

A/HRC/S-35/L.1

Received from (main sponsors): Germany, Iceland

S-35/... The deteriorating human rights situation in the Islamic Republic of Iran

The Human Rights Council,

PP1 Guided by the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

PP2 Recalling all resolutions adopted by the General Assembly and the Human Rights Council on the situation of Human Rights in the Islamic Republic of Iran, including General Assembly resolution 76/178 of 16 December 2021 and Human Rights Council resolution 49/24 of 1 April 2022,

PP3 Taking note of expressions of concern about the situation of human rights in the Islamic Republic of Iran by the United Nations High Commissioner for Human Rights, special procedures mandate holders of the Human Rights Council, United Nations agencies and the United Nations Special Representative of the Secretary-General on Violence against Children, including the joint call on 26 October 2022 by a group of special procedures mandate holders,

PP4 Stressing the need for accountability for human rights violations, which is critical for the prevention of further violations, and recalling the Islamic Republic of Iran's obligation to ensure prompt, effective, independent, transparent and impartial investigations into all reported human rights violations,

PP5 Reaffirming the human rights of women and girls in the Islamic Republic of Iran in accordance with the State's obligations under international human rights law,

PP6 Deeply concerned about allegations of pervasive human rights violations in the Islamic Republic of Iran, including reports of women and girls being arbitrarily arrested and detained, beaten and sexually assaulted for exercising their human rights and fundamental freedoms,

PP7 Deeply concerned also by reports of the arbitrary arrest of minors for participating in protests, their incarceration at "psychological centres" and "preventive" detentions of civil society activists to restrict their ability to participate in or organise peaceful protests,

PP8 Further concerned by reports of restrictions on communications affecting landline and mobile usage, including Internet shutdowns and blocking of social media platforms, which undermine the exercise of human rights, including the right to freedom of opinion and expression,

OP1 Strongly deplores the reported deaths of at least 304 people, including 41 children, participating in the protests following the death of Mahsa (Jina) Amini in custody on 16 September 2022, a young woman arrested for allegedly violating the compulsory veiling law, as well as reported arbitrary arrests of many participating in the protests;

OP2 Urges the Government of the Islamic Republic of Iran to promote, protect and fulfill human rights and to take all necessary measures to prevent extrajudicial killings, enforced disappearances, sexual and gender-based violence, arbitrary arrests and detentions, and torture and other cruel, inhuman or degrading treatment or punishment, including against peaceful protesters;

OP3 Calls upon the Government of the Islamic Republic of Iran to end the persistent discrimination against women and girls in public and private life and within law and practice, and to uphold all human rights, including the right to freedom of expression and opinion and the right to freedom of religion or belief;

OP4 Further calls upon the Government of the Islamic Republic of Iran to guarantee that victims and survivors have access to justice and redress, including reparations, and that perpetrators are held fully accountable, in compliance with fair trial guarantees under international human rights law;

OP5 Reiterates the urgent need for the Government of the Islamic Republic of Iran to fully restore Internet access and underlines the importance of maintaining free, open, interoperable, reliable and secure access to the Internet;

OP6 Urges the authorities of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, in particular by granting free, full and unhindered access to the territory of the country, including unhindered access to all places of detention, and to extend full cooperation to the thematic special procedures of the Human Rights Council and to United Nations treaty bodies;

OP7 Decides to establish an independent international fact-finding mission, to be appointed by the President of the Human Rights Council, with the following mandate:

- a. To thoroughly and independently investigate alleged human rights violations in the Islamic Republic of Iran related to the protests starting on 16 September 2022, including the gender dimensions of such violations;
- b. To establish the facts and circumstances surrounding the alleged violations;
- c. To collect, consolidate and analyse evidence of such violations, and to preserve evidence, including in view of cooperation with any future legal proceedings in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction;
- d. To engage with all relevant stakeholders, including the Government of the Islamic Republic of Iran, the Office of the High Commissioner, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, relevant United Nations agencies, international human rights organisations and civil society, among others;

OP8 Requests the fact-finding mission to present an oral update to the Human Rights Council during an interactive dialogue at its fifty-third session and to present to the Council, a comprehensive written report on its findings, including on possible gender dimensions during an interactive dialogue at its fifty-fifth session.

OP9 Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the independent international fact-finding mission, to grant unhindered access to the country without any delay and to provide the members of the fact-finding mission with all information necessary to allow for the proper fulfilment of their mandate;

OP10 Requests the immediate operationalization of the mandate and requests the Secretary-General to provide all the resources and expertise, necessary to enable the fact-finding mission to fulfil its mandate and for the Office of the High Commissioner to provide such administrative, technical and logistical support as is required to implement the provisions of the present resolution.