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The situation in Iran and the protection of Iranian human rights defenders in Council of Europe member States

Committee Opinion[1]
Committee on Equality and Non-Discrimination
Rapporteur: Ms Mariia MEZENTSEVA-FEDORENKO, Ukraine, Group of the European People's Party

A. Conclusions of the committee

1. The Committee on Equality and Non-Discrimination welcomes the report of the Committee on Political Affairs and Democracy which examines the serious situation in Iran.

2. It welcomes the opportunity to contribute to the recommendations made in the draft resolution, and to reinforce it as regards the protection needs of Iranian human rights defenders in Council of Europe member States. It considers that member States should take measures to ensure that threats and attacks against Iranian human rights defenders under their jurisdiction do not go unpunished, and that the victims receive adequate support and assistance.

3. The report and the draft resolution rightly highlight the need to raise awareness of the human rights situation in Iran, and to strengthen solidarity with and support for Iranian human rights defenders in the Council of Europe member States. The proposed amendments to the draft resolution listed below aim to include specific calls for action by our member States to protect Iranian human rights defenders under their jurisdiction, and to include specific recommendations as regards the protection of Iranian human rights defenders working to promote women's rights, as well as the rights of persons belonging to ethnic and/or religious minorities and the rights of LGBTI persons, as these are the groups most affected by human rights violations in Iran.

B. Proposed amendments

Amendment A (to the draft resolution)

In the draft resolution, paragraph 3, before the words "victims of the Iranian regime" insert the following words:

"women and men"

Amendment B (to the draft resolution)

In the draft resolution, paragraph 6, after the words "both in Iran and abroad", insert the following words:

", in particular in the Council of Europe member States,"

1. Reference to committee: Doc. 15688, Reference 4713 of 2 March 2023. Reporting committee: Committee on Political Affairs and Democracy. See Doc. 16035. Opinion approved by the committee on 30 September 2024.

Amendment C (to the draft resolution)

In the draft resolution, paragraph 6, replace the words “a serious human rights issue” with the following words:

“a serious human rights concern”

Amendment D (to the draft resolution)

In the draft resolution, at the end of paragraph 6, insert the following sentences:

“The Assembly reaffirms its support for all human rights defenders under the jurisdiction of member States and refers to its Resolution 2225 (2018) “Protecting human rights defenders in Council of Europe member States” and its Resolution 2554 (2024) “Protecting women human rights defenders in Europe”. It further refers to its Resolution 2509 (2023) “Transnational repression as a growing threat to the rule of law and human rights”, as Iranian human rights defenders in Europe are also targeted. The Assembly invites its General Rapporteur on the situation of human rights defenders and whistleblowers to address the protection needs of Iranian human rights defenders in exile in Europe”.

Amendment E (to the draft resolution)

In the draft resolution, paragraph 13, after the words “Iranian civil society organisations”, insert the following words:

“, human rights defenders”

Amendment F (to the draft resolution)

In the draft resolution, at the end of paragraph 13.3, insert the following words:

“, including those responsible for the pervasive institutional discrimination leading to the elimination of the rights of women and girls in Iran, and for the persecution of and discrimination against religious and ethnic minorities, as well as LGBTI persons”.

Amendment G (to the draft resolution)

In the draft resolution, at the end of paragraph 13.4, insert the following words:

“, including human rights defenders”.

Amendment H (to the draft resolution)

In the draft resolution, paragraph 13.7, after the word “women’s”, insert the following word:

“rights”

Amendment I (to the draft resolution)

In the draft resolution, paragraph 13.7, before the word “student”, insert the following word:

“youth,”

Amendment J (to the draft resolution)

In the draft resolution, at the end of paragraph 13.7, insert the following words :

“and consider establishing a “Vienna process-type dialogue” with all relevant human rights interlocutors in Iran and abroad”.

Amendment K (to the draft resolution)

In the draft resolution, after paragraph 13.7, insert the following two paragraphs:

“- set up targeted assistance, such as support programmes, to ensure the safety of Iranian human rights defenders at risk, including early warning mechanisms;

- protect Iranian human rights defenders in the Council of Europe member States from acts of intimidation, harassment and violence, and provide support to them as needed”.

Amendment L (to the draft resolution)

In the draft resolution, paragraph 14, second sentence, after the words "Security measures for the Iranian diaspora in Europe", insert the following words:

> *"and Iranian human rights defenders in the Council of Europe member States",*

Amendment M (to the draft resolution)

In the draft resolution, after paragraph 14, insert the following paragraph:

> *"The Assembly calls on the Council of Europe member States that are Parties to the Rome Statute of the International Criminal Court to consider proposing an amendment to the Statute aimed at including the crime of "gender apartheid", which is the institutionalisation of gender-based discrimination and exclusion of women and girls from all spheres of society".*

Amendment N (to the draft resolution)

In the draft resolution, after paragraph 15.2, insert the following paragraph:

> *"an active feminist foreign policy in relation to Iran, to make the situation of women and girls in Iran a foreign policy priority, which can provide an enabling framework to support Iranian women's rights defenders".*

C. Explanatory memorandum by Ms Mariia Mezentseva-Fedorenko, Rapporteur for opinion

1. Introduction

1. I would like to express my satisfaction, alongside that of the Committee on Equality and Non-Discrimination, for the opportunity to contribute to an important text tackling the protection of a group of human rights defenders at risk, namely Iranian human rights defenders in our member States.

2. I would also like to thank the rapporteur, Mr Max Lucks (Germany, SOC), for his valuable work on this subject. The research in the report sets out the issues at stake as regards the situation in Iran, followed by relevant political conclusions and recommendations. I think that the report should be strengthened as regards its second focus: the protection of Iranian human rights defenders in the Council of Europe member States. Reference should be made to the Parliamentary Assembly's relevant and extended work on this issue, such as Resolution 2225 (2018) "Protecting human rights defenders in Council of Europe member States" and Resolution 2554 (2024) "Protecting women human rights defenders in Europe", as well as Resolution 2509 (2023) "Transnational repression as a growing threat to the rule of law and human rights", which is also relevant for Iranian human rights defenders in our member States. Furthermore, I also refer to the declaration unanimously adopted by the Committee on Equality and Non-Discrimination on 11 October 2022, entitled "Denial of women's freedoms and repression of women's rights protests in Iran – urgent political action is needed".

3. The proposed amendments aim to strengthen the Assembly's calls for measures to protect Iranian human rights defenders in Council of Europe member States, and to give more visibility to the groups most affected by human rights violations in Iran, as reflected in recent reports by international organisations.

4. I truly hope that the rapporteur and the Committee on Political Affairs and Democracy will recognise the added value of the proposed amendments and will support them.

2. Systematic discrimination and attacks on the rights of women and girls in Iran

5. I have focused on the examination of the latest information on the civil society protests against the Iranian regime that started in September 2022, under the movement "Woman, Life, Freedom", triggered by the death of 22-year-old Iranian-Kurdish woman, Jina Mahsa Amini, while in the custody of the "morality police" in Tehran for allegedly wearing the hijab improperly.

6. Protesters oppose the systematic and institutionalised discrimination against women and girls in Iran, and the enforcement of discriminatory laws that deprive them of their human rights, while the use of the death penalty continues to be invoked against women and men activists, their friends and relatives, and anyone who

shows solidarity with the protesters. The use of the death penalty against women activists for national security offenses is increasing, including against those belonging to Iran's ethnic and religious minorities. Many women from ethnic minorities felt compelled to protest as the death of Mahsa Amini illustrated the multiple layers of discrimination they face as women and members of an ethnic minority.

7. The situation in Iran is worsening, as recent reports have alerted about the intensification of efforts by the Iranian Government to suppress the human rights of women and girls, through the "Noor" Plan launched in April 2024. The Iranian regime aims to eliminate remaining initiatives of women's activism in Iran, which continue even in prisons, including by Nobel Peace Prize laureate Narges Mohammadi.[2] Surveillance of hijab compliance in the public and private spheres, including in vehicles, and using technology such as drones, is increasing. A "Hijab and Chastity" Bill is in the final stages of approval by Iran's Guardian Council. The Bill provides for harsher penalties for women who do not wear the mandatory hijab, including high fines, longer prison sentences, restrictions on work and educational opportunities, and bans on travel.[3]

8. The independent international fact-finding mission on the Islamic Republic of Iran, mandated by the United Nations (UN) Human Rights Council, published its first report in February 2024, stating that the violent repression of peaceful protests and pervasive institutional discrimination against women and girls have led to serious human rights violations in Iran: extra-judicial and unlawful killings and murder, unnecessary and disproportionate use of force, arbitrary deprivation of liberty, torture, rape, enforced disappearances, and gender persecution.[4] The mission also established a pattern of sexual and gender-based violence perpetrated by the State authorities in places of detention.

9. I was dismayed to learn that the UN mission reported "credible figures of up to 551 deaths" of protesters shot by security forces, including "at least 49 women and 68 children, in 26 out of the 31 provinces in Iran".[5] Furthermore, the UN mission reported that at least nine young men charged with protest-related offences had been arbitrarily executed.[6]

10. The violation of the human rights of women and girls in Iran becomes compounded when gender-based violence and discrimination intersect with other grounds of discrimination such as ethnic origin and religion. Between July and September 2024, the UN mission reported intensified arrests and detentions of family members of protesters killed in connection with the "Woman, Life, Freedom" movement, in particular in the provinces of Sistan and Baluchestan, Kurdistan and West Azerbaijan, with a strong presence of minorities.[7]

11. In March 2024, the report of a parliamentary inquiry into the situation of women and girls in Afghanistan and Iran[8] was presented in the UK Parliament. I welcome this initiative of the International Bar Association's Human Rights Institute (IBAHRI), carried out by a panel of UK parliamentarians chaired by Baroness Helena Kennedy of The Shaws KC. I fully support the inquiry's recommendations to recognise and publicly condemn the scale and nature of the situation and treatment of women and girls in Iran, including gender persecution and gender apartheid, and to "formally support avenues to ensure that gender apartheid is codified" in the Rome Statute of the International criminal Court and a possible new convention on crimes against humanity currently being debated in United Nations, as well as within domestic legislation.[9]

12. I also noted the support to recognise gender apartheid as a crime against humanity by the UN Special Rapporteur on human rights in Afghanistan, in his report "The phenomenon of an institutionalised system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls", published in May 2024. Support for recognition of gender apartheid under international law has also been expressed by the UN Working Group on Discrimination against Women and Girls, as well as by global human rights organisations

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2. United Nations independent international fact-finding mission on the Islamic Republic of Iran, "Update on the situation of women and girls in the context of the September 2022 protests and the "Woman, Life, freedom" movement in the Islamic Republic of Iran", 13 September 2024.
3. Ibid.
4. United Nations, Human Rights Council, "Report of the independent international fact-finding mission on the Islamic Republic of Iran", A/HRC/55/67, 2 February 2024.
5. Human Rights Council, "Detailed findings of the independent international fact-finding mission on the Islamic republic of Iran", 19 March 2024.
6. Ibid.
7. "Update on the situation of women and girls in the context of the September 2022 protests and the "Woman, Life, freedom" movement in the Islamic Republic of Iran", op. cit.
8. Gender Apartheid Inquiry, "Shattering women's rights, shattering lives – Parliamentary Ad-Hoc Inquiry into the Situation of Women and Girls in Afghanistan and Iran", March 2024.
9. Ibid.

such as Human Rights Watch, Amnesty International and Women's International League for Peace and Freedom. Assembly's Resolution 2554 (2024) "Protecting women human rights defenders in Europe" also called to include the crime of gender apartheid in the Rome Statute.

13. In her July 2023 report, the UN Special Rapporteur on the situation of human rights defenders welcomed the integration by some European countries of support for human rights defenders into their foreign policy, including in the women and peace and security agenda, which is vital as it recognises not only the important role that women rights defenders play, but also the risks they face in doing so.[10] I also fully share the emphasis that the Special Rapporteur placed in the importance of promoting and facilitating the participation of women human rights defenders in discussions, debates and events relating to women and peace and security at the national, regional and international levels.[11]

3. Discrimination and attacks against ethnic and religious minorities in Iran

14. There are only three religions officially recognised in Iran, with representation in the Iranian Parliament: two seats for Armenian Christians, one for Assyrian Christians, one for Jewish and one for Zoroastrians (out of the 290 seats). However, the Iranian law imposes Shiite Islamism as the official religion and access to the highest offices of the State is forbidden to non-Shiites. Religious minorities in Iran include Bahá'ís, Christians, Gonabadi Dervishes, Jews, Sunni Muslims and Yaresan.

15. Ethnic minorities in Iran include Ahwazi Arabs, Azerbaijani Turks, Baluchis, Kurds and Turkmen. Discriminations and persecutions are multiple and violence against minorities is widespread. I have learned that the State's censuses have not collected data on language and ethnicity for three decades, so it is difficult to know the ethnic groups present in Iran.

16. The UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran published a report in February 2024 indicating his deep concern about "the discrimination against religious, ethnic, linguistic and sexual minorities", which face institutionalised discrimination and systematic persecution. I also noted with concern that ethnic and religious minorities are discriminated and persecuted in the exercise of their cultural rights and in their access to public services. In particular, the Bahá'í community faces persistent persecution, arbitrary arrests and harassment, and the confiscation of their properties and goods.

17. In August 2024, the UN mission reported that ethnic and religious minorities, in particular Kurd and Baluch minorities, have been disproportionally impacted by the Government's crackdown on protesters since 2022, which is the direct result of long-standing discrimination. The UN mission also reported human rights violations committed by security forces against members of minorities, including unlawful deaths, extrajudicial executions, unnecessary use of lethal force, arbitrary arrests, torture, rape, enforced disappearances and gender persecution.[12]

18. I took full note of the emphasis that the UN mission has placed on the impact of the protests on minorities, as women belonging to ethnic and religious minorities experience harms that are compounded by discrimination and violence against them for being women and members of ethnic and religious minorities. In 2023, ethnic and religious minorities had the highest participation in the "Woman, Life, Freedom" movement, while there was a heavy military and security presence in minority-populated border provinces.[13]

19. In August 2022, a group of UN experts called on Iranian authorities to stop persecution of religious minorities and end the use of religion to curtail the exercise of human rights. Civil society organisations have also underscored that a peaceful and prosperous future for minorities in Iran cannot be secured unless long-standing and structural discrimination is addressed at all levels.[14]

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10. UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders "Pathways to peace: women human rights defenders in conflict, post-conflict and crisis-affected settings", A/78/131, 7 July 2023.
11. Ibid.
12. Independent international fact-finding mission on the Islamic Republic of Iran, "'They have dehumanized us': Minority rights violations during the 'Woman, Life, Freedom' movement in the Islamic Republic of Iran", August 2024.
13. Ibid.
14. Minority Rights Group International and Centre for Supporters of Human Rights, "Protests, discrimination and the future of minorities in Iran", November 2022.

4. Criminalisation of LGBTI persons in Iran, tolerance and impunity for violence against them

20. LGBTI persons in Iran face institutionalised discrimination through restrictive laws and the lack of legal protection. The Criminal Code punishes men's homosexuality with the death penalty. For women, the punishment is flogging and, in case of repeat offenses, death penalty as well. Homosexuality is also considered as a "gender disorder". LGBTI persons face violence, which they do not report for fear of being arrested and prosecuted. Many LGBTI persons in Iran have experienced violence from their own families due to their sexual orientation.

21. The Iran Human Rights Documentation Centre published a report entitled "Denied Identity: Human Rights Abuses against Iran's LGBT Community", which analyses discrimination against LGBT persons under Iranian laws and in practice, with numerous witness accounts from persons who faced persecution and discrimination in Iran. According to a 2020 report published by the UK-based human rights organisation 6Rang (Iranian Lesbian and Transgender Network), LGBTI persons in Iran experience high levels of violence, as follows: 62% of Iranian LGBTI experience one or more forms of violence perpetrated by their immediate family; nearly 30% of them experience sexual violence; and more than 77% of them experience physical violence; while close to 38% of them are subject to forced marriages.[15]

22. LGBTI NGOs are in exile, and the LGBTI movement in Iran remains isolated and marginalised, but still present despite pressures and arrests of LGBTI activists. The younger generation protests in the street and through social media, which amplify the visibility of LGBTI issues. The UN mission found that sexual and gender-based violence has been carried out on women, men and children in detention, including LGBTI persons arrested in connection with the protests.[16]

15. 6Rang, "Hidden Wounds: A Research Report on Violence against LGBTI in Iran", September 2020.
16. A/HRC/55/67, op. cit., paragraph 46.