Monitoring Matters
Impact of the Mandate of the Special Rapporteur on the Situation of Human Rights in Iran
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Südwind is an Austrian non-governmental organization, founded in 1979, and has been in consultative status with the Economic and Social Council since 2009. Since 2010 Südwind has participated in the Human Rights Council, delivering statements and organising parallel events amongst others on human rights in Iran.

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Brief

Sudwind strongly recommends the renewal of the mandate of the Special Rapporteur on the Situation of Human Rights in Iran. The rise in the number of executions, arrests, violations of the rights of women and girls, and intensification of efforts by the Islamic Republic to block access to information and freedom of expression, are a few justifications for Sudwind’s position in this regard. Following a close examination of facts and expert opinions over the past four years, Sudwind findings identify that the mandate makes a number of significant contributions to the protection and promotion of human rights in Iran by:

• Detecting early warning signs of human rights violations
• Carrying out independent fact-finding
• Facilitating easy access to the United Nations
• Enabling the UN to circumvent blocks and limitations
• Minimising the existing gap between the nation of Iran and the UN
• Strengthening the universal nature of human rights
• Assisting victims of human rights violations to no longer feel isolated
• Providing a singular path to the UN system
• Helping coordinate and centralize the body of latest information on the situation in Iran
• Maintaining a spotlight on Iran’s worsening human rights record
• Providing the victims with the opportunity to demand their inalienable and fundamental rights

Between June 2011 and December 2014, Dr. Shaheed issued or jointly issued 83 private communications to the Iranian Government. The Government responded to 34 (41%) of those. That’s one communication issued on average every two weeks (1.95 per month, to be exact). This was more communications than any other mandate during that same period.
In light of the above findings Sudwind maintains the position that the United Nations and its member states renew the mandate until such time the Islamic Republic has fully cooperated with the United Nations and has lived up to its responsibilities under international laws.

**Introduction**

Südwind is pleased to submit this report recommending the renewal of the mandate of the Special Rapporteur on the Situation of human Rights in the Islamic Republic of Iran. This document focuses on the impact, effectiveness and importance of this mandate based on achievements over the past four years and the perspective of Iranian human rights defenders and civil society. The findings presented below are based on interviews with notable Iranian individuals and organisations.

Over the past thirty-six years the Islamic Republic of Iran has repeatedly violated its international commitments and national codes regarding human rights of citizens within its borders. With the appointment of the Special Rapporteurs on the situation of human rights in Iran, various improvements were made over the years. With the disruption in renewing this mandate one of the darkest periods of human rights violations at the hand of state authorities emerged in 2009. However, since the renewal of the mandate in 2011 Iranians enjoy systematic access to a process of accountability that impacts the Islamic Republic directly.

However, since the 2013 presidential elections, through policies which give rise to interest in Iran’s nuclear program and investment opportunities, the Islamic Republic has been able to distract the international
community from their alarming record of human rights violations. These developments further highlight the importance of the mandate at this critical time.

One main area of concern is that of high number of executions. Iran maintains the highest rate of execution per capita in the world. A considerable number of cases lack due process of law and are often carried out in public giving rise to a culture of violence among the masses by dehumanizing the victims as tool of terror, and violating the dignity of citizens, including children, as witnesses to such acts. In addition, juvenile executions remain in place despite Iran’s commitment to the Convention on the Rights of the Child.

A second area of concern is Iran’s revolving door policy on arrest and detention. Many dissidents, activists and members of minority populations are arrested and imprisoned often on trumped up charges. Unreasonable bails, inadequate access to legal channels and rights, in addition to physical and psychological torture render Iran a primary human rights violator.

A third area of concern is violation of the rights of women and girls. Iran has taken a number of steps that violate women on various fronts. Examples include forced hijab laws starting at the age 7, forced marriage, discriminatory inheritance laws, limitations on access to education and employment.

Finally, freedom of expression remains a scarce commodity. Serious clamp down on the media coupled with propaganda and incitement to hatred greatly impair Iranian’s access to information and expression.
Following China, Iran has jailed the highest number of bloggers, editors, photographers and journalists.

In lights of these factors among others, Sudwind emphasises the following justifications regarding the importance and need to renew the mandate for the UN Special Rapporteur on the Situation of Human Rights in Iran.

**Importance of the Mandate**

Although the United Nations benefits from several mechanisms and channels that promote and protect human rights throughout the globe, including Iran, perhaps the most effective mechanism by which early warning signs of human rights violations can be detected and acted on is that of mandate holders and special rapporteurs.

Iran has promised to allow some thematic mandate holders to visit the country, however, that remains to be seen. Since 2005 none have been able to enter the country. According to Dr. Hassan Nayeb Hashem “The appointment of the Special Rapporteur on Iran provided an opportunity to draw attention to this matter... despite the fact that the conditions set by the Islamic Republic for the new Rapporteur, meaning appointing a Muslim man from Asia, were all met when Dr. Ahmed Shaheed was chosen to serve in this capacity, his seven requests to visit Iran have remained unanswered... It is important to note, however, that in comparison to the UN Secretary General, Dr. Shaheed continues to receive tens and hundreds of communications from Iranians whose rights have been violated. His presence among Iranian citizens is palpable and his impact on the Iranian government is increasing.” While many mandate holders struggle to attract media attention, the Special rapporteur on
While many mandate holders struggle to attract media attention, the Special rapporteur on Iran enjoys a steady stream of coverage by diaspora media focussed on Iran, as well as Islamic Republic media. The strong attacks on the person and work of the mandate holder points to the impact and importance of this position on Islamic Republic’s domestic concerns and foreign affairs. Given Iran’s poor record in collaborating with the UN and its mechanisms, renewal of this mandate in order to maintain a steady flow of requests by the Special Rapporteur to enter Iran and conduct independent field research regarding reports of human rights violations in that country. According to Dr. Nayeb Hashem “It is vital to inform all relevant authorities that the officer of the Special Rapporteur benefits human rights victims and survivors.”

Another important factor regarding the role of mandate holders is their ability to on independent fact-finding. Given their unique position as associates of the greater UN machinery and their independence professional standing, mandate holders are afforded enough freedom to seek out and corroborate information, collaborate and consult with relevant NGOs, experts and victims and facilitate the emergence of facts and figures in as objective a manner as possible. Furthermore, despite their limited resources, mandates provide ample grounds for coordination of efforts among domestic and international actors involved with promotion and protection of human rights.

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Peace Nobel Laureate, Dr. Shirin Ebadi, explains:

“Contrary to the campaign promises of President Rouhani, reports and statistics point to the fact that the situation of human rights in Iran is deteriorating. This is reflected in the Special Rapporteur’s periodic reports. Due to the great care taken by the current mandate holder, the reports simply contain those facts, which absolute truth and accuracy is ascertained by the Rapporteur, often imparting the impression that some cases go unmentioned. But in reality the current Rapporteur maintains a systematic approach to gathering and corroborating facts through the latest news published by Iranian media, as well as direct interviews and fact-finding through communication tools such as Skype. I hope his mandate is renewed. Given the current circumstances, the presence of a capable Rapporteur with expertise is of great benefit.”

In addition, in the absence of accountability and responsiveness on the part of national authorities, a country-specific mandate holder provides access to the United Nations for victims who otherwise are left with no recourse. By putting a face to this process, ordinary citizens are able to conceive the possibility of reaching out to this singular body and achieving results in a shorter span of time than any other mechanism or channel the UN has to offer. Accordingly, in case of countries such as Iran, with a system-wide and varied range of human rights violations, the presence of a Special Rapporteur remains critical.

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Experience shows that this form of international pressure is effective in the long term.”
Despite Iran’s lack of cooperation, the Special Rapporteur position is an ideal conduit for effective reciprocal communication through technological advances and innovations with the main and marginal communities in Iran. Such a system enables the UN to circumvent blocks and limitations often introduced and endorsed by member states that other mechanisms may not overcome. In addition, having a single person in charge of such a delicate task facilitates cultural nuances and empathy towards victims and survivors that are necessary to gain a fuller understanding of realities at the grassroots level.

Dr. Hasan Makaremi, a psychoanalyst and activist explains:

“An independent figure appointed by the UN, effectively represents its Secretary General. He is able to gather all information, become familiar with the culture and people, including those involved with human rights defense both in and outside of the country in his profile. He is then better able to enter the community and follow the processes involved. Naturally, having a single authority monitor the case on full time basis is far more effective than the council which sessions take place every three months.”

Although the Human Rights Council plays an important role in promotion and protection of human rights, as a nascent body, it remains somewhat illusive to the oppressed masse that lack the knowledge and skills of accessing this international entity foreign to their daily routines and modus operandi. In a country such as Iran where authority remains with a single figurehead, maneuvering a comprehensive administrative system such as the UN remains a challenge. In Dr. Makaremi’s opinion, the presence of a Special Rapporteur focussed on Iran, has helped flattens accessibility to the UN. This is applicable among the
and perhaps more importantly, the marginal communities in remote spots around Iran. In this manner, the Special Rapporteur gradually minimises the existing gap between the nation of Iran and the UN, a fact backed by the hundreds of reports and interviews conducted by the Rapporteur in order to prepare a quarterly report that bother helps to update the Council and raise awareness among the masses.

With the rise of the masses and the increasing importance of engagement and empowerment of civil society to sustain a process of accountability on the one hand, and intensification of human rights violations affecting Iranian citizens on the other, it is imperative to maintain a visible UN authority that strengthens the universality of human rights. This is done through protection of rights by monitoring the situation on the ground on behalf of the UN. It is also done through promotion of customary and soft laws, and normative contributions that promote the universality over and above any justification pivoted on multiculturalism or falsely frame cultural relativism as a phenomenon opposed to the current human rights agenda.

Dr. Ladan Boroumand, the co-founder of Abdolrahman Boroumand Foundation endorses this approach by highlighting the fact that the mandate “means the international community considers Iranians as entitled to inalienable rights and holds the Iranian government responsible. Far more important than the direct impact of the Rapporteur’s reports is the psychological effect of his mandate on the victims who no longer feel isolated and consider international organisations as well as their human rights defenders... On behalf of UN member states, a Special Rapporteur is well-positioned to challenge the Islamic Republic and apply increasing pressure and influence future improvements.”
fact, for more than three decades Iranians have experienced lack of accountability and the culture of impunity that imbues their national administration on many fronts. This has lead to a sense of isolation on the part of many victims and their families. Mitra Pourshajari, a belief rights activist whose father was placed under torture while in custody, expounds this fact by highlighting that over the past few years, the work of the office of the Special Rapporteur “has shown that in the face of oppression and authoritarianism Iranians are not left alone but enjoy support and aid of the international community.”

This is of particular importance, given the fact that the UN suffers from a chronic deficit of resources while its agenda continues to expand and multiply. In this light, in comparison with other mechanisms that often involve a body composed of multiple staff and significant infrastructure, perhaps the most efficient approach to monitoring the situation of human rights is that of appointing a single person, i.e. a Special Rapporteur, to focus on Iran. In addition, such an approach also accommodates victims, who also due to their lack of resources, can then follow a singular path to the UN system and by providing direct information and feedback help increase the UN’s efficiency and relevance to ordinary citizens at all levels of society. According to Iranian journalist Kamyar Behrang, “the Special rapporteur is a source of hope for activists in different fields. Such a mandate imparts the impression that there is ‘a person’ above and beyond partisan political divisions who may defend their rights. In this light, at the very least, the mandate can result in many achievements for Iran and Iranians.”

The work carried out by the Special Rapporteur helps to coordinates and centralizes the body of information available leading to a signifi-
increase in the impact of the UN on its member states and their officials allegedly violating human rights. “There is no doubt that renewal of the mandate can help improve the situation of human rights in Iran” States activist Ehsan Mansouri, “Establishing a better relationship with Iranian representatives and securing the trust of their mission can help the Special Rapporteur increase its influence in Iran. Observing diplomatic nuances when dealing with a government such as Iran with its long history of human rights violations is noteworthy.... Iran may accept some of the recommendations as means of benefitting from the international community, given the impression it hopes to import to the international community with the reformist president, Rouhani. For instance, if the Rapporteur were to focus on issues that mutually benefit Iran and human rights standards, such as the economic sanctions as a violation of human rights of Iranians, it may attract the attention of Iranians officials to the point of direct negotiation with the Special Rapporteur.”

In light of the shifting dynamics of foreign policies on Iran, the increasing interest in economic ties with the Islamic Republic, and its rising influence in the region, now more than ever before, it is essential to maintain a spotlight on Iran’s worsening human rights record. A cursory examination of facts and statistics will demonstrate that compared to other mechanisms at the international level, the Special Rapporteur has enjoyed a strong presence in both Iranian and other media, both in terms of traditional as well as social media. His reports and statements are often reflected and echoed both directly as well as indirectly through the network of NGOs working on Iran. Furthermore, the Islamic Republic officials and organs use state media to launch attacks on the Special Rapporteur and the mandate. Both these processes draw
public attention to the work of the Rapporteur in an unprecedented manner and help highlight the human rights situation in Iran.

Some experts argue that the Islamic Republic is responsive to international pressure and the construction and reflection of its image globally. The role of the Special Rapporteur in uncovering and reflecting realities affecting the lives of citizens in Iran yields a great deal of influence. “Iran tried to project an image of empathy,” argues Morteza Esmailpour, a journalist and human rights activists, “however, let us remember were it not for the mandate, Iran would have continued the same pattern of mass executions among political and civil rights activists as it did in 1988. The Iranian government is concerned with the reaction of international organisations, in particular the UN, and therefore, the role of the Special Rapporteur can be quite positive.” Another journalist and activist, Ali Kolaie, explicates further by pointing out “beyond political and economic matters such as the nuclear issue, what matters most to political rivalry, geopolitical and strategic struggles is the fundamental and primary issue of human rights of Iranians at the international level. This means that after three decades of systematic oppression, the mandate affords all Iranians the opportunity to demand their inalienable and fundamental rights in Iran. Rouhollah Zam, an election authority in 2005 and a former prisoner, points to the fact that the regular reports authored and published by the Rapporteur reflects the views and facts presented by a wide range of experts and victims rendering his work “significant psychological and political influence on intelligence and judicial pillars of the Islamic Republic administration.”
Payman Aref, a lawyer and former prisoner echoes the same. He states: “the appointment of a Special Rapporteur is a sign of the international community’s attention to the serious human rights violations in Iran, thereby mitigating the possibility of further instances.”

The fact remains that for years this mandate was not renewed. Such a move on the part of the UN created conditions propitious to the policies of violence that have afflicted citizens in Iran more intensely since 2009. The appointment of the most recent Rapporteur met every requirement proposed by the Islamic Republic mission. However, Iran continues to violate the rights of its citizens and refuses to cooperate with the Rapporteur. Instead, Iranian authorities point a finger at gaps and possible inaccuracies in the reports submitted by the office of the Rapporteur. According to Mohammad Olyaifard, a legal expert on Iran, “this is a shortcoming on the part of Iran for refusing entry to the Rapporteur whose mandate requires him to submit regular reports.”

Conclusion

Research carried out by Sudwind highlights the vital impact of the mandate on sustaining a direct communication channel with Iran regarding its duty to promote and protect the rights of its citizens by monitoring and investigating allegations of human rights violations, visiting Iran to engage with appropriate individuals and bodies in order to furnish relevant UN bodies with regular reports and the international community with information. Sudwind maintains the position that the United Nations and its member states have met every condition set by Iran to set this mandate and appoint its holder. However, Iran has
continued to refuse him entry into the country as required by Human Rights Council resolution A/HRC/16/9. Therefore, Sudwind strongly recommends the renewal of the mandate until such time the Islamic Republic has fully cooperated with the United Nations and has lived up to its responsibilities under international laws.