



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-third session
4-22 August 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

ISLAMIC REPUBLIC OF IRAN

1. The Committee considered the sixteenth and seventeenth periodic reports of the Islamic Republic of Iran, which were due on 4 January 2000 and 2002 respectively, submitted in one document (CERD/C/431/Add.6), at its 1596th and 1597th meetings (CERD/C/SR.1596 and 1597), held on 12 and 13 August 2003. At its 1610th meeting (CERD/C/SR.1610), held on 21 August 2003, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive report submitted by the State party. The Committee is encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the opportunity to continue its dialogue with the State party.

3. While the Committee notes with satisfaction that the State party's report generally conforms to the reporting guidelines of the Committee, it regrets that the report contains insufficient information on the practical implementation of the Convention.

B. Positive aspects

4. The Committee welcomes the social, economic and cultural measures taken by the State party, in accordance with article 2, paragraph 2, of the Convention, such as the new Economic, Social and Cultural Development Plan, which aims to enhance basic social and infrastructural

services in less developed areas inhabited by ethnic minority groups, as well as to improve the living conditions of nomadic groups.

5. The Committee commends the State party's efforts to host a large population of refugees from neighbouring countries such as Afghanistan and Iraq.

6. The Committee takes note with satisfaction of the broad participation of people from provinces inhabited by ethnic groups in the council, presidential and parliamentary elections of 1998, 1999 and 2000, respectively.

7. The Committee welcomes the standing invitation to the thematic procedures of the Commission on Human Rights issued by the State party and the assurances given by the delegation that the trend towards reform in the State party is irreversible.

8. The Committee takes note with satisfaction that the State party has enacted the necessary legislation, in accordance with article 4 (a), to eradicate all incitement to, or acts of, racial discrimination.

C. Concerns and recommendations

9. The Committee takes note of the State party's views on the difficulties involved in determining the ethnic composition of the population and the information provided by the State party regarding the concentration of ethnic groups in different provinces of Iran.

Nevertheless, the Committee recommends that the State party provide an estimate of the demographic composition of the population, including of the Arabs in the Alahwazi region of Khuzestan, in its next periodic report, as requested in paragraph 8 of the reporting guidelines. It also draws the attention of the State party to its general recommendation VIII concerning the self-identification of members of particular ethnic groups.

10. The Committee notes that the status of the Convention in the State party's domestic law is unclear and wishes to know whether the Convention has been endorsed by the Guardian Council. It further notes that the Convention has never been invoked in domestic courts.

The Committee recommends that the State party provide additional and more specific information in order to clarify the legal status of the Convention in the State party's domestic order.

11. The Committee also reiterates the concern expressed in its previous concluding observations over the fact that the definition of racial discrimination contained in article 19 of the Constitution does not fully conform to article 1, paragraph 1, of the Convention.

The Committee invites the State party to consider reviewing the definition of racial discrimination contained in its domestic law in order to bring it into full conformity with article 1, paragraph 1, of the Convention.

12. The Committee would welcome information on the effective enforcement of legislation concerning the eradication of all incitement to, or acts of, racial discrimination. The Committee

notes the information furnished by the State party on the 1985 Press Act, which is referred to under article 4 of the Convention, and requests that the State party submit information in its next periodic report on the application of this law to combat racial discrimination. The Committee reiterates the concern expressed in its previous concluding observations that no reference has been made to the compliance of the State party's legislation with article 4 (b) of the Convention.

13. While the Committee notes that, according to the State party, the teaching of minority languages and literature in schools is permitted, it requests that the State party include more information in its next periodic report concerning the measures it has adopted to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction.

14. The Committee takes note with concern of the reported discrimination faced by certain minorities, including the Bahá'ís, who are deprived of certain rights, and that certain provisions of the State party's legislation appear to be discriminatory on both ethnic and religious grounds.

The Committee recommends that the State party ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention. The Committee recommends that the State party permit students of different origins to register in universities without being compelled to state their religion. Furthermore, the Committee invites the State party to submit additional information on the mandate and functions of the Special National Committee for the Promotion of the Rights of Religious Minorities.

15. The Committee takes note that the Article 90 Commission of the Islamic Consultative Assembly and the Administrative Justice Tribunal have limited competence with respect to article 6 of the Convention.

The Committee recommends that the State party consider expanding the sphere of operation of those institutions in order to ensure effective protection and remedies against all acts of racial discrimination.

16. The Committee notes the lack of information on the implementation of article 6 of the Convention.

The Committee recommends that the State party consider whether the lack of any complaints is not the result of the victims' lack of awareness of their rights, the lack of confidence on the part of individuals in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The Committee requests that the State party include in its next periodic report statistical information on complaints lodged, prosecutions launched and penalties imposed in cases of offences which relate to racial or ethnic discrimination, as well as examples of cases illustrating this statistical information.

17. The Committee encourages the State party to consult with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

18. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and urges it to consider the possibility of doing so.

19. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

20. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

21. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized in all minority languages.

22. The Committee recommends that the State party submit a combined eighteenth and nineteenth periodic report, due on 4 January 2006, and that it address all points raised in the present concluding observations.
