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Andorra, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 58/195 of 22 December 2003, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

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* Reissued for technical reasons.

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 44/25, annex.

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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Noting the commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law,

1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002;

(b) The visit of the Working Group on Arbitrary Detention of the Commission on Human Rights to the Islamic Republic of Iran in February 2003 and its subsequent report;[6]

(c) The visit of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to the Islamic Republic of Iran in November 2003 and his subsequent report;[7]

(d) The visit of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants to the Islamic Republic of Iran in February 2004;

(e) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(f) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the Parliament, which was approved by the Guardian Council in May 2004;

(g) The efforts of the elected Government to foster the growth of civil society;

(h) The human rights dialogues between the Islamic Republic of Iran and a number of countries;

(i) The cooperation with United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern at*:

(a) The continuing violations of human rights in the Islamic Republic of Iran;

(b) The worsening situation with regard to freedom of opinion and expression and freedom of the media, especially the increased persecution for the peaceful expression of political views, including arbitrary arrest and detention without charge or trial; crackdowns by the judiciary and security forces against journalists, parliamentarians, students, clerics and academics; the unjustified closure of newspapers and blocking of Internet sites; the targeted disqualification of large numbers of prospective candidates in the Majlis elections as well as the intimidation and harassment of opposition activists in the run-up to the elections held in February 2004;

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[6] E/CN.4/2004/3/Add.2 and Corr.1.

[7] E/CN.4/2004/62/Add.2.

(c) The continuing executions in the absence of respect for internationally recognized safeguards, and in particular deplores the execution of persons below eighteen years of age, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights,[2] as well as public executions;

(d) The use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and flogging, noting in this context the rejection by the Guardian Council in August 2003 of the proposal of the elected parliament to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[8]

(e) The continued restrictions on free assembly and forcible dissolution of political parties;

(f) The failure to comply fully with international standards in the administration of justice, the absence of due process of law, the refusal to provide fair and public hearings and right to counsel, the use of national security laws to deny the rights of the individual and the lack of respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities, officially recognized or otherwise;

(g) The systemic discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systematic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[9]

(h) The continuing discrimination against persons belonging to minorities, including Christians, Jews and Sunnis, and the increased discrimination against the Baha'is, including cases of arbitrary arrest and detention, the denial of free worship or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions and other benefits;

(i) The continuing persecution, including through the systematic and arbitrary use of prolonged solitary confinement, and arbitrary sentencing to prison of human rights defenders, political opponents, religious dissenters and reformists;

(j) The postponement of the visit of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights to the Islamic Republic of Iran;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To abide by its obligations freely undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including provisions relating to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment or punishment, the promotion and protection of the human rights of women and girls and the rights

[8] Resolution 39/46, annex.

[9] Resolution 34/180, annex.

of the child, and to continue its efforts to consolidate respect for human rights and the rule of law;

(b) To implement the recommendations of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief;

(c) To cooperate with United Nations mechanisms, including by setting a date for a visit by the Working Group on Enforced or Involuntary Disappearances and to respond fully to their recommendations;

(d) To implement fully the ban on torture, announced in April 2004 by the head of the judiciary, and the related parliamentary legislation of May 2004;

(e) To expedite judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups, officially recognized or otherwise;

(f) To appoint an impartial prosecutor and to expedite the creation of offices of the Prosecutor in all provinces, in keeping with the decision taken in November 2002 for their re-establishment;

(g) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities, including the Baha'is, Christians, Jews and Sunnis, and to address this matter in an open manner, with the full participation of the minorities themselves, and to ensure respect for the freedom of religion or belief of all persons;

(h) To end amputation and flogging and all other forms of punishment that are cruel, inhuman or degrading;

(i) To abolish the punishment of execution by stoning and, in the meantime, to end the practice of stoning as recommended by the head of the judiciary;

(j) To comply with its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights not to impose the sentence of death for offences committed by persons below eighteen years of age;

(k) To vigorously pursue penitentiary reform;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief and the Special Representative of the Secretary-General on the situation of human rights defenders to visit the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to respond fully to their subsequent recommendations;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixtieth session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.