



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
11 May 2011
English
Original: French

Committee on the Elimination of Racial Discrimination
Seventy-seventh session

Summary record of the 2016th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 4 August 2010, at 3 p.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran (CERD/C/IRN/18-19; CERD/C/IRN/Q/18-19; HRI/CORE/1/Add.106)

1. *At the invitation of the Chairperson, the delegation of the Islamic Republic of Iran took places at the Committee table.*
2. **Mr. Dehghani** (Islamic Republic of Iran) pointed out that the ethnic composition of his delegation was very diverse and included Kurds, Azeris and Lors. Introducing the eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, he said that the report had been drafted by a committee that included representatives from the Islamic Consultative Assembly, members of the judiciary and officials of various Ministries including the Ministry of Welfare and Social Security, as well as some human rights NGOs.
3. According to the 2007 national census, the Islamic Republic of Iran had a population of more than 70 million people comprising seven national groups: Fars, Lors, Azeris, Kurds, Baluchis, Turkmen and Arabs. While retaining their own independent identity, those groups had formed a unified national identity and coexisted peacefully. Due to the closely interwoven composition of the ethnic groups and the absence of ethnic, racial or linguistic boundaries throughout the country, ethnic characteristics could not be applied in the collection of statistics. Having said that, since some provinces such as Azarbayjan-e Sharqi, Kordestan, Sistan va Baluchestan and Lorestan were inhabited by only one or two ethnic groups at the most, ethnic origin could generally be identified on the basis of a person's province of origin.
4. Regarding implementation of articles 1 and 2 of the Convention, he indicated that the principle of non-discrimination and the recognition of local and indigenous cultures and languages were explicitly and implicitly provided for in the Constitution and in the laws of the country. Speaking about the definition of racial discrimination in particular, he emphasized that the principle of non-discrimination in the enjoyment of fundamental rights and the equality of all before the law as enshrined in the Constitution had a wider scope than the definition of racial discrimination in article 1 of the Convention. In addition, under article 9 of the Civil Code, the provisions of the Convention were regarded as part of the country's domestic law and were therefore binding. The courts could therefore invoke them when hearing and deciding on legal cases. The amendment to article 8, paragraph 6, of the Convention had been ratified by the Islamic Consultative Assembly, and that ratification had been endorsed by the Council of Guardians.
5. The 2005 Citizenry Rights Act, the content of which was explained in the report (CERD/C/IRN/18-19, para. 21), was the most important law passed in the field of human rights in the years since the submission of his country's previous periodic report. In addition, some legal provisions prohibiting discrimination, including discrimination against ethnic groups, had been introduced into domestic law following the adoption of the Act on the Fourth Plan of Economic, Social and Cultural Development (paras. 14–21). In accordance with an amendment to the latter law, starting in 2006 and continuing throughout the five-year period covered by the Fourth Plan, his Government was authorized to allocate up to US\$ 600 million as well as a percentage of the country's oil and gas revenues for the development of the less developed provinces, particularly those inhabited by ethnic groups. In accordance with that amendment, US\$ 515 million had been allocated to Khuzestan, US\$ 141 million to Azarbayjan-e Gharbi, US\$ 138 million to Sistan va Baluchestan and US\$ 111 million to Kohgiluyeh va Buyer Ahmad. In the past five years, special credits had been allocated to the provinces that were home to ethnic groups in order to rapidly improve

the living standards and social and cultural conditions of the local inhabitants. The Council of Ministers had visited those provinces to meet face-to-face with the inhabitants and learn about their problems. The Council had held cabinet meetings in those provinces to approve special economic, social and cultural development projects and budgets for their implementation. Direct oversight and monitoring of those projects was exercised through the Government's supervisory bodies and the members of the Council of Ministers.

6. Regarding implementation of article 3 of the Convention, the Islamic Republic of Iran had become a leading country in the battle against apartheid and other forms of racial discrimination and had launched initiatives to encourage dialogue among civilizations and cultures. For example, it had submitted a draft resolution on human rights and cultural diversity to the United Nations General Assembly, which had been adopted in 2009 (A/RES/64/174), and in September 2007 it had organized the Ministerial Meeting on Human Rights and Cultural Diversity of the Non-Aligned Movement, held in Tehran. The meeting had resulted in the adoption of a Declaration and Programme of Action as well as the establishment of the Non-Aligned Movement Center for Human Rights and Cultural Diversity in Tehran.

7. At the international level, the Islamic Republic of Iran had actively participated in drafting resolutions against racial discrimination, inter alia in the Human Rights Council, and in organizing the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It had also hosted the regional meeting of the Durban Conference in Tehran in 2001, contributed to the Durban Review Conference, and participated in the high-level negotiations to formulate the final document of that Conference. His Government had also facilitated the participation of 70 human rights activists from Iranian NGOs in the Conference. Pursuant to the recommendations made by the Committee in its concluding observations on the previous report of the Islamic Republic of Iran (CERD/C/63/CO/6), the Ministry of Foreign Affairs had translated the Durban Declaration and Programme of Action and transmitted it to the relevant local authorities for the implementation of its provisions. Meetings and workshops on different human rights themes had been held with NGOs, which had helped facilitate the active participation of NGOs in the Durban Review Conference.

8. Regarding implementation of article 4 of the Convention, as indicated in the previous periodic report (CERD/C/431/Add.6, paras. 45–48) the dissemination of racist ideas was prohibited not only by the 1977 Act for the Punishment of the Propagation of Racial Discrimination, but also by the 1985 Press Act, article 2 of which stated that the press should reject false and divisive doctrines that aimed to sow discord and lead to confrontation between ethnic groups on the basis of language, cultural, or other differences. Article 6, paragraph 4, of the Press Act prohibited the creation of divisions among different groups of society on racial and ethnic grounds, and article 30 prohibited the dissemination of material that included slander, insults or obscenities directed against citizens of the country. Article 35 of the Act stipulated that violation of the aforementioned provisions was regarded as an offence punishable by a ban on publication for a period of six months to one year, depending on the frequency of publication of the newspaper or journal. In particularly serious cases, authorization to publish could be suspended for five years. Journalists found guilty of such offences might have their press licence revoked.

9. To date there had been no cases of propagation of racism in the Iranian press or public media. In the rare cases where material construed as racist slurs had been published, the perpetrators had been brought to justice. For example, an author of four articles on cultural and artistic personalities from Kohgiluyeh va Buyer Ahmad province had been sentenced to 3 months' imprisonment for disseminating false information about the Lors.

10. Regarding implementation of article 5 of the Convention, and in particular the participation of all ethnic groups in political life, including elections, he referred the

Committee members to paragraphs 52–59 of the State party’s report, which contained useful statistics on that subject. Generally speaking, that information showed that the participation of ethnic groups was high and that they were extensively represented in elective office.

11. As indicated in the State party’s report (paras. 65–69), there was no legal restriction, distinction or discrimination against ethnic groups forming political parties, NGOs or other associations. The annual State budget included allocations distributed without any discrimination for the activities of political parties, NGOs and associations of religious minorities. Concerning freedom of opinion and expression, 897 books had been published in Azeri and 224 in Kurdish since May 2010, and 23 book fairs had been held in the seven provinces where those ethnic groups lived. In addition, 50 journals were published in Azeri in the provinces of Azarbayjan-e Sharqi, Azarbayjan-e Gharbi and Ardabil and 35 journals in Kurdish in the provinces of Kordestan and Kermanshah. The number of books and journals published in local languages had increased considerably in recent years, as had the number of radio and television programmes in those languages. The Government supported all those activities in an effort to preserve the culture of ethnic groups, promote reading and familiarize Iranian society with local cultures.

12. With regard to economic, social and cultural rights, the State party’s report provided detailed information and statistics on the existing legal grounds for equal and non-discriminatory enjoyment of those rights and on Government measures to ensure the enjoyment by ethnic groups of their rights to occupation, housing, health and participation in cultural activities, including the support given to the regions and provinces where they lived (CERD/C/IRN/18-19, paras. 80–171). In all those areas, the credits allocated to the provinces concerned were greater per capita than those allocated to other provinces.

13. Action to alleviate poverty and improve conditions in the less developed provinces had been stepped up since the submission of the State party’s report, and priority had been given to the economic, social and cultural development of such provinces, particularly those inhabited by ethnic groups, which had received significantly higher budgetary allocations.

14. In an effort to guarantee the implementation of the Convention, the Constitution and the legislation to combat racial discrimination and ensure equality before the law, the International Relations Department of the judiciary held regular meetings with the judicial authorities of provinces inhabited by ethnic groups on how to combat discrimination against ethnic and racial groups, particularly in judicial matters. The courts were obliged to hear complaints without discrimination, and investigations conducted by the authorities had not revealed any lapses in that regard.

15. The majority of judges and law enforcement officials in the provinces inhabited by ethnic groups were themselves members of those groups, and a notable number of judicial officials throughout the country were also members of ethnic groups.

16. Legal cases relating to acts of discrimination against members of ethnic groups were registered manually, making it difficult to conduct a thematic evaluation of the decisions in those cases. However, some of the cases had been collected in different judicial departments and could be presented to the Committee if needed.

17. Special branches of the courts had been set up in provinces inhabited by ethnic groups exclusively to hear cases related to violations of citizens’ rights. The High Council for Human Rights had also been established to investigate complaints of human rights violations by private citizens and NGOs. Chaired by the chief of the judiciary, the Council enjoyed a special standing in the country’s judicial order.

18. The State party's report described the educational and cultural programmes carried out to promote equality and peaceful coexistence among ethnic groups. Since the submission of the report, other measures had been taken in cooperation with the Ministry of Foreign Affairs, including the organization of training workshops for NGOs, researchers, students and human rights activists concerning the Convention, the Durban Conference and the United Nations human rights mechanisms. Also, the School of International Relations had held 14 training workshops on the Convention. Such activities had resulted in an improved understanding of the role of human rights bodies and an increase in the number of NGOs active in the human rights field. The Ministry of Foreign Affairs had prepared the ground for NGOs to participate in the preparation of periodic reports.

19. **Mr. Lahiri** (Country Rapporteur) commended the Islamic Republic of Iran for adopting far-reaching social, economic and cultural measures that had improved living standards in less developed areas inhabited by ethnic minority groups. The situation of women had improved considerably as a result of strategic national policies and programmes for their economic, social and cultural development.

20. Noting that the theocratic Constitution of the country was based on Shia Islam, he said that was perhaps why the State party, which had difficulty harmonizing the provisions of the Constitution with its obligations under the Convention, had still not managed to clarify the status of the Convention under Iranian domestic law. According to the State party's report, article 9 of the Civil Code stipulated that treaties concluded between the Islamic Republic of Iran and other States on the basis of the Constitution were as law. He asked the delegation to clarify that point. Recalling that the State party had said that all provisions of the Convention were automatically incorporated into Iranian domestic legislation, he asked what the Committee was to make of the differential treatment of individuals under the Civil Code in matters of inheritance, or under the Criminal Code regarding punishments for various offences. If there was a hierarchy of those different statutes, which one took precedence?

21. The Committee had not received detailed information on the composition of the country's population or economic and social indicators disaggregated by ethnicity, which were very important for evaluating the situation in the State party. He asked for clarification of the use of the terms "ethnic group", "tribe" and "nomadic communities" in the State party's report.

22. It seemed that members of ethnic and religious minorities were subject to various discriminatory civil and penal laws. He asked the State party to confirm that the right to freedom of thought, conscience and religion was protected both in law and in practice and to indicate the avenues for redress if that right was infringed. Persistent reports indicated that: members of minorities featured disproportionately among those who were sentenced to death or faced unfair trials; applications for employment in the civil service and access to higher education were subject to discriminatory ideological selection; there were discriminatory practices and harassment of certain ethnic groups; and women from ethnic minorities were at risk of double discrimination. The Committee was also concerned about reports of killings during protests in 2005 in Khuzestan province.

23. He asked the State party to provide further clarification on the implications of the terms "official religion" and "recognized religion" and the situation of those like the Baha'is and others who did not come into either of those categories. Noting that the State party had stated that the Baha'is enjoyed all citizens' rights, he asked whether those rights covered all the rights protected under the Convention. He wished to know what legal difficulties in terms of employment, access to higher education, land ownership and security were faced by individuals who did not belong to an official and recognized religion.

24. He asked which Government institution was in charge of combating racial discrimination and which one was equipped to receive and handle complaints from victims of racial discrimination. He also requested information on the enforcement of legislation to eradicate all acts of racial discrimination or incitement to such discrimination, including at high levels, and on the implementation of the 1985 Press Act with the aim of combating racial discrimination.

25. The Committee would like to know how the State party was dealing with the issue of minority languages, which was important for access both to education and to justice. It also wished to know whether the State party could provide statistical information on complaints lodged, prosecutions launched and penalties imposed for racial or ethnic discrimination.

26. He requested an update on the process of establishing the national human rights institution and the adoption of the relevant legislation by the Islamic Consultative Assembly. He also wondered if the State party's periodic reports had been made readily available to the public and if the Committee's latest observations from 2003 had been publicized, including in all minority languages.

27. **Mr. Avtonomov** pointed out that the judiciary played a major role in Islamic countries, particularly in the Islamic Republic of Iran where interpretation of the law and its implementation was very important.

28. He requested further information on the Act on the Fourth Plan of Economic, Social and Cultural Development mentioned in the State party's report, which had been the basis for the establishment of the plan. He wished in particular to know more about the plan's legal status and the time frame for its execution.

29. The report also mentioned the Citizenry Rights Act. He asked whether it was a bill or a law, what its contents included, on which date it had or would enter into force, and when it would be applied in practice. He wished to know who had participated in drafting it and who would be responsible for implementing it.

30. Paragraph 21 of the report mentioned affirmative actions in favour of ethnic groups. He asked what was meant by "affirmative actions" and whether they could be considered as special measures within the meaning of the Committee's general recommendation No. 32. He also enquired about the policy framework for those affirmative actions.

31. Paragraph 174 of the report indicated that the human rights headquarters had been established in 2005. He requested further information on the content of complaints lodged with the headquarters by NGOs. He also wondered about the follow-up to such complaints.

32. Noting that there were many ethnic groups living in the State party, he requested clarification on the ethnic composition of the population, particularly Armenians and Jews, who had been living in the country for thousands of years and must be well-integrated in society. He wished to know whether those communities were considered as ethnic minorities and whether they were allowed to live according to their own customs. He also wondered whether all minorities, including Azeris, had the option of attending classes in their own language.

33. Noting that the State party had said that incitement to racial discrimination and hatred in the press must be combated, he requested information on the implementation of the Act on freedom of the press in the light of the fight against discrimination. In addition, he requested further information on the absence in Iranian law of any provisions regarding article 4 (b) of the Convention.

34. **Mr. Murillo Martínez**, noting that the large delegation of the Islamic Republic of Iran included only one woman, requested the delegation's views on the situation of women

and the promotion of gender equality in the State party. Paragraph 21 of its report said that the Citizenry Rights Act took into consideration certain cases of discrimination; he wished to know more about the nature of those cases and the corresponding follow-up action. Lastly, he asked whether civil society organizations had taken part in the drafting of the report.

35. **Mr. Diaconu**, noting that the State party's report did not contain any information on implementation of article 4 (b) of the Convention, said that, even if there were no racist organizations, measures to implement that article could help to prevent such organizations from being established. He wished to know more about the status of international instruments, because according to the State party's report treaties were considered as law, which would mean that the State party could adopt a law contravening the provisions of those treaties. Paragraph 22 of the State party's report indicated that a Committee for the Elimination of Discrimination had been formed; he requested information about its composition and mandate. He welcomed the demographic data provided but regretted that they were disaggregated by province or region. He would like to have data for the whole country in order to have an overall view of the situation. He asked whether members of tribes, numbering 1.5 million people, were considered as indigenous people and had access to education and health services. He would also like further information on the situation of nomads and settlement programmes. He asked whether, generally speaking, minority groups were represented in Parliament and in political parties.

36. **Mr. Prosper** referred to many reports that showed there was cause for concern about the treatment of foreign nationals within the legal system. Some of those reports cited arbitrary and prolonged detention and judicial procedures lacking in transparency. In that context, he would like further information on the legal system and the treatment of foreign detainees, including those with dual nationality. He cited sources claiming that due process was not always respected in the Islamic Republic of Iran.

37. **Mr. de Gouttes** said that the positive elements contained in the State party's report and in the delegation's opening statement contrasted with more critical information from other sources. In his opinion, the report lacked concrete information that would provide a clear overall picture of the situation in the country with regard to ethnic and racial discrimination. He asked for clarification of the status of international law in general and the Convention in particular in the domestic legal order. He wished to know specifically whether Islamic law took precedence over international law, as the supremacy of international human rights law was of the utmost concern to the United Nations treaty bodies. He asked to what extent a strict interpretation of Islamic law risked creating discrimination against non-Muslims, foreigners, individuals who belonged to other religious communities and women. He enquired what measures were being taken to prevent discriminatory practices and violations of the freedom of thought, conscience and religion of certain groups such as Baluchis, Azeris, Kurds and Arabs. He would also like statistics on complaints filed and prosecutions initiated in cases of racial or ethnic discrimination. He recalled the Committee's position that a lack of complaints was not necessarily a positive indicator. He asked what efforts the State party was making to allow students of different origins to enrol in universities without having to indicate their religion.

38. Regarding measures to prevent and eliminate racial discrimination in the functioning of the Iranian justice system, he drew the delegation's attention to the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system. In that regard, he asked whether the delegation could provide information on the imminent judgement of a woman who had been accused of adultery and was thereby subject to stoning as punishment. Lastly, he requested further information on the establishment of a number of institutions to protect human rights,

including the High Council for Human Rights and the Committee for the Elimination of Discrimination.

39. **Mr. Peter** asked how the High Council for Human Rights could fulfil its mandate in complete independence and in accordance with the Paris Principles when it was chaired by the Minister of Justice and comprised high-ranking officials from various Ministries.

40. **Mr. Ewomsan** said that the Government's policy on the settlement of nomads posed a number of problems, especially considering the specific cultural practices connected with nomadism. Settlement was likely to profoundly change traditional ways of life. He wished to know whether the nomads had been consulted prior to the implementation of the settlement policy and whether they were Muslim or practised other religions.

41. **Ms. Crickley** asked how the Government took into account the problems of nomadic populations and their unique features with a view to their possible settlement. Noting that new human rights defence bodies had been established since the submission of the State party's previous periodic report, she wished to know whether women were represented in the Committee for the Elimination of Discrimination (CERD/C/IRN/18-19, para. 22) and in the High Council for Human Rights, and if so how many.

42. While the delegation had emphasized the improvement in the situation of women belonging to minority groups, she noted that women were often victims of double discrimination, both as women and as members of ethnic minorities. She therefore wished to know more about the treatment of the most vulnerable women belonging to ethnic minorities, including in the judiciary and the prison system. She also asked whether special measures had been taken in favour of their education.

43. **Mr. Lindgren Alves** said that for some time now human rights defenders had strongly criticized the treatment of Baha'is in the Islamic Republic of Iran. In its concluding observations of 2003, the Committee had noted with concern the discrimination against Baha'is. He reminded the delegation, which asserted that the Baha'is were not an ethnic group but rather a religious group, that religion was often interlocked with ethnicity and that it was difficult to separate the two. He understood that the situation of religious minorities in the State party had improved slightly, but he would like further information on that issue.

44. He was impressed by the quality of the State party's periodic report and by the number of measures the authorities had taken to support minorities and preserve cultural diversity. He requested clarification on the functioning of the non-stationed schools (CERD/C/IRN/18-19, para. 135) and in particular on whether the teachers followed nomadic migrations.

45. He invited the delegation to comment on the information to the effect that minority populations did not enjoy the same rights as the majority of Iranians, including non-Muslim students who had difficulties enrolling in university and finding a job.

46. Given that the Constitution of the Islamic Republic of Iran only specifically recognized three minority religions, namely Judaism, Christianity and Zoroastrianism, it would be interesting to know whether other religious groups with many followers, such as Hindus and Buddhists, enjoyed freedom of conscience and religion and could freely practise their religion.

47. He drew the delegation's attention to a particular case reflecting a practice that was virtually systematic and contravened the Convention: the imminent sentencing to death by stoning of a young Iranian woman accused of adultery.

48. **Mr. Kut** asked whether the facts and figures on the number of discrimination cases before Iranian courts took into account racially motivated violent crimes. That was an

important point, because if the Iranian Criminal Code did not contain provisions on racially motivated crimes, then it was impossible to gauge the situation with regard to racial violence. It would also be useful to know how the courts approached and handled cases involving ill-treatment on the ground of belonging to a racial or ethnic minority.

49. **Mr. Cali Tzay** asked the delegation to provide further information on the situation of indigenous peoples in the State party and to indicate whether Iranian law included a definition of indigenous peoples and whether their existence was legally recognized. If so, which peoples were officially recognized and how was that recognition shown in practice?

50. Referring to the case of the young Iranian woman accused of adultery who faced a sentence of death by stoning, he drew the delegation's attention to the Committee's general recommendation No. 25 on the gender-related dimensions of racial discrimination, in which the Committee noted that racial discrimination did not always affect women and men equally or in the same way. The Criminal Code of Guatemala, his native country, had previously contained a provision whereby women could receive more severe penalties than men for the same offence.

51. Regarding the languages spoken in the Islamic Republic of Iran, he asked the delegation to either confirm or refute the allegation that private schools offering primary education in the Azeri and Kurdish languages had been shut down, the authorities having concluded that such education constituted an undue privilege for certain minority groups.

52. **Mr. Thornberry** noted that article 1 of the Convention defined racial discrimination as discrimination on one of five grounds: race, colour, descent, or national or ethnic origin. The ground of religion had been removed from that article during the negotiation and subsequent adoption of the draft convention by the United Nations General Assembly, but the reference to the right to freedom of religion in article 5 had been retained, and it was considered as a protected right. The Committee had determined in the past that if it noted a convergence of religion and ethnicity it was competent to look into possible racial discrimination against members of certain religious minorities in such cases. As the Country Rapporteur had said, the issue of religion was in fact often intrinsically linked to ethnicity and thus fell within the Committee's mandate.

53. More specifically, he requested further explanation of article 6, paragraph 4, of the Press Act mentioned in the delegation's opening statement, which banned the creation of divisions among different groups of society on racial and ethnic grounds. He wondered exactly how the Iranian judicial authorities interpreted the term "divisions".

54. It would be useful for the Committee to have an idea of the rights mentioned in the constituent instrument of the High Council for Human Rights and to know whether mechanisms had been set up for dialogue between the central authorities and bodies representing ethnic groups.

55. **Mr. Avtonomov**, referring to the links between religion and ethnic origin, enquired whether Sunni Muslims had the same rights as other Muslims, particularly the right to freedom of conscience and religion and to equal access to employment. He noted that most Sunnis in the State party were Kurds, Turkmen and Baluchis, which was a clear example of the convergence of ethnicity and religion.

56. **Mr. Sajjadi** (Islamic Republic of Iran) said that his delegation would try to provide the Committee with the requested additional information at the next meeting and would do its best to reply to the members' questions, even though, in the delegation's opinion, some of those questions were not directly related to the Committee's mandate.

The meeting rose at 6 p.m.