

Putting Human Rights Into Negotiations With Iran



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During the presidential campaign, candidate Biden never spared his words criticizing the Trump administration's Iran policy, in particular the decision to withdraw from the Joint Comprehensive Plan of Action (JCPOA). This so-called "Iran Deal" was the signature foreign policy accomplishment of the Obama administration, which his successor revoked in May 2018. In its place, the U.S. has been pursuing a "maximum pressure campaign"--if not always consistently--through sanctions, with the goal of forcing Iran back to the negotiating table.

The prospect of a return to the JCPOA fit into the Biden campaign's general political narrative of returning to the policies of the Obama era. Reestablishing the status quo ante Trump as far as Iran is concerned could additionally contribute to rebuilding trans-Atlantic ties, since the European allies are eager to see the U.S. back in the JCPOA. More broadly, a return would amplify Biden's stated goal of reasserting an American commitment to multilateralism, by drawing a clean line separating him from the Trump-era unilateralism associated with the program of "America First." Getting back into the Iran Deal is a likely priority of a Biden agenda.

However, instead of a straight-forward return to the JCPOA, there have been suggestions of the need for an alternative to the JCPOA. Biden has said as much, although sometimes in the form of a two-phase process: a return and then a more expansive agreement or a "better deal." Many view the JCPOA in its current form as insufficient, failing to address a range of contentious points. Secretary of State Pompeo enumerated twelve terms for an

improved agreement in May, 2018, including the return of all U.S. prisoners, ending Iran's missiles program, and terminating Tehran's destabilizing regional foreign policy.

Yet for the credibility of American foreign policy broadly--with Iran, in the Middle East and globally--it would be a grievous mistake to pursue any agreement that does not give significant attention to a file that the Obama-Biden administration largely disregarded: human rights. Iran is major violator of international human rights norms. This is no secret, certainly not to the U.S. government. On the contrary, the U.S. reports on human rights abuses regularly. Leaving human rights out of the prospective negotiations with Iran would be an indefensible betrayal of the Iranian people as well as American ideals.

Rights have been looming larger in American foreign policy recently. The Trump administration's treatment of China has increasingly called out human rights abuses, while the Department of State under Secretary Pompeo has underscored the importance of human rights, including with its Report on Unalienable Rights. The Biden administration will have to decide if it will continue this emphasis on rights or whether it will revert to the ignoring of human rights, which Secretary Kerry excluded from the so-called "comprehensive" Iran negotiations.

It is important to highlight the egregiousness of Iran's human rights violations, even if space here permits for only the shortest of summaries, drawing on U.S. government sources.



The Bureau of Democracy, Human Rights and Labor in the State Department issues annual reports on human rights in all countries. The 2019 report on Iran gives prominent attention to the violent suppression of last year's protest movement: "In response to widespread protests that began November 15 after a fuel price increase, the government blocked almost all international and local internet connections for most of a week, and security forces used lethal force to end the protests, killing approximately 1,500 persons and detaining 8,600, according to international media reports. There was no indication government entities were pursuing independent or impartial investigations into protester deaths." Astonishingly, this is only the tip of the iceberg; the report also describes systematic abuse of human rights by the Iranian regime, including--but not limited to--the use of torture and other degrading punishments, arbitrary arrests, unfair trial procedures, inhuman conditions in prisons, politically motivated arrests and punishments, and a systematic abuse of migrants, refugees and stateless persons.



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A separate report prepared by the Office of International Religious Freedom treats Iran's parlous record in this arena. The Iranian Constitution defines the country as an "Islamic Republic," with special privileges reserved for Islam; the only other faiths allowed are Judaism, Christianity and Zoroastrianism, but with strict limitations on their practice. There is no genuine religious freedom. Conversion by Muslims to other faiths is prohibited, and proselytism of Muslims is a capital crime. Non-Shia Muslims, especially Sunni, face discrimination as do members of the Baha'i community in particular. Non-Muslims are excluded from serving in parliament, except for five (out of 290) seats reserved for the permitted minorities. The mandatory prioritization of Islam plays out as well with regard to clothing rules for women: "The government continued to require women of all religious groups to adhere to 'Islamic dress' standards in public, including covering their hair and fully covering their bodies in loose clothing -- an overcoat and a hijab or, alternatively, a chador (full body length semicircle of fabric worn over both the head



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Iranian in Canada on Mel Lastman Square demonstrate against the execution of wrestler Navid Afkari by the Iranian regime, in Toronto, Ontario, 15 September 2020. The death sentence caused international uproar, yet the regime persisted.
Getty Images

and clothes). Although the government, at times, eased enforcement of rules for such dress, it also punished ‘un-Islamic dress’ with arrests, lashings, fines, and dismissal from employment. The government continued to crack down on public protests against the compulsory hijab and Islamic dress requirements for women. International media and various human rights NGOs reported the 24-year prison sentence on August 27 of women’s rights activist Saba Kord Afshari for her involvement in protests against the compulsory hijab.[...] In April authorities arrested three anti-forced-hijab activists, Mojgan Keshavarz, Monireh Arabshahi, and her daughter Yasaman Ariyani, for their widely shared video via various social media networks on March 8, International Women’s Day, depicting the women handing out flowers in the Tehran metro while suggesting to passengers that the hijab should be a choice. According to Human Rights Watch, on July 31, branch 31 of Tehran’s revolutionary court sentenced each of them to five years in prison for ‘assembly and collusion to act against national security,’ one year for ‘propaganda against the state,’ and 10 years for ‘encouraging and enabling [moral] corruption and prostitution.”

In addition, the State Department’s annual report on Trafficking in Persons details Iran’s shameful record, at odds with international norms, involving human trafficking for

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labor, prostitution, and participation in Iran’s foreign military forays. It describes “a government policy or pattern of recruiting and using child soldiers, and a pattern of government officials perpetrating sex trafficking of adults and children with impunity. Government officials continued to perpetrate and condone trafficking crimes with impunity, both in Iran and overseas [...] In addition, the government failed to identify and protect trafficking victims among vulnerable populations and continued to treat trafficking victims as criminals, including child sex trafficking victims. Victims continued to face severe punishment, including death, for unlawful acts traffickers compelled them to commit, such as prostitution and immigration violations.”

These three government reports provide more details, as do the accounts provided by NGOs, especially Human Rights Watch and Amnesty International. Trigger warning: some of the accounts are graphic and heart-wrenching, particularly with regard to the mistreatment of political prisoners and Iran’s use of torture.

There is no doubt that Iran is an egregious human rights violator, and it is equally certain that the U.S. government is well aware of this. Therefore, if the Biden administration insists on reopening negotiations with Tehran, it has an obligation to put human



Cold War museum. Nuclear rocket missile warhead model figure at garden. Getty Images

rights on the table: no sanctions relief without human rights reform. In addition to pursuing an end to Iran’s ambitions for nuclear weapons, the U.S. should insist that Iran comply with international human rights norms. If Washington does not do this, no one else will. A reasonable program could include points such as these:

- **banning torture and opening prisons to international inspections**
- **granting religious freedom and ending discrimination against minority faiths**
- **ceasing mandatory dress codes for women (imposition of the veil, etc.)**
- **terminating coercion into military service, especially for children**
- **prosecuting government officials engaged in sex trafficking and forced labor**
- **ending press and internet censorship**
- **release of all political prisoners, prisoners convicted of gender dress code**

violations, and anyone convicted without due process

In terms of internationally recognized norms, these are all reasonable policy goals; others could surely be added. In terms of the reality of Iran, achieving these goals would represent a profound amelioration of the lives of the Iranian people. In terms of decades of American policy and statute mandating the pursuit of human rights, these are exactly the sorts of goals the U.S. should pursue, especially in light of the leverage the existing sanctions program provides.

If Washington fails to raise human rights concerns in the pending negotiations with Iran, it will squander this leverage, and it will lose credibility to raise the question of rights toward any other regime, in the Middle East and beyond. Cynics, realists and pro-regime Iran lobbyists will dismiss these human rights concerns as fabricated, marginal to disarmament concerns, or matters of legitimate “cultural difference.” Yet an American administration intent on laying claim to global leadership should integrate them firmly into its foreign policy agenda.