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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, 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, as well as the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 66/175 of 19 December 2011,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 66/175,³ in which he notes that he is deeply troubled by the fact that human rights violations continue in the Islamic Republic of Iran, and the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran⁴ submitted pursuant to Human Rights Council resolution 16/9 of 24 March 2011,⁵ which provides a deeply troubling picture of the overall human rights

¹ Resolution 217 A (III).

² Resolution 2200 A (XXI), annex.

³ A/67/327.

⁴ See A/67/369.

⁵ See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53 (A/66/53)*, chap. II, sect. A.



situation in the Islamic Republic of Iran and catalogues reports of a wide range of human rights violations, many of them systematic;

2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing alarming high frequency of the carrying-out of the death penalty in the absence of internationally recognized safeguards, including an increase in the number of public executions, notwithstanding the issuance of a circular by the former head of the judiciary prohibiting public executions, and secret group executions, as well as reports of executions undertaken without the notification of the prisoner's family members or legal counsel;

(c) The failure to abolish the execution of minors and persons who at the time of their offence were under the age of eighteen, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child⁶ and the International Covenant on Civil and Political Rights;²

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharabeh* (enmity against God), and/or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) The practice of suspension strangulation as a method of execution, and the fact that persons in prison continue to face sentences of execution by stoning, notwithstanding the issuance of a circular by the former head of the judiciary prohibiting stoning;

(f) Ongoing, systematic, widespread and serious restrictions on freedom of peaceful assembly and association and freedom of opinion and expression, including through efforts to block or filter Internet content, restrict access to foreign e-mail services and a variety of websites, jam international satellite transmission into the Islamic Republic of Iran, censor or close newspapers, magazines and other publications, and cut access to communications and information;

(g) The increasing and systematic targeting of human rights defenders, including, but not restricted to, lawyers, journalists, including intimidation of families of independent journalists from Persian-speaking media, and other media representatives, Internet providers, bloggers and netizens, who endure intimidation, interrogation, arrest, arbitrary detention, long-term exile and/or harsh sentences, including death sentences, as a result of their activities, and noting in particular the upholding of prison sentences against staff members of the Defenders of Human Rights Centre;

(h) Pervasive gender inequality and violence against women, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly, and increased discrimination against women and girls in law and in practice, including by limiting access to higher education, including the closure of seventy-seven fields of study to women by thirty-six universities;

⁶ United Nations, *Treaty Series*, vol. 1577, No. 27531.

(i) Continued discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic or other minorities, including Arabs, Azeris, Baluchis and Kurds and their defenders, and noting in particular reports of the violent suppression and detention of ethnic Arabs and Azeris, the violent repression of environmental protests in Azeri territory and the high rate of executions of persons belonging to minority groups, including the recent secret group execution of members of the Ahwazi Arab minority;

(j) Increased persecution and human rights violations against persons belonging to recognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims and Zoroastrians and their defenders, and noting in particular the widespread arrest and detention of Sufi Muslims and evangelical Christians, including the continued detention of Christian pastors;

(k) Increased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Baha'i faith and their defenders, including escalating attacks, an increase in the number of arrests and detentions, the restriction of access to higher education on the basis of religion, the sentencing of twelve Baha'is associated with Baha'i educational institutions to lengthy prison terms, the continued denial of access to employment in the public sector, additional restrictions on participation in the private sector, and the de facto criminalization of membership in the Baha'i faith;

(l) The continued and sustained house arrest of leading opposition figures from the 2009 presidential elections, as well as restrictions on their supporters and family members, including through harassment and intimidation;

(m) Ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and restrictions on the building of, as well as attacks against, places of worship and burial;

(n) Persistent failure to uphold due process of law, and violations of the rights of detainees, including the widespread and systematic use of arbitrary detention and enforced disappearance, the lack of access of detainees to legal representation of their choice, the refusal to consider granting bail to detainees, the poor conditions of prisons, including the serious overcrowding and poor level of sanitation, and the denial of access to medical treatment, as well as persistent reports of detainees dying in custody, being subjected to torture, rape and other forms of sexual violence, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(o) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals, in particular in relation to private homes, and with their correspondence, including telephone and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure of the Government of the Islamic Republic of Iran to conduct comprehensive investigations or to launch an accountability process in response to cases of serious human rights violations involving the Iranian judiciary and security agencies and to the widespread violations at Kahrizak prison and elsewhere during the period following the presidential elections of 2009, and reiterates its call upon the Government to launch

a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Expresses concern* over the restrictions placed on candidates in the 2012 parliamentary elections, in particular the restrictions on the eligibility and activities of candidates;

5. *Notes* the steps taken to release and pardon a number of political prisoners and prisoners of conscience, and continues to call upon the Government of the Islamic Republic of Iran to immediately and unconditionally release all those who have been arbitrarily arrested and detained for simply exercising their right to peaceful assembly and participating in peaceful protests about political, economic, environmental or other issues, including the conduct and results of the 2009 presidential elections;

6. *Strongly urges* the Government of the Islamic Republic of Iran to ensure free, fair, transparent and inclusive presidential elections in 2013 that reflect the will of the people and are consistent with the Universal Declaration of Human Rights,¹ the International Covenant on Civil and Political Rights and all other relevant human rights instruments to which the State is a party, and calls upon the Government to allow independent observation, including by civil society and candidates, of the electoral process and to allow independent local and international experts and journalists to freely observe and report on the elections as well as subsequent political developments;

7. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging, blinding and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To further revisit the revised Islamic Penal Code to make it consistent with its obligation, under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, to abolish executions of minors and persons who at the time of their offence were under the age of eighteen;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise;

(g) To eliminate discrimination against, and exclusion of, women and members of certain groups, including members of the Baloch community and members of the Baha'i faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities;

(h) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,⁷ in which he recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community, to release the seven Baha'i leaders held since 2008, and to accord all Baha'is, including those imprisoned because of their beliefs, the due process of law and the rights that they are constitutionally guaranteed;

(i) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, filmmakers, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons detained arbitrarily or on the basis of their political views;

(j) To end restrictions placed on Internet users and Internet providers that violate the rights to freedom of expression, association and privacy;

(k) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

(l) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

8. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");⁸

9. *Takes note* of the recent engagement by the Islamic Republic of Iran with the Human Rights Committee, including the submission of its first periodic report in over 17 years, and calls upon the Government of the Islamic Republic of Iran to consider acting upon the concluding observations adopted by the Committee;

10. *Calls upon* the Government of the Islamic Republic of Iran to effectively implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party, and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

11. *Urges* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and other international human rights mechanisms, including by allowing the Special Rapporteur unfettered access to the country to carry out his mandate;

⁷ E/CN.4/1996/95/Add.2.

⁸ Resolution 48/134, annex.

12. *Encourages* the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

13. *Expresses deep concern* that, despite the standing invitation issued by the Islamic Republic of Iran to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in seven years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

14. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review by the Human Rights Council,⁹ with the full and genuine participation of civil society and other stakeholders;

15. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran, in particular 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 promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the right to education, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

16. *Requests* the Secretary-General to report to the General Assembly at its sixty-eighth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its twenty-second session;

17. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-eighth session under the item entitled “Promotion and protection of human rights”.

⁹ See A/HRC/14/12.