



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2002/L.33
11 April 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

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

2002/... The situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

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

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

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

Recalling previous resolutions of the General Assembly and its own resolutions on the subject, the most recent of which are Assembly resolution 56/171 of 19 December 2001 and Commission resolution 2001/17 of 20 April 2001,

1. *Welcomes:*

(a) The report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2002/42);

(b) The broad participation in the elections held since 1997;

(c) The reports that religion will no longer be requested in the registration of births, marriages, divorces or deaths;

(d) The positive developments regarding the situation of Iranian children in the fields of education, health and juvenile justice, as reported by the United Nations Children's Fund and the Special Representative;

(e) The process of legal reforms in the Islamic Republic of Iran, and in particular those affecting juvenile justice and the process of elaboration of a law protecting minors, and encourages the Government of Iran to continue this trend;

(f) The re-establishment of the Human Rights Commission of the Majlis, and expresses the hope that it will complement the work carried out by the Islamic Human Rights Commission in order to improve the human rights situation in the Islamic Republic of Iran;

(g) The public and serious debate which is taking place within society and in the media on the validity and utility of the imposition of public flogging and other harsh punishments;

(h) Moves by the Majlis to enforce article 38 of the Constitution, which prohibits torture, and expresses the hope that this will lead to a marked improvement in the treatment of detainees;

2. *Notes:*

(a) The efforts made by the Islamic Republic of Iran to strengthen respect for human rights in the country;

(b) The assessment of the Special Representative that certain improvements have taken place in areas such as women's education, democratic participation and health and that the trend is now irreversible, and hopes that this trend will be further consolidated and also encompass other areas during the coming year;

(c) The establishment of the National Committee for the Promotion of Human Rights of Religious Minorities;

3. *Notes with concern:*

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

(b) The failure to comply fully with international standards in the administration of justice and the absence of guarantees of due process of law and respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities;

(c) The occurrence of cases of disappearance;

(d) The systematic discrimination against women and girls in law and in practice, and the recent rejection of a bill to raise the age of marriage for women;

(e) That all the circumstances surrounding the killings of intellectuals and political activists at the end of 1998 and beginning of 1999 have still not been fully clarified, and urges the Government of the Islamic Republic of Iran to continue the process of investigation and to bring the alleged perpetrators to justice in accordance with due process of law;

4. *Deeply regrets* that, since 1996, no invitation has been extended by the Government of the Islamic Republic of Iran to the Special Representative to visit the country;

5. *Expresses its concern at:*

(a) The deterioration of the situation with regard to freedom of opinion and expression, especially attacks against the freedom of the press, the imprisonment of journalists, students, intellectuals, political activists and members of the Iran Freedom Movement and the group known as the religious nationalists, the imprisonment in December 2001 of a member of Parliament and the sentencing of others for critical remarks made in the course of the exercise of their duties, and the harsh reactions to demonstrations, including the imprisonment and mistreatment of demonstrators, and urges all the authorities of the Islamic Republic of Iran to ensure full respect for freedom of expression;

(b) The continued executions in the apparent absence of respect for internationally recognized safeguards, in particular public and especially cruel executions, such as by stoning;

(c) The use of torture and other forms of cruel, inhuman or degrading punishment, in particular the practice of amputation and flogging;

(d) The continuing discrimination against persons belonging to religious minorities, in particular against the Baha'is, Christians, Jews and Sunnis, as well as the situation faced by persons belonging to ethnic minorities, such as Azeris and Kurds;

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

(a) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights and to continue its efforts to consolidate respect for human rights and the rule of law;

(b) To take further measures to ensure full and equal enjoyment by women and girls of their human rights and to undertake major educational programmes to promote women's rights;

(c) To implement the recommendations made by the Committee on the Rights of the Child in its report on its twenty-fourth session (CRC/C/97, paras. 22-76) as a matter of priority, as well as to consider ratifying the 1999 Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) of the International Labour Organization;

(d) To cooperate with United Nations human rights mechanisms, in particular by inviting the Special Representative to visit the country so that he may study the evolution of the human rights situation in the country, including through direct contacts with all sectors of society, and to make full use of technical cooperation programmes in the field of human rights;

(e) To expedite the 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;

(f) To enact as soon as possible meaningful legislation to ensure that people are not punished for exercising their political freedoms;

(g) To give effect, in the near future, to its invitation to the Working Group on Enforced or Involuntary Disappearances to visit the Islamic Republic of Iran, as well as to consider extending invitations to other relevant thematic mechanisms to visit the country;

(h) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities and to address this matter in an open manner with the full participation of the minorities themselves, as well as to implement fully the conclusions and recommendations of the Special Rapporteur on religious intolerance relating to the Baha'is and other minority groups until they are completely emancipated;

(i) To end the imposition of the death penalty for crimes committed by persons under the age of 18, in particular in accordance with the obligations it has assumed, to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations it has assumed under the International Covenant on Civil and Political Rights and United Nations safeguards and to provide the Special Representative with relevant statistics on this matter;

(j) To ensure full respect for freedom of expression;

(k) To take all necessary steps to end the use of torture and other forms of cruel, inhuman or degrading punishment, in particular the practice of amputation and flogging, and to carry out penitentiary reform;

7. *Requests* the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

8. *Decides*:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requests the Special Representative to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and also to keep a gender perspective in mind when seeking and analysing information;

(b) To continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Bahai's and other minority groups, at its fifty-ninth session.
