certain persons and entities in Iran in relation with their role in human rights violations must be reinforced by a coherent and multi-faceted human rights strategy, including a clear approach to ensuring business and trade relations with Iran are in line with the EU's international human rights obligations.

Strengthening the EU human rights strategy on Iran

In order to constructively address the important human rights concerns in Iran, we call on the EU to increase its political and financial support for the activities of independent Iranian civil society, including when these activities are repressed by the Iranian authorities. Our organisations also urge the EU to establish without delay a strategic approach to promoting human rights in Iran, adopting to that end a Foreign Affairs Council Conclusion clarifying how to foster the following key priorities:

- The immediate and unconditional release of all prisoners of conscience who are arbitrarily detained in Iran – including human rights defenders, journalists, independent trade unionists, women's rights and political activists – all jailed for peacefully exercising their rights to freedom of expression, freedom of assembly or freedom of association.⁴
- The respect for freedom of expression, association and assembly – notably the authorisation for independent human rights groups, like FIDH's member organisations LDDHI and DHRC, to work and monitor

³ The number of imprisoned Baha'i rose to 80 by March 2016.

⁴ See Annex 1 for a limited list of key prisoners of conscience in Iran

the situation of human rights in their country.

- Unconditional access to Iran for international monitoring entities, like the UN Special Rapporteur on human rights in Iran and independent international human rights organisations like FIDH, which have not been permitted to send missions to Iran since early 1979.
- Ending the extensive discrimination in law and in practice against religious and ethnic minorities.
- Amending or repealing of all the provisions of the Constitution, the Civil Code and the Islamic Penal Code that violate international human rights standards that discriminate against women regarding marriage, divorce, custody of children, inheritance, nationality, and other basic rights.
- The adoption of a moratorium on the death penalty and the restriction of the number of offences carrying the death sentence to only the most serious crimes, with a view to abolish the death penalty; and the immediate repeal of any death sentences against juvenile offenders.
- The ratification and implementation of key international human rights conventions, including
 - the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol;
 - the Convention for the Protection of All Persons from Enforced Disappearance (CED);
 - the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
 - the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW); and
 - the fundamental International Labour Organisations Conventions.

No business or trade at the expense of human rights

As EU member states and European companies have begun signing contracts and exploring new business relationships with Iran, the EU has an enhanced responsibility to ensure that such business and trade engagements do not take place at the expense of human rights.

In that regard, our organisations are extremely concerned by the fact that the current legislation and practice in Iran are conducive of violations of labour and economic and social rights:

- Independent trade unions are prohibited, and the government exercises strong control over all legal institutions supposed to represent workers.⁵ The right to strike has never been expressly recognised and in practice strikes are brutally suppressed. Attempts in recent years to establish independent trade unions have been harshly repressed, and labour leaders have been dismissed from their jobs, harassed and persecuted, and imprisoned on charges including 'acting against national security' and 'spreading propaganda against the system.'
- Successive governments have failed to abide by the Labour Code provisions to raise the minimum wage in proportion to the inflation rate. The minimum wage determined for the solar year beginning 20 March

⁵ See FIDH report "Iran: Rising poverty, declining labour rights" June 2013 (https://www.fidh.org/IMG/pdf/iran_report_en.pdf)

2016 is estimated to be around one-third of the poverty line.

- Official policies and legislation, such as Gozinesh Act, prohibit access to certain occupations for women, religious or ethnic minorities and political dissidents.

Serious reforms and safeguards are therefore necessary in order to ensure that the development of trade and investments in Iran take place within the appropriate protective framework. With this in mind, our organisations urge the EU to call on Iran to:

- Swiftly ratify and implement key labour and fundamental ILO Conventions, notably
 - Core ILO Convention 87 on Freedom of Association and Protection of the Right to Organise Convention, 1948;
 - Core ILO Convention 98 on the Right to Organise and Collective Bargaining Convention, 1949;
 - Core ILO Convention 138 on Minimum Age, 1973;
 - 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).
- Recognise independent trade unions and the end harassment against trade unionists and workers, as well as immediately and unconditionally release all people arbitrarily detained for their role in defending workers' rights.
- Amend or repeal all provisions in the Constitution, the Labour Code, the Civil Code, and the Selection Law which are discriminatory against women and minority groups;
- Eliminate legal restrictions on the right to strike and the practice of blank-signed contracts; and
- Establish guarantees regarding the payment of due wages and genuine social security mechanisms, as well as compliance with the Labour Code provisions to raise the minimum wage in line with the inflation rate; and ensuring living wages in line with the provisions of the ICESCR.

Guaranteeing a positive human rights impact in Iran

International human rights law also legally obliges the EU and its Member States to ensure EU-based economic operators are doing business in full respect of international human rights norms and standards. To that end, the EU, its Member States and EU companies must comply with the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. As a consequence, and bearing in mind your role to ensure internal coherence and consistency between the EU's external and internal policies, we call on you to ensure that the EU and its Member States:

- ensure full transparency of business activities by requiring disclosure of details of investments (including of contracts) and all business relationships in Iran, including the list of suppliers of companies sourcing from Iran;

- require investors to carry out initial and ongoing human rights due diligence, including human rights impact assessments of their operations in Iran, and require public reporting by foreign investors in Iran of their human rights policies, environmental and social risks, the impacts of their activities, and measures taken to mitigate negative impacts; and
- ensure affected communities have access to effective remedies and, in particular, facilitate access of victims of rights violations to courts in the home country of companies active in Iran. Having committed in its strategic framework on human rights and democracy and its 2015 action plan to foster the implementation of the UNGPs with its partner countries, the EU should also encourage and support Iran to adopt its National Plan of Action on business and human rights.

Sincerely,

Karim Lahidji

President of LDDHI

President of FIDH

Shirin Ebadi

President of DHRC

CC:

EU Member States

European External Action Service

European Commissioners

European Parliament

ANNEX 1:

Prisoners of conscience and other victims of repression of freedom of expression, assembly and association in Iran

On 16 January 2016, on the day of implementation of the nuclear deal between Iran and the international community, four dual-nationality Iranian-American prisoners of conscience were released in prisoner swap with the United States of America. While welcoming their release, we point out that such one-off political negotiations do not solve the problem of mass repression and arbitrary detention in Iran. Hundreds of other Iranian citizens remain prisoners of conscience, with no other country to negotiate for their release. For many of these prisoners of conscience, no adequate information is available.

The UN Working Group on Arbitrary Detention has officially declared several people in Iran as being arbitrarily detained. 13 of these individuals are currently still in prison:

- **Messrs. Mir Hossein Mousavi** and **Mehdi Karoubi** (two candidates in the disputed 2009 presidential elections), and Mr. Mousavi's wife **Ms. Zahra Rahnavard**
- **Messrs. Mohammad-Seddiq Kaboudvand⁶** and **Abdolfattah Soltani⁷**, (both human rights defenders)
- **Khosro Kordpour** (journalist), and
- 7 leaders of the Baha'i community who were sentenced to 20 years in prison in 2010.⁸

Unionists and civil rights defenders are among those most often targeted, harassed and jailed by the Iranian authorities. Some of these prisoners of conscience, who are serving long prison sentences under harsh conditions, include:

- **Messrs. Reza Shahabi-Zakaria, Behnam Ebrahimzadeh, Esmail Abdi, Mahmood Beheshti Langaroudi, Mohammad Jarrahi and Jafar Azimzadeh** (unionists);
- **Ms Atena Farghadani, Ms Atena Da'emi** (released on bail awaiting appeal) and **Saeed Shirzad** (child rights activists); and
- **Ms Bahareh Hedayat and Ms Nargess Mohammadi⁹** (human rights defenders).

Several other imprisoned unionists who had either completed or were close to completing their prison sentences were sentenced to new prison terms in order to block their release. Mr. Shahrokh Zamani, a trade unionist who was serving an 11-year prison sentence for engaging in

6 Head of the Kurdistan Human Rights Organisation.

7 A founding member of DHRC (Defenders of Human Rights Centre, an FIDH member organisation).

8 In November 2015, their sentences were reduced to 10 years in prison, which they are currently serving.

9 Spokesperson of the DHRC, in prison since May 2015. Due to her failing health, she was briefly transferred to a hospital in October 2015 where she was chained to her bed. In the absence of their imprisoned mother, Ms. Mohammadi's 9-year-old twins have had to move to France to live with their father, a political refugee in this country.

union activities, died under highly dubious conditions in prison on 13 September 2015.

As of mid-January 2016, at least 38 journalists and bloggers were known to be in prison for exercising their right to free expression. They include a number of journalists who were arbitrarily detained in November 2015 for allegedly being “members of a network of infiltrators within the country’s cyberspace and media who cooperate with hostile Western governments”, such as **Messrs. Issa Saharkhiz, Ehsan Mazandarani, and Saman Safarzaie**, and **Ms. Afarin Chitzsaz**. President Rouhani appeared to indirectly criticise the arrests of journalists, but it is not clear what action, if any, he has taken to end their arbitrary detention.

One need not be an activist or journalist to be a target of State repression in Iran. Any individual who dares openly oppose or question the government and its policies risks being charged with politically-motivated crimes. Some recent examples include:

- **Mr. Mohammad Ali Taheri**, an author of alternative medical theories and founder of the group Erfan-e-Halgheh (a self-described arts and culture institute in Tehran), was sentenced to death on charges of “sowing corruption on Earth” on 1 August 2015. His death sentence was reportedly repealed after he “repented”, but he remains in prison.
- Musicians **Messrs. Mehdi Rajabian** and **Yousef Emadi**, and film-maker **Hossein Rajabian** were sentenced to six years in prison and a large fine in May 2015 for “insulting the sanctities” and “spreading propaganda against the state.” Their sentences were reduced on appeal to a three-year custodial sentence followed by a three-year suspended sentence. They are at risk of being arrested to serve their prison sentence.
- On 13 October 2015, two poets, **Mr. Mehdi Mousavi** and **Ms. Fatemeh Ekhtesari**, were sentenced to 9 years and 11.5 years in prison respectively and 99 lashes each for “acting against national security, contacts with foreign media and opposition artists abroad.” They left Iran in December 2015 to avoid these arbitrary prison sentences.
- On 15 October 2015, documentary film-maker **Mr. Kaywan Karimi**, was sentenced to 6 years imprisonment and 223 lashes for producing a film entitled “Writing on the city walls”, which dealt with graffiti in Tehran after the 1979 revolution. He was charged with “spreading propaganda against the state and insulting the sanctities.” The sentence was reduced on appeal to a one-year custodial sentence followed by a five-year suspended sentence. He is at risk of being arrested to serve his prison sentence.