

IRAN HUMAN RIGHTS REVIEW: UNITED NATIONS

Edited by Tahirih Danesh and Adam Hug

Foreword by Sir Geoffrey Nice QC



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Preface
Sir Geoffrey Nice QC

The Iran Human Rights Review is about Iran and human rights. My knowledge of Iran is very limited and comes largely from the small part I played in the Iran Tribunal that is the subject of the chapter of this review by Pardis Shafafi. My knowledge of human rights may also be modest, and more modest than some might generously assert on my behalf. Let me explain, for it is relevant to my writing of this foreword.

I often find myself talking to students of law or those about to start in practice. They frequently say they want to work in human rights law. When I ask what that means or involves, they often cannot answer. Explored further – as often happens – the students will say that they think human rights are in some way *absolute* rights, different in kind from other state-given, law-defined rights. But further articulation of what is absolute (and why) is always a problem for the students and intending practitioners – and for me.

Should this be a problem? Should we all be embarrassed by any inability to use such a popular term as ‘human rights’ deftly and with certainty? Possibly, but I don’t think so. The students’ standard reaction may actually be seen as an encouraging combination of statements: first they believe there *are* essential – different – rights that exist regardless of nation. Second, they would like to support these rights in their coming work as lawyers rather than engage in the more mundane business of deciding how much money passes from whose pocket and into whose, the subject of much else that the law does.

If human rights – defined in international declarations but imperfectly understood – truly exist, they must surely transcend cultures and faiths? Here, I suspect, may lie the difficulty. The 1948 Universal Declaration of Human Rights has been a document of immense influence and – it would be impossible to deny – the influence has been for the good where it has guided nations, old and new, to provide certain protections for their peoples.

However, the drafting of the Declaration has been criticised – from the moment of drafting – as reflecting western interests and serving western values. It is a criticism easy enough to argue:

For example, Article 16: assumes the marriage of a man and woman to be the social norm, thereby discounting homosexual relationships, polygamous societies or societies which do not recognise the institution of marriage. It goes on to declare that ‘The family is the natural and fundamental group unit of society’, again, failing to embrace alternatives such as extended family or tribal structures. Article 23 in dealing with the right to earn assumes the male as primary bread-winner, worker and family head and is a reflection of a very specific style of social organisation and one that may be becoming increasingly outmoded, even in western societies. And there are plenty of other criticisms to be made, some of which will simply, but inevitably, be driven by the political and cultural environment into which the critic was born.¹

And, of course, if it were thought desirable to bring the Declaration ‘up to date’ with the 193 present members of the UN as opposed to the 58 members of 1948, it would be inevitable that some ‘rights’ – not limited to those of homosexuals – could never feature or perhaps that no such second generation of the Declaration could ever be written. Societies around the world, and the belief systems they enjoy or suffer, are as varied as ever they were.

And it is no use every reader of this review – or of this foreword – saying, for example, ‘those anti-homosexual states are simply wrong’ or that ‘those states that fail to follow the economic principles underlying the 1948 Declaration are sadly misconceived’. We have to accept that ‘universal’ as applied to the 1948 Declaration (or to parts of the 1950 European Convention on Human Rights) is really no more than one collection of states saying ‘my laws are better than your laws because my standards are better than your standards’.

There are many cultures – better known now than in 1948 and some developing in support at high or, it will be said, alarming rates – that have sincere supporters who do not believe in the equality of women (Jehovah’s Witnesses), monogamy as the standard for family life (Muslims), as well as those holding beliefs that deny the right to life of those with whom they disagree (ISIS/Islamic State). Lines of thought that reflect on these realities are not negative and certainly not cynical. At most they are skeptical of the trust we so often want to place in simple solutions to immense problems. I hope they face our present reality, which

¹ For a balanced approach see ‘The Universal Declaration’s bias towards Western democracies’ By Elizabeth Willmott-Harrop ‘*Liberty and Humanity*’ January 2003

may be that we can not really rely on essential – ‘universal’ – principles to guide what we do but must calculate day by day in a way that is responsive to changing circumstances how best to preserve the world and to minimise the unhappiness and suffering one human causes another – but even this formulation of a rule book presupposes some concept of a general utilitarian right or duty that many would *not* embrace.

Onto the uncertainty I feel about these things – I found the Iran Tribunal into the atrocities of the Iran Regime of the 1980s more than a little encouraging. Everyone involved, it is true, espoused rights to live, the right to freedom from torture, belief in due process and so on. So we were all ‘1948 types’. But what was impressive was how Iranians from around the world acted together – I had been told that if any nation has idiosyncratic characteristics then the Iranian nation is composed of individuals who find agreement on action less easy than they find the pleasure of disagreement and argument. I respectfully express no view on this but did find in the Tribunal a complete coming together of the hundreds and thousands (I suspect) of supporters behind a project that would lay out a history in as accurate a way as possible and identify the doers of wrong.

Was this cohesion merely reflective of a form of utilitarianism or of something more? More, I think. The spirit of the individuals working for the Tribunal, and the spirit of their collective work, suggested that there are underlying cohesive forces – however described – that for the duration of the Tribunal’s work brought a result that was positive, in different ways (perhaps), for all involved. Long may those forces continue for the good.

Some of the other specific human rights addressed in this review may be approached from positions that accept, without too much questioning, the values of human rights much as law students and I imperfectly understood them. What is written in this review of the future of those rights is of importance to Iran and its people, in Iran and around the globe. I hope that the reader who takes one step back and asks the difficult questions that do *not* assume an inevitable linear progress towards overly simplistic human rights goals will nevertheless find for the discussions within that there is a hidden glue that can bind us together for a common good, or maybe I mean for a common goodness of being.

Introduction

Tahirih Danesh
Adam Hug

The role of the United Nations, its treaties and procedures have been an important feature of the discussions contained within the Iran Human Rights Review (IHRR) since its establishment in 2010. However, this is the first edition to make the United Nations its central theme. The decision to focus this issue of IHRR on the UN comes at a time when Iran is facing its second round of examination by the Universal Periodic Review (UPR), among much criticism for its failure to act upon its commitments during the last round.¹ Furthermore, the new United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, assumed his function a few weeks ago. Jordanian Al Hussein is the first Muslim holder of the post and this, alongside his experience of Middle East political dynamics, could play a role in the development of his relationship with the officials of the world's sole Shi'a theocracy, Iran.²

The aim of this issue is to address the gap that afflicts the realities at the grassroots level in Iran and the diverse channels for seeking justice and rights through the UN machinery. The contributors to this edition of the IHRR address the UN dimension to Iranian human rights in different ways. Some directly assess Iran's participation in UN institutions and conventions. Other contributors use the UN as a backdrop to their analysis, such as Hossein Rassam who uses the Universal Declaration of Human Rights as a framework against which to test Iran's human rights performance and moral frame of reference. All see the UN as a vital forum for the discussion of human rights in Iran.

After the establishment of the Islamic Republic almost 36 years ago, Iran decided to remain signatory to many agreements³ previously signed under the Shah's regime, for example the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as ratifying some newer ones such as the Convention on the Rights of the Child. However, since the 1979 revolution the governments of the Islamic Republic of Iran (IRI) have claimed they would (unilaterally) add the caveat that the application of these conventions in Iran is subordinate to the regime's interpretation of Sharia law. Other conventions more challenging to the IRI's approach to human rights that became operational at the time of or after the revolution, such as the Convention on the Elimination of All Forms of Discrimination against Women have not been signed by Iran.⁴ As Professor Ali Ansari points out in his contribution, the Iranian government sometimes attempts to challenge the entire international narrative on human rights as a western cultural imposition and accuses, with a degree of justification, their governments of hypocrisy or inconsistency. Such a narrative overlooks Iran's own important role in the global development of human rights, from Cyrus the Great, to the Constitutional Revolution and its influence in the drafting commission for the 1948 Universal Declaration of Human Rights, as Ansari discusses.

Iran operates a 'pick and choose' approach to UN participation, participating where it feels it can influence debate towards its foreign policy goals, such as the opportunity to grab headlines at the General Assembly or influence the debate for example using UNESCO's World Conference Against Racism process to further its opposition to Israel⁵, while rejecting measures that would lead to increased scrutiny of its actions. Iran cites its ideological opposition to alleged western interference and claims victimisation when it repeatedly refuses to allow access to the country for the UN's thematic special procedures rapporteurs on challenging topics such as torture and religion or to the appointed Special Rapporteur for Human Rights in Iran, currently Dr Ahmed Shaheed, a former politician from the Maldives. As Dan Wheatley notes in his essay, one of the few exceptions to this was the access granted to the Special Rapporteur for Adequate Housing following the Bam earthquake, marking the last of a small flurry of six visits during the Khatami Presidency.⁶ Iran, however, did allow a working level mission from the OHCHR office into the country ahead of a potential visit by the High Commissioner, a visit that is yet to happen. Raha Shadan's contribution to this review charts the history of the role of Special Rapporteur for Human Rights in Iran, noting the blockages that Dr Shaheed's

¹ UPR Info, What is the UPR?, <http://www.upr-info.org/en/upr-process/what-is-it>

² Though of course it is worth noting that Jordan sits on the Sunni side of the growing Sunni/Shia divide in the region, albeit that Jordan is traditionally seen as a moderating voice in regional tensions

³ UN Office of the High Commissioner for Human Rights, The Core International Human Rights Instruments and their monitoring bodies, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

⁴ In the case of CEDAW there are 7 non-signatories: Iran, Palau, Somalia, South Sudan, Sudan, Tonga, and the United States.

⁵ This was most notable at the 2009 conference ('Durban II') where President Mahmoud Ahmadinejad, the only head of state to attend, used the rostrum as a platform to criticise Israel.

⁶ UN Human Rights Council, Country and other visits by Special Procedures Mandate Holders since 1998 F-M, as of September 2014, <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx>. This shows that between 2002-2005 Iran allowed access for the SR on the right to freedom of opinion and expression, the SR on the human rights situation in Afghanistan, the working group on arbitrary detention, the SR on the human rights of migrants, the SR on violence against women and the SR on adequate housing.

predecessors also faced alongside an analysis of way in which the narrative of human rights can be hindered by geo-politics.

Despite Iran's non-compliance with the mandate of the Special Rapporteur for Human Rights in Iran, as Tori Egberman's contribution shows, there is a growing level of interaction between international civil society and Dr Shaheed's office, particularly amongst diaspora groups. UN support, specifically through the Security Council, would be required in order for Iranians to access international legal instruments such as the International Criminal Court, as discussed in Pardis Shafafi's contribution examining the process and findings of the Iran Tribunal. However, with three of the five permanent members (the USA, Russia and China) having either not signed or ratified the court's Rome Statute, the Security Council is extremely unlikely to refer a fellow non-member to the ICC or similar instruments.

Iran's pro-active engagement at the UN centres on building alliances with other opponents of Western hegemony amongst the countries of the global south. Particularly under Ahmadinejad, Iran sought to align itself with emerging radical left wing governments in South America, most notably Venezuela under President Hugo Chavez, as well as governments in Africa and Asia. Support for keeping UN pressure out of Iran's 'internal affairs', has not only come from Iran's natural authoritarian bedfellows but from some emerging democracies, often with a history of colonial interference, that bristle against perceived western hectoring. Such alliances are not only defensive in nature but fit within the Iranian government's ideological approach as a 'revolutionary' regime, committed to not only overthrowing the western-backed Shah in 1979 but challenging American and European influence elsewhere in the international order, as Ansari's contribution notes. Elahe Amani's contribution highlights the way in which Iran finds common cause with other conservative governments to impact the language used by the UN's Commission on the Status of Women, as one of the 45 UN member states given a seat on the Commission. She also notes Iran's participation alongside other repressive states on the Committee on NGOs.

Given that a number of avenues for international collaboration with Iran are closed off through a mix of UN and other international sanctions and through the policy decisions of the Iranian government, it is unfortunate that authors in this publication (and past editions of the IHRR) have needed to draw attention to the negative side-effects of some of the schemes that are able to proceed. Taimoor Aliassi's contribution argues that funding for anti-drug programmes supported by the United Nations Office on Drugs and Crime has damaging side-effects. He argues that funding may not only be diverted to other uses through opaque governance structures but that it may be helping to facilitate an increasing use of the death penalty, secret trials and even extra-judicial executions, with a particular impact on Kurdish and other minority communities living in border areas.

The composition of the Human Rights Council,⁷ the body designed to oversee member states' compliance with human rights standards, has been open to considerable criticism from western based human rights activists.⁸ Like a number of other UN bodies, membership is elected by the General Assembly on a regional basis and currently contains a range of states not seen as beacons of human rights best practice including Saudi Arabia, China, Russia, Algeria, Cote d' Ivoire and Kazakhstan. So the Human Rights Council contains within it those with an interest in limiting intrusion into issues of 'state sovereignty', among both authoritarian and democratic states, while discussions can be side-tracked by regional and global politicking and rivalries.

Despite the drawbacks outlined above, the Human Rights Council's Universal Periodic Review (UPR) provides an important formal mechanism for all countries, not only HRC members, to scrutinise countries' compliance with the UN Charter, the Universal Declaration of Human Rights, conventions to which the state is a party and other applicable international laws. Global civil society can make written submissions to the process and participate in preliminary dialogue but the review itself is handled by UN member states. Hassan Nayeb Hashem's essay argues that as the UN Human Rights Council has developed through its work in practice and the influence of NGOs its performance has improved, with it now able to take a more objective and less political approach to the issues that come before it.

Iran's initial UPR assessed its human rights record in February 2010.⁹ During this process, of the 188 recommendations put forward in the UPR, Iran initially accepted 123 recommendations and subsequently

⁷ UN OHCHR, Human Rights Council- Current Membership, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>

⁸ BBC News, Concerns over new UN Human Rights Council members, November 2013, <http://www.bbc.co.uk/news/world-24922058>

⁹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, March 2010 (relating to a review session in February 2010- listed as addendum 1), <http://www.ohchr.org/EN/HRBodies/UPR/Pages/IRSession7.aspx>

partially accepted 3 more recommendations.¹⁰ This included acceptance of the proposal put forward by the United States and others to ‘allow for a visit by OHCHR and other United Nations Special Rapporteurs and experts who have requested access to Iran’ (29 - see also 24-30), a clear commitment as yet unfulfilled, despite the presence of a standing invitation and five outstanding requests from thematic special rapporteurs in addition to Dr Shaheed.¹¹

The Iranian delegation used the opportunity of the 2010 UPR to restate its view “that its human rights situation had consistently been used by some Western countries to apply political pressure and advance ulterior political motives”. It rejected 46 recommendations including calls for Iran to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and for it to allow access to the Special Rapporteur on Torture, amongst some of the more specifically worded recommendations on challenging aspects of Iran’s human rights performance.¹² As of September 2014, campaign website UPRIran.org argues that of the 126 recommendations from the 2010 UPR either accepted or partially accepted, only five have been fully implemented, with 30 partially implemented, 81 deemed not implemented and 10 cases where they argued the information needed to make a judgment was not available. It would seem that Iran is better able to address issues around economic and social rights and humanitarian issues rather than civil and political rights that are more likely to fall outside the ideological approach of the regime, which is Islamist but in principle egalitarian, and its desire to retain political power. There is no mechanism for enforcement of compliance with the recommendations that Iran accepted from the 2010 UPR or to compel it to change its position on those it rejected.

Iran is due to undertake its second UPR on Friday 31st October 2014 and this marks an opportunity to assess progress in the areas Iran itself committed to in 2010 and to what extent the Rouhani Presidency will lead to a change in Iran’s approach to UN processes.¹⁴ Over the past few months Human Rights Council member states have received facts and recommendations from Iranian civil society and human rights experts in preparation for the upcoming UPR. The major thrust of concerns revolves around Iran’s worsening human rights record, as set out in this and previous editions of the IHRR, and lack of commitment to those recommendations it accepted during the 2010 UPR. Chief among these concerns are the increasing rate of executions, persecution of religious minorities, lack of access to information and freedom of expression. Concerns have been raised by human rights activists that the focus of the international community and the Iranian leadership on negotiations to resolve Iran’s nuclear issue has drawn focus from action on human rights.¹⁵ There is wariness that current collaboration, or the appearance of it, on nuclear matters may be being used to mask the lack of negotiations on other matters such as human rights, though some activists such as the international Campaign for Human Rights in Iran warn against using lack of progress on human rights to block nuclear talks.¹⁶

For all the flaws of the UN system set out here and by other contributors, the UN remains the only international body that is able to exercise direct influence on human rights issues that maintains the, if sometimes grudging, participation of the government of the Islamic Republic of Iran. Therefore it provides an important mechanism for civil society, be it international, diasporan and, where possible, based in Iran, to hold the IRI government to account against its international commitments and domestic constitutional obligations. It also provides formal mechanisms for political contestation involving states and civil society, in attempts to influence Iran to sign and ratify additional UN Conventions and optional protocols or around adopting emerging human rights norms in areas the Islamic Republic currently does not accept. Furthermore, this issue of the Iran Human Rights Review suggests that Iranians have the opportunity to view their human rights violations as a catalyst for the development of human rights instruments at the UN

¹⁰ Examples of recommendations accepted by the Iranian government included: ‘4. Ensure the full implementation of international obligations and constitutional guarantees, including with regard to the prohibition of torture (Austria); 8. Reconsider the inclusion of “apostasy”, “witchcraft” and “heresy” as capital offences in its updated penal code (New Zealand); 33. Adopt measures to guarantee women’s equality under the law (Chile); 41. Take measures to ensure that no torture or other cruel, inhuman or degrading treatment or punishment occurs (Netherlands); 58. Guarantee free and unrestricted access to the Internet (Netherlands);’

¹¹ UN Human Rights Council, Country and other visits by Special Procedures Mandate Holders since 1998 F-M, as of September 2014, <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx>

¹² Iran rejected 45 recommendations at the time of the review along with one further recommendation by the follow meeting in June 2010, 46 in all. It noted, neither rejecting or accepting, 16 other recommendations. See UN Human Rights Council, Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran- Addendum, June 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/140/58/PDF/G1014058.pdf?OpenElement>

¹³ UPR Iran, <http://upriiran.org/>

¹⁴ Recent editions of the Iran Human Rights Review have cast doubt on whether the Rouhani Presidency is moving towards any substantial change on human rights performance in practice.

¹⁵ Monavar Khalaj, Human rights set aside while Rouhani seeks Iran nuclear agreement, FT, May 2014 <http://www.ft.com/cms/s/0/67ee8afa-d929-11e3-a1aa-00144feabdc0.html#axzz3GmufspYo>

¹⁶ Hadi Ghaemi, Voices from Iran: Strong Support for the Nuclear Negotiations, July 2014, International Campaign for Human Rights in Iran <http://www.iranhumanrights.org/2014/07/voices/>

by grounding their articles through implementation at the grassroots level in Iran. This serves as a means of cultural change, perhaps the surest foundation for a steady process of improving human rights for all Iranians irrespective of their diverse backgrounds.

Based on the evidence set out by the contributors to this review and above, the Islamic Republic of Iran should consider:

- Fulfilling its obligations under the UN Charter, treaties and conventions to which it is a state party.
- Allowing the UN Special Rapporteur on Human Rights in Iran and other representatives of UN special procedures access to visit Iran to make assessments on the countries' compliance with its commitments and international human rights laws in accordance with Iran's standing invitation to OHCHR mechanisms and the commitments the Islamic Republic made at the 2010 UPR.
- Ending its attempts to unilaterally add a caveat of 'compliance with Sharia Law' to UN conventions to which it is already a state party.

Civil society groups working on Iran could look to:

- Work with countries in the global south to find appropriate ways to hold Iran to account for its compliance with its obligations under the UN charter and conventions, without being caught up in geopolitical or ideological struggles between Iran and western powers.
- Explore further the historical foundations of the Iranian domestic human rights discourse as part of improving access to human rights education and increasing understanding of elements not sourced from the European Enlightenment.
- Improve education available to Iranians about the implications of the Universal Declaration of Human rights and the international conventions to which Iran is already a signatory.
- Raise awareness of the documentation efforts of the Iran Tribunal and other initiatives to improve education and understanding about historical human rights abuses.
- Work more collaboratively with other groups to focus on areas of agreement rather than disagreement, to effectively engage in UN and other international processes.

The UN and international community could:

- Reassess the way in which United Nations Office on Drugs and Crime (UNODC) funding and projects are administered to ensure that efforts to tackle drug smuggling and use in Iran are managed in a transparent and accountable way that does not lead to discriminatory action against minority communities or an increased use of the death penalty.
- Offer specific and measurable recommendations during the 2014 Iran UPR.
- Address the need for mandate holders and experts to visit Iran, without conditions or reservations.

The question that my interrogator asked Hossein Rassam

There is an abundance of expert literature on the Islamic Republic of Iran's relationship with the United Nations and its subsidiaries, the government's equivocal approach to UN conventions and its often harsh reactions to the international body's decisions and resolutions on how, in particular, those in positions of power treat Iranians. This article will also make an effort to explain this contentious and fractious relationship in the context of causality against a political and ideological backdrop. Yet, this piece will also try to explore the matter using a conceptual framework, by making an attempt to identify the missing social notion rather than examining the impeding agent. In doing so, it seeks help from the paradigm of the secular tradition.

Let me begin by relating an anecdote from a personal experience. Back in 2009, I was working in the capacity of a political analyst for the British Embassy in Tehran. Following the disputed presidential election and a famous Friday Prayer sermon by the leader of the Islamic Republic, Ayatollah Khamenei, I was arrested by military-security authorities on a number of charges, ranging from espionage to propagating against the state. I spent many days in solitary confinement in the notorious Evin Prison and had to sit through some very long interrogation sessions, some of which lasted ten hours. In some sessions, I was accused of trying to undermine the Islamic Republic and treated as a pariah, an enemy of the state and in others I was asked to share my analysis.

In one such session of the second category, the interrogator and inquisitor (whom I never saw, as he always sat behind me while I was seated facing the wall) sought my opinion on the 'vulnerability' of the Islamic Republic. It was a public holiday in the Islamic calendar and the day's interrogation had begun by the interrogator making a point that he had had to come in because of me (i.e. I had ruined his holy day). I opted for an enlightening example to convey my argument. I told him the night before, from the small cell window that partially let air and light in, I could hear the voices of some young men, in a very jovial mood, singing. It was not difficult to tell they were young conscripts, who guard the prison compound. Obviously, on the occasion of the religious celebration, the young men had been given the opportunity of a jolly good evening. To serve in the maximum security Evin Prison, all the personnel, including conscripts are strictly vetted. That evening those very young conscripts, as young as 19 and probably not older than 25, sang many songs. I told my interrogator that out of a good 20 or so songs, three decades since the establishment of the Islamic Republic, the majority were from before the Islamic Revolution or works of the so-called 'Los Angeles singers'. Only two or three were of the 'licensed' category, sanctioned by the Ministry of Culture and Islamic Guidance.

I told my interrogator: the biggest vulnerability of the Islamic Republic is the 'vacuum' it has created and its colossal failure to successfully establish its own paradigm of values, hence a state of confusion and chaos. While the religious and revolutionary leaders have futilely persisted in the denial of the established secular traditions and norms of Iranian society, they have also failed to provide functioning alternatives. I would like to refer to the product of that failure as a 'vacuum'.

To further illustrate my example of the singing conscripts, I told the interrogator sitting behind me that people accentuate their convivial mood in moments of festivity through the medium of genial music and songs. But the revolutionary and religious leaders of the Islamic Republic were in denial and had banned such music as decadent and carnal. What was the alternative that they provided to meet the needs of those moments? None! Or irrelevant and dysfunctional, thus creating a vacuum. The vacuum was filled with the old past and with smuggled CDs from Los Angeles, and from across the border, i.e. Turkey.

It is a characteristic of a vacuum that it sucks in what is available to fill the empty space or the void that is the result of the removal of what is now the absent element. Human societies, through the experiences and challenges that they encounter and by way of interaction, try to maintain a state of functionality and productivity. To survive they have to progress and adapt to the changes of time. It is true that at any given time, the equilibrium is achieved via appealing to a majority and the denial or neglect of – at times, probably the legitimate share of – the others; yet, norms and values evolve and develop to establish new paradigms. Paradigms create traditions, which integrate religious and secular values.

In effect, the Universal Declaration of Human Rights is the apex of the secular tradition of all human societies represented in 30 articles.¹ Over the course of history, mankind and human societies have progressed to

¹UN, Universal Declaration of Human Rights, December 1948, <http://www.un.org/en/documents/udhr/>

be less exclusive and more inclusive by recognising and respecting the rights of more and more members. Relapse happens only when forces and groups within a given society are in denial.

Article 18 of the Declaration reads, 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'.

Former Iranian Minister of Intelligence, Ayatollah Ali Younessi, presently a top advisor to President Rouhani on Religious Minorities Affairs, recently attended a synagogue in Iran. He simply upheld the secular value of tolerance and mutual inclusivity in Iran, as part of the secular tradition of Iranian people of various ethnicities and faiths, who have lived together for centuries. Mr Younessi made a very important statement in his address to the audience, "If I, the mullah, and that rabbi do not interfere, people will happily live side by side".² Effectively, what the former Minister of Intelligence admitted in his speech was that, without the interference of certain forces, human societies have the competence and ability to provide happy co-existence to their members.

In contrast to the above statement, when a member of the cabinet recently visited the religious city of Qom to meet Grand Ayatollah Safi-Golpayegani, this Shiite source of emulation objected to the appointment of female governors and said, "such an act is against the dignity of women". If the appointments have been made by the Interior Minister without any objection from local communities and citizens, then the ayatollah is in denial. What he refers to as 'dignity' is the very vacuum discussed above. It is a void, because the ayatollah cannot offer Iranian women, as very capable members of society, an alternative 'dignity'. This meaningless dignity will be the void within the walls of the house. And that is how the Islamic state that he has in mind becomes vulnerable, because functioning paradigms can only be replaced by other functioning ones, lest we shall have chaos and confusion.

However, in dealing with a 'vacuum' – or the void that certain forces create by failing to offer functioning alternative values – we are faced with an unfortunate and bitter paradox. It is true that by the creation of a vacuum, denialists bring about the vulnerability of a human system, (i.e. a society or government), but at the same time via the state of chaos they create, the group can, for some time, maintain control. The chaotic state can help them produce quasi-concepts, words that are generally considered to denote positive concepts are uttered as casings devoid of any content. In the absence of the real concept or value, they are make-believes that only confuse and bewilder. And so 'despotism' becomes 'democracy', 'injustice' can be called 'mercy', 'dignity' is really 'confinement' and people are given 'lies' as 'truth'.

But most important of all is what I would like to call the element of 'shame' ('qobh' in Persian), especially among the powerful. It is the shame factor that disappears, because in this distorted reality the essential criteria against which honesty and fairness can be measured disappear. And that is how the collapse of values happens, creating the most real vulnerability. Human societies use 'shame' as a check and balance. It can be restricting, but in essence it is the responsibility of the members of a society to refrain from any acts that could cause harm to others, or those responsible shall experience 'shame' and be 'shameful' of their actions. This social notion particularly applies to those who are in power and whose decisions and actions affect people in great numbers. Laws can be manipulated to the benefit of the powerful and one of the main checks that prevents them from abusing those laws is a feeling of 'shame', as violators should. One who does not lie feels ashamed if he or she may do so. Similarly, one who does not treat others unfairly will feel shame if he or she does.

A lot has been said and written about the Universal Declaration of Human Rights, about what it contains. Maybe the most important ingredient of the document is not explicitly mentioned. What Article 30 of the Declaration says is that any violation of the rights stipulated is unacceptable:

'Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein'.

What this implies is that the violation of those articles is a shameful act and the violator shall be 'ashamed', but this can also happen when true meanings of words and concepts are restored without distortion. The

²BBC Persian, Assistant to the president in a synagogue, he defended the rights of religious minorities, May 2014, http://www.bbc.co.uk/persian/iran/2014/05/140503_i12_iran_jewish_rouhani_gov_yonesi.shtml?ocid=socialflow_facebook

best way to achieve that objective is to awaken the society by reviving the values that are embedded in their secular tradition, values that transcend and at the same time encompass laws.

Iran: Human rights and cultural wrongs

Ali Ansari

The UN Special Rapporteur on Human Rights in Iran, Ahmed Shaheed, presented one of his reports on the parlous state of Iran's human rights situation to the UN Human Rights Council on the 14th of March. Unsurprisingly, it elicited widespread condemnation from Iranian officials who have yet to grant Shaheed permission to visit the country. Yet, in stark contrast to the public congeniality that accompanies the nuclear negotiations, the criticism of Shaheed has long been vitriolic and involved ad hominem attacks on Shaheed's competency and subjectivity. One Iranian parliamentarian even went so far as to allege that Shaheed was quite clearly a Mossad/CIA agent.¹ In a similar vein, Catherine Ashton's decision to meet with Iranian activists during her recent visit to Iran also drew Iranian derision. The subsequent move by the European Parliament to censure Iran for its continued human rights abuses, was dismissed as irrelevant by Ali Akbar Velayati,² one time foreign minister and now advisor to the Supreme Leader, as well as the current Foreign Minister, Javad Zarif, who complained that the European Parliament was in 'no position' to preach to other countries about human rights.³

Iranian officials have long been sensitive to criticisms over human rights and regularly charged that Western officials, and by extension the international community, is guilty of double standards and hypocrisy when dealing with Iran. In this respect, officials in the Islamic Republic share a similar approach with the monarchy they overthrew, while conveniently ignoring Western criticisms of the Shah's human rights abuses to stress instead Western complicity in the Shah's autocracy.⁴ Indeed, the focus of their dialogue is almost exclusively international rather than domestic with an emphasis on the injustice (hypocrisy) of the international order rather than on domestic injustices; with the convenient consequence that the tables can be turned on the very Western countries who are able to exercise power on the international stage.

With this focus in mind, 'Iran' becomes the victim of an unjust international order, whereas the 'Iranians' themselves are effectively marginalised out of the debate. Thus, when Foreign Minister Zarif explained that Iranians had been fighting against 'tyranny' for a hundred years in order to protect their dignity and 'free will' (which he added for good measure, was in their DNA), his focus was the international order, not the domestic realities of autocracy.⁵ Similarly, the target of the Islamic revolution was never principally the Shah, but the hypocritical international order that sustained him. In a curious inversion of the dialogue on rights, it is the state – and its (self-appointed) representatives – that enjoy rights, not the people that constitute that state, whose rights, if they are ever recognised, are subsumed within the interests of the body politic, and defer to it. A liberal dose of xenophobic nationalist rhetoric ensures that such deference is sustained. Thus Iranians are surprisingly quick to assert the 'rights' of Iran to enrich uranium enshrined in an international treaty that Iranian officials stress, Iran was among the first to sign. However, they are seemingly ignorant – or disinterested – in the fact that Iran was not only among the countries that voted in favour of the adoption of the UN's universal declaration of Human Rights in 1948, it was among a handful of representative countries that sat on the commission that shaped it.

Of course, a frequent refrain heard from Iranian officials is that the discourse on human rights is a quintessentially western one with little immediate relevance to countries which do not share the cultural traditions of the west. The attempt to impose those values is therefore seen as, at best, an exercise in naïve orientalism and, at worst, cultural imperialism. Yet the vigour with which Iranian officials argue for Iran's rights as a state, and in particular, Iran's 'inalienable' rights, suggests that their approach to the discourse is as selective as those of the west that they choose to criticise and that they are just as apt to use ideas when it suits them as discard them when they become inconvenient. Moreover, it highlights the fact that such ideas are not as alien to their worldview as they might occasionally argue.

The notion of rights and their conceptualisation as inalienable or 'natural' rights inherent to all, was of course a product of the intellectual (radical) Enlightenment that transformed European attitudes to state and society in the 18th century. Drawing on a cosmopolitan humanist tradition (often sourced from the east),

¹ FARS News Agency, Senior Lawmaker Describes Ahmed Shaheed as CIA, Mossad Agent, March 2014, <http://english.farsnews.com/newstext.aspx?nn=13930109000550>

² Press TV, EP resolution has no value to Iran: Velayati, April 2014, <http://www.presstv.ir/detail/2014/04/07/357511/iran-sees-no-value-in-ep-resolution/>

³ Tasnim News Agency, Zarif Questions EP's Legitimacy to Preach on Human Rights, April 2014, <http://www.tasnimnews.com/English/Home/Single/329722>

⁴ Seyed Hossein Mousavian, Opinion: We need an Iran-US human rights dialogue, Asharq Al-Awsat, April 2014, <http://www.aawsat.net/2014/04/article55330822>

⁵ Scot Lucas, Iran Video: Foreign Minister Zarif's YouTube Address on Eve of Nuclear Talks, EA Worldview, November 2013, <http://eaworldview.com/2013/11/iran-video-foreign-minister-zarif-s-youtube-address-eve-nuclear-talks/>

European thinkers reimagined political relations with the individual 'citizen' at its heart. Citizens participated in a social contract by which they performed their duties and obligations in return for the recognition of certain rights which protected their dignity and above all their liberty against the power of the state (such language, even if misapplied, is clearly not unfamiliar to Iranian officials such as Zarif). Such ideas, most obviously the rule of the law, the rights of the individual and the constitutional limitations on the power of the state, were all introduced into Iran in the 19th century and became a political reality during the Constitutional Revolution of 1906.

This was the Enlightenment project writ large and Iranian intellectuals energetically sought to shape a constitution and educate their masters. Given the task ahead of them and the short time win which they had to accomplish it, it was an ambition fraught with danger and perhaps doomed to fail in a practical sense. However, it succeeded in introducing radical ideas into Iranian political culture in large part because Iranian intellectuals sought to marry these ideas to Iranian traditions. One of these was the concept of rights, and one particularly illuminating book dated to 1907 sought to educate Iran's new parliamentarians with regard to the rights and duties of the state, the role of parliament and perhaps most strikingly, the rights of the citizen. It argued that these rights could be broadly divided into freedom (the right to life; the right to property; the right to a home; the right to work; the right to belief; the right to thought; the right to gather and to form an association; the right to education; and the right to protest/petition) and equality, by which it meant equality before the law, taxation, employment and the courts.⁶ Drawing on the Iranian historical experience and her mythological inheritance, intellectuals argued to good effect that these ideas had traditional roots but had been re-articulated for the contemporary age. A key theme in this respect was that of liberty and enlightenment – moving from darkness to light in both a political and social sense – drawing on motifs that would have been familiar to Iranians from their mythological inheritance, stressing an inherent 'contract' between the rulers and the ruled that belied western conceptions of 'Oriental despotism'.

Tragically, these ideas have to become institutionalised within Iranian political culture and successive states have emphasised the rights of the government and the state – and their *right* to interpret and represent it – rather than articulate a coherent legal framework for the citizens of the state. But that is not to say that the ideas remain alien or absent from that political culture and the fight for rights has been at the forefront of a series of political movements and uprisings throughout the twentieth century – often looking to the Constitutional Revolution for their inspiration. Thus the Islamic Revolution itself was in part fought for the establishment of rights, though people soon found that their own rights soon clashed to their detriment with the rights of 'God', as defined by his representatives on earth. The Reform Movement that catapulted Mohammad Khatami to the Presidency in 1997 was likewise determined by ideas of 'civil society'. Rouhani too, dramatically seized the Presidency in June 2013 on a platform of 'de-securitising' politics, and institutionalising peoples' rights that had been enshrined in the constitution but long neglected.

That his message should have struck such a chord among the populace, is a reminder, if one were ever needed, that such ideas are neither alien nor absent from the public consciousness. That resistance from the authoritarian establishment remains severe is also apparent from the reaction to these ideas and most obviously President Rouhani's rather tepid discussion document entitled the 'Citizen's Charter'.⁷ This charter has created a good deal of hope both in Iran and abroad. But the 'rights' enshrined in this document, which has irritated many of the country's lawyers, are so heavily caveated and dependent on the goodwill and judgement of the Supreme Leader, that they can hardly be deemed either natural or inalienable. In short, these are not the language of 'rights' as normally understood, and certainly not the rights afforded to the State. There is, as the country's lawyers admit, a good deal of work to be done not, only in a legal sense but in a cultural one. Yet the persistence of these ideas give cause for some cautious optimism especially when one considers that successive Iranian governments have sought inspiration in this regard from their own historical and cultural experiences. Rouhani's 'charter' is a direct allusion to an earlier charter much idolised by Iranians, the charter (*manshor*) of Cyrus the Great, reproduced on the Cyrus Cylinder, perhaps the nearest thing to an Iranian 'Magna Carta' – complete with associated myths of emancipation, liberty and the rights of the individual. Little matter that the history may be somewhat more contentious, the reality is that the cult of Cyrus has survived the Islamic Revolution reinvigorated and emblematic of so much that should be in the Iranian body politic. And there is nothing 'western' about Cyrus.

⁶ Mohammad Ali Foroughi *Hoquq-e asasi: ya adab-e mashrutiyat-e doval* (Fundamental Laws or the rules of Constitutionalism of States) (Tehran: 1325/6 (lunar) / 1907/8), reprinted in Afshar and Homayunpur (eds.), *Siyasatnameh-ye Zoka' al-Molk, , maqalehha, namehha, va sokhanraniha-ye siyasi-ye Mohammad Ali Foroughi* (The Book of Politics of Zoka ol Molk, the political articles, letters and speeches of Mohammad Ali Foroughi) (Tehran: Ketab-e Rowshan, 2010).pp. 5-62.

⁷ ISNA, 'Mamariat rais jomhur be moavenat haqqiqi jahat taheye manshor hoqqq sharvandi' ['The President delegates his legal deputy to prepare a charter of citizen's rights'], 22 September 2013.

The contemporary discourse on rights undoubtedly has its roots in the European Enlightenment but the ideas it embodies are neither alien nor absent in the experiences of the Iranian world. Earlier political activists understood this and also recognised that for ideas to take root they must be planted in ground that is familiar. Successive governments, jealous of their powers, have resisted this development, falsely assuming that the institutionalisation of rights will diminish their power, as opposed to enhancing the authority of the state. But the persistence of these ideas shows that they do enjoy cultural resonance with powerful echoes in Iranian literature and culture.

World leaders have become fond of quoting the 13th century Persian poet Saadi's poem on the fact that 'the children of Adam are limbs of one another, having been created of one essence', as they pursue better relations with one-time foes. They would do as well to complete Saadi's aphorism and the central point of his poem that, 'when calamity afflicts one limb, the other limbs cannot remain at rest. If you have no sympathy for the troubles of others, you are unworthy to be called by the name of man.' The poem in fact graces the entrance of the UN building in New York; a gift from the Iranians to the new international organisation of which Iran was a founding member. A point worth remembering.

Iranian minority rights: A case study of the UN human rights machinery

Daniel Wheatley

Introduction

The election of President Hassan Rouhani in June 2013 raised hopes for improvements in human rights for Iranian citizens, not least amongst the country's minorities after he spoke of upholding rights for ethnic and religious minorities.

It may be premature to analyse the progress of the Rouhani government on ameliorating the condition of citizens from minority communities, but at the time of drafting this paper the early indications are not encouraging. Christian Pastor Saeed Abedini continues to languish in an Iranian jail,¹ as do seven former leaders of the Bahá'í community.² In October 2013 16 Baloch prisoners were summarily executed in what has been reported as instant revenge further to a terrorist attack upon an Iranian army post by a suspected Baloch group.³ Kurds, Ahawzi Arabs, Christians, Bahá'ís and Sufi Dervishes all report forms of persecution ranging from denial of social and economic rights to targeted attacks.

This paper will review what options are available for advocacy within the United Nations organisation and its specialised agencies, and will explore the experience of a selected number of Iranian minority communities through the prism of certain mechanisms of the UN human rights machinery.

A previous useful discussion of some related topics has been contained within the FPC pamphlet, *A Revolution Without Rights*.⁴ This report detailed the experience of Bahá'ís, Kurds and women. The author notes the view within modern feminist discourse to eschew attempts to conceptualise women's rights as a minority group and observes that on any purely numerical calculus this is plainly incorrect. This essay therefore proposes to explore the experience of Iranian religious minorities including Christians (and specifically the so-called House Church⁵ movement) and the Bahá'ís, and ethnic minorities including the Baloch and the Ahwazi Arabs.

Selected mechanisms within the United Nations human rights structures

Since the adoption of the Universal Declaration of Human Rights in 1948 there has been a proliferation of concepts, laws and mechanisms to advance the paradigm of universal rights. This is a vast system. This paper proposes to select four mechanisms or spaces within the UN machinery and explore what use has been made of these as tools for diplomatic influencing across a number of Iranian minority communities.

This study will focus on the following mechanisms:

- Resolutions adopted by the Third Committee and Plenary of the United Nations General Assembly
- Resolutions adopted by the United Nations Human Rights Council
- Special Procedures of the United Nations, including Special Rapporteurs and Working Groups
- The Universal Periodic Review (UPR) of the Human Rights Council

Resolutions of the UNGA

The United Nations General Assembly is the main deliberative, policy-making and representative body of the UN system. It has representation from 193 national governments and holds a regular 'annual session' in the autumn of every year. Human rights issues may be raised through the Third Committee and also in the Plenary of the General Assembly.

Annual resolutions on Iran have been sponsored by the Canadian government and co-sponsored by the European Union and adopted by a majority vote of UN member states in recent years.⁶ These resolutions

¹ Open Doors, Iranian Prisoners Update, http://www.opendoorsuk.org/resources/letter/iranian_prisoners.php

² Bahá'í World News, Global Outcry Over Continued Imprisonment of Bahá'í Leaders in Iran, May 2014, <http://news.bahai.org/story/1004>

³ Freedom House, Execution of Baloch and Kurdish Prisoners in Iran, October 2013, <http://www.freedomhouse.org/article/freedom-house-condemns-execution-baloch-and-kurdish-prisoners-iran#.VC7AkWddVik>

⁴ Tahiri Danesh, Geoff Cameron and Barrie Boles, *A Revolution Without Rights? Women, Kurds and Baha'is Searching for Equality in Iran*, Foreign Policy Centre, November 2008, <http://fpc.org.uk/publications/RevolutionRights>

⁵ A 'house church' refers to group of Christians who may gather and worship in private homes either because membership is small, but also where they wish to practice their religion underground to avoid persecution.

⁶ UN General Assembly, UNGA 2013 resolution on human rights in Iran, November 2013, via

offer the opportunity for the international community to register concern about a wide range of human rights concerns and to remind the Iranian government of their commitments under international human rights treaties or instruments.

Within the text of the last resolution adopted by the Plenary of the General Assembly in December 2013, issues of minority rights are raised in general terms as well as in a number of operative paragraphs that address the specific conditions facing some of Iran's religious and ethnic minorities.⁷ For example, paragraph 5(h) of the resolution expresses deep concern at 'continued discrimination and other human rights violations, at times amounting to persecution, against persons belonging to....minorities, including Arabs, Azeris, Balochis and Kurds' and goes on to note reports of violent suppression and detention of ethnic Arabs and Azeris.

Paragraph 5(j) addresses the '...continued harassment, at times amounting to persecution, and human rights violations against persons to the recognised religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims and Zoroastrians...and evangelical Christians, including the detention of Christian pastors.' A separate paragraph, 5(k), addresses the plight of the 'unrecognised religious minorities, particularly members of the Bahá'í faith.' This paragraph goes on to specify the attacks upon the Bahá'ís, including, '...targeted attacks and murders...arbitrary arrests and detention, the restriction of access to higher education on the basis of religion, the continued imprisonment of the leadership of the Iranian Bahá'í community, the closure of Bahá'í-owned businesses and the de facto criminalisation of membership of the Bahá'í faith.'

Section 6 of the resolution calls upon the government of Iran to address the substantive concerns highlighted in the reports of a number of UN officials, including the Secretary General. One subsequent paragraph in this section, 6(e), calls for the elimination, in law and in practice, of discrimination '...against persons belonging to religious, ethnic, linguistic or other minorities, recognised or otherwise.' Two other paragraphs, 6(f) and 6(g), focus on the discrimination against and exclusion of members of the Baloch community and the Bahá'í faith.

Towards the end of the text of the resolution there is a link to another significant element of the UN human rights machinery in paragraph 13. The opening line of this paragraph strongly encourages 'the thematic special procedures mandate holders to pay particular attention to...the human rights situation in the Islamic Republic of Iran.' The text goes on to identify a number of such special procedures, including those concerned with freedom of religion or belief and minority issues. It should also be noted that there is a geographic special procedure for Iran. The next section of this paper will explore what such special procedures are within the UN system, and how they have served to advocate for Iranian minority rights in recent years.

Special mechanisms

Another element within the UN system for the advancement and protection of human rights is that of the mechanisms known as Special Procedures. These take the form of independent experts, working alone as Special Rapporteurs or Independent Experts, or in Working Groups of five representatives from the regional groups of the United Nations. These procedures are mandated to work with either a geographic or a thematic emphasis, for example on freedom of religion and belief, or for the rights of internally-displaced persons (IDPs). There are currently 37 thematic mandates, and 14 country mandates, one of which is on Iran.

The incumbent Special Rapporteur on Human Rights in Iran is the Maldivian politician and academic, Dr Ahmed Shaheed. The mandate of Dr Shaheed was created by a majority resolution at the UN Human Rights Council and he was appointed in June 2011.⁸ Special Rapporteurs present annual reports to the Human Rights Council in Geneva as well as interim reports to the UN General Assembly in New York. After their reports have been delivered, Special Rapporteurs and other procedures, hold 'interactive dialogues', offering opportunities for government representatives to question them further on aspects of their work.

A review of the text of the March 2013 report by Dr Shaheed (UN document: A/HRC/25/61)⁹ highlights how the work of the Special Rapporteur can serve to highlight the issues facing and defend ethnic and

<http://shaheedoniran.org/english/human-rights-at-the-united-nations/un-general-assembly/general-assembly-resolutions/general-assemblys-2013-resolution-on-human-rights-in-iran-2/>. See also UN General Assembly, Situation of human rights in the Islamic Republic of Iran, December 2012, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/67/182

⁷ Ibid, See paragraphs 5(h), 5(j), 5(k), 6(e), 6(f), 6(g) in the 2013 UNGA resolution.

⁸ See the text of the 2011 Resolution of the Human Rights Council here: UN Human Rights Council, Situation of Human Rights in Iran March 2011 Resolution, December 2011, <http://shaheedoniran.org/english/human-rights-at-the-united-nations/human-rights-monitoring-mechanisms/un-human-rights-council/testtest/> (establishing the mandate of the Special Rapporteur on Human Rights in Iran)

⁹ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic

religious minorities in Iran. Section IV of the report dedicates no fewer than 16 paragraphs to the situation of minorities. This includes figures for the respective numbers of Bahá'ís, Sunni Muslims, Christians and Dervish Muslims who have been detained. Other paragraphs are dedicated to the respective issues facing Bahá'ís, Sunni Muslims and Christians. Paragraph 40, for example, underscores that most Iranian Christians facing prosecution 'appear to be converts from Muslim backgrounds, or that proselytise or minister to Iranian Muslims'.

Paragraphs 44-51 offer information from a range of ethnic minority concerns that have come to the attention of the Special Rapporteur. These include the case of five Ahwazi Arabs sentenced to death for the crime of 'corruption on earth' and the summary execution of sixteen Baluchi prisoners, four Ahwazi Arabs and two Kurdish political prisoners.

Thematic issues

Beyond the most directly relevant mandated Special Rapporteur on Iran, other UN Special Mechanisms offer opportunities to raise minority rights concerns within Iran through a number of thematic mandates. There are Special Rapporteurs or Working Groups that focus on areas such as torture, Human Rights Defenders and Internally Displaced Persons and many other areas of specialist human rights focus.

Two Special Rapporteurs who have covered Iran in their reportage in recent years are the Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, and the Special Rapporteur on Minority Issues, Rita Izsák

In May of 2014 Ms Izsák made use of another of the tools available to her mandate when she issued an urgent appeal to the Iranian government to halt the execution of two Ahwazi Arab cultural rights activists.¹⁰ Unfortunately, the two individuals in question were subsequently executed in June but the case serves to demonstrate another facility available to UN Special Rapporteurs. Her January 2014 report explains that Ms Izsák's work has included interactions with the government of Iran, including issuing a call for the release of 7 Bahá'í leaders. There is some degree of common ground between her reports and those of Professor Bielefeldt. The reports of the Special Rapporteur on Freedom of Religion or Belief focus on issues pertaining to religious rather than ethnic minorities. His work has covered Iran.

Professor Bielefeldt gave a press conference at the United Nations in October 2011 and in response to reports of the Iranian government's media campaign to demonise members of the Bahá'í community, he described Iran's persecution of Baha'is as among the most 'extreme manifestations of religious intolerance and persecution'¹¹ in the world today. In September 2012 Professor Bielefeldt combined his efforts with Dr Shaheed, blending one thematic mandate with one geographic mandate, to note the release of Iranian Christian pastor Youcef Nadarkhani. Whilst welcoming the clemency granted to Pastor Nadarkhani, the two UN experts voiced deep concern over the arrest and detention of hundreds of Iranian Christians in recent years.¹²

In theory, Special Rapporteurs are able to make 'country visits' to UN member states in order to research their reports on the situations in such countries. The reality is that some states decline to grant visas to allow visits of this nature. Iran, notably, has not granted a visa to Dr Shaheed, who holds the geographic mandate for Iran.

Iran has however, been willing to grant visas to other UN Special Mechanisms. In July 2005, Miloon Kothari, the Special Rapporteur on the Right to Adequate Housing visited Iran and his report to the UN Economic and Social Council was published in March 2006.¹³ The report was written in the aftermath of the Bam earthquake of 2003 and large-scale efforts in 2004 and 2005 by the Iranian state to re-build housing for thousands of Iranian citizens made homeless by this natural disaster.

The Special Rapporteur's report drew attention to positive trends and best practices, and the considerable number of government bodies in Iran that were working to improve housing conditions for Iranian citizens.

Republic of Iran, February 2013, http://shaheedoniran.org/wp-content/uploads/2013/12/A-HRC-22-56_en.pdf

¹⁰ Dr Ahmed Shaheed, Urgent appeal to the Iranian Government: Halt the scheduled execution of Ahwazi Arab men, May 2014, <http://shaheedoniran.org/english/dr-shaheeds-work/press-releases/urgent-appeal-halt-scheduled-execution-of-ahwazi-arab-men/>

¹¹ Bahá'í World News, UN religious freedom expert: Iran is systematically persecuting Baha'is, October 2011, <http://news.bahai.org/story/862>

¹² UN Office of the High Commissioner for Human Rights, UN experts on Iran and freedom of religion concerned over situation of religious minorities in the country, September 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12551&LangID=E>

¹³ UN, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, March 2006, <http://shaheedoniran.org/english/human-rights-at-the-united-nations/human-rights-monitoring-mechanisms/un-human-rights-council/the-special-procedures/report-of-the-special-rapporteur-on-adequate-housing-as-a-component-of-the-right-to-an-adequate-standard-of-living-miloon-kothari-2005/>

Mr Kothari's report however goes on to observe existing obstacles in Iran to the realisation of the human right to adequate housing. He goes on to note, *'to express concern for the continued discrimination faced by ethnic and religious minorities and nomadic groups, as reflected in the disproportionately poor housing and living conditions of these groups; the considerable number of alleged cases of land confiscation and forced evictions...'* He goes on to identify policies aimed at vulnerable groups such as Kurds, Bahá'ís, Laks and Arabs.

An entire section of Mr Kothari's report is dedicated to 'Ethnic and Religious Minorities and Nomads'. He notes Kurds, Arabs and Sufis were living in extremely unsatisfactory conditions in poor neighbourhoods in Kermanshah and Khuzestan. He goes on to report information was received suggesting that policies of land confiscation disproportionately affected minority groups. With reference to religious minorities, the Special Rapporteur draws attention to Article 881 of the Iranian Civil Code and its position on inheritance law, which states that 'if one of the heirs declares that he converted to Islam he is entitled to the entire inheritance in detriment to the remaining heirs who belong to another faith.'

In three subsequent paragraphs of his report, Mr Kothari states that he has received detailed documentation relating to the confiscation of approximately 640 Bahá'í properties, expropriated since 1980. The properties taken from Bahá'ís included houses, agricultural land and also sacred places, including cemeteries and shrines. He concludes by stating, 'The Special Rapporteur is concerned at the clear evidence of discriminatory conduct with respect to Bahá'í property, including housing.'

It may be instructive to note that minorities in Iran can seek to highlight the plight of their communities by making recourse to the mandates of those Special Mechanisms that do not immediately appear to relate to their situation, such as the geographic mandate on Iran, and those thematic mandates on minority issues and freedom of religion or belief.

Universal Periodic Review

The final component of the United Nations human rights machinery that this paper will examine for its relevance to Iranian minority groups is that of the Universal Periodic Review (UPR). This system was created in 2006 and serves as a mechanism of the Human Rights Council. It provides for a review of the human rights record of every member state of the United Nations on a periodic basis. It works in a complementary fashion to the other elements of the UN human rights machinery, and the cycling through of a number of states for review at every regular session of the Human Rights Council means that any government, such as Iran, can expect to undertake a UPR every four to four and a half years.

Each country's human rights record is reviewed through the parameters of the UN Charter, the Universal Declaration of Human Rights and human rights instruments to which that state is a party, such as the core human rights treaties on civil and political rights, and economic, social and cultural rights. The state under review prepares their own report on human rights in their country, a second report contains information from all UN sources that is compiled by the Office of the High Commissioner for Human Rights (OHCHR), and the third and final report summarises information received from a range of stakeholders, and crucially this can include Non-Governmental Organisations. This report is also compiled by the OHCHR. This mechanism therefore affords organisations campaigning for minority groups in Iran to present their own evidence and information in the form of reports.

The report of the HRC working group on Iran's UPR in March 2010 gives an insight into how other member states at the UN interacted with the questions of Iran's human rights record.¹⁴ 53 delegations made statements, ranging from those that noted Iran's efforts in the fields of educational, health, housing and cultural rights, to those who were critical of the practices of detention without due process, torture and denial of the freedom of expression, assembly and association. A number of delegations dedicated some of their comments on Iran's UPR to address the plight of minority groups but it is notable that no fewer than 21 governments mentioned the situation of the Bahá'í community in either oral or written submissions to the process. Another member state praised the protection of Armenian Christian monuments in Iran, but otherwise the UPR report does not make specific mention of other ethnic and religious minorities by name.

Concluding remarks

The UN human rights system is complex and multi-faceted but its most salient mechanisms offer significant opportunities for UN member states to raise a broad range of human rights issues. This may include the concerns of minority groups, such as those ethnic and religious communities that face persecution in Iran.

¹⁴ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, March 2010, <http://shaheedoniran.org/wp-content/uploads/2013/12/G1012056.pdf>

The experience of the Bahá'í community, which has worked for many years to build capacity to represent their views to the United Nations General Assembly in New York and the United Nations Human Rights Council in Geneva, may be seen to show the results that can accrue from systematic efforts to engage with the UN machinery.

This short paper has explored in only elementary detail a number of those mechanisms of the human rights system that have more currency and recognition in the diplomatic and political world: Resolutions at the UN General Assembly; the Special Procedures and the relatively new Universal Periodic Review. Non-Governmental Organisations, including those representing minority rights issues, have the capacity to influence and interact with these processes where they have UN accreditation, and they may also indirectly influence events through representation to national governments who are member states of the United Nations and/or the United Nations Human Rights Council.

Iran and human rights organs of the United Nations

Raha Shadan

For a number of years now, the most complicated aspect of the relationship between Iran and the UN has revolved around the issue of human rights, and this has overshadowed other challenges. In general, the three main bodies of the General Assembly, Security Council and Human Rights Council (replacing the Human Rights Commission) play a role in advancing the human rights agenda of the UN. All three bodies have issued a significant number of resolutions regarding the situation of human rights in Iran, most since 1979. There are a number of mechanisms at the disposal of each of these bodies, but with regard to the relationship between Iran and the UN, two particular processes impart the greatest influence. One is the Universal Periodic Review, which takes place every four years¹ and is when the human rights situation in a particular country is examined.² In 2010 when Iran faced the Review, it was relatively cooperative with the UN and this resulted in most of the 188 recommendations being accepted.³

The second most important Human Rights Council mechanism is the appointment of Special Rapporteurs, whose mandates are either focused on a specific theme (meaning they follow a specific subject in all countries) or country (their duty is to investigate all human rights issues in a given country). Their duties include investigations for and preparation of reports on cases involving human rights violations and the presentation of these reports to the Human Rights Council. Although these reports may not directly result in improvements, the appointment of a Special Rapporteur and her or his activities to investigate the situation in a country is nevertheless part of an important and influential process which can apply pressure on the responsible state. Iran's collaboration with thematic Rapporteurs is somewhat more hopeful than that of other countries. For instance, in 2002 Iran invited all thematic mandate holders to visit Iran. Between 2003 and 2005 six Special Rapporteurs visited Iran. However, since then none have been able to gain entry.⁴

Given the conditions some of the thematic Rapporteurs face while carrying out their tasks, such as the Special Rapporteur on extrajudicial, summary or arbitrary executions, on prisons and conditions of detention or on freedom of expression, at times, the international community reaches the conclusion that the situation of human rights in a given country has reached such dangerous levels that it stands in need of a special rapporteur of its own. This in and of itself indicates critical conditions and at an international level casts a negative impression of the relevant country. Since 1985 concerns regarding Iran gained prominence internationally, so the Human Rights Commission appointed the first Special Rapporteur for the situation of human rights in Iran. Andre Aguilar of Venezuela served in this post until his resignation in 1988 but was never allowed to enter Iran. During his tenure he submitted two reports to the Commission and General Assembly, both of which referred to his dissatisfaction regarding Iran's lack of cooperation and the worrisome situation of human rights in Iran. After him, Reynaldo Galindo Pohl held this position until 1995 and travelled to Iran three times resulting in a total of 15 reports. Between 1995 and 2002 Maurice Copithorne served as the third Special Rapporteur for Iran but was only allowed to enter Iran once. Until 2011 no other individuals were appointed. In 2006 the UN Human Rights Council replaced the Commission and in 2011 by passing a resolution voted to appoint a new Special Rapporteur for Iran. Since then Dr Ahmed Shaheed has occupied this position. Although his appointment as a Muslim accompanied the hope that Iran may prove to be more cooperative, but as the following demonstrates, unfortunately Iran's approach to this issue has not changed in any significant way.⁵

What has been repeatedly raised in reports submitted by all Rapporteurs is their concerns regarding the worrisome situation of human rights in Iran. The majority of charges revolve around a specific issue, that of executions. For instance, the increase in the rate of executions, the presence of hundreds of political and ideological prisoners in Iran's jails, the challenges and barriers to freedom of expression and pressure on newspapers and journalists, as well as widespread human rights violations against women and religious and ethnic minorities.⁶

Over the years, two main approaches have affected policy makers, legal experts and officials of the Islamic Republic: first, the process whereby these charges view Islamic Republic laws, codes and the judiciary and security apparatus as the root cause of these violations. The second refers to the animosities and tensions

¹ Universal Periodic Review known as UPR is a new mechanism involving all member states as peer reviewers.

² UN Office of the High Commissioner for Human Rights, Universal Periodic Review, <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>

³ United Nations, General Assembly, Report of Secretary General, 2010, A/65/370.

⁴ Ibid.

⁵ Kaweh Ghoreishi, Larjani, The politics of anger leads to expansion, Rooz Online, September 2013, <http://www.roozonline.com/persian/news/newsitem/archive/2013/sepember/01/article/-3c7623fde3.html> (in Farsi)

⁶ UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, <http://shaheedoniran.org/farsi/dr-shaheeds-work/latest-reports/> (in Farsi)

between the west and Iran following the Islamic Republic revolution and casts all such charges in light of conspiracies aimed at weakening Iran's position. In other words, human rights are another tool in the hands of western enemies of the Islamic revolution. There are also those who consolidate the two. What is certain is that Iranian officials view all human rights organisations according to the second approach and although the patterns of action on the part of the Islamic Republic government is gradually moving towards a more conciliatory approach towards such bodies, nevertheless, it may be that the nucleus of such relations are based on the original approach which considers the UN as a place where countries that hold the right to veto conspire against others. Naturally the same approach extends to the Human Rights Council.⁷

In one of his latest reports, Ahmed Shaheed has written that he contacted Islamic Republic officials 25 times and has requested that they respond to current cases of serious concern. According to his report, Iran has considered 4 cases. Furthermore, all his requests to visit Iran have gone unanswered.⁸ In response, the Islamic Republic emphasises these specific points regarding charges of human rights violations in that country. Based on these very points they consider it their right to refuse to cooperate with human rights bodies, organs and mechanisms.

The first instance is that, in general, the entire process of examining the situation of human rights and the specific charges are politically motivated and, contrary to appearances, are set to damage Iran's security.⁹ Second since Iran is an Islamic country, its laws are based on Islam and therefore, it cannot be in full accordance with western human rights standards and in its approach it relies on cultural relativism as justification.¹⁰ Third, the Special Rapporteur gathers his information from unreliable sources, meaning the body of information gathered is selective and that those individuals who have committed serious crimes, such as violent actions or causing disturbance to public order, are wrongfully identified as human rights defenders.¹¹

Despite such claims and the lack of cooperation of the Islamic Republic with the Special Rapporteur, overall, Dr Shaheed has been able to present reports that are precise and well-documented, resulting in resolutions being passed at the General Assembly regarding the human rights situation in Iran. Certainly, technological advancement, access to information and easier communications are among the factors that have greatly contributed to his success when compared to previous mandate holders. Dr Shaheed has explained that, even without visiting Iran, he has been able to prepare his reports using interviews with primary sources, i.e. those who have been directly affected by human rights violations. The high number of interviews conducted both with those in Iran as well as those among diaspora practically demonstrates that communication mechanisms have removed the barrier of denied entry to Iran.¹²

In conclusion, it must be noted that, despite claims by the Islamic Republic representative at a session of the Third Committee in November 2013: "The recent presidential elections in Iran is a sign of democracy and tolerance for human rights. After the election of Rouhani, greater efforts will result in upholding human rights standards."¹³ But as reflected in the Special Rapporteur's statement: "Despite gentle steps towards reform, the situation of human rights in the Islamic Republic of Iran remains a serious concern and despite some positive moves by President Rouhani's administration, human rights violations of citizens, in particular, women, activists and religious minorities continues unabated."¹⁴ This very issue led to the fact that during the early days of 2014 the Human Rights Council voted to renew Dr Shaheed's mandate for another year.¹⁵

⁷ During the 41 session of the UN in 1986 Ali Akbar Velayati stated: "The Human Rights Commission and the Third Committee of the General Assembly are among the few bodies that remain under the influence of super powers. With a few clear and transparent exceptions, many of the issues of human rights are used by western powers against countries that have recently gained independence." Quoted in 1982-2004 reports of the Human Rights Commission and the Islamic Republic published in Rahbord magazine, Fall 2005.

⁸ BBC Persian, The lack of independence of the judiciary and judges is criticized in a recent report by Ahmed Shaheed, March 2014, http://www.bbc.co.uk/persian/iran/2014/03/140314_u07_un_human_rights_iran_report.shtml

⁹ Marzieh Afkhami, the spokesperson for the Ministry of Foreign Affairs states: "The Islamic Republic of Iran, as a permanent axis of the region based on religious patriarchy and moderation intends to pursue a constructive approach with the international community and does not accept prejudiced reports as standards of assessing human rights in Iran." [http://khabaronline.ir/\(X\(1\)S\(agmgmrptzlsnscswisiwidpf2wb\)\)/detail/319050/Politics/1144](http://khabaronline.ir/(X(1)S(agmgmrptzlsnscswisiwidpf2wb))/detail/319050/Politics/1144)

¹⁰ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, February 2013, http://www.ohchr.org/Documents/Countries/IR/A-HRC-22-56_en.pdf

¹¹ UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, March 2014, http://shaheedoniran.org/wp-content/uploads/2014/03/A-HRC-25-61_Farsi.pdf

¹² BBC Persian, The lack of independence of the judiciary and judges is criticized in a recent report by Ahmed Shaheed, March 2014, http://www.bbc.co.uk/persian/iran/2014/03/140314_u07_un_human_rights_iran_report.shtml

¹³ Iran Human Rights, Latest Report of Ahmed Shaheed, November 2013, http://persian.iranhumanrights.org/1392/08/shaheed_oct

¹⁴ BBC Persian, The lack of independence of the judiciary and judges is criticized in a recent report by Ahmed Shaheed, March 2014, http://www.bbc.co.uk/persian/iran/2014/03/140314_u07_un_human_rights_iran_report.shtml

¹⁵ UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Iran Mandate Renewed by UN Human Rights Council, March 2014, <http://shaheedoniran.org/english/human-rights-at-the-united-nations/human-rights-monitoring>

This move included 21 in favour, 16 abstentions and 9 votes against and was met with opposition by Islamic Republic representatives and increasing blatant attacks against the person of the Special Rapporteur.¹⁶

What is obvious is that this year can be an excellent opportunity for activists and human rights organisations inside and outside Iran. International organs must employ various forms of pressure to force the Iranian government to cooperate with international human rights mechanisms in order to increase the chances of proceeding with the necessary documents and preparations for the Special Rapporteur to visit Iran. Human rights activists must take advantage of this opportunity to provide better and more information to the Special Rapporteur so that he is able to provide a more complete report about the situation of human rights in Iran and address possible gaps in his previous reports, in order to regain confidence in the possibility of improving the human rights situation in Iran.

¹⁶ Radio Farda, Reactions to the extension of the mandate of the Special Rapporteur for Human Rights in Iran, March 2014, http://www.radiofarda.com/content/f14_reactions_mission_extension_ahmad_shahid_iran/25314068.html

A rising tide lifts all boats: Human rights in Iran, cooperating for change

Tori Egherman

Cooperation among human rights activists and organisations among the diaspora focusing on Iran has increased in an uneven manner over the past few decades. There are many reasons for this, including the professionalisation of human rights over the past fifteen years. “In the eighties and nineties,” Kamran Ashtary, Director of Arseh Sevom,¹ stated, “human rights activists weren’t as professional as they are now. We realised the necessity of collaboration, but we didn’t know how to do it. We were so much into all or nothing cooperation that we were not effective.”²

Mr Ashtary continued by pointing out that there was always cooperation on human rights issues within parties and groups with similar ideologies, but that over the past five years there has been an increase in cooperation among groups and individuals with ideological differences. The experience gained through the appointment of the Special Rapporteur for Human Rights in Iran, as well as working with the appointee on reporting, has brought about a new confidence in the benefits of cooperation to achieving respect for human rights in Iran.

Despite this, activists and civil society organisations can find hundreds of reasons *not* to work together, from differing political views, to mistrust, to a lack of experience to the random inflated or delicate ego. “There is no one who says they don’t want collaboration,” a human rights lawyer stated in an interview.³ “That would be taboo. After all, we are all civil society organisations trying to get along.” In many cases the habit of living in a repressive culture means trust can be difficult to build. In societies like Iran, civil society can be viewed as a threat, in conflict with authorities and the state. As a result, the muscles for cooperation and for working with allies are not exercised.

In a 2011 interview, international human rights expert, Dokhi Fassihian reported on discussions with a network of professionals from Mexican civil society organisations who were reflecting on the transition from confrontation with the state to working with it:

The issue of trust is not unique to Iran. In many societies where the way human rights activists work is primarily underground, where activists are under attack they are always in a confrontational mode. When I spoke to Mexican organizations about this in Mexico City, they discussed the fact that not being in a confrontational mode, accepting or talking to governments as an ally, as a partner seems wrong to them. Some of them still struggle with that from when they had a dictatorial government and some still function as confrontational.⁴

When trying to influence international bodies and make changes in policy, working together is absolutely necessary. What can be done in collaboration with others is much greater than what can be done by lone individuals or small groups.

Whether they represent the European Union, the governments of the ‘Global South’, or the United Nations, officials and their staff need to have confidence in the claims being made and the people and organisations making them. This is made easier when they are approached by coalitions in addition to individuals and individual organisations. A coalition can demonstrate the strength and depth needed to back up claims. Coalitions help bring attention to a cause. Influencers and decision makers have limited time. By approaching them as a group, the chances of being heard increase. In the case of the United Nations, it is important to remember that individuals represent countries: influencing them means influencing the decision makers of an entire country. This is more effectively done by groups working together than by an individual voice.

The appointment of the UN Special Rapporteur for Human Rights on Iran is an example of what can be done when organisations and individuals concerned with the same issue from many different angles work together.⁵ After the flawed 2009 presidential elections in Iran, concern about human rights abuses was at a high. Executions were proceeding at a fast pace. Mass arrests and appalling prison conditions were receiving more attention than ever before. Widespread use of social media meant that conditions in Iran were reaching a wider audience inside and outside the country. The situation demanded response. Human rights

¹ The content of this article is based on research for Arseh Sevom’s project, Civil Society Cookbook. Some of those interviewed asked to remain anonymous.

² Interview with Kamran Ashtary, 2014. *Changes in human rights advocacy in the Iranian community*. Interviewed by Tori Egherman. Amsterdam.

³ Interview with human rights lawyer. 2014. *Collaborative work with civil society groups*. Interviewed by Tori Egherman and Rumiyan Panayotava, Skype call.

⁴ Interview with Dokhi Fassihian. 2011. *Working with the United Nations*. Interviewed by Tori Egherman. Skype call.

⁵ Arseh Sevom, *Human Rights Council Appoints Special Rapporteur for Iran*. March 2011, <http://www.arsehsevom.net/2011/03/human-rights-council-appoints-special-rapporteur-for-iran/>

groups, defenders and civil society organisations representing many different interests worked together to get the UN Human Rights Council to act.

Statements, individual meetings, opinion pieces, letters and the lobbying of representatives and officials were all part of a strategy to sway the council to vote in favour of the appointment of a Special Rapporteur. Dokhi Fassihian, then director of the Democracy Coalition Project, was actively involved in the process of working for the appointment. She stated:

These rapporteurs, specifically country rapporteurs, don't come easy. It takes an enormous amount of political effort, will, and capital to appoint one of these individuals to report regularly on a situation. We don't have that many country rapporteurs, precisely because it's quite difficult to get them appointed.

For its success, it was critical for the coalition to convince undecided countries such as Brazil to vote in favour of the appointment. In the particular instance of Brazil, a group of 180 Iranian women's rights activists wrote a personal letter to its president, Dilma Rouseff. She had been imprisoned herself for her opposition to dictatorship. The women wrote:

You know through experience that in order to legitimize the suppression of people, activists, and people's movements, those in power may accuse and convict people on fabricated charges and crimes. You, who have fought for the Brazilian people's dignity and freedom, know that idealists are constantly accused by those in power of cooperating with foreigners or similar offenses deemed worthy of punishment. Many ethnic rights activists, journalists, labor and political activists have recently been handed heavy sentences for such alleged crimes.⁶

The proposal for the appointment of a Special Rapporteur for Human Rights in Iran was brought to the council three times before receiving approval in March 2011.⁷ Brazil was one of several swing countries to vote in favour. None of this would have been possible without the efforts of many different parties.

Three years into the maximum six-year term for the Special Rapporteur, organisations are still struggling to find ways to work together. For many, the biggest obstacle is changing course from advocating directly with the government of the Islamic Republic of Iran to communicating with international mechanisms such as the UN. A human rights lawyer (2014) interviewed commented:

There is a sort of lack of capacity around the UN and there's also a lack of coordination. Organizations have somewhat different viewpoints and agendas but they're all ultimately trying to work within the framework of international human rights law, so the range of what they're asking for is not that wide necessarily. Out of conversations with these groups and attending conferences and workshops with a lot of Iranian human rights activists there just appeared to be a glaring lack of coordination for some joint actions, particularly targeted to the UN, as well as a lack of capacity and know-how by some organizations.

On an optimistic note, in early April in a meeting room at a Toronto hotel, Dr Ahmad Shaheed, the Special Rapporteur for Human Rights in Iran discussed his mandate and experiences investigating human rights abuses in Iran. The room was filled with people who had been at the receiving end of state-sponsored abuse, plus journalists, activists and others interested in the topic. At one point Dr Shaheed commented on the power of the collaborative efforts undertaken by human rights organisations focusing on Iran. The help with research and translation was invaluable to him. He reminded the group that his resources are limited to himself and a part-time administrative assistant. His work, he told us, depended on help from many others.

A couple of weeks earlier there had been a vote to extend his mandate as Special Rapporteur for another year.⁸ This was achieved with the work of many organisations working together to advocate for its renewal.

In conclusion, to quote the words of a human rights activist stated in an interview, "When I used to play in bands, we believed that if our scene was successful, our band would be successful. You know the saying 'A rising tide lifts all boats.' That's the attitude I'd like to see in the human rights community."⁹

⁶ Text of the letter can be found at the website for the International Campaign for Human Rights in Iran. '180 Activists Ask of Brazil's President: Show The World You Object to Human Rights Violations in Iran' <http://www.iranhumanrights.org/2011/03/180-activists-brazil/>

⁷ Arseh Sevom, *Human Rights Council Appoints Special Rapporteur for Iran*. March 2011, <http://www.arsehsevom.net/2011/03/human-rights-council-appoints-special-rapporteur-for-iran/>

⁸ The vote to extend the mandate of the Special Rapporteur for Human Rights in Iran was passed on March 28, 2014 with 21 votes in favor, 16 abstentions, and 9 opposed. The New York Times published a graphic image of the vote that can be seen here <http://graphics8.nytimes.com/packages/html/world/voteiran.pdf>, and wrote about it here: <http://www.nytimes.com/2014/03/29/world/middleeast/United-Nations-Iran.html>

⁹ Interview with human rights activist. 2014. *Collaborative work with civil society groups*. Interviewed by Tori Egberman and Rumiyan Panayotava, Skype call.

The Iran Tribunal: Establishing an alternative history of human rights abuses

Pardis Shafafi

Iran's 1979 Islamic revolution did more than just challenge the assumption of the totality of 'modernity'.¹ It defied theorems of revolutionary movements altogether.² In many ways, the violence of the 1980s was as much a theatre of fear, as a ruthless approach to power consolidation. This post-revolutionary violence far outweighed the force of what was a largely peaceful preceding revolutionary movement. As the international community largely transitioned into a vision of modernity that rejected torture (at least publicly) in favour of incarceration and rehabilitation³, the conveners of Iran's prisons sought to break and remake their inmates. They asked prisoners not whether they were sorry for what they had done, but rather demanded that they be sorry for who they *had been*. The much sought after recantation was central to this process.⁴

Accordingly, those who lived through the tumultuous 'bloody decade' in Iran embody a disturbing alternative history. The human rights violations that took place during this time remain largely unexplored in the mainstream media and commentary, although through initiatives such as the Iran Tribunal they are gaining renewed recognition. As such, a generation has lived under the weight of its silence, with the heavy burden of unexplained, unaccounted for suffering. The relevance of this 'public secret' is striking because of the way that its official absence has fragmented the diaspora community and provided a substantial obstacle to achieving meaningful change and, crucially, unity.⁵ The Iran Tribunal was founded on the premise of unearthing this silenced history. A grassroots movement, one of the only one of its kind, enacted a two-stage truth telling and historically investigative process, away from any state or official bodies. It was unusual in its enactment (between 2012 and 2013) outside of the borders within which the violence had taken place, and in the absence of any official 'transitional justice' framework. There had been no power change and no public mourning or memorials for those affected by the violence it addressed.

The 'bloody decade' is elusive in terms of uniform facts and figures. Various surviving political groups keep their own records and these differ substantially. Exact numbers of those executed during this time are (still) not available. The Iran Tribunal estimates put the number at around 20,000 and they have recorded as many names as they could gather, excluding no one on the basis of his or her background. The Islamic Republic subjected opposition activists from a full range of political affiliations to a range of cruel and inhumane treatment. Many of the executed are buried in mass graves such as the now infamous Khavaran cemetery on the fringes of Tehran. The extent of the violence is outlined at length by the Tribunal's final judgment:

...Victims were detained for long periods without trial; prisoners were charged with vague political offences at hearings lasting on average a couple of minutes, during which they were blindfolded and verbally and physically assaulted; none of the victims was ever given access to any defence counsel of any sort, prison cells were overcrowded, medical assistance was withheld, prisoners were forced to participate in religious indoctrinations, they faced mock executions; families of victims were subjected to cruel treatment; they were forced to pay for the bullets used to shoot their loved ones, they were assaulted when they tried to hold mourning services, gravestones were smashed and mass burial sites were covered with tarmac.⁶

Draconian rulings that appeared obsessed with creating new 'docile citizens' were a standard.⁷ Ayatollah Khomeini's notorious fatwa in 1988 incorporated a command that those who '...remained steadfast in their position' be eliminated with '...revolutionary rage and rancor'.⁸ Waves of outmigration followed. Puzzling to onlookers therefore has been the failure of the resulting vast transnational diaspora to impose meaningful change within Iran; or to provide a firm and inclusive opposition to the Islamic Republic's practices, despite an overwhelming aversion to the current regime and commitment to human rights.⁹

The Iran Tribunal managed to transcend the fiery divides that have come to characterise the immensely heterogeneous Iranian diaspora. It was initially composed of those who directly experienced the above-mentioned acts of cruelty during the 1980s. It grew to include support from respected human rights lawyers and judges, ranging from Professor Payam Akhavan, Sir Geoffrey Nice, John Cooper QC and Judge Johann

¹ Arjomand, S. A., (1986): Iran's Islamic Revolution in Comparative Perspective, World Politics, Vol.38, no.3, pp 383-414.

² Ansari, Ali M. Iran, Islam and democracy: The politics of managing change. Royal Inst of International Affairs, 2000.

³ Foucault, M. (1977). Discipline and punish: The birth of the prison. Random House LLC.

⁴ Abrahamian, E. (1999). Tortured confessions: Prisons and public recantations in modern Iran. Univ of California Press.

⁵ Taussig, M. T. (1999). Defacement: Public secrecy and the labor of the negative. Stanford University Press.

⁶ Iran Tribunal: Final Judgment, forthcoming publication (excerpts available on www.Irantribunal.com)

⁷ Foucault, M. (1977). Discipline and punish: The birth of the prison. Random House LLC

⁸ Iran Tribunal: Final Judgment, forthcoming publication (excerpts available on www.Irantribunal.com)

⁹ Dages, H (2012): Diaspora Blues: Why the Iranian Diaspora in the United States Disappoints Me (news piece) in Huffington Post, Stable URL: http://www.huffingtonpost.com/holly-dages/iranian-americans_b_2219651.html

Kriegler, amongst numerous others. The Tribunal's ambitions were twofold. Firstly, it was determined to uncover crimes against humanity with respect to the Islamic Republic's conduct. Documenting the violence as a historic event was thus paramount. The Tribunal's judges defined crimes against humanity as follows:

...Part of a systematic or widespread onslaught against civilians. "Widespread" means that the violation is of "massive", frequent and large-scale nature carried out collectively with considerable violence and directed against a multitude of people. A "systematic" attack is also a qualitative term, pointing to the organized nature of the act of violence and the improbability of its random occurrence.¹⁰

After a two stage consideration of one hundred witnesses (some of whom offered their testimonies via Skype); the judges of the Iran Tribunal unanimously concluded that all components required to establish a verdict of crimes against humanity, as described in the Rome Statute, were met.¹¹

Secondly, they wanted to establish an alternative history and to present this to the international community as well as to the Iranian people themselves, both those who had in some way been affected by the events of the 1980s and those who had grown up in Iran with no such knowledge. This second goal is a long-term objective that surpasses that of the two-stage tribunal and lives on in the forthcoming publications and teachable materials that are being developed by the Tribunal's academic team. But, above and beyond preparing a dossier of evidence for consideration by the United Nations, is the inevitable and crucial catharsis of letting such atrocities be heard and recognised. It is hoped that this corpus of evidence will act as the history of those expelled from the national narrative of the Islamic Republic – both literally and otherwise.

The highest human rights authorities in the world were present at the proceedings through the legal team and expert witnesses. They ranged from past and current members of the International Criminal Court (ICC), UN and NGOs such as Amnesty International. Notably, the former institutions were spared no scrutiny themselves and were the subject of debate. Maurice Copithorne, expert witness at the Hague Truth Commission and judge at the first stage of the Tribunal detailed his experiences as the UN Special Rapporteur on Iran between 1995-2002. Only on one occasion, at the beginning of his post, was he granted a visit to Iran, thereafter being pronounced *persona non-grata*. He responded meaningfully to Tribunal Judge Michael Mansfield, who questioned him about the proposed efficacy of such a grassroots tribunal with no legal authority. Mansfield had previously also questioned the actions of the UN during the time the events were taking place, to which Professor Copithorne responded:

...I certainly had no source of intelligence. I had what I could read in the newspapers. For example, I did not receive reports from senior UN people in Tehran. They had other agendas and it certainly did not include human rights.

This serves as a chilling reminder that the fragmentation of diaspora mobilisation is not the only obstacle to holding perpetrators accountable for crimes against humanity. Despite being part of one of the highest legal authorities in existence, Maurice Copithorne alluded to the international community *knowingly* ignoring the events culminating in Iran at the time. In light of this, independent human rights movements such as the Iran Tribunal gain renewed significance. They focus on documenting, recording and broadcasting testimonials of violence above and beyond the involvement of states and institutional obligations.

In the words of the Tribunal itself:

...We do not represent any state power, nor can we compel the perpetrators responsible for crimes against the people of Iran to stand accused before us. Yet we believe that these apparent limitations are, in fact, virtues. We are free to conduct a solemn and historical investigation, unrestricted by the confines of any state or other such obligations.¹²

Despite representing a staggering array of diversity within its ranks, the Iran Tribunal successfully united an impressive number of supporters and spectators; even reaching into Iran through live streamed broadcasts of the events. Utilising human rights centred discourse, not simply as superficial rhetoric but as the driving principle behind the whole movement, allowed them to achieve a solid backing. But I do not wish to convey an impression of utopian campfire comradeship. Decision making amongst the hundreds of members of the campaign, the steering committee and legal advisors is certainly not for the faint-hearted. As a researcher of the Iranian diaspora and their political engagement, I was fascinated with Babak Emad's (co-founder and

¹⁰ Iran Tribunal: Final Judgment, forthcoming publication (excerpts available on www.Irantribunal.com)

¹¹ UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), July 1998, ISBN No. 92-9227-227-6, available at: <http://www.refworld.org/docid/3ae6b3a84.html>

¹² Iran Tribunal: Final Judgment, forthcoming publication, excerpts available on www.Irantribunal.com

one of coordinators of the Iran Tribunal) knowledge and precision in attending to emerging fractures in the body of the campaign, mediating and mending tirelessly. I was reminded that the Iran Tribunal was so much more than an abstract longing for a place in history. As Mr Emad told a colleague at The Hague, he had been haunted by the words of a young cellmate while imprisoned himself. The young, terrified man had sobbed and expressed his fear of imminent death. Emad, unable to help the young man, who was subsequently executed, simply promised him that he would not let the young man die in vain. Onlookers may see little use for pursuing justice for past atrocities like these, especially when initiated by those outside of the margins of proposed accountability. But as academics and legal practitioners like Kaveh Shahrooz (himself a member of the prosecution team) have pointed out, there is clear and disturbing continuity in these violent practices and notably the *perpetuators* of the Islamic Republic continue to thrive within the current system.¹³ This makes pursuing accountability for past crimes seem daunting, as the current Iranian government were very much involved in the implementation of past and present crimes against humanity.

The Rome Statute conventionally targets individual perpetrators and was formerly limited in terms of time (being officially implemented after the time that the Iranian case had occurred) and accountability. While the latter was amended in 2002, the former was polemicised by the Iran Tribunal judges in some depth. Noting that abstract bodies cannot be held accountable by international law enforcers, Professor Akhavan did nevertheless state that these violent practices were based on policies of the Iranian government itself and that this warranted an international investigation into the regime as a whole. The UN's appointment of Special Rapporteur on the situation of human rights in Iran (Ahmed Shaheed) certainly displays a preliminary step towards investigating the government for current human rights abuses but does little for the victims of their past actions. Professor Akhavan described the 2012 Hague hearing as the beginning of a long road in the pursuance of justice. Despite Iran not being a signatory to the Rome Statute and the ICC, the judges of the Iran Tribunal deemed the evidence outlined in the final Judgment as carrying sufficient cause for international inquiry under customary law "[...] irrespective of whether Iran has signed any particular treaty or not"¹⁴. According to Article 7 of the Rome Statute, under customary law the Iranian government *should* be held accountable for failing to investigate, with due process, crimes against humanity. But as stated above and by Professor Akhavan, this is not likely to take place with a regime that consolidated its power through these very acts, and continues to accumulate a shocking human rights record.

The UN has so far not initiated substantial steps towards investigating the 1980s violence and the Iran Tribunal's existence is testament to the frustration of victims who still await justice. When Dr Ahmed Shaheed cannot even enter Iran, despite being appointed by the UN, their frustrations are certainly understandable. Having appointed prestigious judges to formally accept their case within international legal frameworks, the Iran Tribunal presents witnesses' experiences in the language of international law, hoping that this is enough to finally be recognised for higher international consideration.

Dr. Shaheed, responsible for monitoring the human rights situation in Iran for the UN Human Rights Council, stated in his October 2013 report that he continues to be approached by those affected by the violence of the 1980s. He responds to these ongoing requests for assistance by reaffirming that his predecessor Reynaldo Galindo Pohl (Special Rapporteur to Iran from 1986-1995) had raised concerns about the situation and recommended an international inquiry.¹⁵ That such a process has still not taken place is a point of continuing concern.

Of course, the idea that the UN and ICC are in themselves 'neutral' bodies is certainly not taken as gospel. Previous critiques of the ICC have included cynicism about its docket consisting exclusively of trials of African leaders up to the current date.¹⁶ Such critiques also bring renewed suspicion about the absence of European and American state actors, notably former Prime Minister Tony Blair; and his colleague former President George Bush (the latter infamously 'symbolically un-signing' the Rome Statute in 2002), for their joint and unpopular invasion of Iraq in 2003. Although like Iran, the United States is not currently a signatory to the Rome Statute, international customary law could, but is unlikely to, wield authority when 'crimes against humanity' are deemed to have taken place. But perhaps most troubling of all is the election of Iran to NGO committees at the UN, despite widespread support for Dr Shaheed's latest report on the human rights

¹³ Shahrooz, K. (2007). With Revolutionary Rage and Rancor: A Preliminary Report on the 1988 Massacre of Iran's Political Prisoners. *Harv. Hum. Rts. J.*, 20, 227.

¹⁴ Iran Tribunal: Final Judgment, forthcoming publication (excerpts available on www.Irantribunal.com)

¹⁵ Shaheed, A (2013): October 2013 Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, [blog], Shaheed on Iran, available at [stable URL] <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/october-2013-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran-2/>

¹⁶ Sanchez, E. J. (2013): Saving the International Criminal Court [blog], *World Policy*, November 2013, available at [Stable URL] <http://www.worldpolicy.org/blog/2013/11/14/saving-international-criminal-court>

situation in Iran by many UN members, something the executive director of UN Watch described as a 'black day' for human rights.¹⁷

It remains to be seen whether, in the future, the UN does take up the case of Iran formally and whether we will see Khamenei and other numerous related political actors put on trial for their current and past abuses of human rights. Presenting itself as an independent judicial institution and declaring that: '...the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation' makes the ICC the principle and most likely (formal) avenue for the long road to justice, despite its problematic inadequacies.¹⁸

The International Criminal Court is unable to investigate ongoing and historical violence in Iran, without a reference from the Security Council or the unlikely scenario of the Islamic Republic becoming a signatory to the Rome Statute. This is why the Iran Tribunal (and other independent people's tribunals) has developed a parallel system of justice-seeking. This is obviously no mean feat, and crowded with its own obstacles and seemingly endless polemics. But in one sense at least, the Iran Tribunal has already succeeded in its initial ambition; establishing a credible historical truth. And as Professor Payam Akhavan (member of the steering committee and head of the prosecution team) reminds us 'ending a process of denial of historical truths is the first step to ending the denial of human rights'.¹⁹

¹⁷ Charbonneau, L. (2014): U.S sharply criticizes Iran's election to U.N committee (news piece), Reuters, April 2013, available at (Stable URL): <http://www.reuters.com/article/2014/04/24/us-iran-un-usa-idUSBREA3N03S20140424>

¹⁸ UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), July 1998, ISBN No. 92-9227-227-6, available at: <http://www.refworld.org/docid/3ae6b3a84.html> [accessed 2 May 2014]

¹⁹ Akhavan, P (2013): Iran's Enduring Legacy of Violence and Denial, [news piece] in Huffington Post, Stable URL: http://www.huffingtonpost.ca/payam-akhavan/iran-massacre-politics_b_3987741.html

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Equality for Women Means Progress for All

Elahe Amani

The fifty eighth session of Commission on the Status of Women (CSW) took place in New York at the Headquarters of United Nations from 10-21 March 2014. Thousands of activists, human rights defenders, feminists and academics, along with the Representatives of Member States,¹ UN entities and Economic and Social Council (ECOSOC)-accredited non-governmental organisations (NGOs) from all regions of the world attended the session.²

The fifty eighth session priority theme was 'Challenges and achievements in the implementation of the Millennium Development Goals for women and girls' and the review theme was 'Access and participation of women and girls to education, training, science and technology, including for the promotion of women's equal access to full employment and decent work' (the agreed conclusions³ from the fifty-fifth session). Each session also identified an emerging issue which for this year's session was 'Women's access to productive resources'.

The fifty eighth session agreed conclusion reached on Day 10 of the Commission on the Status of Women and it was great step forward.⁴ Two years ago during the fifty sixth sessions the delegates did not even adopt agreed conclusions on the priority theme and the chair of the Commission merely prepared a report reflecting the discussion.

The priority theme was focused on the challenges and achievements of the Millennium Development Goals (MDGs) which were formulated and adopted after the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration.⁵ All 189 United Nations member states at the time (there are 193 currently) and at least 23 international organisations committed to help achieve the Millennium Development Goals by 2015⁶, the goals were:

- To eradicate extreme poverty and hunger
- To achieve universal primary education
- To promote gender equality and empowering women
- To reduce child mortality rates
- To improve maternal health
- To combat HIV/AIDS, malaria, and other diseases
- To ensure environmental sustainability
- To develop a global partnership for development

While the Millennium Development Goals were highlighted by the UN and other global agencies as 'the most successful global anti-poverty push in history' (MDG Report 2013), looking at the challenges of achieving many of these goals through a gender sensitive lens highlights the deep rooted structural barriers to achieving these goals, particularly as they relate to gender equality and the empowerment of women. The rise of religious extremism among some elements, along with the widening the gap between rich and poor in all industrial countries and also between the global north and global south are patterns that define the discourse of gender equality in the twenty first century.

The agreed conclusion confirms that almost 15 years after the MDGs were launched, no country has achieved equality for women and girls, and significant levels of inequality between women and men persist. A reflection on the shortcomings and gaps of the MDGs brought to light critical areas that should have been included in the language of the declaration in 2000: Violence against women and girls, which is a major barrier to women's human rights and dignity, early and forced marriage, women's unpaid work, the wage gap for equal work, women's employment in informal sectors of the economy, women's access and control

¹See <http://www.unwomen.org/en/csw/member-states>.

²UN Women, NGO Participation, March 2014, <http://www.unwomen.org/en/csw/ngo-participation>

³See <http://www.unwomen.org/en/csw/outcomes#55>.

⁴UN, Commission on the Status of Women 58, March 2014, <http://www.unwomen.org/en/csw/csw58-2014#sthash.DVJMtayx.dpuf>. See also https://storify.com/un_women/csw58-highlights-day-10

⁵ UN, 55/2. United Nations Millennium Declaration, September 2000, <http://www.un.org/millennium/declaration/ares552e.htm>

⁶UN, Millennium Development Goals, September 2000, <http://www.un.org/millenniumgoals/>

over resources including but not limited to financial resources, micro credit, land, energy, women's unequal inheritance rights particularly in Muslim majority societies and women's and girls' sexual and reproductive health and rights. Even in the goals that development benchmarks show some achievements against, these achievements are uneven in different regions and are also in some respects the outcome of trends already set prior to the UN Millennium Declaration.

During this session the role of the Holy See (The Vatican) came from the margins to the centre in some of the discussions. The Holy See demanded the removal of any language related to LGBTQ rights, sex workers and the language around sexual and reproductive health and rights (SRHR) specifically related to sex education and abortion. Another contentious issue which has consistently been addressed by delegates from Iran (up to 2013) and the Vatican along with a few other conservative governments is in reference to the role of family. The divide is in reference to 'Family' in broad and diverse forms or highlighting the importance of the family in a more traditional, nuclear form which consists of a man, woman and their children.

Since the Beijing Conference gender equality advocates took the position that not recognising the diversity of family, not only reinforces gender roles and stereotypes, but also does not reflect the complexity of human societies in the twenty first century, such as single-parent families, grandparents raising their grandchildren in families, child and female-headed households and same-sex families. During this session another contentious issue was stronger language to urge governments to 'increase significantly resources for grassroots, national, regional and global women's organisations to promote and advance women's rights'. While the United Kingdom supported the stronger language on a 'significant increase', Russia, Caribbean states and the United States argued to replace this language with 'support' or 'provide', while the United States suggested replacing 'women's organisations' with 'civil society organisations'. The final language that was adopted was 'Increase resources and support for grass-roots, local, national, regional and global women's and civil society organizations to advance and promote gender equality, the empowerment of women and the human rights of women and girls.' So, efforts to water down the language were resisted.

On March 10th, Ms Shahindokht Mowlaverdi, Vice-President of the Islamic Republic of Iran for Women and Family Affairs read the statement of the IRI. She assured that "In addition to the significant achievements in the implementation of the MDGs, the Government of the Islamic Republic of Iran has developed special programs for the remaining areas such as the elimination of violence against women, women's empowerment for equal access to resources and opportunities and enhancing the political participation of women. In this regard, the bill on 'Securing Women Against Violence' is in its final stages of approval."

One would hope that Iranian women can hold the government accountable for the above statement. However, the consistent record of misogyny and an objective evaluation of the policies over more than three decades of the Islamic Republic of Iran on the issue of gender equality remind us that we should not raise our hopes that the government of President Rouhani can be successful in 'Securing Women Against Violence'. Iranian women experience many forms of violence against them in public and private spheres. Women not only experience violence at home, but also harassment in the streets and violence perpetuated by the state continues to violate the rights of Iranian women to safety and security. There are many discriminatory laws against women in Iran.⁷ Child marriage is on the rise and widespread violence against women is consistently ignored.⁸ Human rights advocates are being detained on the grounds of a 'threat to national security'.

Most recently, as of April 19th 2014, Supreme Leader Ayatollah Ali Khamenei stated that "If we want our view with respect to the issue of women to be healthy, logical and precise, we have to empty our minds of this talk that Westerners say about women, [such as] about employment, about management, about gender equality. One of the biggest intellectual mistakes of the West about the issue of women is 'gender equality'," he continued. "Why should a job that is masculine be given to a woman? What pride is there in this for [a] woman to do a job that is masculine? I'm disappointed that sometimes women themselves show sensitivity on this issue, that 'What difference is there between us and men?'" He then concluded that "there is no difference," but that "the shapes are two shapes. One shape is for one job and one shape for another job."⁹

⁷ For a detailed analysis of implementing women's rights in Iran, please see article by Fatemeh Haghghatjou in the inaugural edition of Iran Human Rights Review available on-line at: http://www.ihrr.org/wp-content/uploads/ihrr/articles/2010/10/334_challenges-of-implementing-womens-rights-in-iran.pdf

⁸ Justice For Iran, Early and Forced Marriages in the Islamic Republic of Iran, OHCHR, December 2013, <http://www.ohchr.org/Documents/Issues/Women/WRGS/ForcedMarriage/NGO/JusticeForIran.pdf>

⁹ Ayatollah Khamenei, Ayatollah Khamenei's Speech in a meeting with outstanding women, Youtube, April 2014, http://www.youtube.com/watch?v=bzl_A_60gQ0

Iran, which has a seat in the Commission on the Status of Women until 2015, specifically during the government of former President Ahmadinejad, alongside the Vatican and other conservative governments, acted as a major barrier to any progressive language on the advancement of women and gender equality. The voice of many Iranian women and human rights NGOs was not present at the NGO parallel events. However, participation of Iranian women activists from the diaspora and the occasional presence of Iranian women from Iran, has been an inspiring experience for those who attend NGO parallel events.

The election of repressive states to various UN bodies is a discourse that has been moved from the margins to the centre of the agenda. The politics of these elections is challenging the spirit of the UN and compromising the trust of global civil society in the United Nations. On April 23rd 2014, Iran was elected to five subcommittees of the UN Economic and Social Council.¹⁰ The five subcommittees are the Commissions on Population and Development, Science and Technology for Development, the Committee for Program Coordination and on Non-Governmental Organizations and the 45-nation Commission on the Status of Women.

Advocacy group UN Watch in an article stated that 'Despite the sharp condemnation of Iran's human rights record by UN chief Ban Ki-moon who recently reported how women in Iran are' subject to discrimination, entrenched both in law and in practice' and how 'women's rights activists continue to face arrest and persecution' yet the UN elected Iran to five subcommittees.¹¹ Two of these seats in particular raised the concern of the global rights and gender equality community: the 45-nation Commission on the Status of Women, the world's top intergovernmental organisation dedicated to promoting women's rights and the 19-nation Committee on NGOs (non-government organisations), a position that enables the Islamic Republic of Iran to champion or silence human rights organisations, depending on their views. The others members elected to the Committee of NGOs, a number of which also have repressive governments, were Burundi, Guinea, Mauritania, South Africa, Sudan, China, India, Pakistan, Azerbaijan, Russia, Cuba, Nicaragua, Uruguay, Venezuela, Greece, Israel, Turkey and the United States. Hillel Neuer, executive director of UN Watch said 'Today is a black day for human rights,' and 'By empowering the perpetrators over the victims, the UN harms the cause of human rights, betrays its founding principles, and undermines its own credibility.' While the rights of many Iranian civil society activists are being violated for establishing NGOs in Iran and the work of NGOs in the area of women's rights and human rights are being interrupted by state and non-state actors, electing Iran to the Committee on NGOs is disheartening and indeed 'a black day for human rights'.¹²

Many Iranian and human rights defenders can confidently echo the voice of the International Service for Human Rights that stated 'Civil society loses as repressive states win election'.¹³ Despite the instances of winning and losing in the battle of global civil society/ NGOs and the collective decisions of the member states in various committees and commissions of United Nations, the NGOs that in most part reflect the collective consciousness of the human race are hopeful and keep moving forward.

The language and wording of CSW documents, agreed conclusions and adopted resolutions are important as they provide a context for women human rights advocates and NGOs to move forward and a tool for consciousness raising and building a culture and language of human rights and women's rights. Even the limited presence of Iranian women among the thousands of other NGO delegates provides a forum for Iranian women to learn from the experiences of other women, build on each others' strength and learn outcomes, share and solidify the strategies to resist religious extremism and let the world know about the challenges that Iranian women are facing in striving for human rights and dignity.

In a statement to the commission, Mlambo-Ngcuka, United Nations Under-Secretary-General and the Executive Director of UN Women, reminded us about the political will of governments if we were to expect progress in gender equality. She said: "The safety, human rights and empowerment of women are pivotal in the post-2015 debate. UN Women is encouraged by the call of a large number of member states for a stand-alone sustainable development goal that addresses these issues. This will require political will, backed up by commensurate resources. As the commission rightly points out, funding in support of gender equality and

¹⁰ UN, Economic and Social Council, Opening Coordination, Management Meetings, April 2014, <http://www.un.org/News/Press/docs/2014/ecosoc6610.doc.htm>

¹¹ UN Watch, Iran sweeps coveted UN rights posts, March 2014, <http://blog.unwatch.org/index.php/2014/03/18/report-of-the-secretary-general-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran-march-2014/>

¹² UN Watch, Iran sweeps coveted UN rights posts, April 2014, <http://www.unwatch.org/site/apps/nlnet/content3.aspx?c=bdKKISNqEmG&b=1347173&ct=13866335¬oc=1>

¹³ International Service for Human Rights, Civil society loses as repressive States win election to regulate NGO access to UN, April 2014, <http://www.ishr.ch/news/civil-society-loses-repressive-states-win-election-regulate-ngo-access-un>

women's empowerment remains inadequate. Investments in women and girls will have to be significantly stepped up. As member states underline, this will have a multiplier effect on sustained economic growth.”¹⁴

"We know that equality for women means progress for all. Through the development of a comprehensive roadmap for the future, we have the opportunity to realize this premise and promise. The 58th session of the Commission on the Status of Women has given important impetus to making equality between men and women a reality.”¹⁵ Let us remember the inspiring words of Arundhati Roy who once said “Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing.”

¹⁴ Phumzile Mlambo-Ngcuka, Statement by UN Women Executive Director Phumzile Mlambo-Ngcuka on the outcome of the 58th session of the Commission on the Status of Women, UN Women, March 2014, <http://www.unwomen.org/co/news/stories/2014/3/executive-director-statement-on-csw58-outcome>

¹⁵ Ibid.

Iran: The use of the death penalty for drug-related offences as a tool of political control

Taimoor Aliassi

Before analysing the issue of drug use in Iran as a tool of repression and political control, it is necessary to briefly highlight the situation of ethnic and religious minorities that face most of the public executions for and under the cover of drug issues according to the United Nations and various credible non-governmental organisations.¹

Iran is a multi-ethnic and multi-religious country composed mainly of Persians, Kurds, Baluchis, Azerbaijanis, Turkmens and Ahwazi-Arabs.² However, only the Persian-Shiite group holds state power, and Article 1 of the Constitution of the Islamic Republic of Iran (here after Iran) declares the Twelver *Shi'a* School of Islam as the formal religion of the state.³

The current government maintains the policies of its predecessors and adheres to a system of governance based on the ideology of one country, one nation, one language and one religion. These elements perpetuate systemic discrimination against and repression of all ethnic nationalities and religious minorities in the country. Governmental participation by members of ethnic nationalities or religious minorities such as Kurds, Sunni Baluchs or Baha'is is severely restricted, preventing such individuals from assuming the presidency or occupying any significant governmental position.⁴

Despite the new president's pledges for greater rights for ethnic and religious minorities during his election campaign, the number of executions of ethnic Baluchis, Kurds and Ahwazi Arabs is rising at an alarming rate.⁵ The UN Independent Expert on minority issues, Rita Izsák, had previously declared that "the number of cases of individuals belonging to minorities being sentenced for their activities related to their minority rights is a cause for serious concern".⁶

The context of Iran's drug problems

The Islamic Republic of Iran has seen a sharp increase in the number of drug addicts in the last three decades. Out of a population of 70 million people, Iran has about five million hard-core addicts, and millions more occasional users.⁷ According to Esmail Ahmadi Moghaddam, the head of Iran's anti-narcotics agency, every year more than 130,000 people become addicted. More than 75% of the hangings in Iran are related to drug offences according to Human Rights Watch, although the Iranian government does not provide statistics.⁸ The latest serious comprehensive study on drug abuse, taking into consideration age, ethnicity, religious and the geographical dimension in Iran, was conducted back in 1976 by the National Iranian Society for the Rehabilitation of the Disabled (NISRD), during the former monarchy.⁹ The study showed that virtually 'all of the drug addicts were Shiite Moslems with a significantly larger minority of unregistered abusers being ethnic Turks.' Under the monarchy, the number of opium addicts was estimated to be between 200,000 to 500,000, the median age of drug addicts was between ages 55-64, and the major substance was opium. Today, however, Iran has the world's worst heroin problem¹⁰, and 80% of drug users today are under 30 years old.¹¹

¹ Human Rights Council, The Human Rights Situation of Kurdish People in Islamic Republic of Iran, UN Doc A/HRC/14/NGO/7, UN Human Rights Council 14th Session/General Assembly, May 2010, available at <http://www.kmmk-ge.org/?m=201010&lang=en> and also at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/137/13/PDF/G1013713.pdf?OpenElement>

² Unrepresented Nations and Peoples Organization, Alternative Report to CESCR on Iran 2013, March 2013, available at http://www2.ohchr.org/english/bodies/cescr/docs/ngos/UNPO_Iran_CESCR50.pdf, see also: Unrepresented Nations and Peoples Organization p. 3.

³ Nayyeri, M. Hossein, New Islamic Penal Code of the Islamic Republic of Iran: An overview, March 2012, available at http://www.essex.ac.uk/hri/documents/HRIU_Research_Paper-IRI_Criminal_Code-Overview.pdf

⁴ Human Rights Committee: Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee at its fiftieth session (April-May 2013), <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/CESCRIndex.aspx>

⁵ Taimoor Aliassi, Malgré les signes d'ouverture, l'Iran de Rohani exécute à tour de bras, published by Swiss News Paper Le Temps, December 2013: <http://www.letemps.ch/Facet/print/Uuid/265722ca-6672-11e3-8a31-04bab4b7fdbe/>

⁶ Malgré les signes d'ouverture, l'Iran de Rohani exécute à tour de bras

⁷ OHCHR, Iran: UN rights experts urge Government to halt the execution of five Ahwazi activists, January 2013, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12952&LangID=E>

⁸ Koring, Paul, Iran's hidden scourge: Widespread drug abuse at all levels of society, The Globe Mail 27 May 2012, available at: <http://www.theglobeandmail.com/news/world/irans-hidden-scourge-widespread-drug-abuse-at-all-levels-of-society/article4210030/>

⁹ Reuters, Iran has 130,000 new drug addicts each year, November 2009, available at: <http://www.reuters.com/article/2009/11/15/us-iran-drugs-idUSTRE5AE0Z020091115>

¹⁰ Agahi Cyrus & Spencer. Christopher. 1981. Drug Abuse in Pre- and Post-Revolutionary Iran. *Journal of Psychoactive Drugs*, Vol. 13: 39-46

¹¹ Jonathan Miller, Iran and heroin: a lesson for the west?, March 2006, Channel 4 News, <http://www.channel4.com/news/iran-and-heroin-a-lesson-for-the-west>

¹² CERAH/ Geneva Graduate Institute-Geneva University: Drug Addiction as a Human Right Issue in Iran, interview with an UNODC officer in Tehran by Taimoor Aliassi, by skype on March 2013 but for security reason the name of the interviewee is kept anonymous : http://www.cerahgeneve.ch/recherche/memoires/LawHumanitarianAction/Cerah_Dissertation_Taimoor_Aliassi_2013.pdf

The 1979 Islamic revolution marked a new Islamic social order and a fundamental break in the approach to drug issue. Ayatollah Khomeini, the father of Iran's 1979 revolution, blamed Iran's drug use on the decadence of the West. Consequently, he ordered the end of all rehabilitation and drug treatment programmes and adopted a new policy: henceforth, drug users were perceived and framed as 'deviants' who were dangerous to the Islamic social order; as evidence of 'foreign conspiracies'; and as a threat to national security.¹² The theorisation of the drug issue as foreign conspiracy along with the securitisation and criminalisation of drug users have led to the incarceration and execution of thousands of drug users. Since the Islamic revolution in 1979, 'over 10,000 drug users and dealers have been executed; many of them hanged in public in a Foucault¹³ display of state sovereignty'.¹⁴

The drug issue as a tool of repression and political control

The Iranian authorities use the drug issue to enforce their rule and repress ethnic nationalities and members of opposition groups. Whenever it faces escalating crises, internally or externally, new and harsher laws against drugs and addicts are adopted and public hangings of members of ethnic nationalities increase dramatically. The following periods of hangings and drug laws illustrate this policy.

The 1979 revolution period and the start of Iran-Iraq war

In May 1980, Ayatullah Sadegh Khalkhali, the notorious revolutionary 'hanging judge' in Tehran, became the head of the anti-narcotics campaign and was put in charge of the 'purification' of drug users, leading to hundreds of executions. These efforts were undertaken simultaneously with the outbreak of the Iran-Iraq war (1980) and the 'cultural revolution' of 1980-83.

The end of the Iran-Iraq war in 1988

After the ceasefire between Iraq and Iran in 1988, there was a massive increase in executions of drug users. Punishments for drug use and dealing were reinforced in October 1988, when the Assembly for Discerning the Interests of the System of the Islamic Republic (Expediency Council) issued a decree enforcing the death penalty for possession of 30g of heroin and 5g of opium. At that time the National Drug Headquarters, which monitors all drug-related policies, was established. In the period between January and July of 1989, nine hundred drug offenders were executed under the new law. Furthermore, hangings of drug users closely followed the 1988 wave of executions of political prisoners. These crackdowns on and repression of drug users, especially members of ethnic minorities were legitimised with references to both moral deprivation and national security.

Ahmadinejad's re-election period

The period before and after (2008-2011) the contested re-election of Ahmadinejad has also seen an increase in public hangings. This was also followed by a reinforcement of the law on drug use. As Christensen put it, 'Iran's drug crises bring together a number of disparate policies, discourses and governmental actors, conducting what Foucault would call a strategic control of the population.' This has, of course, had substantial negative impacts with regard to the affected minority groups. According to Human Rights Watch, 70% of executions in Iran in 2011 were drug-related.

However, the Iranian leaders not only use the drug issue internally to repress political activists and minorities, they also use it internationally to seek collaboration with Western countries and the UN, as they are aware of the potential benefits of this. For instance, it was through the drug discourse that President Khatami launched the 'dialogue between civilizations' during the opening of an office of the United Nations Office on Drugs and Crime (UNODC) in Tehran in 2008. Furthermore, the 'securitisation' of the drug issue has been used as a venue for dialogue with the West by the regime, irrespective of the fact that in their public discourses, the Iranian authorities blame Western countries and, most absurdly, the 'Zionist' Jews for their supposed involvement in the spread of drugs in Iran. For instance, on June 25 2012, during an international and UN anti-drug conference in Tehran, the Iranian Vice President Mohammad-Reza Rahimi stated that the Talmud (a sacred text of Judaism) was responsible for the spread of illegal drugs around the world.¹⁵ Once again, the Iranian authorities use anti-Semitism to defend themselves and to draw attention to external factors in order to make others responsible for the problems faced by the country and its population.

¹² Christensen, Janne Bjerre. 2011. *Drugs, Deviancy and Democracy in Iran: The Interaction of State and Civil Society*. London: Tauris Academic Studies, p. 124

¹³ Paul-Michel Foucault was a French philosopher. His theories addressed the relationship between power and knowledge, and how they are used as a form of social control through societal institutions.

¹⁴ Christensen, Janne Bjerre. 2011. *Drugs, Deviancy and Democracy in Iran: The Interaction of State and Civil Society*. London: Tauris Academic Studies, p. 123-124

¹⁵ Erdbrink, Thomas, Iran's Vice President Makes Anti-Semitic Speech at Forum. New York Times, June 2012, available at: http://www.nytimes.com/2012/06/27/world/middleeast/irans-vice-president-rahimi-makes-anti-semitic-speech.html?_r=0

UN and international community aid to Iran's drug policy

Internationally, the Islamic Republic of Iran is a party to the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and it benefits from UN and international mechanisms and instruments to combat drug trafficking. Currently, Iran is benefiting from a programme sponsored by the United Nations Office on Drugs and Crimes (UNODC) and the European Union Presidency. Despite the criminalisation of drug addicts and the multiple programmes supported by the international community to fight against drugs, the statistics mentioned above show that the number of drug victims has increased dramatically in the last three decades of the rule of the Islamic Republic of Iran.

Regarding international and UN aid to Iran, according to the OECD, the Iranian government received \$556.3 million of international financial aid between 2007 and 2011. It is also important to highlight that under the Islamic Republic of Iran's regulation on civil society, receiving any financial aid from foreigners is strictly prohibited; all foreign aid should be delivered through the government.

The international community's aid to Iran's drug fighting policy through government channels is problematic and doesn't reach the victims due to the complex and opaque system of governance of the country. For instance, in Iran, it is not the Ministry of Health or the Social Welfare Organization¹⁶ that makes laws and guidelines about drugs, but the Centre for the Fight Against Drugs (Markaz-e Mobareeh ba Mavad-e Mokhader). The main aim of this drugs watchdog is to make policies and to adopt a budget to fight drug trafficking, but not to treat the victims.

Some human rights NGOs also consider that the UN and international community's aid to Iran violates the humanitarian principle of alleviating human suffering due to Iran's repressive policy of execution and imprisonment of drug addicts and the targeting of ethnic nationalities. For instance, the number of extra-judicial killings of Kurdish border couriers has doubled; there have been 38 incidents in the last four months involving the death of 18 border couriers.

According to Human Rights Watch (HRW) and Harm Reduction International (HRI), the United Nations and the international community are: 'effectively supporting prosecutions in a judicial and legal system that they themselves regard as unjust. Draconian laws, secret trials, no appeals and death sentences for possession of small amounts of drugs should warn off any donor that wants to do the right thing'. Furthermore, 'Iran's judicial and legal system systematically violates the human rights of accused drug offenders, in particular their right to a fair trial, resulting in numerous death sentences in violation of international law'.¹⁸

The drug problem is especially acute in Iranian Kurdistan. For example, on January 23 2013, the director of the Drug Headquarters in Kermanshah, a Kurdish province with one million inhabitants, declared that the number of drug addicts in Kermanshah was 50,000. However, Kurdish NGOs and media estimate this number at about 200,000.¹⁹ It is revealing that the authorities report that 85% of the prison population in Kurdistan province is drug-related. According to Christensen, drug use is the 'fourth (highest) cause of death in the country'.²⁰

The lack of official and accurate statistics about the number of drug addicts and drug-related executions in Iran raises questions among Iranian ethnic nationalities and religious minorities — in particular, the Kurds. The Kurdish people, who were not drug addicts three decades ago, but now suffer elevated incidences of drug addiction, question the role of the Iranian regime in this phenomenon. The Kurds of Iran are mostly Sunni Moslems and the government research cited above shows that only the Shiite Moslems and ethnic Turks were drug addicts during the monarchical rule.²¹ Thus, the spread of drugs in Kurdistan is clearly linked with the implementation of the Islamic regime. It is important to note that the Kurdish people in Kurdistan of Iraq, in Kurdistan of Turkey or in Kurdistan of Syria are also mostly Sunnis Moslems but do not suffer the phenomenon of drug addiction.²²

¹⁶ The Ministry of Welfare and Social Security established in 2004 and dissolved in 2011, was an Iranian government body responsible for the oversight of Social security in Iran.

¹⁷ The KMMK-G's report on indiscriminate killings of Kurdish kulbaran (border couriers) by Iranian security services for the period of November 2013 to February 2014 : <http://www.kmmk-ge.org/?p=569>

¹⁸ Human Rights Watch, Iran: Donors Should Reassess Anti-Drug Funding, August 2012, <http://www.hrw.org/news/2012/08/21/iran-donors-should-reassess-anti-drug-funding>

¹⁹ Aweza, The Number of Drug Addicts are estimated to 50'000 in Kermansh, 23/01/2013, available at: <http://aweza.co/mediakan/index.php>.

²⁰ Christensen, Janne Bjerre. 2011. *Drugs, Deviancy and Democracy in Iran: The Interaction of State and Civil Society*. London: Tauris Academic Studies, p. 122

²¹ Agahi Cyrus & Spencer. Christopher. 1981. Drug Abuse in Pre- and Post-Revolutionary Iran. *Journal of Psychoactive Drugs*, Vol. 13: 39-46

²² Hawlati, July 2012, available at <http://www.hawlati.co>.

To conclude, Iran's drug policy and approach which allows the execution of drug offenders constitutes an undeniable violation of international law, particularly Article 6 of the Covenant on Civil and Political Rights (ICCPR) on the right to life, to which Iran is a treaty party. These executions are also in conflict with the fundamental moral principle of humanity: 'all human beings are born free and equal in dignity and rights' as well as the human rights-based approach (or rights-holder approach) seeking a long-term and humane solution for drug victims to whom the states are responsible. This is even more problematic as Iran is a party to the 1988 United Nations Drug Convention and benefits from UN and international mechanisms and instruments to combat drug trafficking.

In light of the above analysis and due to Iran's repressive policy, it is reasonable to conclude that there is a very serious human rights situation, and that UN and international community aid to Iran supports a policy that violates the humanitarian principle of alleviating suffering. The international community should recognise, react and condemn this situation, which constitutes one of the worst abuses of the human rights law, especially due to the use of the death penalty.

To comply with its international obligations, Iran needs to review its radical approach of criminalisation and isolation of drug-addicted persons. Additionally, the regime should modify its restrictive laws on the participation of national civil society organisations in the provision of humanitarian aid. The international and humanitarian community should exert pressure on the government to allow international organisations to enter the country to support local organisations that assist the victims. They should also reconsider their methods to provide humanitarian relief to drug addicts and their families and communities, through innovative strategies.

Finally, individual advocates, advocacy groups and the media should strengthen their efforts to bring the attention of the international community to the drug-related human rights violations of the religious minorities and the ethnic nationalities. Practices such as the disproportionate and arbitrary use of the death penalty to address drug addiction among Kurdish people should be a matter of international concern and rejection. So far, the failure of the traditional mechanisms to exert an effective pressure on the Iranian Government to respect its human rights commitments remains a great challenge to the international system, and especially to the victims and the civil society that struggle for justice.

Map of Iran showing ethnic geographical distribution

Source: Arte tv. Les Dessous des Cartes: <http://www.artevod.com/dessousdescartesletatdeliran>

Human rights in Iran and at the United Nations

Hassan Nayeb Hashem

The question that occupies the minds of many victims and witnesses of human rights violations in Iran as well as Iranian human rights defenders and activists centres around whether the UN, as a collective body, embodies the political will and influence to affect the human rights situation in Iran or not. Is it not that the UN is a body of governmental representatives, each of which act based on their own interests? Are they not willing to disregard human rights violations in Iran in order to protect their political and economic interests?

In answer to the second question, governments represent nations at the UN, many of which have come into power through undemocratic means and are not necessarily representative of their people. However, over the past decade the number of countries in which leadership is elected democratically is on the rise and can therefore be considered, to some extent, as representative of their nations.¹

However, the first question stands in need of a more extensive debate.

The most important question regarding the efficacy of human rights bodies and organs within the UN is with regard to whether their decisions are binding or not. It is a fact that within the UN structure it is only the Security Council which can pass binding resolutions. A cursory examination of recent decisions by the Security Council indicates that although the decisions have not been able to address all aspects of human rights, its emphasis has been on trying to address human rights in conflicts and struggles among states and within the borders of certain countries. However despite the framework offered by Chapter 7 of the UN Charter it has been unable to prevent the increase in war crimes, genocide and crimes against humanity. Efforts to realise the right to peace and development as human rights can encompass global issues on peace, security, development and human rights that are within the overall framework of the UN and overseen by the Security Council, Economic and Social Council and the Human Rights Council with an increasingly important remit.

In addition, enforcement is a relative concept. In today's world, interactions among individuals, including through the media and social media, enable information and knowledge to reach all parts of the global community at an unprecedented rate. Consequently, every resolution and even submissions by an organisation or expert involved with the UN can exert influence among governments, civil society organisations or citizens. For instance, the appointment of a Special Rapporteur for Human Rights in Iran has served as a source of hope for victims, witnesses and defenders of human rights seeking restitution.

As a result of propagation through the actions of human rights defenders, those UN resolutions that are not binding but are initially approved by the Third Committee² and then put to vote at the General Assembly, can be highly influential, including the 1998 Declaration on Human Rights Defenders and resolution 60/255 that led to the creation of the Human Rights Council.

Over the past eight years, the resultant Human Rights Council, although not an ideal body as its membership includes countries that are clearly in violation of human rights, has been able to conduct a series of ordinary sessions and extraordinary sessions, and passed many resolutions. It has therefore been able to play a stronger role in the protection and promotion of human rights in the global community compared to its predecessor, the Human Rights Commission. There are many instances when a country has voted against a General Assembly or its Third Committee resolution, but at the Human Rights Council has changed its vote through abstention or absence, or a vote of abstention in New York has changed to a vote in favour of the resolution at the Council.

The Universal Periodic Review (UPR) which is a recent Human Rights Council mechanism has been able to multiply the human rights obligations of states. These are obligations that states have agreed to implement. Aside from the Democratic People's Republic of North Korea, the remaining 192 member states of the UN have accepted at least a number of recommendations aimed at improving the human rights situation in their respective countries.

In addition to Working Groups, Rapporteurs and Experts, the expansion of the mandate of thematic and country Special Rapporteurs have greatly assisted the advancement of the human rights regime by making

¹ Freedom House, Freedom in the World 2014, <http://www.freedomhouse.org/report/freedom-world/freedom-world-2014#.VEdqUhZQhQJ> (122 countries identified as electoral democracies compared to 117 in the 2004 report, though there have been some worrying declines in other freedoms within this period).

² UN, General Assembly Social, Humanitarian and Cultural- Third Committee, <http://www.un.org/en/ga/third/>

it more politically difficult for countries to refuse to collaborate with such mechanisms. There have been a growing number of expert panels at the Human Rights Council over recent years, as well as increasing participation by countries and NGOs that have further developed its performance.

Through experience over the past four years through participation as a representative of Sudwind, an NGO with consultative status, the overall direction of the Human Rights Council would seem to be moving towards greater acknowledgement of human rights with less weight given to the political inclinations of member states and more attention to objectivity. The events surrounding the Arab Spring, which has now reached its autumn and even winter, created significant changes in the Council and changed the direction of its discourse. At each regular or urgent session there have been points of conflict at which, fortunately, the Council, along with experienced and diligent NGOs have been able to shed a positive light on and resolve whatever challenge may have arisen. During these four years we have witnessed that, in comparison with the past, in addition to the 47 members of the Human Rights Council, many more of the 193 UN member states have attended its sessions, sent their senior officers to the annual sessions or more often announced their position on issues during Council sessions.

Furthermore, more NGOs have been present during Human Rights Council sessions and from among those who have been active, more exert greater influence. NGO positions have also changed and now more than ever before they are given the chance to express their views without fear of interruption and the consequent inability to fully present their argument.

The inauguration of the High Commissioner of Human Rights at the UN was a result of the Vienna Declaration and its programme of action more than 21 years ago. Over the years the responsibilities of the post holder have increased, alongside the expansion of the organisation's charter and the creation of regional offices and have yielded a great deal of impact. The positions adopted by the High Commissioner as the most senior and objective expert from the standpoint of the Security Council and other organs of the UN, are increasing in importance among different countries.

The rise in the number of human rights conventions and their implementation through voluntary adoption and ratification by certain countries, as well as the development of treaty bodies, further strengthen the impact and influence of the UN. Currently bodies based in Geneva review reports about various countries periodically and offer suggestions with a view to better implement the articles of the covenants or conventions in each given country.³ Naturally those countries that have voluntarily joined a specific covenant must accept recommendations offered by relevant experts and consider them as binding. Although this may not apply to countries such as the Islamic Republic of Iran but in most other cases it does, rendering the protection and promotion of human rights as an effective process throughout the world.

With regard to Iran, all of the aforementioned are achieved with difficulty. The Islamic Republic of Iran has chosen to remain party to all covenants signed and ratified by the pre-revolutionary administration. Most noteworthy among these are the International Covenant on Economic, Social and Cultural Rights, as well the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Nevertheless, in practice, the current 36-year-old administration has considered them as imposing and itself as only partially and conditionally responsible for their implementation. The ratification of only two additional conventions over the past ten years has come with the reservation to condition all articles in accordance with Sharia law. Submissions of reports to relevant treaty bodies have come only after long delays and recommendations by experts have often gone without response. Despite repeated requests by Special Rapporteurs and other Rapporteurs, in particular Dr Ahmed Shaheed, for roughly a decade, Iran has refused entry to all of them, including requests by High Commissioner Navi Pillay, who for the last five years of her tenure requested to visit Iran to no avail. Iran has also failed to implement the vast majority of the recommendations it chose to accept following its inaugural UPR in February 2010.

However, human rights defenders focused on Iran can, through appropriate use of UN mechanisms, play an increasingly integral role in improving the situation of human rights in Iran. There remain many capacities as yet to be developed by Iranian human rights defenders, which will greatly improve their effectiveness.

At a point in time in the past, following human rights developments in Iran was limited to a few experts. Now is the time when a significant mass of activists can seek human rights education and training in order to assume their rightful position as defenders in general or specific areas of expertise and exert their utmost

³ United Nations Office at Geneva, <http://www.unog.ch>

effort to promote and protect human rights. It is only in this light that violations of human rights in our country will cease to exist.

