

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SM 848

INTRODUCER: Senator Powell and Brodeur

SUBJECT: People of Iran

DATE: March 14, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Favorable</u>
2.	_____	_____	<u>RC</u>	_____

I. Summary:

SM 848 provides a memorial to urge the Congress of the United States to stand in support of the fight for freedom of the people of Iran.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

Iran

Political Structure

The Islamic Republic of Iran is an authoritarian theocratic republic with a Shia Islamic political regime.¹ The supreme leader as head of state is appointed by an Assembly of Experts, Iran's parliament.² Second highest-ranking to the supreme leader is the president, who is elected by popular vote.³ An appointed Guardian Council (council) has as its official duties the vetting and disqualifying of candidates for state elections, including presidential candidates; supervising of

¹ Bureau of Democracy, Human Rights, and Labor, United States Dep't of State, *2021 Country Reports on Human Rights Practices: Iran*, available at <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/iran> (last visited Mar. 7, 2023).

² *Id.*

³ Freedom House, *Freedom in the World 2022: Iran, Supreme Leader Ali Khamenei has served since 1989*, available at <https://freedomhouse.org/country/iran/freedom-world/2022> (last visited Mar. 8, 2023).

elections; and vetoing or demanding change to legislation.⁴ The supreme leader, who has life tenure, appoints the head of the judiciary, the heads of state broadcast media, and the Expediency Council, which mediates disputes between a council and the assembly.⁵ In June 2021, the head of the judiciary won the presidency, with help from compromised elections.⁶ The president also appoints a cabinet that must be confirmed by the assembly.⁷

While the assembly has the ability to select and dismiss the supreme leader, its authority is weakened by the powers of the unelected council. The council is composed of 12 members, six of whom are Islamic clerics appointed by the supreme leader and six of whom are lawyers, appointed by the chief justice.⁸ Pursuant to constitutional edict, the supreme leader appoints the council's chief justice, thereby solidifying control.⁹

In the recent 2021 elections, the council rejected 7,000 candidates from running for office, effectively eliminating most moderates and centrists from the ballot.¹⁰

No woman candidate has been allowed to run for President.¹¹

Human Rights Abuses

The international community has heavily criticized Iranian officials for perpetrating human rights abuses and establishing and endorsing a questionable rule of law.¹² Human rights lawyers, anti-corruption activists, and journalists are routinely arrested, imprisoned, and lashed.¹³

Specific abuses carried out by the government and its agents are:

- Credible reports of child labor and other forms of human trafficking;
- Executions without due process;
- Forced disappearances;
- Torture;
- Arbitrary arrest or detention;
- Harsh and life-threatening prison conditions;
- Imprisoning of citizens as political prisoners;
- Unlawful interference with privacy;
- Severe restrictions on religious freedoms;
- Punishment of relatives for actions of a family member;
- Harsh restrictions and censorship on free expression and media, including blocking of internet access; and

⁴ Bureau of Democracy, Human Rights, and Labor, *supra* note 1.

⁵ Freedom House, *supra* note 3.

⁶ *Id.*

⁷ *Id.*

⁸ United Against Nuclear Iran, *Organizational Chart of the Islamic Republic of Iran*, available at <https://www.unitedagainstnucleariran.com/government-institution/guardian-council> (last visited Mar. 7, 2023).

⁹ *Id.*

¹⁰ The New York Times, *Iran's Stacked Election is Expected to Produce a Hard-Line Parliament*, available at <https://www.nytimes.com/2020/02/20/world/middleeast/iran-2020-elections.html> (last visited Mar. 8, 2023).

¹¹ Freedom House, *supra* note 3.

¹² *Id.*

¹³ *Id.*

- Attacks on or lack of protection for women, minorities, and persons of diverse groups.¹⁴

Likewise, citizens are unable to peaceably protest without fear of a violent government reprisal. Also prohibited is freedom of association or participation in groups considered a threat to the regime, including any group that criticizes the government. As can be concluded from the political structure and lack of checks and balances and transparency, citizens are disenfranchised from peacefully, and through free and fair elections, changing their government.¹⁵

Protests

On September 13, 2022, Iran's morality police arrested Mahsa Amini, a 22-year old, for improperly wearing the hijab, a required head scarf in Iran.¹⁶ Within 3 days, she was dead.¹⁷ Although officials declared her death an "unfortunate incident" due to a pre-existing condition, reports emerged that she had been brutally beaten and her skull fractured, leaving her in a coma from which she did not recover.¹⁸

Her death while in custody sparked protests throughout the country that continue today. Across Iran women led these protests, chanting "women, life, freedom"; tearing off their hijabs; and publicly cutting their hair.¹⁹ These predominantly peaceable protests have been met with swift and deadly governmental crackdown. Specifically, observers have documented the use of excessive and lethal force on protestors with shotguns, assault rifles, and handguns.²⁰ Security forces round up activists on dubious charges, and judges issue death sentences in wholly unfair trials. As of November 14, 2022, investigations continue in the reported deaths of at least 341 protestors, including 52 children. These numbers continue to climb. To date, estimates of imprisonments from the recent protests are at more than 19,600 protestors.²¹

¹⁴ Bureau of Democracy, Human Rights, and Labor, *supra* note 1.

¹⁵ *Id.*

¹⁶ Maggie McGrath, Forbes, *Mahsa Amini: The Spark That Ignited a Woman-Led Revolution* (Dec. 16, 2022), available at <https://www.forbes.com/sites/maggiemcgrath/2022/12/06/mahsa-amini-the-spark-that-ignited-a-women-led-revolution/?sh=5c99ca325c3d> (last visited Mar. 9 2023).

¹⁷ *Id.*

¹⁸ Asia News, *Tehran, police: Mahsa Amini's death 'unfortunate accident'. Protest Spreads*, available at <https://www.asianews.it/news-en/Tehran,-police:-Mahsa-Aminis-death-unfortunate-accident.-Protest-spreads-56685.html> (last visited Mar. 9, 2023); Associated Press News, *Mahsa Amini is the Latest Victim of the Misogynist Mullahs' Regime in Iran* (Sept. 19, 2022), available at <https://apnews.com/article/middle-east-iran-france-arrests-d2885fc65f51a6ee8758791e192c6992> (last visited Mar. 9, 2023).

¹⁹ McGrath, *supra* note 16.

²⁰ Human Rights Watch, *Iran: Brute Force Used in Crackdown on Dissent* (Jan. 12, 2023), available at <https://www.hrw.org/news/2023/01/12/iran-brute-force-used-crackdown-dissent> (last visited Mar. 9, 2023).

²¹ National Public Radio, *Iran acknowledges it has detained 'tens of thousands' in recent protests* (Feb. 5, 2023), available at <https://www.npr.org/2023/02/05/1154584532/iran-acknowledges-it-has-detained-tens-of-thousands-in-recent-protests> (last visited Mar. 9, 2023).

United Nations Actions On Iran

The Commission on the Status of Women

The UN Commission on the Status of Women, (commission) composed of 45 member states, was established in 1946. The commission promotes women's rights, documents global inequities, and shapes standards on equality and the empowerment of women.²²

In response to Iran's brutal crackdown on the protestors, the UN, led by the United States, voted to adopt a resolution to remove Iran for the remainder of its four-year term from the commission.²³ Iran is the first member state to be removed.²⁴

The Joint Comprehensive Plan of Action

In 2015, Iran and several world powers, including the U.S., entered into an accord, the Joint Comprehensive Plan of Action (JCPOA).²⁵ Countries to the accord are the five permanent members of the UN Security Council, China, France, Russia, the United Kingdom, and the United States.²⁶ The JCPOA attached significant restrictions to Iran's nuclear program in exchange for relief on sanctions. The U.S. withdrew from the accord in 2018 and Iran began violating accord provisions a year later.²⁷ The UN is urgently calling for continued talks amongst JCPOA signatories in light of reports that Iran has been enriching uranium to weapons grade material.²⁸

Memorial

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III. Effect of Proposed Changes:

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²² United Nations News, *Iran Removed from UN Commission on the Status of Women* (Dec. 14, 2022), available at <https://news.un.org/en/story/2022/12/1131722> (last visited Mar. 9, 2023).

²³ *Id.*

²⁴ Caroline Kapp, Council on Foreign Relations, *Women This Week: Iran Becomes First Member State Ever Expelled from UN Women* (Dec. 16, 2022), available at <https://www.cfr.org/blog/women-week-iran-becomes-first-member-state-ever-expelled-un-women> (last visited Mar. 9, 2023).

²⁵ Kali Robinson, Council on Foreign Relations, *What is the Iran Nuclear Deal?*, available at <https://www.cfr.org/background/what-iran-nuclear-deal> (last visited Mar. 9, 2023).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
