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Subject : Conclusions of the General Affairs and External Relations Council on Iran/human rights

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On 13 October 2003 the Council adopted the attached conclusions.

## General Affairs and External Relations Council 13/14 October 2003

### Conclusions on Human rights - Iran

1. The Council, recalling its 17 June 2002, 21 October 2002, 18 March 2003 and 21 July 2003 conclusions, considered the developments in the EU-Iran human rights dialogue in the light of the human rights situation in Iran at the start of the Third Committee of the 58th UN General Assembly ("UNGA 58").
2. The Council reaffirmed that the human rights dialogue with Iran, the third round of which was held on 8-9 October 2003, is one of the means by which the EU can work to improve the human rights situation in the country. As the Council has recalled on previous occasions, this dialogue is an acceptable option only if sufficient progress is achieved and reflected on the ground. The Council welcomed the frank and constructive atmosphere that prevailed during the third round of the dialogue. The roundtable, with civil society participation from Iran and the EU, focused this time on the themes of freedom of opinion and expression and the right to development, whilst all issues of concern to the EU regarding the human rights situation in Iran were addressed during the subsequent officials-only talks. The Council was encouraged by the openness and diversity of views expressed within the Iranian delegation and the information provided about certain positive developments during both meetings, and trusts that this will be allowed to bear fruit in the near future. It also welcomed the fact that the Iranian side provided information regarding individual cases that the EU had requested. The Council looks forward to the next round of the dialogue in Tehran, to be held as agreed without restrictions on the membership of either delegation. It further decided that a review of the EU Iran human rights dialogue should be carried out along the lines envisioned in the European Union guidelines on human rights dialogues.

3. The Council recalls the commitment expressed by the government of Iran to strengthen respect for human rights in the country and to promote the rule of law. The Council remains deeply concerned however that, despite such a commitment, serious violations of human rights are continuing to occur in Iran. The situation with regard to freedom of opinion and expression continues to be deeply troubling, especially on the eve of the Parliamentary elections which will take place at the beginning of next year. The Council considers that this is a crucial point for the credibility of the upcoming elections. The Council in its July conclusions called for rapid progress in this field, in light of the arrests of students, journalists and others during recent student demonstrations. Since then, the Council has learned of further cases of arbitrary detention of persons for no reason other than the peaceful expression of their beliefs. The Council, whilst noting the recent release of certain individuals, reiterates the need for further urgent action by the Iranian authorities in this regard, including the rapid release of all persons detained for having exercised their right to freedom of expression.

4. The Council recalls once more its longstanding and firm position against the use of the death penalty. The Council continues to be seriously concerned about executions being carried out in Iran in apparent absence of respect for internationally recognised safeguards. The practice of public executions is particularly to be regretted. The Council is equally concerned by the continued use of torture and other forms of cruel, inhuman and degrading punishment in Iran. In that respect, the Council takes note with great concern that despite the recommendation by the Head of the Judiciary to judges to opt for alternative punishment in cases where the sentence of amputation would otherwise be imposed, cases of amputation have nevertheless been reported since. The Council encourages the Iranian authorities to take appropriate steps in order to ensure that the recommendation is given full effect. The Council reiterated that a similar recommendation which has been issued regarding alternatives to the sentence of death by stoning is only a first step towards abolition of this practice, and urged the Iranian authorities to establish a moratorium on all executions with a view to their eventual abolition. The Council recalled in July the Iranian government's obligations under international law to investigate promptly and prosecute those responsible for the violent death in custody of photojournalist Zahra Kazemi. Whilst noting that in the meantime proceedings have started in connection with her case, the Council adds its voice to those within Iran who are calling for a fully empowered, independent and impartial investigation into all aspects of the case, including the role of the office of the Chief Prosecutor for Tehran. The Council moreover deeply regrets the rejection by the Guardians' Council not only of the Majlis' revised draft bill implementing the prohibition on torture laid down in Article 38 of the Iranian Constitution, but also of the Majlis' draft bill permitting Iran to accede to the UN Convention against Torture. The Council trusts that, if reconsideration and acceptance by the Guardians' Council is not possible in either case, the Expediency Council will allow these measures to become law.

5. The Council once again urges the government of Iran to speed up the process of reform of the system of administration of justice in Iran. In this regard, the Council trusts that the Iranian government will implement as soon as possible the recommendations of the UN Working Group on Arbitrary Detention published in June this year. The continued violations of the human rights of women, and the discrimination, in law and in practice, against women and girls, are again noted with concern by the Council. It is a matter of deep regret that the Guardians Council has rejected the Majlis' draft legislation permitting Iran to accede to the UN Convention on the Elimination of all forms of Discrimination against Women. The Council is moreover concerned at continued violations of the right to freedom of religion, particularly in relation to Baha'is, whose faith is not recognised by the Constitution and who face serious discrimination particularly in relation to education, property rights and employment. The Council urges the Iranian Government to comply with the recommendations made in August this year by the Committee on the Elimination of Racial Discrimination.
6. The visits of the thematic special procedures of the UN Commission on Human Rights ("CHR") represent an important step towards improvement in the protection and promotion of human rights in Iran, provided that their recommendations are implemented. As the Council stated in March, the Iranian government's standing invitation to these thematic special procedures is welcome, as is its engagement in unconditional dialogue on human rights with, inter alia, the EU. The Council notes with satisfaction that a visit to Iran by the Special Rapporteur on Freedom of Expression has been arranged for November 2003, and that discussions are underway to agree a date for a visit by the Working Group on Enforced Disappearances during the first half of 2004. It is to be hoped that full co-operation will be extended to these special procedures and that visits by others will be arranged in the near future. The Council meanwhile welcomed the efforts pursued by the Majlis and its "Article 90 Commission", as well as the Islamic Human Rights Commission, to enhance the human rights situation in Iran. In this regard, the Council warmly congratulated Ms Shirin Ebadi, the eminent Iranian lawyer and human rights defender, on being awarded this year's Nobel Peace Prize.

7. The Council further reaffirmed its position of principle whereby the establishment of a dialogue is without prejudice to the tabling or co-sponsoring of a resolution at the Third Committee of the 58th session of the United Nations General Assembly or the 60th session of the Commission on Human Rights. Whilst welcoming the Iranian engagement in co-operation with the UN mechanisms and in the human rights dialogue, as well as the stated commitment by Iran to strengthen respect for human rights and fundamental freedoms and to promote the rule of law, the Council will convey its serious concern about the continuing violations of human rights in Iran and the lack of progress in a number of key areas.
  
8. The EU will return to the matter in the light of developments in the situation of human rights in Iran.

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