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NORTH AMERICA

THE CENTURY FOUNDATION

Placing Human Rights Violations in Iran on Top of the Foreign Policy Agenda:

A New Imperative for U.S. and European Governments

by Geneive Abdo and Sebastian Gräfe

Published by the Heinrich Böll Stiftung North America
Washington, October 2010

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ACKNOWLEDGMENTS

The insideIRAN Project at The Century Foundation and the Heinrich Böll Stiftung North America would like to thank Barbara Lochbihler, head of the Iran Delegation in the European Parliament, for sponsoring the meeting in Brussels on which this report is based. We also would like to thank the National Security Network for its input and participation. We are grateful to the Iranian, American, and European participants of the advisory group, whose names are confidential. We also would like to thank the researchers who contributed to this report, in particular Shayan Ghajar, a researcher with the insideIRAN project. We are grateful to Jason Renker of The Century Foundation for his meticulous editing and insights. And finally, we wish to express our gratitude to Ambassador Morton Abramowitz, who has supported this project since it began.

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EXECUTIVE SUMMARY

On July 2, 2010, the insideIRAN project at The Century Foundation, the Heinrich Böll Stiftung North America, and the National Security Network convened in Brussels the second meeting of the Iran–U.S. advisory group, comprised of Iranian academics, former officials in the regime who have now joined the opposition, Iranian activists with ties to the opposition, European and American experts, and officials and diplomats. The focus of the meeting was upon the human rights situation in Iran and appropriate action from the United States and European Union.

Participants stressed the urgent need for the world community to draw attention to the Iranian regime's human rights violations—and highlighted ways in which the regime is vulnerable to international criticism. They also emphasized how activists and civil society can benefit from international attention. It was agreed that the United States and the European Union must arrive at a coordinated effort to highlight violations and support civil society without allowing Iran to argue to its citizens that international support for human rights is only a closet effort by the West to topple the regime.

To this end, the group identified three key areas of recommendations:

1.Monitor and Highlight Iran's Human Rights Violations

- The Iranian government is sensitive to international criticism of its human rights record and pays attention when human rights issues—particularly specific cases—are raised at the highest levels with the same urgency as the nuclear portfolio. Therefore, Iran should be challenged to demonstrate its human rights record, in accordance with the international human rights standards that it claims to adhere to, by allowing UN human rights monitors into Iran for both monitoring and highlighting purposes. The European Union, the United States, and other relevant international actors should develop a coordinated approach to apply pressure on Iran to allow monitors into Iran.
- A comprehensive EU and U.S. policy on human rights in Iran should also be developed to support these efforts.

2. Support the Rights and Needs of Iranian Refugees

- Substantial numbers of Iranian political refugees already are in Turkey; their numbers can be expected to increase, both in Turkey and elsewhere. The United States, the European Union, and Turkey should therefore increase the numbers of persons granted refugee resettlement status and also increase funding to the UNHCR as well as to NGOs dealing with the refugee crisis unfolding in Turkey. The Turkish government, in particular, should grant full refugee status to those Iranians within its territory.

3. Increase Assistance to NGOs that Support Iranian Civil Society

- NGOs located outside of Iran need increased assistance in order to help those—both NGOs and individuals—living inside Iran. Specifically, private foundations and governments should increase their funding in order to help NGOs organize conferences outside of Iran that human rights activists from Iran can attend for training.
- NGOs also should conduct training online, if it proves impossible for Iranian human rights activists to travel outside of Iran to participate in conferences or workshops.

INTRODUCTION

As more time passes since the disputed June 2009 election in Iran that returned President Mahmoud Ahmadinejad to power, the Iranian regime's campaign of repression against its own citizens deepens. During the heated months that followed the election, the authorities imprisoned thousands of high-profile activists, and in some cases subjected them to severe torture. Later, they moved on to minor figures who had participated in a few demonstrations, but were virtually unknown. And now, young Iranians with only limited experience with social disobedience are being expelled from universities and their academic records expunged. The regime appears to want to cleanse academia of any young civil society actors who are opposed to Iran's authorities. In addition, the pace of executions, not only for alleged politically related crimes, but for adultery and other social behavior deemed un-Islamic, has increased. Even those comprising the pillars of the Islamic republic, such as members of the clergy, are being targeted for their criticism of the behavior of the security forces and figures in the regime such as Ahmadinejad, whom critics believe has distorted Islamic doctrine in order to advance his political ambitions.

Now more than ever, the segment of the Iranian population seeking positive change feels depleted and disillusioned. A sizeable percentage of young Iranians—no reliable data exists to determine the precise numbers of youth opposed to the regime—have given up hope that reform may occur anytime soon, according to media reports and first-hand anecdotal information. Others, who have the resources to do so, are fleeing, either to neighboring Turkey or further on to European states. In both cases, Iranians opposed to the regime are looking to Western governments to take action to draw attention to the unprecedented human rights violations.

During the immediate aftermath of the 2009 election, President Barack Obama criticized the regime for its human rights abuses. During a press conference on July 23, 2009, President Obama said that the United States and the international community have been "appalled and outraged by the threats, the beatings and imprisonments of the last few days. I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost."[1]

However, no policy attempting to penalize the regime or to aid Iranian civil society followed. The U.S. administration believed it should be cautious so as not to taint the opposition movement in Iran. As Secretary of State Hillary Clinton explained, the United States believed that dealing with Iran was a "balancing act." At that time, there was hope Iran would agree to demands made by the five-plus-one members of the UN Security Council on its nuclear program. Therefore, some officials in the Obama administration believed that showing support for the Iranian opposition by adopting policies to respond to the human rights situation could discourage the regime from participating in the nuclear negotiations.

Since that time, however, the United States has altered its course toward Iran and is now pursuing a dual-track strategy. On September 29, 2010, President Obama issued an executive order that sanctioned eight individuals whom the United States had identified as human rights violators. The sanctions are possible due to legislation passed by the U.S. Congress. The executive order allows President Obama to target certain individuals within the regime. In addition, the United States has focused attention on individual human rights cases as a way to pressure Iran. The high-profile case of Sakineh Mohammadi Ashtiani is one example. She is charged with adultery, and Iran has declared that she received a death penalty verdict from a court. The authorities have said she will be either stoned to death or killed by another means. On August 12, 2010, Clinton said: "The United States is deeply concerned that Iran continues to deny its citizens their civil rights and intimidate and detain those Iranians who seek to hold their government accountable and stand up for the rights of their fellow citizens. We remain troubled by the case of Sakineh Mohammadi Ashtiani, who garnered international attention for her verdict of death by stoning. While the Iranian Government later stated she would not face execution by stoning, her fate is unclear."[2]

This report focuses on the desires of Iranians who are directly involved in the opposition movement or who support the movement regarding the steps governments should take to pressure Iran on its human rights violations. The report is based upon a meeting of the Iran-U.S. Advisory Group, which is being led by the insideIRAN project at The Century Foundation and the National Security Network. The meeting, which focused on human rights, was held on July 2, 2010, in Brussels, and was sponsored by the Heinrich Böll Stiftung North America and was chaired by Ms. Barbara Lochbihler, head of the Iran Delegation in the European Parliament, who has been engaged in the issue of human rights in Iran for several years. The advisory group, which meets at least twice a year, consists of Iranian academics, former officials in the regime who have now joined the opposition, Iranian activists with ties to the opposition, and European and American officials and diplomats.

The advisory group aims to improve the understanding of the political crisis in Iran, particularly the state of the regime and the opposition, and to focus attention on policy steps that will be most effective in helping Iranians reform the political system, or at the very least, create space for a more open public debate about the regime.

At the Brussels meeting, participants emphasized the urgent need for the world community to draw attention to the human rights violations being committed by the regime. It was agreed that—based upon overwhelming evidence gathered by international groups such as Amnesty International and Reporters Without Borders—Iran is vulnerable to criticism for its human rights violations. Increasingly, Iran's regime is losing popular support, even among its staunchest loyalists, many of whom question the legitimacy of an Islamic state that brutalizes its own citizens. Therefore, concrete action should be taken on a global scale to make human rights in Iran as much of a policy concern as Iran's nuclear program. In addition to seeking to improve the situation inside Iran for humanitarian reasons, the advisory group agreed that another important benefit to highlighting the human rights violations is to turn public opinion inside Iran against the regime. In the long term, altering public opinion also can bring about positive change.

1 Stephen Kaufman, "U.S. Appalled and Outraged by Violence against Iranian Protesters," America.gov, June 23, 2009, http://www.america.gov/st/peacesec-english/2009/June/20090623151810esnamfuak0.2165491.html

2 P. J. Aroon, "Clinton to Iran: Don't Execute Your Citizens; Respect Human Rights!" Foreign Policy, August 12, 2010.

THE REGIME'S STRATEGY

A former official in the Iranian Interior Ministry, who attended the advisory group meeting in Brussels, offered an overview of the Iranian's state's strategy toward civil society—an approach that began after the 2005 election of President Ahmadinejad. This strategy, he explained, includes: neutralizing actual and virtual social networks; cleansing the media and universities of dissenting voices, making these two centers the focus of the crackdown; and shutting down civic organizations, particularly those focused around political change, such as student groups, and women's rights groups, through court order. Judges have become a critical institution in the regime's crackdown on civil society, even though there have been moments of progress. For example, Judiciary Chief Sadeq Larijani, an Ahmadinejad foe, publicly has instructed the judges on several occasions under his supervision not to allow court decisions to be politically motivated. Nevertheless, Larijani has not managed to objectify the judicial system, which is used as a major weapon by hardliners to quash dissent. This former Iranian Interior Ministry official said: "The international community must take a clear stance against the government with regard to (its treatment) of the civil rights movement in Iran. Second, in order to create a democratic society, we must build up civil society. Third, we must address the situation that all human rights organizations in Iran are banned. Fourth, we must address the lack of the free flow of information. Following the complete takeover of civil society, the government is seeking to dominate cyberspace as well."

Another advisory group participant, an Iranian diplomat who defected in January 2010 and has been granted political asylum in Europe, added that the regime has managed to convince a sizable part of the Iranian population that its clampdown on civil disobedience is necessary because civil society actors are agents of Western states that seek to

overthrow the regime. He said this strategy has deterred more activism because those arrested are accused of espionage, a crime that carries the death penalty. The result is a state of terror in Iran. More than one year after this campaign of fear began, Iranians are afraid to engage in any activity whatsoever that could be perceived by the regime as a challenge to the state. Organizations that were involved in the demonstrations of 2009, such as the well-known Million Signature Campaign, which promoted equal rights for women, have been banned from gathering.

Iran's authorities also have closed the door to foreign human rights experts seeking to enter the country to document the abuses. The former Iranian diplomat who defected in January told the advisory group that, while he served in the foreign ministry at his various diplomatic posts abroad, he was ordered to deny visas to any foreigners attempting to enter Iran to conduct human rights investigations. "The reason is that the human rights situation in Iran is so bad that the Iranian government is worried about concrete documentation escaping."

This participant also called upon Western diplomats to emphasize the human rights abuses during their meetings with Iranian diplomats. "In the meetings I had when I was a diplomat with European officials, the main issue raised by them was the nuclear issue. They would briefly touch upon human rights at the end of the session. So in the reports I sent back to Tehran, (which were focused on the nuclear issue) the Iranians never took human rights very seriously." According to a source within European institutions, the EU currently is reviewing its approach to Iran and discussing appropriate channels and methods to address the human rights violations. Iran has expressed an interest in re-launching official human rights dialogue with the EU. However, EU member states are skeptical as to whether the Iranians are serious or just trying to circumvent increasing pressure on the regime, particularly in light of the frequent EU demarches and statements. Iran appears to be more cooperative in receiving EU human rights demarches in Tehran than it was the first half of last year.[3]

Several advisory group members also noted that in the eyes of the Iranian state, the United States has a tarnished record on human rights due to the inhuman treatment of Iraqi prisoners, the existence of Guantanamo, and the annual rate of death penalty convictions in the United States. Therefore, they believe it is European states that should take the lead in bringing Iran's human rights record to the world stage. "I speak from my experience in the government and from my friends in the foreign ministry," said the former Iranian diplomat. "If the West focuses on human rights, the situation in Iran will change for the better."

As is the case every year, Canada this Fall will table a resolution at the UN General Assembly addressing the human rights situation in Iran. There was pressure to re-establish a special UN country mechanism on Iran, such as a special envoy or representative, but it was feared that such an initiative would put the successful adoption of the resolution itself at risk. Another multilateral approach would be to follow up on the commitments Iran has made earlier this year during the UN Universal Periodic Review process and commitments they have made elsewhere.

3 Interview with Sebastian Gräfe, October 13, 2010; see also Declaration on human rights in Iran by the High Representative Catherine Ashton, June 12, 2010, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/cfsp/115144.pdf

THE STATE OF HUMAN RIGHTS IN IRAN

It is not the purpose of this report to provide extensive documentation of the human rights abuses in Iran. Instead, we would like to provide references to the most reliable and authoritative reports documented thus far.

It is clear from the majority of reports coming out of Iran that, in an effort to crush the momentum of the Green Movement and the growing discontent with the Islamic Republic's government in other sectors of society, the regime is using the harshest possible tactics against any individuals or groups displaying the slightest signs of dissent. The government also is pursuing preventative measures, stifling any speech not coming directly from the mouths of state-run media, and gaining financial and physical dominance over all forms of communication, from the Internet to cell phone services. Finally, thousands of detainees languish in Iranian jails, subject to horrific torture. Organized and targeted campaigns of repression have been enacted by the government against all dissenting groups in Iranian society, ranging from women's rights activists to bloggers, from protesters to ethnic and religious minority leaders. At present, the situation shows no signs of abatement or amelioration.

According to Reporters Without Borders, Iran ranks 172 out of 175 countries for stifling freedom of speech, above only North Korea, Eritrea, and Turkmenistan. At present, 27 journalists have been imprisoned in 2010.[4] Since June, 2009, more than 100 journalists have been arrested, with 50 more driven into exile.[5] Twenty newspapers were closed, while thousands of websites were blocked and Iran's web-filtering system was upgraded and consolidated so that the government could control access to websites more easily.[6]

The massive protests that followed the disputed June 2009 election sparked violence against peaceful demonstrators on a scale never seen before in the Islamic Republic. The government of Iran put the death toll of protesters around 40, though estimates from hospital officials cited by the *New York Times* as early as July 2009 placed the minimum figure at around 100.[7] Meanwhile, thousands of protesters were arrested and detained in numerous holding areas under the harshest possible conditions.

Detained protesters and their families have informed numerous human rights organizations, such as Amnesty International and Human Rights Watch, of endemic torture in the government's detention facilities. Methods of torture range from purely psychological torture, such as holding mock executions, to terrifying prisoners into coerced confessions, to direct physical torture including beatings, electrocution, and brutal rape. Many families in Iran claim to have received no word of their detained relatives for months, only to have their battered remains released to the family for burial.

The government responded to the deaths and allegations of rape by shutting down one detention center, Kahrizak, while firing Tehran's prosecutor general, Saeed Mortazavi, from his post. Mortazavi, however, soon thereafter was appointed deputy prosecutor general of the entire nation. The government also continues to deny that any rape of detainees took place in any facility.

Since the disputed election, the government has pursued an even harsher stance than before against minorities suspected of dissenting views or activities. Unknown but significant numbers of Kurdish activists have been arrested, and state media in Iran widely covered the execution of five accused of being terrorists, including a woman and a schoolteacher with no known ties to any violent groups. Similarly, hundreds of Turkmen were arrested following protests against the shooting of a local fisherman, and at least six of those detained were children under fifteen years old who were then tortured with shocks, beatings, and raped with objects, according to Amnesty International.[8]

Religious minorities, such as converts from Islam and members of the Baha'i faith, have been arrested in unknown numbers and some (also of unknown number) have been executed.

Women's rights activists have been targeted more than ever before since June 2009, and they continue to be the regime's number one target. Prominent activists such as Saba Vasefi, Nasrin Sotoudeh, and Shiva Nazar Ahari have been attacked, arrested, and put on trial (respectively) within the past few months. Their stories adequately represent the multiple techniques of government suppression and intimidation used against activists: Vasefi, a campaigner against the use of capital punishment on children, was intentionally hit by a plainclothes government agent on a motorbike and put in a coma for one hundred hours before regaining consciousness. Sotoudeh was arrested for her work as a defense attorney for other activists. Ahari, a women's rights activist, was sentenced to six years in prison, with a fine of $500,000 hanging over her family if she escapes into exile before her trial continues. She is eligible for the death penalty under Iranian law, as she has been charged with "fighting against God," according to media reports and statements from Iranian officials.

4 See the section on Iran on the Reporters Without Borders website, http://en.rsf.org/report-iran,153.html

5 Ibid

6 "Regime Continues to Close Newspapers, Impose Jail Sentences on Journalists," Reporters Without Borders, August 20, 2010, http://en.rsf.org/regime-continues-to-close-20-08-2010,38185.html

7 Robert F. Worth, "Reports of Prison Abuse and Deaths Anger Iranians," New York Times, July 28, 2009, http://www.nytimes.com/2009/07/29/world/middleeast/29iran.html

8 See the section on Iran on the Amnesty International website, http://www.amnesty.org/en/region/iran/report-2009

LACK OF ACCESS TO INDEPENDENT INFORMATION INSIDE IRAN

One of the most disturbing aspects of Iran's human rights violations is its shutdown of independent media. The Iranian participants of the advisory group continued their discussions about the need to address the blockade on independent media and information entering Iran. The discussions followed a robust debate by the advisory group during the first meeting in Washington, D.C., in February 2010, which focused on Internet freedom.[9]

In Brussels, the participants focused upon a specific strategy to counter the regime propaganda that is perpetuated by the state-run newspapers, television stations, and websites. Because there is no opportunity to launch independent newspapers or television networks inside Iran, participants called for creating a Persian-language television network that would be established in Europe and run by reform-minded journalists who have fled Iran over the past year. Two of the Iranian participants at the Brussels meeting were journalists in Iran who had worked for quasi-independent publications until they were closed over the past year. They believe such a network should broadcast news in Persian, which would serve to counter the pro-regime propaganda that is now broadcast on the state-owned channels.

9 Geneive Abdo, "Dealing with Iran: Time for a 'Middle Way' between Confrontation and Conciliation," The Century Foundation, April 14, 2010, http://tcf.org/publications/2010/4/pb710

One advisory group participant said, "Our television could act as a medium to nullify the Iranian regime's lies and mud-slinging machine. The IRI has done a good job lying about people and creating fights within the opposition. It is wise to answer propaganda with counter-propaganda.... It is also important that people who work at this television network are professional journalists. There needs to be a combination of journalists and activists. We need both; people with good reputations." Continuing, he said that many journalists had left Iran over the past year to go to various countries and now were unemployed. This television network could employ those journalists who recently left Iran.

A similar satellite television channel was launched in July 2010 by some supporters of the Green Movement, including Ibrahim Nabavi, a former journalist who left Iran several years ago. The Brussels-based satellite station, called RASA TV, functions to disseminate progressive ideas.

The satellite television station that the advisory group members propose, however, would strive to be more objective, and advance neither the ideas of the state nor those of a particular political faction. "This TV should not be an exclusive network for a certain ideology," said one participant. "Mr. Nabavi and his friends want to make RASA a Green Movement television station. However, the Green Movement is a loose and large coalition. But Mr. Nabavi and his friends want to make their TV available to people who think like them. Ours would not purport to reflect the views of the Green Movement."

THE STATUS OF IRANIAN REFUGEES IN TURKEY: ESCAPE AND POLITICAL ASYLUM

With the tremendous increase in violence and repression against diverse groups of Iranians after the election in June 2009, the numbers of Iranians fleeing their home country have been increasing sharply.[10] Yet, the Iranian exodus over the past eighteen months has not gained much worldwide attention.

Those who have left or are currently leaving Iran include not only members of the political opposition, journalists, and bloggers, but also victims of religious or homophobic repression and violence. The regime's most extreme hardliners and the security apparatus—including the Islamic Revolutionary Guards Corps and the *basij* militias under their command—are behind this campaign of violence.

Many Iranians flee to Turkey by various means, legally or illegally—by plane, which often requires bribes to security staff, or via the Iranian-Turkish mountains. Often, they are aided by smugglers. All of these conditions pose a danger to their health. At the end of 2009, 4,242 Iranians in need of protection had been registered with UN High Commissioner for Refugees (UNHCR) in Turkey.[11]

10 "Report on the Situation of Iranian Refugees in Turkey," OMID Advocates for Human Rights, June 2009, http://www.omidadvocates.org/uploads/2/4/8/2/2482398/report_on_the_situation_of_iranian_refugees_post_june_12th_one_year_later.pdf

11 Fulya Özerkan, "Increase not surge in asylum seekers from Iran, says UN spokesman," Hürriyet Daily News, February 17, 2010 http://www.hurriyetdailynews.com/n.php?n=increase-not-surge-in-asylum-seekers-from-iran-un-spokesman-2010-02-17

According to a UNHCR official in Ankara, the numbers of Iranians crossing the border from Iran and seeking refugee status is expected to increase dramatically in 2011. In a meeting in Ankara in August with one of the authors of this report, the UNHCR official explained that the optimism among Iranian activists that had existed after the disputed 2009 election has waned. Now, many young Iranians have given up hope for positive change and wish to leave Iran.[12]

In Turkey, many of the refugees are waiting for possibilities to travel further West, to EU countries, or to the United States. The situation for refugees in Turkey is in general anything but pleasant. Turkey's main immigration laws are from the 1940s. Several human rights organizations have noted the problems for many years.[13] Turkey ratified the UN Convention Relating to the Status of Refugees—often referred to as the Geneva Convention—in 1962, with the provision that it would apply only to European refugees. Therefore, non-European refugees are granted status only as asylum seekers, which falls short of the protections of refugee status. With asylum seeker status only, refugees are not eligible for financial aid. Instead, they have to pay a fee of approximately 180 EURs every six months, and they are not legally allowed to take a job. In some areas of the country, municipalities have recently lifted this requirement.

For those seeking political asylum, they must apply through the UNHCR, a process which to date takes about two years. Once registered, the refugees are assigned to provincial cities primarily in Anatolia, where they have to wait for the next steps in the examination of their asylum application. Kayseri, a large city in Central Anatolia, is believed to be the one with the largest group of recent refugees from Iran. Usually, a couple of months after registering with the UNHCR in Turkey, the asylum seekers are summoned for an interview with the UNHCR in Ankara, which is similar to interviews by asylum agencies in the EU. If the UNHCR accepts the application, it could take months, if not years, until a country has been found for resettlement. The refugees must accept the country to which they are assigned. In 2009, UNHCR was able to resettle 1,575 Iranian refugees from Turkey to Western countries. The United States accepted 1,169; Canada, 255; Australia, 89; Sweden, 45; the United Kingdom, 5; Finland, 5; Netherlands, 4; and France: 3.[14]

The current pace of affairs means that asylum seekers in Turkey could be forced to remain there without jobs or any form of livelihood for two years. The UNHCR, along with the U.S. government, is working to reduce the waiting period to six months, according to the UNHCR official. The United States has awarded the UNHCR additional funding of $700,000 in 2010 to apply toward resources to reduce the waiting period.

In addition to the bureaucratic obstacles, some high-profile Iranian dissidents could face threats from Iranian security agents inside Turkey. There is widespread fear among Iranian activists that remaining in Turkey makes them vulnerable to abuse by Iranian agents, who maintain a known presence along the Turkish-Iranian border and in Turkish resettlement towns near the border. In addition, according to U.S. officials, there have been two documented cases of Iranian activists who have been harassed by Iranian agents once they arrived inside Turkey. One case occurred in the town of Kayseri. Such harassment, however, is not widespread, according to U.S. and UNHCR officials. For the most part, the Turkish government has maintained its territorial sovereignty from Iran's regime.

12 Interview with Geneive Abdo, August 6, 2010

13 Judy Dempsey, "Seeking Sanctuary, Finding None," New York Times, August 4, 2010, http://www.nytimes.com/2010/08/05/world/europe/05iht-letter.html

14 Ibid., see also map on page 19

EU POLICIES AND THE REFUGEE EXPERIENCE

With the Dublin II regulation of the European Union beginning in February 2003, the country where the refugee first enters the "Dublin II area"[15] has jurisdiction over asylum applications. Iranian refugees have experienced the rigidity of the system due to the fact that they must remain in the Dublin II country of first entry until they are granted asylum status. Even after arriving in their desired country of final destination, they could still be sent back to the country of first entry within the Dublin II area.

According to reports conducted by several refugee organizations, not all participating states meet the criteria of a fair and efficient examination of asylum applications. In a rare ruling in July 2009, a German court allowed an Iranian refugee to pursue his asylum application in Germany even after his deportation back to Greece, where he had first entered the Dublin II area. The court acknowledged that, in Greece, his legal proceeding to seek asylum had neither met Greek nor EU standards.[16] Refugee organizations, the UN Special Rapporteur on torture and other cruel, the UNHCR, and the Council of Europe have criticized the handling of refugees in Greece on several occasions.

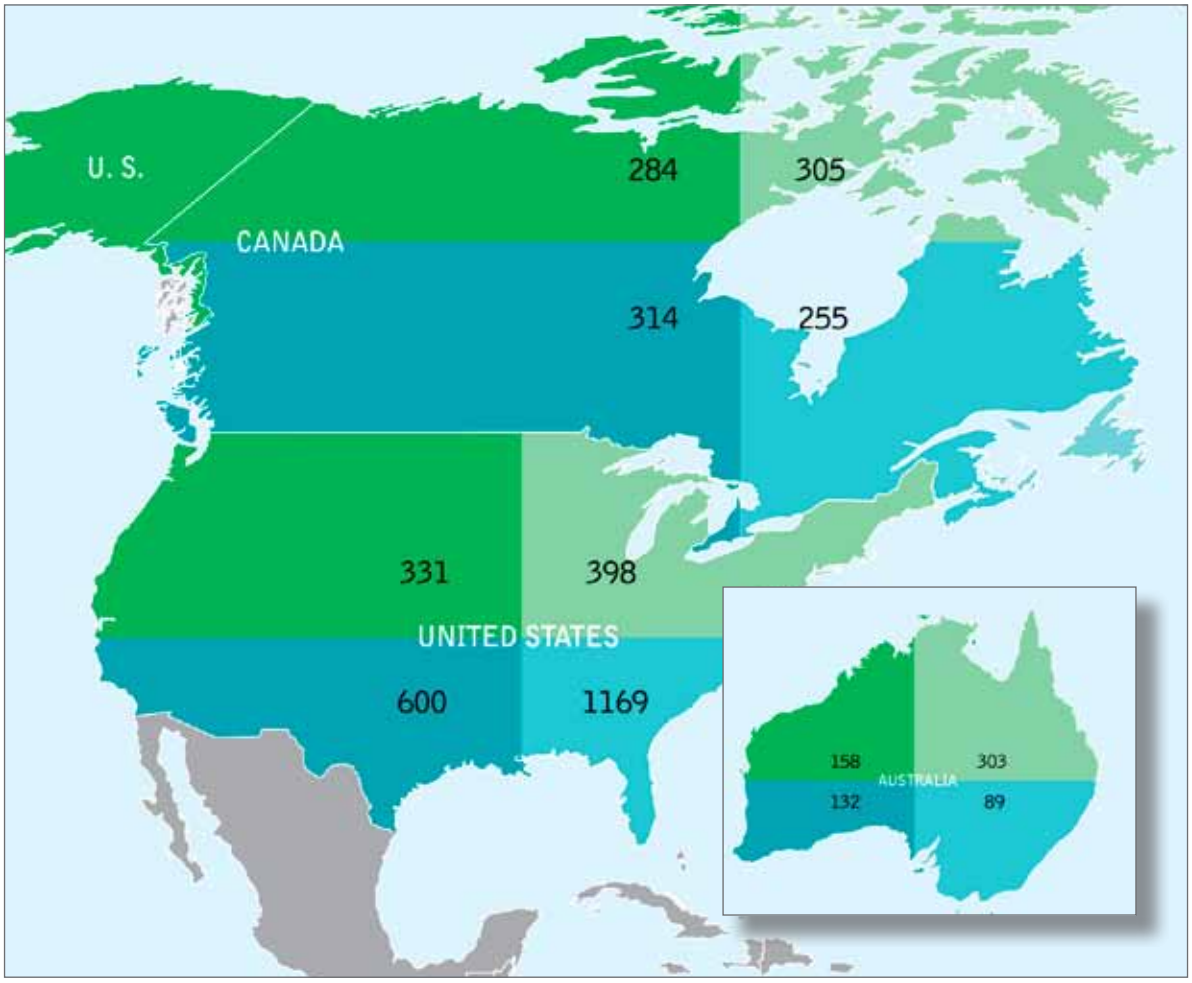
15 The "Dublin II area" (sometimes referred to simply as the "Dublin area") slightly differs from the EU area. Denmark does not participate to the Dublin II system. Norway and Iceland do participate though they are not EU Member States. In addition, Switzerland has also signed an association agreement with the EU and hence fully applies the Dublin-II regulations.

16 For more information about the case see: http://www.proasyl.de/de/news/detail/news/urteil_zur_ueberstellung_eines_asylsuchenden_nach_griechenland_liegt_jetzt_vor/back/714/?cHash=1cc235e27c&no_cache=1&sword_list%5B0%5D=griechenland

In general, refugees seeking safety in the Dublin II area can decide whether to apply for asylum status or humanitarian protection, which is also called subsidiary protection. Whereas the Dublin-II system for the time being only applies to asylum seekers, persons can avoid re-submission to the state responsible for the determination of asylum/refugee status under the Dublin-II system if they limit their application for protection to the granting of subsidiary protection. The disadvantage, however, is that some states (including Germany and Austria) discriminate against persons with subsidiary protection needs as opposed to proper refugees, i.a. in the area of residence status, family reunification, access to social benefits, access to the labour market, etc.[17]

France, Germany, and United Kingdom rank among the countries with the most asylum applications from Iranians. Scandinavian countries, particularly Norway and the Netherlands, also have been receptive to Iranian asylum seekers. When discussing figures, it is important to distinguish between resettlement and asylum applications as shown in the graphic.

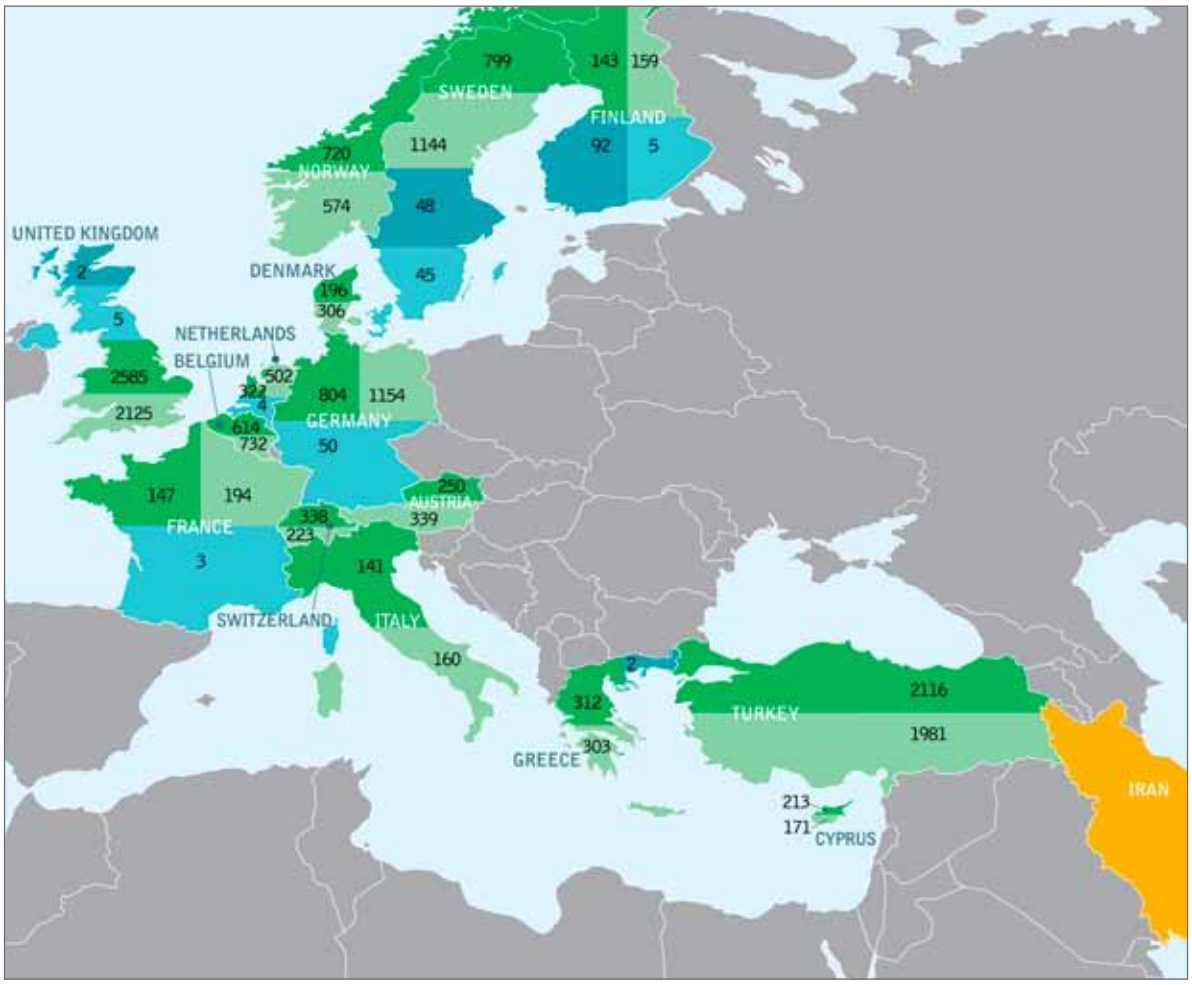
Asylum Applications by Iranians and Resettlements of Iranian Refugees in 2008 and 2009 in North America and Australia



Source: *Asylum Levels and Trends in Industrialized Countries 2009: Statistical Overview of Asylum Applications Lodged in Europe and Selected Non-European Countries,* UNHCR, March 2010; other UNHCR reports.

17 See also the section on Dublin II on the asylumlaw.org website, http://www.asylumlaw.org/firstaid/dublin_ii/

Asylum Applications by Iranians and Resettlements of Iranian Refugees in 2008 and 2009 in Europe



Asylum Applications by Iranians in Various Western Countries

2008

2009

Resettlements of Iranian Refugees to Western Countries

2008

2009

Source: *Asylum Levels and Trends in Industrialized Countries 2009: Statistical Overview of Asylum Applications Lodged in Europe and Selected Non-European Countries,* UNHCR, March 2010; and other UNHCR reports.

Generally, the case of Iranian refugees reveals the shortcomings of Western and particularly EU refugee policies. There is no coordination among EU member states on resettlement, numbers, criteria, and procedures to grant political asylum status to more Iranians. One even can get the impression that certain countries are competing with each other over which state would receive the more prominent Iranian refugees. Furthermore, for those trapped in some countries, such as Turkey, resettlement means a long process, including many bureaucratic hurdles.

As mentioned earlier, a few Western countries have accepted some Iranians from Turkey. Germany, one of the European countries without a UNHCR resettlement program, decided in summer 2010 to accept fifty Iranian dissidents who had fled their country since last year.[18] Under special provisions of § 22 of the German Residence Law, the German Foreign Office is able to grant asylum to refugees. Normally, this procedure lies within the jurisdiction of the German Interior Ministry in cooperation with its counterparts on the state level, and therefore is much more complicated.[19] Currently, there are signs that the German Foreign Office intends to increase this number under the provision of § 22 Residence Act also due to mounting political pressure. But there is still resistance from the federal states (Laender) to admiting more foreigners. But a source told one of the authors of this report that it is unlikely that the federal government will apply a similar provision allowing in more Iranians, as was the case in 2008 when Germany accepted 2,500 Iraqi refugees. For such a large number, the cooperation with the sixteen German states would be required based upon § 23 of the German Residence Law. But there are so far no indications that the states and municipalities are willing to shoulder the financial burden.

The UNHCR believes that European states should expand existing quotas in order to allow more Iranians to enter Europe, particularly those Iranians who are at risk. In the United States, the plight of asylum seekers has received scant attention, with the exception of high-profile cases.

18 Initially, the German government decided in the spring 2010 to take twenty refugees, but the numbers were increased soon due to rising pressure. "Germany Takes in 50 Iranian Dissidents," Deutsche Welle, July 24, 2010, http://www.dw-world.de/dw/article/0,,5834796,00.html

19 § 22 of the German Residence Act stipulates that the federal states can grant a residence permit to foreigners for pressing humanitarian needs or if obligations under international law require so. They must grant a residence permit to such persons if the Federal Government has admitted them for political reasons. The "federal government" means that the decision to admit a particular persons to Germany is taken jointly by MFA and MoI. Hence, the responsibility does not lay exclusively with the MFA. Rather, the MFA defines the "political interest" whereas the MoI selects the individuals who are finally admitted.

STRATEGIC CHALLENGES FOR THE UNITED STATES AND EUROPEAN GOVERNMENTS: THE TASKS AHEAD

President Obama, according to his close aides, considers the human rights situation in Iran important, and plans to look for further opportunities to voice the United States' concern for Iranians who are victims of the regime's repression. According to U.S. State Department officials, human rights policy is considered a long-term strategy to improving life for Iranian citizens. This approach differs from U.S. policy on other issues that the United States considers more urgent to the security of the international community, such as Iran's nuclear program.

Such *realpolitik* is viewed differently by most European states, which have placed human rights in Iran higher on the foreign policy agenda. The question for some EU member states is how to arrive at a coordinated effort to draw world attention to Iran's human rights violations and what effective strategies could be used to help the Iranian people without allowing Iran to use this assistance to argue domestically that the West is trying to topple the regime.

RECOMMENDATIONS

With these dilemmas in mind, the Iranian participants of the advisory group make the following recommendations to governments and NGOs:

Monitor and Highlight Iran's Human Rights Violations

- The Iranian government is sensitive to international criticism of its human rights record and pays attention when human rights issues—particularly specific cases— are raised at the highest levels with the same urgency as the nuclear portfolio. Therefore, Iran should be challenged to demonstrate its human rights record, in accordance with the international human rights standards that it claims to adhere to, by allowing UN human rights monitors into Iran for both monitoring and highlighting purposes. The European Union, the United States, and other relevant international actors should develop a coordinated approach to apply pressure on Iran to allow monitors into Iran.
- A comprehensive EU and U.S. policy on human rights in Iran should also be developed to support these efforts.

Support the Rights and Needs of Iranian Refugees

- Substantial numbers of Iranian political refugees are already in Turkey; their numbers can be expected to increase, both in Turkey and elsewhere. The United States, the European Union, and Turkey should therefore increase the numbers of persons granted refugee resettlement status and also increase funding to the UNHCR as well as to NGOs dealing with the refugee crisis unfolding in Turkey. The Turkish government, in particular, should grant full refugee status to those Iranians within its territory.

Increase Assistance to NGOs that Support Iranian Civil Society

- NGOs located outside of Iran need increased assistance in order to help those—both NGOs and individuals—inside Iran. Specifically, private foundations and governments should increase their funding in order to help NGOs organize conferences outside of Iran that human rights activists from Iran can attend for training.
- NGOs should also conduct training online, if it proves impossible for Iranian human rights activists to travel outside of Iran to participate in conferences or workshops.

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