

ISSUE BRIEF

Will Iran's Human Rights Record Improve?

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In the aftermath of the Joint Comprehensive Plan of Action (JCPOA), a major question has been whether the landmark nuclear deal would have any impact on Iran's other policies, including its record on human rights. While US President Barack Obama's administration stressed that in negotiating the JCPOA its focus was on preventing Iran from developing nuclear weapons, there was an unstated hope that Iran's reintegration into the global economy as a result of the deal would also promote a less repressive Islamic Republic.

So far, the evidence for improvement is sparse, although the government of Iranian President Hassan Rouhani has shown a greater willingness than its immediate predecessor to engage with international monitors on the subject. The election in February 2016 of a new parliament more supportive of Rouhani's policies holds out the prospect for reforms, including passage of pending legislation that would end the use of capital punishment for drug-related crimes. The election also raised hopes for rehabilitation of the country's reformist camp and the formation of a centrist consensus in support of gradual political change.

As they have for much of Iran's long history, unelected individuals and institutions dominate the judicial and security sectors. While the Islamic Republic has aspects of a democracy and holds regular elections—unlike most of its Arab neighbors across the Gulf—the system's tolerance for organized dissent is slim. Dozens of journalists, artists, lawyers, and other human rights defenders are confined in Tehran's dreaded Evin prison along with members of religious and ethnic minorities. Dual nationals have been arrested on dubious charges of conspiring with foreign powers to foment regime change and used as bargaining chips to gain the release of Iranians convicted of sanctions busting and other violations of US laws. Iran has the highest number of executions per capita in the world, exceeding China and Saudi Arabia (see table 1 and figure 1).¹ Press freedom is also constrained although Iranians have

The Atlantic Council **Iran Initiative** aims to galvanize the international community – led by the United States with its global allies and partners – to increase the JCPOA's chances of success and build on its model for conflict resolution. The Initiative also seeks to promote a deeper understanding of Iran to inform US policymakers as they formulate new approaches to the Islamic Republic.

¹ Ahmed Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, prepared for the United Nations Human Rights Council (March 2016), <http://shaheedoniran.org/english/dr-shaheeds-work/march-2016-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran/>.

Table 1. Executions Occurring in Selected Countries between 2007-15

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------------|------|------|------|------|------|------|------|------|------|
| Iran | 317 | 350 | 402 | 546 | 676 | 580 | 687 | 753 | 966 |
| Saudi Arabia | 143 | 102 | 69 | 27 | 82 | 79 | 79 | 90 | 157 |
| China | 6500 | 5000 | 5000 | 5000 | 4000 | 3000 | 2400 | 2400 | . |
| Pakistan | 135 | 36 | 0 | 0 | 0 | 1 | 0 | 7 | 326 |
| USA | 42 | 37 | 52 | 46 | 43 | 43 | 39 | 35 | 28 |
| Egypt | 0 | 2 | 5 | 4 | 1 | 0 | 0 | 15 | 12 |

Data collected from Amnesty International, Dui Hua Foundation, and the Iran Human Rights Documentation Center. Rates from Iran and China are based on best estimates from the listed sources. The 2015 execution rate from China is not represented due to insufficient data.

mastered the art of overcoming Internet filtering and gaining access to satellite television and cellphone messaging services.

No outside country or body can dictate to a sovereign Iran how it should treat its own citizens. There are double standards in terms of the amount of negative attention the US government and media pay to Iran compared to other Middle Eastern countries such as Saudi Arabia, Turkey, Bahrain, Israel, and Egypt, with which the United States has closer ties. Still, it would be easier for the Obama administration and its successor, as well as other Western democracies, to work constructively with a less repressive Iran. An improvement in Iran's human rights record could bring major economic benefits to the Islamic Republic, bolster the JCPOA, and facilitate Iran's reintegration into global and regional security discussions.

Capital Punishment

The headline on virtually all human rights reports about Iran in recent years has been the high number of individuals it executes. According to the latest findings by Ahmed Shaheed, the United Nations (UN) Special Rapporteur on the Situation of Human Rights in Iran, Iran put to death between 966 and 1,054 people in 2015, including four juveniles.² The figure is the highest since 1989, about two hundred times more than in 2014, and ten times more than a decade ago.

The main reason for Iran's rising execution rates is its use of capital punishment for drug-related crimes. According to Shaheed, individuals convicted of such

crimes accounted for 65 percent of those executed in 2015. Iran has resorted to capital punishment in an effort to stem the flood of narcotics across its borders from Afghanistan, still the world's largest producer of raw opium despite more than a decade of US-led military intervention.³ Iranians can be sentenced to death for possessing as little as thirty grams of heroin, morphine, or cocaine. In one village in the border province of Sistan-Baluchestan, all adult males were executed in 2015 for drug crimes.⁴ However, Iranian officials are increasingly coming to the recognition that the death penalty is not deterring traffickers or reducing the high rate of addiction among Iranians.

In December 2015, seventy members of parliament introduced legislation that would reduce the penalty for drug trafficking to life in prison.⁵ Officials including Mohammad Javad Larijani, the head of Iran's Human Rights Council, have expressed support for the legislation. "There's more and more chatter from people like Javad Larijani that the drug policy has failed," said Hadi Ghaemi, Executive Director of the International Campaign for Human Rights in Iran.⁶

3 Ali Meyer, "Afghanistan Set Record for Growing Opium in 2014," CNSNews.com, January 6, 2015, <http://www.cnsnews.com/news/article/ali-meyer/afghanistan-set-record-growing-opium-2014>.

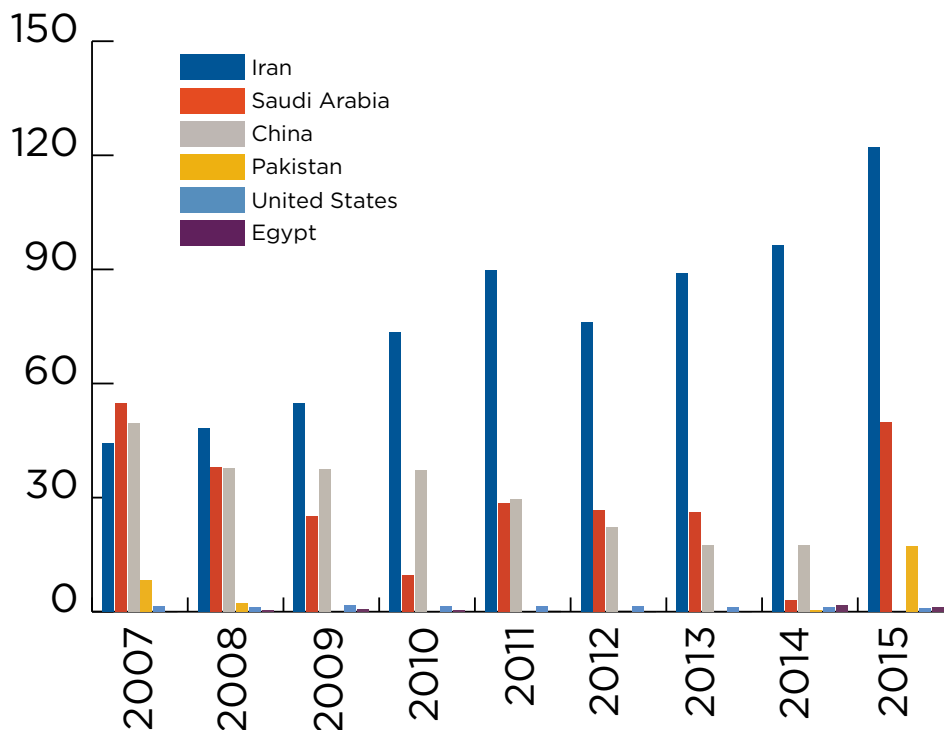
4 Saeed Kamali Dehghan, "Iran Executed All Adult Men in One Village for Drug Offences, Official Reveals," *Guardian*, February 26, 2016, <http://www.theguardian.com/world/2016/feb/26/all-adult-males-in-one-iranian-village-executed-for-drug-offences-official-says>.

5 International Campaign for Human Rights in Iran, "Ground Shifts as 70 MPs in Iran Introduce Bill to End Executions for Drug Crimes," December 10, 2015, <https://www.iranhumanrights.org/2015/12/bill-to-end-death-penalty-for-drug-crimes/>.

6 Interview with the author, March 9, 2016.

2 Ibid.

Figure 1: Comparative Capital Punishment Rates between 2007 and 2015 (per 10,000,000)



Source: Amnesty International, Dui Hua Foundation, Human Rights Documentation Center, and the World Bank.

Human rights organizations are also pressing Iran to stop executing those convicted of crimes committed as juveniles. According to the UN Special Rapporteur, Iran's penal code permits the death penalty for boys as young as fifteen and girls as young as nine for crimes such as murder, adultery, or sodomy.⁷ Between 2005 and 2015, seventy-three individuals convicted for crimes committed as juveniles were executed. Four were put to death in 2015 and at least 160 remain on death row. Revisions to the penal code in 2013 removed capital punishment for juveniles convicted of drug crimes and a judge is required to determine the mental capacity of juveniles before imposing the death sentence for crimes such as murder and rape.

Freedom of Expression and the Press

Iranians often quote the old saying about authoritarian regimes: "There is freedom of expression but not freedom *after* expression." Iran ranks 169 out of 180 countries in the 2016 World Press Freedom Index prepared by Reporters Without Borders. With a score of

66.52 (1 is most free, 100 is least free), Iran is exceeded in press constraints by Sudan, Vietnam, China, Syria, Turkmenistan, North Korea, and Eritrea.⁸ While Iranians are in some respects freer now in their personal lives than they were during the presidency of Rouhani's predecessor Mahmoud Ahmadinejad, those who openly question the system are still at risk. The security organs, which answer to Supreme Leader Ali Khamenei rather than to the Rouhani government, have orchestrated a wave of press closures and arrests since Rouhani was elected in 2013 similar to those that occurred in the late 1990s and after the fraud-tainted 2009 presidential voting that resulted in Ahmadinejad's re-election.

Although Iran released *Washington Post* reporter Jason Rezaian, who holds both US and Iranian citizenship, as part of an exchange accompanying implementation of the JCPOA, more than fifty Iranians remain in prison for offenses related to freedom of expression. They include journalists, artists, and social media activists. The penal code provides wide latitude to prosecute

7 Shaheed, *Report of the Special Rapporteur*, op. cit.

8 Reporters Without Borders, 2016 World Press Freedom Index, 2016, <https://rsf.org/en/ranking#>.

BOX 1: PROMINENT POLITICAL PRISONERS IN THE MIDDLE EAST

IRAN

Journalists were targeted for arrest particularly ahead of the parliamentary elections in February 2016.



Issa Saharkhiz

Issa Saharkhiz, 62, is a prominent reformist journalist. He was arrested and detained in November 2015, and has resumed a hunger strike to protest his placement in solitary confinement and inhumane conditions. Saharkhiz has stated through letters to his son that the prison has failed to provide adequate care for his serious medical conditions, including frequent seizures, heart and kidney diseases, and high blood pressure. He has not been allowed to meet with his lawyer. Saharkhiz previously spent nearly five years in prison for publishing political commentaries critical of the outcome of Iran's contested 2009 presidential elections. He served in President Mohammad Khatami's reformist administration (1997-2005) as head of the press department at the Ministry of Culture and Islamic Guidance.

Photo credit: وتوفزبس Iran/Flickr.

Atena Farghadani

Atena Farghadani, 29, is an artist and human rights activist. She received a prison sentence of twelve years and nine months for creating a cartoon depicting members of the Iranian parliament as animals. Farghadani posted the cartoon to her Facebook page after a law passed restricting access to birth control and voluntary sterilization. First arrested in August 2014, she was sentenced on January 10, 2015, for "assembly and collusion against national security," "propaganda against the state," and "insulting the Supreme Leader, the President, Members of the Parliament, and the IRGC [Revolutionary Guards] Ward 2-A agents" who interrogated her.¹ Farghadani is the recipient of the Cartoonists Rights Network International's 2015 Courage in Cartooning Award. During her time in prison, she also faced charges for shaking her lawyer's hand during a prison visit, an act viewed as "illegitimate relations" between a man and a woman. In May 2016, Farghadani was released from prison, and the charges for undermining national security were dismissed.

SAUDI ARABIA

Saudi Arabia has no written criminal law, giving discretion to prosecutors and judges to criminalize acts on the basis of their interpretation of Islamic law.



Raif Badawi

Raif Badawi, 32, is a humanitarian, blogger, and activist currently imprisoned in Saudi Arabia. Badawi was arrested on June 17, 2012, for insulting Islam through electronic channels, and later charged with apostasy, which is punishable by death. He was initially sentenced to seven years in prison and six hundred lashes, but his latest sentence in 2014 calls for ten years in prison and one thousand lashes. Badawi founded a website devoted to freedom of speech that has since been ordered closed by the court. In January 2015, authorities administered the first fifty of the thousand lashes in a public ceremony held outside the court. The subsequent lashes have been postponed due to Badawi's ailments, including hypertension, which have been aggravated while imprisoned.

Photo credit: Amnesty Finland/Flickr.

¹ International Campaign for Human Rights in Iran, "Faraghdani's Handshake with Her Lawyer is Not a Crime, Judge Rules" <https://www.iranhumanrights.org/2016/01/atena-farghadani-lawyer-2/>.



Mikhlif al-Shammari

Mikhlif al-Shammari, 58, is a writer and human rights activist in Saudi Arabia. He is currently serving a five-year prison sentence and a ten-year travel ban for a conviction of sowing discord, harming public order and the image of the state, and defaming religious leaders, among other offenses. Shammari, a Sunni Muslim, has staunchly demanded equal rights for the Shia Muslim minority population in Saudi Arabia. Shammari originates from the Shammar tribe, which hails from the Iraqi border regions composed of Shia and Sunni Muslims. In 2007, perhaps after a meeting with a prominent Shia Muslim cleric, he was detained for three months without charge. Following his release, Shammari uncovered human rights abuses and criticized corruption of religious figures in his writing. He was held again from June 2010 to February 2012 on the charge of “annoying others.”²

Photo credit: Climber1/Wikipedia.

EGYPT

Under President Abdel Fattah el-Sisi's leadership and as a result of broad presidential decrees, Egypt has arrested an estimated forty thousand individuals, predominately Muslim Brotherhood members and leftist activists.³ It has become the largest jailer of opposition activists across the world with the possible exception of North Korea, where numbers of detainees are unclear. In contravention of Egyptian law, hundreds of prisoners have been detained for over two years without charge or trial.

Mahmoud Hussein

Mahmoud Hussein, 20, was the youngest prisoner of conscience in the Arab world. He was arrested on January 25, 2014, while wearing a t-shirt with the slogan “a nation without torture” in Arabic at a street checkpoint. According to his brother Tarek Hussein, Hussein was interrogated, tortured with electric shocks, and subjected to harassment by other prisoners. Hussein was not charged or tried for any crime during his detention, which exceeded the pre-trial detention limit of two years under Egyptian law. His brother, who has actively campaigned for civil rights since the 2011 revolution in Egypt, has been jailed and released twice, for allegedly challenging the Muslim Brotherhood under former President Mohamed Morsi and for allegedly supporting the Muslim Brotherhood under President Abdel-Fattah el-Sisi. Mahmoud Hussein was released on March 24, 2016, on bail.

2 Human Rights Watch, “Saudi Arabia: 5-Year Sentence for Rights Defender” <https://www.hrw.org/news/2013/06/22/saudi-arabia-5-year-sentence-rights-defender>.

3 “Egypt: Rampant Torture, Arbitrary Arrests and Detentions Signal Catastrophic Decline in Human Rights One Year after Ousting of Morsi,” Amnesty International, July 3, 2014, <https://www.amnesty.org/en/latest/news/2014/07/egypt-anniversary-morsi-ousting/>.

loosely defined “crimes against God,” such as insulting or cursing the Prophet, insulting the Supreme Leader, and distributing propaganda against the order of the Islamic Republic.⁹

Many political prisoners are still facing consequences for their support of protests following the 2009 elections. Two candidates who ran against then incumbent Ahmadinejad—Mir Hossein Mousavi and Mehdi Karroubi—have been under house arrest for more than five years along with Mousavi's wife, Zahra Rahnavard. Among those confined in Evin prison is Issa Saharkhiz, a former official in the government of reformist President

Mohammad Khatami. Saharkhiz, who served nearly five years in jail after the 2009 elections, was arrested again on November 1, 2015. Denied legal counsel and in poor health, he has spent considerable time in solitary confinement. Also jailed was Atena Faraghdani, an artist and human rights activist. Arrested in August 2014, she was sentenced to twelve years for posting drawings on her Facebook page depicting members of the Iranian parliament as animals. The sentence was later reduced to eighteen months.¹⁰

10 “Atena Farghadani's Sentence Reduced from 12 Years to 18 Months,” Journalism Is Not a Crime, April 25, 2016, <https://journalismisnotacrime.com/en/news/1177/>.

9 Shaheed, *Report of the Special Rapporteur*, op. cit.



Iranians assembling in the 2009 Green Revolution to protest election results. *Photo credit:* Nima Fatemi/Flickr.

Allegations of torture and other means to force confessions are common. In February 2016, Iranian authorities arrested the eighty-year-old father of a jailed Iranian-American businessman, Siamak Namazi, in what appeared to be an effort to force the younger Namazi to confess to a trumped up plot against the state. Like many political detainees in Iran, the Namazis struggled to obtain adequate legal representation. A lawyer selected by the family but not allowed to see his clients noted that those charged with political crimes are obliged to choose lawyers from a list approved by the judiciary, but in a Kafkaesque twist, such a list has not been made public.¹¹

Amnesty International, in its 2015 annual report on human rights, notes that the Iranian Penal Code “failed to guarantee individuals adequate access to an independent lawyer from the time of arrest, a legal requirement for protection against torture and other

ill-treatment.”¹² Amnesty continues, “no specific crime of torture is defined in Iranian law and the new Code failed to establish detailed procedures for investigating torture allegations. Moreover, while the Code excludes statements obtained through torture as admissible evidence, it does so only in general terms, without providing detailed provisions.”¹³

There have also been numerous complaints of political prisoners receiving inadequate medical attention. Omid Kokabee, a young physicist jailed since 2011 for refusing to engage in military-related research, contracted cancer in prison and had to have a kidney removed.¹⁴

11 Shima Shahrabi, “Lawyer for the Namazis: ‘I Have Been Banned from Seeing My Clients,’” *IranWire*, March 1, 2016, <http://en.iran-wire.com/features/7120/>.

12 *Iran 2015/2016*, Annual Report, (Amnesty International, 2016), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/>.

13 Ibid.

14 “After Losing Kidney to Cancer, Imprisoned Physicist Must Be Treated for Other Illnesses,” International Campaign for Human Rights in Iran, April 26, 2016, <https://www.iranhumanrights.org/2016/04/omid-kokabee-7/>.

Table 2. Candidates Contesting Iran's Parliamentary Elections between 1980-2016

| Year of Election (Parliamentary) | 1980 | 1984 | 1988 | 1992 | 1996 | 2000 | 2004 | 2008 | 2012 | 2016 |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| Number of Candidates Registered to Run | 3,694 | 1,592 | 1,999 | 3,233 | 5,365 | 6,853 | 8,172 | 7,600 | 5,283 | 12,123 |
| Number of Candidates Allowed to Run | 2,000 | 1,275 | 1,615 | 2,310 | 3,276 | 5,083 | 4,559 | 4,755 | 3,444 | 4,720 |
| Number of Candidates Disqualified | 1,694 | 317 | 384 | 923 | 2,089 | 1,770 | 3,613 | 2,845 | 1,839 | 7,403 |

Reproduced from Ahmed Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, March 2016.

Many political detainees are denied trial in the regular judicial system and face judgment from the revolutionary courts or, in the case of dissident clerics, the Special Court for the Clergy. As Amnesty noted, such courts “function without observing international fair trial standards.”¹⁵

Political Participation and Freedom of Assembly

The Iranian government has responded to Shaheed's criticisms of its freedom of assembly and political parties by noting that it has given permits to more than 230 political parties, four hundred professional and trade associations, and sixty societies affiliated with religious minorities.¹⁶

However, independent civil society groups have been greatly repressed since the 2009 crackdown. All organizations focused on human rights, including the Defenders of Human Rights Center, remain shuttered and their members have been prosecuted and jailed. According to the International Labor Organization, independent trade unions are not allowed to operate and labor activists are harassed and imprisoned.¹⁷ The Iranian Journalists Association

also remains closed despite Rouhani administration officials' promises to allow it to reopen early in his presidency.

Some civil society groups that focus on issues such as the environment and rehabilitating drug addicts are permitted in Iran and have expanded in recent years, but the scope for organized opposition activity is narrow. The penal code punishes those “gathering or colluding against the domestic or international security of the nation,” a vague charge that can be used to deter or punish a wide variety of activists and groups.¹⁸

Iran permits more political participation than many Middle Eastern countries, but its “democracy” is carefully managed.

Iran permits more political participation than many Middle Eastern countries, but its “democracy” is carefully managed (see table 2). The Guardian Council, a twelve-man body that is half appointed by the Supreme Leader and half chosen by parliament from a list submitted by the head of the judiciary—himself named by the Supreme Leader—vets all candidates for elected office. The Council disqualified over half of

the twelve thousand people who sought to run in the February 26, 2016, legislative elections, including more than 90 percent of the reformists who applied. Iranian voters showed their talent for making lemonade out of lemons by electing the remaining reformists, centrists, and conservatives running on slates identified as

15 *Iran 2015/2016*, Amnesty International, op. cit.

16 Shaheed, *Report of the Special Rapporteur*, op. cit.

17 *371st Report of the Committee on Freedom of Association*, Reports of the Committee on Freedom of Association presented at the 320th Session (Geneva: International Labor Organization, March 13-27, 2014), pp. 164-172, <http://www.ilo.org/wcmsp5/>

[groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_239692.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_239692.pdf).

18 Shaheed, *Report of the Special Rapporteur*, op. cit.

supporting the Rouhani government and defeating hard-line opponents of the nuclear deal.¹⁹ But in a rare move, the Guardian Council disqualified a reformist female candidate from Isfahan, Minoo Khaleghi, *after* her election.²⁰

Many Iranians would clearly like more political options. The Supreme Leader himself has acknowledged the considerable opposition to *velayat-e faqih*—rule by a jurisprudent—by urging Iranians who do not support the system to vote anyway.²¹

Ethnic and Religious Discrimination

A predominately Shia Muslim nation, Iran recognizes Judaism, Christianity, and Zoroastrianism, but represses Christian converts from Islam and discriminates against members of the Bahai faith as well as ethnic minorities including Kurds, Azeris, Arabs, Turkmen, and Baluchis.²²

According to the UN report, there were at least eighty Bahais in jail at the end of 2015 “in connection with the peaceful exercise of their faith.”²³ Bahais also experience discrimination in education and employment.

Iranian Muslims who convert to Christianity are targets for prosecution. Iranian authorities try to restrict the practice of Christianity to ethnic Christians of Armenian or Assyrian background by blocking Christian churches from offering services in Farsi.²⁴ That often leaves converts with little choice but to worship in private settings. According to the UN, “dozens” of people are in jail for involvement in informal so-called house churches.²⁵ In a positive development, Iranian-American Christian pastor and

convert Saeed Abedini was released in January 2016 as part of the prisoner exchange that accompanied the JCPOA.

Religious discrimination extends to treatment of individuals convicted of murder. According to the UN report, the revised penal code “stipulates that while the family of a Muslim murder victim may seek retribution in kind against a non-Muslim perpetrator, the opposite cannot occur—in such cases the judge can only sentence the Muslim perpetrator to prison, monetary damages or other forms of punishment.”²⁶

Ethnic and religious minorities complain of discrimination in “employment, housing, access to political office, and the exercise of cultural, civil and political rights,” the Amnesty report notes, including the right to use non-Farsi languages for primary education.²⁷

Sunni Muslims in Iran have long complained about the paucity of mosques and religious schools for their form of worship, especially in Tehran. The Iranian government, in its response to the Shaheed report, said there are more than ten thousand mosques and three thousand religious schools for Sunnis in Iran and that building more would “sow the seeds of discord among Muslims.”²⁸ The government also asserts that it targets only those Sunnis responsible for acts of violence against Iranian Revolutionary Guards and police in restive areas such as the border province of Sistan-Baluchistan. In 2015, in a gesture to the Sunni community, the Rouhani government appointed the country’s first Sunni Muslim as an Ambassador: Saleh Adibi, an ethnic Kurd, is currently Iran’s top envoy to Vietnam and Cambodia.

Women’s Rights

If, as Obama said, “You can gauge the success of a society by how it treats its women,”²⁹ Iran is far less successful than it could be. While women have achieved near full literacy since the Islamic revolution and account for a majority of university students, they face widespread discrimination in employment and are

19 Barbara Slavin, “Iranians Once Again Make Lemonade from Lemons,” Atlantic Council, *IranInsight* (blog post), February 29, 2016, <http://www.atlanticcouncil.org/blogs/iraninsight/iranians-once-again-make-lemonade-from-lemons>.

20 “In Brazen Electoral Interference, Hardliners Disqualify Female Reformist MP,” International Campaign for Human Rights in Iran, March 24, 2016, <https://www.iranhumanrights.org/2016/03/minoo-khaleghi-disqualified/>.

21 “Iran’s Khamenei Urges Even Those Against Him to Vote,” Agence France Presse, January 9, 2016, <http://news.yahoo.com/irans-khamenei-urges-even-those-against-him-vote-150809526.html>.

22 *Iran 2015/2016*, Amnesty International, op. cit.

23 Shaheed, *Report of the Special Rapporteur*, op. cit.

24 Barbara Slavin, “Situation Deteriorates for Iran’s Religious Minorities, Experts Say,” Al-Monitor, July 28, 2014, <http://www.al-monitor.com/pulse/originals/2014/07/iran-bahai-human-rights-crack-down-christians.html>.

25 Shaheed, *Report of the Special Rapporteur*, op. cit.

26 Ibid.

27 *Iran 2015/2016*, Amnesty International, op. cit.

28 Shaheed, *Report of the Special Rapporteur*, op. cit.

29 Jeffrey Goldberg, “The Obama Doctrine,” *Atlantic*, April 2016, <http://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/>.

BOX 2: IRAN HUMAN RIGHTS IN AN ASIAN CONTEXTby Nazia Khan¹

The international community has competing priorities when it engages Iran. In negotiating the nuclear agreement, President Barack Obama's administration separated the nuclear issue from Iran's designation as a state sponsor of terrorist groups and human rights violator. In a similar way, the United States and Western nations often prioritize national security issues above human rights when dealing with Iran's Asian neighbors.

Iran sits in a tumultuous region facing broad security, economic, and political challenges.

Iran's authoritarian leaders seek to maintain tight political control over its population, while its elected government recognizes the need for an economic opening. Some analysts worry that the easing of sanctions and the expected influx of foreign capital and investment to Iran could enable an economic opening without a political opening or improvement in human rights. Iran has many nearby examples of governments that have opened economically but not politically. China's leaders, for example, have maintained power by building a capitalist economy under a label of communism—offering prosperity at the cost of political freedom. Western powers have been accused of overlooking China's human rights abuses for economic gain.

Iran is in a region where ethnic and sectarian divisions and extremist ideologies test traditional borders and challenge government control. Pakistan, which had a moratorium on the death penalty, restarted executions in 2014 in response to a terrorist attack on children and teachers at an Army primary school. Pakistan's execution rate has skyrocketed since then and rights groups are raising serious concerns about the country's lack of due process. However, Pakistan is contending with an internal security situation in which, it argues, executions are a necessary tool in a war for survival.

In both the China and Pakistan cases, Iran has an example of its neighbors shunning universal standards for human rights in lieu of other priorities, much to the blind eye of global leaders and governments. This further suggests that the evolution of human rights requires a deep internal conversation within a country. Progress in Iran and other developing nations cannot come from beyond their borders. Yet, the international community should not ignore injustice either. It is a worthwhile effort to acknowledge human rights abuses, objectively and in the context of the region, with the hope that such recognition will advance the cause of universal, basic human rights.

¹ Nazia Khan is Assistant Director of the South Asia Center at the Atlantic Council.

subject to a range of restrictions on their dress and conduct.

Rouhani campaigned in support of women's rights and promised equal opportunity for men and women.³⁰ But the Supreme Leader has contradicted the Iranian President, asserting that "the concept of gender equality is one of Western philosophy's biggest errors about women's issues."³¹

³⁰ Hassan Rouhani, speech, "The Next Government Is a Government of Equal Opportunity for Men and Women," Iranian Student News Agency, May 1, 2013, <http://goo.gl/HH6GuQ> (in Farsi).

³¹ Ayatollah Ali Khamenei, speech, official website of Ayatollah Ali Khamenei, April 19, 2014, <http://goo.gl/pYSEBo> (in Farsi).

Over the past few years, there has been a concerted effort by the parliament to reduce women's rights and pressure them to get married, have more children, and stay home in part to reverse Iran's sagging birth rate. Discriminatory bills still under consideration in parliament include the Comprehensive Population and Family Plan, which states that priority in employment should be given to men, and the Reducing Women's Work Hours Bill, which would cut women's work weeks from forty-four hours to thirty-six. While a bill to outlaw abortion and surgical forms of contraception appears to have been blocked, according to the Amnesty report, women have had reduced access to "affordable

modern contraception” since the government cut the budget of the state family planning program in 2012.³²

The worrisome Plan to Promote Virtue and Prevent Vice, introduced in parliament in 2014 and passed in 2015, is an invitation to vigilantism as it calls on citizens to “take it upon themselves to promote ‘virtue’ and prevent ‘vice’ by ‘heart, verbal, written, and practical action’.”³³ The Basij, a paramilitary group often used by the regime to end protest demonstrations, is given explicit authority to implement the law. The main target of the law appears to be the increasingly relaxed form of hijab worn by many urban women. Not coincidentally, after the bill’s introduction, there were horrific acid attacks on more than a dozen women in Isfahan that killed, blinded, and maimed victims. Despite an initial public outcry, no one has been arrested for the attacks. Instead journalists reporting on the attacks have been arrested in an effort to stifle the controversy.³⁴

Women also suffer from discrimination under the Penal Code, which follows the dictates of sharia by allowing polygamy and making it easier for men to divorce and to gain custody of children. The law values a woman’s life as half that of a man’s and requires that if a Muslim man murders a Muslim woman, the victim’s family must pay his family half of his “blood money” before seeking his execution. Women inherit half that of male heirs, must seek permission from their husbands to get a passport, and are generally unable to pass their nationality to children born of non-Iranian fathers.

Despite such discrimination and in some ways spurred by the challenge of overcoming it, Iranian women have made significant strides in the past three decades. Nadereh Chamlou, a former Senior Adviser at the World Bank, notes that “one of the ways women began to exert their views was to infiltrate in greater numbers professions that were previously [and still are in most countries] male-dominated. Among the many examples, it is noteworthy to mention women’s involvement in publishing, film, and arts—professions that influenced culture, opinions, and identity.”³⁵ Women also excel in

the sciences and there are a growing number of female entrepreneurs in sectors ranging from tech startups to petrochemicals.

Granted the right to vote by the Shah’s regime in 1963, women retained it under the Islamic Republic and have been instrumental in electing reformists and pragmatists such as Presidents Khatami and Rouhani. The recent elections look likely to result in significant female representation in parliament, with at least 17 of 290 seats occupied by women.³⁶ Their presence, along with that of other reformists and centrists, should help defeat anti-feminist legislation and push the system toward more recognition of women’s rights.

Influencing Iran’s Record

Improvement in Iran’s human rights record must ultimately come from within and cannot be dictated by any outsider. Iranian officials bristle at reports such as those by Shaheed’s, which an Iranian Foreign Ministry spokesman described as “biased, discriminatory, and prepared with political motives.”³⁷

However, multilateral pressure has shown a spotlight on egregious abuses and has sometimes achieved results.

The rising chorus of criticism of Iran for its heavy use of the death penalty is almost certainly a factor in the government’s consideration of substituting life imprisonment for drug-related crimes. Campaigns that focus on individuals have also been effective. In 2010, for example, Iran refrained from carrying out a sentence of death by stoning for a woman, Sakineh Mohammadi Ashtiani, who had been convicted of adultery.³⁸ The reduction in sentence for Atena Farghadani is another likely case.

Iran is especially sensitive to criticism from UN bodies in which it has sought an active role. Since Rouhani was elected, the Iranian government has made a greater effort to engage with Shaheed’s office while so far refusing him permission to visit the country. Iranian

32 *Iran 2015/2016*, Amnesty International, op. cit.

33 “The Plan to Promote Virtue and Prevent Vice,” International Campaign for Human Rights in Iran, February 23, 2015, <https://www.iranhumanrights.org/2015/02/womenreport-plan-to-promote-virtue-and-prevent-vice/>.

34 *Ibid.*

35 Naderah Chamlou, speech given at the Wilson Center during the “Five Years after the Arab Spring: What’s Next for Women in the MENA Region?” conference, March 8, 2016.

36 Mehrnaz Samimi, “Iran’s 10th Parliament: Less of a Men’s Club,” *IranInsight* (blog post), Atlantic Council, March 7, 2016, (<http://www.atlanticcouncil.org/blogs/iraninsight/iran-s-10th-parliament-less-of-a-men-s-club>).

37 “Iran Rejects ‘Biased’ UN Human Rights Report,” Agence France Presse, March 16, 2016, <http://www.france24.com/en/20160316-iran-rejects-biased-un-human-rights-report>.

38 David Batty, “Iran Halts Woman’s Death by Stoning,” *Guardian*, July 8, 2010, <http://www.theguardian.com/world/2010/jul/08/iran-halts-woman-death-stoning>.

officials have met repeatedly with Shaheed in Geneva and have provided detailed responses to his findings and recommendations.

The US government should continue to engage with Iran on issues of global and regional security and should not use Iran's human rights record as an excuse to avoid engagement—any more than it does with other authoritarian states. At the same time, the United States, in conjunction with the UN and with the European Union, should speak out against human rights abuses and show solidarity with Iranians jailed for peaceful dissent. Sanctions imposed on known human rights abusers also send a message of concern to the Iranian people.

In opinion polls, Iranians often rank freedom and democracy just below the economy as their chief priorities, while recognizing that evolutionary change is more likely and less risky to their well-being than

radical steps.³⁹ This is especially so given the violence and instability roiling the region and the fear of ethnic or sectarian conflict spreading to Iran.

Regimes that routinely violate the human rights of their citizens generally do so because they are insecure about their popularity and legitimacy. Iran's government should be encouraged to improve its record both for its own sake and to provide a sounder basis for the country to confront the challenges of an interconnected world in which awareness of human rights abuses cannot be suppressed.

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³⁹ Barbara Slavin, "What's the One Thing That Arabs, Turks, and Iranians Can All Agree On?" *Al-Monitor*, December 9, 2015, <http://www.al-monitor.com/pulse/originals/2015/12/poll-arabs-turkey-iran-isis-threat-policy.html>.

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