

Report

A Harmful Distraction

The Implications of Rouhani's Citizens' Rights Charter
for Human Rights in Iran



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Center for
**HUMAN
RIGHTS**
in Iran

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About us

The **Center for Human Rights in Iran (CHRI)** is an independent, nonpartisan, nonprofit organization dedicated to the protection and promotion of human rights in Iran. CHRI investigates and documents rights violations occurring throughout Iran, relying on first-hand accounts to expose abuses that would otherwise go unreported. We bring these violations to the attention of the international community through news articles, briefings, in-depth reports and videos, and work to build support for human rights inside Iran as well. CHRI engages in intensive outreach and international advocacy aimed at defending the fundamental rights and freedoms of the Iranian people and holding the Iranian government accountable to its human rights obligations.

Key Findings

- > President Hassan Rouhani's Citizens' Rights Charter has had no impact on the human rights crisis in Iran and should not be used as a reference point for progress.
- > By creating a charter that had no possible means of implementation or enforcement, and which does not address the causes of human rights violations in Iran, Rouhani delivered a document that cannot address the human rights situation in Iran.
- > The Rouhani administration no longer intends to submit the Citizens' Rights Charter to the Iranian Parliament as a bill.
- > Reflecting continuously shifting strategies for the charter, the administration now states the purpose of the charter is to comprehensively document Iranians' existing rights and promote public awareness of those rights.
- > The charter contains vague pledges by Rouhani to submit bills to Parliament in the future on citizens' rights if needed, but no such legislation has been introduced as of this writing.
- > The charter requires that governmental bodies submit "reports" on their progress regarding citizens' rights, but few reports are available for public review and those that are do not provide a detailed or accurate assessment of rights issues, violations or needs.
- > Plans to create a "national institution" charged with implementing citizens' rights do not meet the requirements of the OHCHR Paris Principles that such institutions be independent of the state.
- > In none of the areas of basic rights delineated by the charter has there been improvement. In key areas explicitly referenced by the charter, including the rights to freedom of thought and expression; access to information; privacy; association, assembly and demonstration; freedom of movement; and a fair trial, the human rights situation in Iran has deteriorated.
- > Moreover, serious human right violations continue to be carried out routinely by ministries under Rouhani's direct authority, particularly the Ministry of Intelligence.

- > The charter may be harming the rights situation in Iran by:
- Giving a false sense of progress that obscures the deterioration in human rights that has occurred and reduces pressure to address human rights violations in Iran.
 - Diverting attention from the actions Rouhani could take, including holding his own Ministry of Intelligence accountable and questioning the Judiciary on violations of existing law in Iran.
 - Slowing progress toward addressing the causes of human rights abuses in Iran, which include a Judiciary and intelligence services that systematically act outside the law with impunity and a government that at its highest level is unaccountable.

Recommendations

To the authorities in Iran

- > State authorities should create an independent, national non-governmental human rights institution according to the OHCHR Paris Principles, charged with investigating and publicly reporting on human rights violations in Iran and the steps needed to implement the rights enshrined in Iranian domestic law and its international obligations.
- > State authorities should set up safe and effective grievance mechanisms for the citizenry so that human rights violations can be publicly reported, with a clear and transparent process for independent investigation and remedy.
- > President Rouhani should immediately address the rights violations being committed by members of his own ministries, especially the Ministry of Intelligence, and the ongoing pattern of unlawful arrests of activists, human rights defenders, labor leaders and leaders of religious minorities conducted by its members.
- > President Rouhani should utilize his powers embedded in Iran's Constitution to publicly address violations of citizens' constitutional rights by any branch of state and by the country's security and intelligence organizations.
- > As Chairman of Iran's Supreme National Security Council, Rouhani should publicly refute the imprisonment of dozens of political prisoners for "national security" offenses and demand the cessation of the house arrests of political opposition leaders.

To the international community

- > The international community should no longer view or refer to the Citizens' Rights Charter as a document that has any relevance to the state of human rights in Iran.
- > In bilateral meetings with Iranian officials and diplomats and at multilateral gatherings, the UN and governments worldwide should urge the authorities in Iran to take specific actions to address the human rights crisis in the country that are based on the identified areas of concern noted in the UN Third Committee's November 2017 resolution on Iran and the report of the special rapporteur on Iran.
- > The international community, including the UN high commissioner for human rights, should press the Iranian authorities to cooperate fully with the UN special mechanisms, in particular, to cooperate with and allow entry into the country by future UN special rapporteurs on the situation of human rights in Iran.

In December 2016, President Hassan Rouhani published his Citizens' Rights Charter—a document meant to strengthen political, social and economic rights in Iran.¹ The charter's 120 articles collect and explicitly reaffirm the citizenry's basic rights and freedoms that are enshrined in Iranian law, including freedom of thought and expression; access to information; privacy; the right of association, assembly and demonstration; freedom of movement; and the right to a fair trial, among numerous other areas.

The charter was presented as a fulfillment of Rouhani's campaign promise, made during his first run for the presidency in 2013, to set out and defend the citizenry's basic rights. Yet more than a year after the signing of its final version, the charter has slipped into irrelevancy, its essential hollowness revealed. Not only have there been no tangible improvements in the human rights situation in Iran, in many key areas specifically referenced by the charter there has been further deterioration.

Given that the rights contained in the charter are already in Iran's Constitution and existing body of law, the nature of the charter is (and never was) clear. Nor is the intent of President Rouhani, who could not have been unaware that there was no path to implementation of the document—especially given the hostility to the very notion of strengthening basic rights and freedoms in Iran by the Judiciary, by multiple security and intelligence agencies, and by Iran's supreme leader, Ayatollah Ali Khamenei, who is the ultimate authority in the country, and their view that the country's human rights file is exclusively the mandate of the Judiciary.

Moreover, given that the document does not address any of the causes of the rights violations in Iran, there is concern that the charter could do harm, serving to present a false sense of progress that undermines pressure for reform, diverting attention from the grave state of human rights in Iran and impeding measures that could be taken to improve the rights situation.²

This report by the Center for Human Rights in Iran (CHRI) charts the course and impact of the Citizens' Rights Charter and assesses its implications for human rights advocacy in the Islamic Republic. It is based on extensive CHRI reporting and interviews over the 2013-2018 period with diverse members of Iranian civil society, including journalists, lawyers, human rights defenders and activists, analysis of state policy and inter-governmental relations, detailed review of human rights cases and developments in Iran, and meetings with government officials from numerous countries.

Early hopes fade

Rouhani's first draft of the charter was introduced in November 2013, 100 days after his election to the presidency in August 2013.³ At that time, Rouhani and administration officials asserted that the charter, itself a revival of an initiative first put forth in 2002 by then-president Mohammad Khatami, would be presented to the Parliament as a bill.⁴

The charter was withdrawn for revisions, however, after widespread domestic criticism. Hardliners railed against its affirmation of citizen rights and broad swathes of civil society questioned its worth given redundancies with (unenforced) rights already enshrined in Iran's Constitution.⁵

Three years passed before the final version of the charter was signed and published in December 2016, shortly before Rouhani began what would be a successful campaign for his re-election to a second term as president in May 2017.

Yet the revised charter did not address the central weaknesses that dogged the earlier version: namely, that it was a redundant and unenforceable document which did little to address the real causes of human rights violations in Iran.

Reiteration of existing rights that are ignored

The central weakness of the charter is that the vast majority of the rights stated in the document's 120 articles are already enshrined in Iranian law—they are just not enforced.⁶ The charter's reiteration of these rights does not make them any more enforceable, and it does not contain any meaningful mechanisms to address implementation or enforcement.

Writing in the reformist publication *Shargh*, the Iranian lawyer Kambiz Norouzi stated:

"The question is, what is this document in terms of legal nature? ...Our problem in most cases is not a lack of law.... The basic issue is that various devices, whether in the Executive Branch or in other jurisdictions, disregard the citizenship rights set forth in the law....The Citizens' Rights Charter did not pay much attention to this fundamental question. It seems as if this charter is in a void. What is important is knowing the causes and factors for properly implementing the existing laws...."

Kambiz Norouzi, *Shargh*, December 20, 2016⁷

No longer a bill

While many observers, including EU and UN officials, have continued to refer to hopes that the charter would be submitted to Parliament as a bill, such hopes are misplaced.⁸ The Rouhani administration no longer has any intention of introducing the charter as a bill. Instead, in the letter to the “people of Iran” that prefaces the charter, Rouhani simply states he will submit bills in the future regarding specific citizen rights:

“I will prepare bills regarding citizen rights and submit them to the [Parliament] and have confidence in the cooperation of other state branches for paving the grounds for their implementation.”

President Hassan Rouhani, Citizens’ Rights Charter

Rouhani’s special assistant on citizens’ rights, Shahindokht Molaverdi, went further, stating that the submission of future bills would only be undertaken if needed:

“[P]eople ask when the charter will be made into law? As these rights have become laws in the past there is no need to do it again, and if there is an article of the charter that needs to be introduced as a bill we will do that...we have received suggestions for 19 bills and we are reading them....”

Shahindokht Molaverdi, special assistant to the president on citizens’ rights, February 20, 2018⁹

The initial positioning of the charter as a bill in waiting, however, speaks to the central absence of logic underpinning the document. Pervasive human rights violations in Iran have rarely been an issue of law. Rather, it has been individuals and institutions that routinely act above the law, with impunity. As such, whether this charter will be passed as a bill or not is irrelevant.

Nevertheless, no legislation regarding specific citizens’ rights has been produced, even though this commitment was made in December 2016.

Public awareness not enough

The charter’s introductory text speaks to its reconfigured purpose, stating its aim is to raise the public’s awareness of existing rights, as part of the process of advancing those rights:

“[The government’s actions are intended to] raise awareness, build capacity, promote public culture, and increase sensitivity, commitment and skill in governmental and non-governmental agencies for the upholding of citizens’ rights... [and] encourage, support and attract the participation of individuals, experts, organizations, civil and private entities to promote public culture, expand public demands, and confront any type of violation of citizens’ rights”

President Hassan Rouhani, Citizens’ Rights Charter

Since the Citizens' Rights Charter's signing in December 2016...not only have there been no tangible improvements in the human rights situation in Iran, in many key areas specifically referenced by the charter there has been further deterioration.



At least five prisoners have recently died in custody under highly suspicious circumstances, with evidence of a state cover-up and campaign of intimidation against the families to pre-empt investigation.

Rouhani's December 19, 2016, mass message to the Iranian people on Twitter announcing the publication of the Citizens' Rights Charter, in which he wrote, "Let's get more familiar with our rights and powerfully protect them," reinforced the new focus on public outreach.

Yet the stated goal of increased public awareness is in direct conflict with a political context in which citizens are not free to voice their demands. Public awareness that cannot be translated into public action is of questionable use. The violent state suppression of protests that broke out in cities across Iran in December 2017, despite the fact that the vast majority of the protestors were peaceful, speaks to the limits of freedom of expression in Iran.¹⁰

Moreover, this aim ignores the reality that human rights defenders and activists who work to raise public awareness are harassed, arrested and jailed, and their organizations, whose purpose is to raise public awareness, are shut down. During Rouhani's administration, public campaigns, such as those seeking to end violence against women in the wake of the 2014 acid attacks against women for "improper" hijab, were met with violent state suppression and arrests.¹¹

Special Assistant on Citizens' Rights Molaverdi proclaims that the comprehensive re-statement of Iranian citizens' rights is itself an inherent good. She states:

"The collection of these rights in one document, in order to tell people and the authorities about these rights, is an innovative and unprecedented action, and it shows the commitment and will of this administration to follow up on these rights...."

Shahindokht Molaverdi, special assistant to the president on citizens' rights, February 20, 2018¹²



“Let’s get more familiar with our rights and powerfully protect them.”

President Hassan Rouhani’s tweet to the Iranian people on December 19, 2016 announcing publication of the Citizens’ Rights Charter



Human rights defender Abdolfattah Soltani, serving a 13-year sentence for protecting the rights of political prisoners, was arrested on a complaint by the previous administration’s Intelligence Ministry but Rouhani’s Intelligence Ministry has not requested a review of the original complaint.

Yet the mere statement of rights, without acknowledgment that these rights are being violated and that the perpetrators should be held accountable, is of little consequence. Rouhani has not proved willing to speak out forcibly on rights violations, to directly address the perpetrators of those violations, or propose meaningful steps to effectively remedy human rights abuses. Most recently, for example, Rouhani had no public comment on the highly suspicious deaths in custody of several of the detainees arrested during the December 2017 protests.¹³

Neither law nor proposed legislation, and without any pathway to channel public awareness of rights into effective demands for action, the charter has had no discernible impact other than galvanizing the electorate to support Rouhani’s re-election in May 2017 by an even larger margin than in 2013.¹⁴

Hostility from the Judiciary

Any hopes that the charter might at least initiate a national conversation about the state of human rights in the country have been extinguished by the deep antagonism of Iran’s Judiciary towards the charter. The Judiciary views human rights issues in the country to be exclusively its mandate under its High Council for Human Rights, and Rouhani’s promulgation of a Citizens’ Rights Charter as encroachment upon its turf.

In an interview with Tasnim News shortly after the charter’s signing, Judiciary spokesperson Gholam-Hossein Mohseni-Ejei said that the issue of citizens’ rights should be addressed from the legal (i.e. judicial) perspective and not “politicized” because “citizenship rights are legal.” He criticized the redundancy of the document, stating:

“Citizenship rights are stipulated in various current laws of the country, including the Constitution.”

Gholam-Hossein Mohseni-Ejei, Judiciary spokesperson, January 8, 2017¹⁵

The country’s security and intelligence agencies, which share the Judiciary’s hardline views toward civil and political rights, have also expressed their hostility to the document. Abdollah Gangi, editor of the conservative Javan newspaper that is linked to the Islamic Revolutionary Guards Corps, wrote in an editorial:

“If the government really wants to guarantee the rights of citizenship, why put it in...a text? If ‘the law’ is ‘the guarantor of law,’ where is the Judiciary? How can anything be done regarding rights, without the Judiciary behind it? ... The government is not looking for its implementation [but rather] to prove its civilization to the Western community.”

Abdollah Gangi, editor of Javan, December 21, 2017¹⁶

Rouhani’s shift toward increasing public awareness only further antagonized judicial officials. They view his outreach to the people of Iran, to whom the charter is directly addressed, as an attempt by Rouhani to mount an end run around the legislative and judicial arms of state. The ultraconservative Ayatollah Mohammad Yazdi, a former head of the Judiciary who is now a member of Iran’s Guardian Council, the clerical body that vets all legislation for conformity with Islam, stated:

“[I]f this charter is a piece of legislation then it should be sent to Parliament and then checked by the Guardian Council. If it has been ratified by the government, by law it has to be sent to the speaker of Parliament to ensure it is not against the Constitution. This is the first time that such a charter has been directly issued to the people. Unfortunately, they [government officials] removed the shackles [of the law] and paid no attention to the Constitution.... The Charter for Citizens’ Rights was not a proposal or legislation but rather propaganda for the [presidential] elections. It is a violation of the law.”

Ayatollah Mohammad Yazdi, member of Guardian Council, December 22, 2016¹⁷

The charter’s attempts to foster accountability are hollow

In addition to public awareness, the charter calls for government agencies to submit reports on their implementation of citizens’ rights.

“[A]ll the government bodies are therefore obliged to submit a report on their executive, administrative, and educational measures as regards the charter.”

Shahindokht Molaverdi, special assistant to the president on citizens’ rights, February 12, 2018¹⁸

Pervasive human rights violations in Iran have rarely been an issue of law. Rather, it has been individuals and institutions that routinely act above the law, with impunity.



The three Green Movement political opposition leaders, Mir Hossein Mousavi, Mehdi Karroubi and Zahra Rahnavard, have been under house arrest without charge or trial for more than seven years.

However, this requirement applies only to those agencies under the authority of the executive branch. It does not apply to the judicial (where there are serious issues of rights abuses and lack of accountability) and legislative branches of state over which the president has no authority.

In addition, while some ministries have submitted such reports to the administration, very few of them have been made available for public review; only references to them in the Iranian press are available.¹⁹ As a result, the extent to which they represent a meaningful assessment of state compliance with citizens' rights cannot be determined. Those reports that have been posted for public review do not provide a detailed or accurate assessment of citizens' rights issues, rights violations, or ministry policies and activities.²⁰

The charter also seems to address the lack of effective mechanisms for the public to report violations or make complaints, which has long been a major obstacle to accountability in Iran. Rouhani states in the introductory letter of the charter that the administration intends:

“To develop procedures and non-judicial methods to counter violations of citizens' rights, with the objective of facilitating an easy method of raising objections and complaints, and adjudicating them in the shortest possible time.”

President Hassan Rouhani, Citizens' Rights Charter

Elham Aminzadeh, Rouhani's former special assistant for citizenship rights seconded this ostensible goal, stating:

“One of the ways to implement the charter can be the formation of offices for the purpose of investigating violations by government employees in ministerial departments, in coordination with non-governmental organizations, and the creation of a website to receive complaints from the people.”

Elham Aminzadeh, President Rouhani's (former) special assistant for citizenship rights, August 17, 2017²¹

Apart from the fact that no such mechanisms have been developed, the charter's vague references to creating procedures to report violations again skates past the fact that creating new, parallel structures that have no enforcement capability—while ignoring the dysfunction of existing mechanisms—is not a pathway to impact. The charter's articles are already law in Iran. If the law is being broken, it is the Judiciary that is responsible for addressing this. The refusal of the Judiciary to uphold the law is not addressed by bypassing the Judiciary.

Article 172 of Iran's Constitution explicitly refers violations by security agencies (including the Revolutionary Guards) to military or public courts, depending on the nature of the crime, which are both under the Judiciary; Article 173 states that the Court of Administrative Justice, under the supervision of the Judiciary, will “investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes” and Article 174 states that the Judiciary will “supervise the proper conducting of affairs and the correct implementation of laws by the administrative organs of the government” though the Judiciary's National General Inspectorate.”²²

In other words, grievance mechanisms already exist in Iran. They are simply ignored.

Citizens can also bring their cases to the Iranian Parliament's Article 90 Commission, which is charged with investigating public complaints regarding Parliament, the Executive and the Judiciary, yet the commission has no real enforcement capabilities.²³ Moreover, its track record is mixed; while at times it has served in an investigative capacity, its activities are dependent upon the political proclivities of its members at any given time, and the Judiciary has not proved to be responsive to the commission's questions or criticism in the past.²⁴

Rouhani often deflects criticism of his human rights record by referring to the “independence” of the Iranian Judiciary. Yet the Judiciary's demonstrated lack of independence from the country's security and intelligence agencies (which are major rights violators), its refusal to hold state actors accountable for rights violations, and its ability to subvert the rule of law with impunity, as it answers only to the country's supreme leader Ali Khamenei, underpins Iran's human right crisis. Rouhani's Citizens' Rights Charter does nothing to address any of this.

Proposals for a “national institution” for citizens’ rights deadlocked

In conjunction with the charter, Rouhani administration officials have spoken of creating a “national institution” charged with implementing citizens’ rights. In an interview, Rouhani’s special assistant on citizens’ rights spoke to the need for such a body, stating:

“We have no such institution in Iran, and this is one of the institutions that, if approved and implemented, is a hopeful move. It will be in the process of implementing the charter to proclaim and follow up on violations of citizens’ rights and to prevent violations that take place.”

Shahindokht Molaverdi, special assistant to the president on citizens’ rights, February 20, 2018²⁵

Once again, we see the administration resorting to the creation of a parallel mechanism that ignores both the existence and the dysfunctionality of existing mechanism. The Iranian Judiciary has already been discussing such an institution with the UN for some time but there has been little forward movement due to the Judiciary’s disregard for the UN’s OHCHR Paris Principles which require that national human rights institutions be independent of the state.²⁶

Iran’s Judiciary Chief Sadegh Larijani has predictably rejected Rouhani’s proposal for a national institution, arguing that any such organization must be under the control of the Judiciary.

“There are whispers about the formation of a body for citizens’ rights. We welcome and support any efforts to obtain the rights of citizens within the law. Instructions regarding citizens’ right were first issued by the previous judiciary chief and today we have a section for this purpose in the judicial branch known as the Human Rights Headquarters and the supreme leader has endorsed a piece of legislation in this regard. Therefore, we cannot create a national body in parallel with that. It would be against the Sharia and the law. We ask the government to present their proposals in this area so that the judicial branch and the Human Rights Headquarters can take it forward.”

Judiciary Chief Sadegh Larijani July 2, 2017²⁷

Instead of working with domestic and international constituencies to bring the Judiciary’s existing proposal for a national human rights institution in line with the Paris Principles, Rouhani chose to attempt to establish his own parallel institution. Such an organization would not only lack the required independence, it would also not have the ability to enlist the critically needed cooperation of the Judiciary. Thus, Rouhani has effectively ensured continued deadlock and inaction regarding any national human rights institution in Iran.

[The Citizens' Rights Charter's stated aim of raising public awareness] ignores the reality that human rights defenders and activists who work to raise public awareness are harassed, arrested and jailed, and their organizations, whose purpose is to raise public awareness, are shut down.



Narges Mohammadi, the prominent human rights activist who was issued a 16-year prison sentence for raising public awareness of basic civil liberties in Iran (of which 10 years she must serve), was arrested on the basis of a complaint by Rouhani's Intelligence Ministry.

Rouhani's own ministries routinely violate citizens' rights

Rouhani is faced with limited abilities given that institutional power in the Islamic Republic remains in the hands of hardliners. The country's ultimate authority, Supreme Leader Ayatollah Ali Khamenei, the state security and intelligence agencies (particularly the Revolutionary Guards which report directly to Khamenei) and Iran's Judiciary are all deeply antithetical to any strengthening of civil and political rights and deeply suspicious of any reformist tendencies.

However, Rouhani could institute meaningful requirements and processes in line with the Citizens' Rights Charter (and existing Iranian law for that matter) in the ministries that are under his administration's direct authority. Rouhani's charter explicitly states:

"I instruct the organs under the Executive Branch to take action ...to identify the most significant and common instances of violations of citizens' rights, and to take legal measures required for realization of these rights..."

President Hassan Rouhani, Citizens' Rights Charter



The charter's articles are already law in Iran. If the law is being broken, it is the Judiciary that is responsible for addressing this. The refusal of the Judiciary to uphold the law is not addressed by bypassing the Judiciary.

The 2018 report of the UN Special Rapporteur on Iran notes a "pattern of reported violations related to due process and fair trial in the Islamic Republic of Iran in particular with respect to human rights defenders, trade unionists, journalists, political prisoners and prisoners of conscience, and members of opposition, minority and religious groups, foreign and dual nationals."

Yet even in the ministries under Rouhani's authority, there has been a notable lack of implementation of the charter's designated rights. These ministries, especially the Ministry of Intelligence, continue to routinely commit severe rights violations, and no processes whereby citizens can file complaints have been instituted. For example:

- > Narges Mohammadi, the prominent human rights activist who was issued a 16-year prison sentence for her peaceful advocacy of political and women's rights (of which 10 years she must serve), was arrested on the basis of a complaint by Rouhani's Intelligence Ministry.²⁸
- > Human rights defender Abdolfattah Soltani, serving a 13-year prison sentence for defending political prisoners, was originally arrested on a complaint by the previous (Ahmadinejad's) Ministry of Intelligence, but Rouhani's Intelligence Ministry has not requested a review of the original complaint.²⁹
- > During the protests that broke out across the country in December 2017, approximately 90 students were arrested by the Ministry of Intelligence.³⁰
- > Swedish resident Ahmadreza Djalali, who is facing a death sentence for espionage based on forced false confessions, was arrested by Rouhani's Ministry of Intelligence.³¹

- > Labor activists are frequently prosecuted based on complaints made by the Ministry of Intelligence. For example, Ebrahim Maddadi and Davood Razavi of Tehran's bus drivers' union were both arrested by Intelligence Ministry agents in 2015.³² Teachers' rights activist Mahmoud Beheshti-Langroudi was prosecuted on charges brought by the Intelligence Ministry when it operated under President Ahmadinejad (2005-13) but summons and other actions against him have continued under Rouhani.³³
- > Women's rights activist Alieh Matlabzadeh was sentenced to three years after her arrest and interrogation by Intelligence Ministry agents.³⁴
- > The Ministry of Intelligence typically leads on arresting and bringing charges against members of religious minorities, especially the Baha'i community and Christian converts.³⁵
- > Despite Rouhani's statements against banning students from university for their peaceful political activities, his Intelligence Ministry blocked formerly imprisoned civil rights activist Mahdieh Golru from attending Alzahra University in Tehran, as well as others.³⁶
- > Parastou Forouhar, seeking justice for the murder of her dissident parents by Intelligence Ministry agents in 1998, was issued a six-year suspended prison sentence based on a complaint brought in 2017 by Rouhani's Ministry of Intelligence.³⁷
- > Rouhani's Ministry of Information and Communications Technology (ICT) has played an important role in developing the country's National Information Network (NIN), which expands state censorship and facilitates state access into private accounts.³⁸ The ICT ministry has also boasted of blocking millions of websites.³⁹
- > Rouhani has remained silent in the face of state-sponsored cyberattacks against journalists and activists—even though unlawfully obtained online content is used to convict individuals on sham national security charges.⁴⁰

As the above is just a sampling of many Intelligence Ministry abuses, the Citizens' Rights Charter must be viewed within this broader context of Rouhani's unwillingness or inability to effectively address egregious human rights violations even within the state bodies under his direct control.

Human rights deteriorate since signing of charter

In addition to abuses committed by Rouhani's own ministries, human rights violations have increased in scope and severity since the charter's signing in December 2016 by state actors across the board in Iran. To highlight just a few developments in areas tagged in the charter:

Freedom of thought and expression

- Since January 2018, at least 30 women and men have been arrested for protesting compulsory hijab.⁴¹
- In addition to the political prisoners mentioned above, there are many others, including Atena Daemi, 29, serving a seven-year prison sentence for meeting the families of political prisoners; former student activist Arash Sadeghi, 36, serving 15 years; and Saeed Shirzad, 28, serving a five-year sentence for educating the children of political prisoners.⁴²
- The three Green Movement political opposition leaders, Mir Hossein Mousavi, Mehdi Karroubi and Zahra Rahnavaard have been under house arrest without charge or trial for more than seven years.⁴³

Freedom of association, assembly and demonstration

- Street demonstrations that erupted across Iran in December 2017 were violently suppressed: Over 4000 protestors were arrested; many were beaten in detention, and at least two detainees died in custody under suspicious circumstances.⁴⁴
- Independent labor unions are not allowed to function effectively, workers protesting unpaid wages are arrested, and labor leaders are jailed. For example, Esmail Abdi is serving a six-year prison sentence for advocating teachers' rights, and Reza Shahabi, 45, of the Union of Workers of the Tehran and Suburbs Bus Company, is serving six years for his labor activism.⁴⁵

Right to a fair trial

The denial of due process has become so routine in Iran that to list an isolated case or two would not indicate its scope. The (late) UN Special Rapporteur for human rights in Iran Asma Jahangir wrote in her March 2018 report:

“...the special rapporteur is struck by the pattern of reported violations related to due process and fair trial in the Islamic Republic of Iran in particular with respect to human rights defenders, trade unionists, journalists, political prisoners and prisoners of conscience, and members of opposition, minority and religious groups, foreign and dual nationals.”

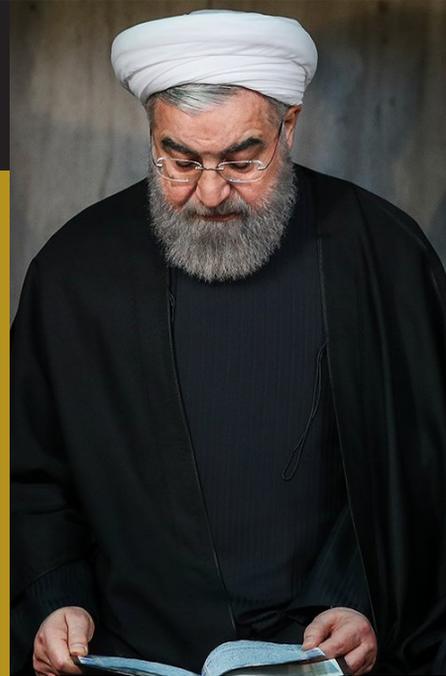
Asma Jahangir, special rapporteur on the situation of human rights in Iran, Report to the Human Rights Council, March 5, 2018⁴⁶

Denial of due process in Iran typically includes the following:

- Detainees are routinely held for extended periods without charge.
- Detainees are routinely denied access to counsel and/or forced to choose from a list of state-approved counsels.
- Convictions are frequently made on the basis of forced false “confessions” elicited via intense psychological and/or physical pressure.
- Hardline judges are handpicked for political cases and trials are closed and brief, with evidentiary standards well below international norms.

Rouhani’s Ministry of Intelligence typically leads on arresting and bringing charges against members of religious minorities, especially the Baha’i community and Christian converts, and labor leaders are frequently prosecuted based on complaints made by his Intelligence Ministry.

Even in the ministries under Rouhani’s authority there has been a notable lack of implementation of the charter’s designated rights. These ministries, especially the Ministry of Intelligence, continue to commit severe rights violations.



Right to life

- Iran has one of the highest per capita execution rates in the world. According to the latest report by the UN special rapporteur for Iran, 482 individuals were executed in 2017.⁴⁷
- Iran executes juveniles. Five juvenile offenders were executed in 2017, and as of this writing, three in 2018, according to the UN.⁴⁸
- The death penalty in Iran is applied for crimes that do not meet international standards for capital punishment.
- Executions frequently follow prosecutions that lacked due process.
- There is mounting evidence of grievous ill treatment in Iranian prisons, which are under the authority of the Judiciary. Between January and April of 2018, at least five prisoners have died in custody under highly suspicious circumstances, with evidence of a state cover-up and campaign of intimidation against the families to pre-empt investigations.⁴⁹
- Ill treatment in prisons also includes routine denial of critically needed medical treatment, especially for political prisoners, with numerous cases documented in the 2018 report of the UN special rapporteur on human rights in Iran.⁵⁰

Freedom of movement

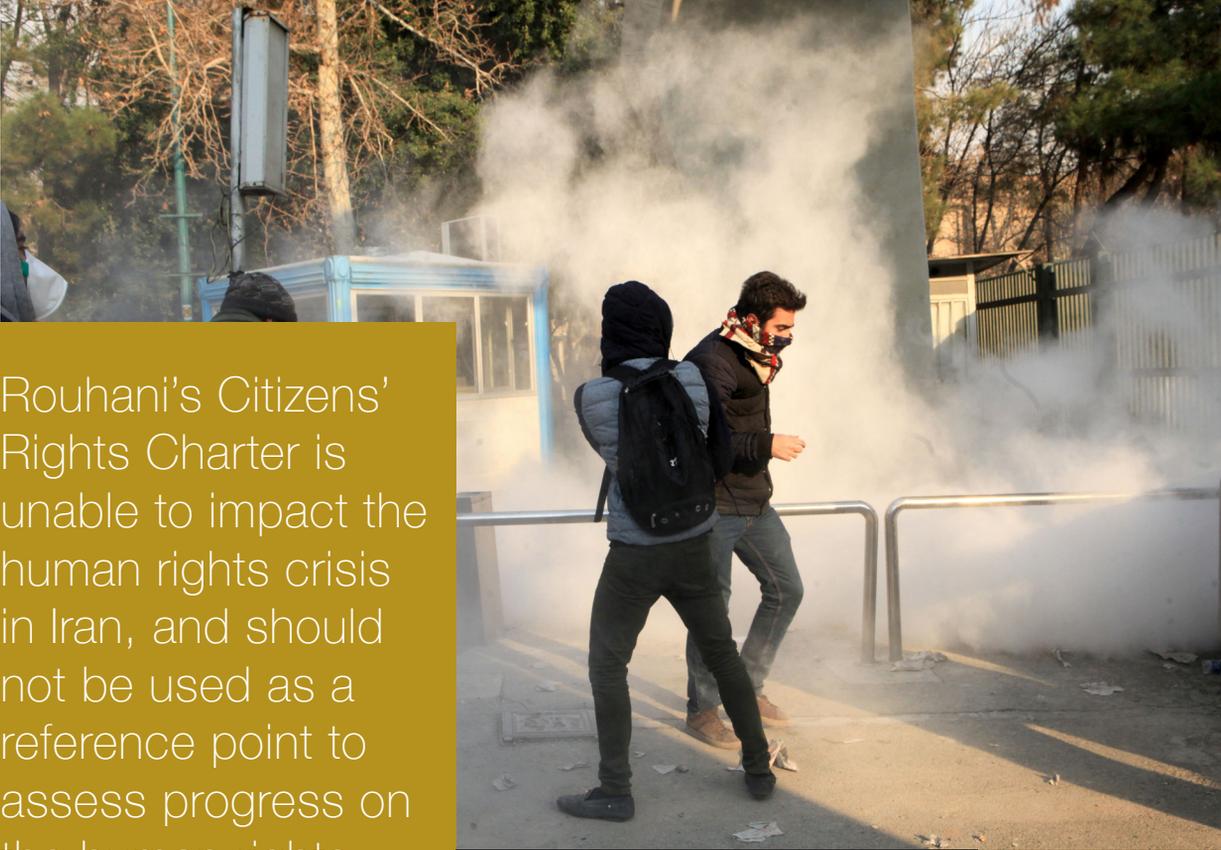
Maryman Mombeini, wife of Iranian-Canadian academic and environmentalist Kavous Seyed-Emami who died under highly suspicious circumstances in Evin Prison in February 2018, was prevented from leaving Iran after she tried to board a plane to Canada.⁵¹

In sum, rights abuses have continued and intensified in Iran, by ministries and state actors both within and outside Rouhani's direct authority. The Citizens' Rights Charter has had no impact on this situation.

The charter can do harm

The charter poses the danger of creating an illusion of progress, thereby thwarting critically needed international pressure for change.

UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran Asma Jahangir wrote in her March 2017 report on Iran that she was "encouraged" by the charter and viewed it as "a positive step."⁵²



Rouhani's Citizens' Rights Charter is unable to impact the human rights crisis in Iran, and should not be used as a reference point to assess progress on the human rights situation in the country.

During the December 2017 protests, over 4000 demonstrators were arrested, with hundreds held for extended periods without charge. There were credible reports of pervasive beatings in custody and at least two detainees died while in state custody.

In private meetings with CHRI, diplomats and government officials from EU member states, South American countries and African states frequently held up the charter as an example that Iran was making progress on human rights. CHRI was frequently told by officials that they were reluctant to raise concerns about urgent rights issues directly with their Iranian counterparts because they were “waiting to see what was going to happen with the charter” and until then they did not wish to “weaken Rouhani’s hand.” They believed the charter demonstrated that human rights were one of Rouhani’s “priorities” and this perception gave pause to diplomatic efforts that might have advanced human rights.

If it is not recognized that the Citizens' Rights Charter has had no impact on the rights situation in Iran, it will do harm, masking the deterioration in rights happening on the ground, deflecting attention from the sources and causes of rights abuses in the country, and impeding actions that actually that could be taken to begin addressing these violations.

Conclusion

There is a human rights crisis in Iran. **Rouhani's Citizens' Rights Charter is unable to impact that crisis, and should not be used as a reference point to assess progress on the human rights situation in the country.**

Rouhani was elected to office in large part because of the galvanizing power of his calls for greater political rights and cultural freedoms. His win in 2013 and even larger margin of victory in 2017 spoke to the appetite for reform among the Iranian electorate. Pressure to deliver upon assuming office was surely significant, yet his signature offering, the Citizens' Rights Charter, is a hollow document. It re-states unenforced existing laws, leaving untouched the question of how to implement laws that already exist, address areas unprotected by law, identify violations, and seek effective remedy.

The root of the human rights crisis in Iran is unaccountable governance where ultimate power rests with an unelected supreme leader, intelligence and security agencies that violently suppress any perceived dissent at will, and a Judiciary that acts unlawfully and with impunity to protect the system and prosecute those who dissent.

Instead of confronting these fundamental issues of governance and rule of law, Rouhani chose to set up a parallel path that had no means of implementation and uncertain legal status, facilitating the Judiciary's ability to dismiss and ignore it. Lacking enforcement powers, ignored by Rouhani's own ministries, and faced with overt hostility from the Judiciary, the charter has no capacity to deliver the progress that Iran's human rights crisis demands.

Ultimately, until the citizenry is able to freely and openly investigate, report on and protest human rights violations, until intelligence and security agencies are held to the rule of law, and until the Iranian Judiciary acts to defend that law consistently and impartially, no charter, or any mere recitation of rights, will address this crisis.

Endnotes

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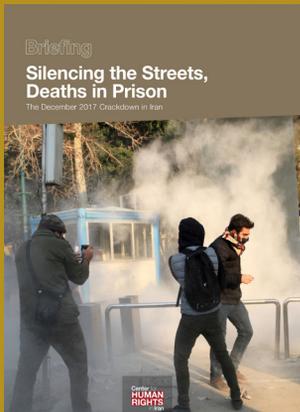
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A Harmful Distraction **The Implications of Rouhani's Citizens' Rights Charter for Human Rights in Iran**, by the Center for Human Rights in Iran (CHRI), is essential reading for policymakers and officials charting a forward path with the Islamic Republic. It provides an in-depth review of the Citizens' Rights Charter and valuable analysis of the political dynamics affecting human rights in Iran. The report establishes that the charter has no ability to impact the rights situation in Iran and has done harm by distracting attention from the causes of rights abuses and the reforms needed. It is based on extensive CHRI reporting and interviews over the 2013-2018 period with diverse members of Iranian civil society, analysis of state policy and inter-governmental relations and detailed review of human rights cases and developments in Iran.

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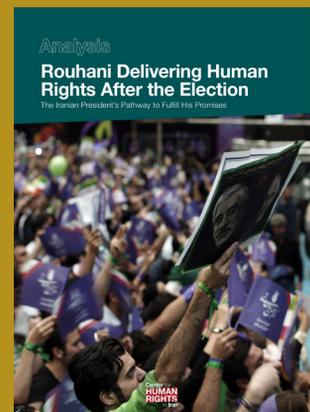
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