



International Covenant on Civil and Political Rights

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Summary record (partial)* of the 2836th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 18 October 2011, at 3 p.m.

Chairperson: Ms. Majodina

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* No summary record was prepared for the rest of the meeting.

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

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Third periodic report of the Islamic Republic of Iran (continued) (CCPR/C/IRN/3; CCPR/C/IRN/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Islamic Republic of Iran took places at the Committee table.*
2. **The Chairperson** invited the delegation of the Islamic Republic of Iran to respond to the remaining questions (17 to 34) on the list of issues (CCPR/C/IRN/Q/3).
3. **Mr. Pourmousavi** (Islamic Republic of Iran) said that his country's labour laws were among the strongest in the world, and high-ranking officials in the Republic were very sensitive to issues affecting workers. There were 250 workers' unions and guilds. Article 27 of the Constitution guaranteed freedom of association, and as of 2011 workers had organized more than 2,000 rallies to air their grievances. It was true that during those rallies some individuals had been arrested, not for demonstrating but for committing offences such as destruction of public property. They had been released after a short period of detention.
4. The various ethnic and religious groups in the country had been living side by side in peace and harmony for centuries, and discrimination against minorities was unacceptable in Iranian culture. Schools were managed locally, with teachers appointed from the local community. Minority groups had their own schools in which their children spoke their own language. Newspapers were also published in minority languages. Some positive measures were taken in favour of ethnic minorities. For example, there were members of parliament who belonged to ethnic and religious minorities comprising only a few thousand individuals. Religious minorities also had the freedom to follow their own traditions, for example by using their own call to prayer.
5. While officially there were 2 million Afghan refugees in the country, the actual number was closer to 3 million, and they had been living peacefully with local communities for the past three decades. Those refugees were not mistreated, and they themselves had said they had no problems with the local people. Sufis were not discriminated against on the ground of their religious views. Rather, the problem was their behaviour and the reaction it provoked among local communities, and the Government had sometimes had to step in to restore public order.
6. The claims that Arabs in Khuzestan province had been massacred were completely untrue. Some Arabs had been arrested, not because of their ethnicity but because they had been involved in terrorist attacks. They had later been prosecuted and punished in accordance with the law. It was no secret that there was conflict between members of the Baha'i faith and the local community, often because of proselytizing by the Baha'is. It was sometimes necessary for the Government to intervene and restore order in such cases. Nevertheless, all religious minorities enjoyed equal rights and equal treatment under the law.
7. **Ms. Elaheyian** (Islamic Republic of Iran) said that parliament was in close contact with a number of NGOs and associations and worked in cooperation with them to help carry out their activities. The parliamentary Foreign Policy and National Security Commission met annually with leaders of minority religions to reaffirm its commitment to promote friendly relations among different religions. Five members of parliament represented religious minority groups, some of which numbered only 20,000. Pursuant to article 13 of the Constitution, religious minorities had the freedom to perform their own rituals and were subject to their own laws on issues such as marriage and divorce. The

Family Protection Act stipulated that decisions taken by leaders of minority religions on issues of personal status were considered valid by the courts. Special procedures were in place for Government bodies or agencies to recruit members of minorities. Article 4 of the Political Parties Act defined a religious minority association as an organization made up of volunteers from a religious minority whose aim was to solve the problems and examine the religious, cultural, social and welfare issues relating to that community. Article 41 of the General Policies and Principles of the Programmes of the Islamic Republic of Iran Broadcasting Organization stipulated that the organization should work towards the promotion and consolidation of Islamic brotherhood among various Islamic sects and denominations and solidarity with religious minorities.

8. In the past, the rate prescribed for the payment of blood money (*diyya*) for non-Muslim victims had been lower than the rate for Muslims, but in 2003 legislation had been passed eliminating that discrepancy. Special dispute resolution councils had been established to investigate and resolve claims of discrimination against minorities. The Baha'is enjoyed full rights as citizens, and the Government was willing to examine any claim of discrimination against them on the ground of their religious beliefs. In every province an inspection body had been set up to protect citizens' rights, and the director who oversaw all those bodies was himself a member of the Kurdish minority.

9. **Ms. Hamed** (Islamic Republic of Iran) said that a complaints body, established in 2004, operated in all the provinces under the supervision of the local office of the Attorney General, and also in Tehran. All citizens, including members of religious minorities, could file complaints of human rights abuses through that institution, whose officials would handle them without any discrimination on the ground of religious affiliation. It was mainly Baha'is involved in crime who had complained of persecution on religious grounds. She invited the Committee to examine the information on the matter presented during the consideration of State party reports by the Committee on the Elimination of Racial Discrimination in 2010 and offered to supply more statistics.

10. **Mr. Pourmousavi** (Islamic Republic of Iran) said that death sentences imposed on pregnant women were postponed until after the women had finished breastfeeding the child, for up to a maximum of two years. The Islamic Penal Code did not mention security crimes as such, but specific references were made in chapter 1 of book 5 to crimes against domestic and international security. Acts of terrorism, including acts of sedition, inciting violence and attempting to undermine national security, and also espionage, were defined and criminalized. The Code also stipulated that accused persons must be informed of the charges against them.

11. **Mr. Hakeeme** (Islamic Republic of Iran), responding to questions about the independence of the judiciary, said that judges in both the lower and upper courts took oaths to uphold the law. There might be individuals who would try to influence them, but judges based their decisions on the evidence alone. Any judge found to be negligent in that regard was prosecuted. The justice system was highly structured, and judicial decisions were guided by the principles of causality and the establishment of the facts. The regulations governing the legal profession were clearly set forth in the law. The Bar Association was active nationwide, and its council met regularly and worked closely with the judiciary. Attorneys were protected by law and respected by court judges, but they also had to be respectful of the courts. Those exercising their profession in the Islamic Republic of Iran displayed great constancy and did not bow to the influence of others.

12. With regard to criminal proceedings, under the citizens' rights legislation, it was illegal to hold persons in custody without bringing them before a judge for longer than 24 hours, and a few cases of violations of the corresponding provisions had come before the courts. Those provisions had been introduced to bring domestic legislation more into line with the Covenant. The right to legal representation was also protected by law, and if the

accused could not afford to engage an attorney, the Bar Association would be contacted to provide one free of charge. Proceedings undertaken without the presence of an attorney were invalid. Attorneys had to obtain a written power of attorney from their client and permission from the presiding judge to access their client's case file. In the pretrial stage, a non-sentencing judge conducted the preliminary investigation, and the defendant's attorney could view the case file but not intervene or influence the proceedings in any way. The substantive defence could be mounted during the actual trial when the case had been referred to the criminal court, where it would be examined by five judges. During the trial stage, defence attorneys could call whatever witnesses (expert or otherwise) they wished, provided that permission to do so was duly requested from the court. Most cases were open to the public: exceptions included cases involving crimes against national security. With due justification, judges could arrange to hold trials at locations other than the courts. The right of appeal was recognized, and all civil court rulings stipulated that any appeal would have to be filed within 20 days. Attorneys could also file complaints about proceedings with the Ministry of Justice.

13. **Ms. Motoc** said that while it was true that the Committee members came from countries with legal systems different from that of the Islamic Republic of Iran, they had sufficient experience with various legal systems to be able to compare them. The information before the Committee included not only reports of arrests and prosecutions of members of the Baha'i faith, but also reports that they did not have the right to education. The Baha'i Institute for Higher Education had apparently been declared illegal, and the institute's teaching staff had allegedly been threatened with prosecution and even imprisoned. There had also been reports of prosecutions against political activists who had criticized the Government. One such recent case was that involving the film *Persepolis*. The director of a television channel that had broadcast the film had been threatened with prosecution for crimes against public morality, which indicated that freedom of expression was not respected in the State party.

14. **Mr. Amor** said that he had great respect for the State party and its ancient civilization, but it was precisely that civilization that was currently under threat from certain behaviours and practices. He was not convinced by the delegation's replies regarding the Baha'is. He asked what the delegation meant when it said that the Baha'is had problems with the local community. Had they shown intolerance towards or attacked members of the community? They should, of course, have the same rights and duties as all other citizens, but the real issue was respect, or at least tolerance, for minority religions. Several confidential official circulars from the Ministry of Science, Research and Technology stated that the Baha'is should be prohibited from attending university and that those already enrolled should be expelled. Other official circulars prohibited the Baha'is from engaging in certain commercial activities. Those restrictions were imposed not because of acts committed, but because the persons concerned belonged to a particular faith.

15. He therefore asked whether the delegation could assure the Committee that Baha'i students did have the right to attend university and were not subject to expulsion. He also wished to know whether the Baha'is had the right to engage in social, cultural and commercial activities on an equal footing with other citizens. Lastly, he asked whether the Iranian authorities would condemn the many acts of desecration of Baha'i graves.

16. **Mr. Iwasawa** thanked the delegation for its replies but noted that many of the questions he had raised had gone unanswered. He wished to know how the independence of NGOs would be guaranteed under the Establishment and Supervision of Non-Governmental Organizations Bill currently under consideration in parliament.

17. **Mr. Pourmousavi** (Islamic Republic of Iran) said that there was no law prohibiting rallies or meetings, but a permit must be secured before such events could be held. Permits

were not required, however, for workers who assembled to air their grievances about problems in the workplace. In his country there were various NGOs working to alleviate social problems. Those organizations were required to obtain permits, which were issued by the Ministry of Culture and Islamic Guidance. Special permits were required for political groups, and those were normally issued by the Article 10 Commission, which comprised representatives from the Attorney General's Office, the Supreme Judiciary Council and the Ministry of the Interior and representatives chosen by parliament.

18. **Ms. Elahey** (Islamic Republic of Iran) said that the Iranian system of government was based on the participation of the people in social, cultural and political activities; the more than 1,000 NGOs in the country were regarded as a symbol of that participation. The Government recognized NGOs and provided proper facilities for them, and parliament had established an NGO parliamentary committee with a view to creating close links between parliament and NGOs. That committee met with NGOs and listened to their views on issues such as the amendment of the Family Protection Act. A plan had been tabled in parliament to grant legal status to NGOs. Some parts of that plan had been adopted by parliament, while others required further consideration. The NGO parliamentary committee also hoped to open an office that would be responsible for soliciting the views of NGOs and associations on bills and motions under consideration in parliament.

19. **Mr. Hakeeme** (Islamic Republic of Iran) said that members of religious minorities were citizens like everybody else in his country and, provided they did not engage in criminal activities and did not attempt to impose their religious beliefs on Muslims, they would not be bothered. It was a matter of cultural relativity and respect for local traditions and laws. The issue had already been discussed within the contexts of the Social, Humanitarian and Cultural Affairs Committee of the United Nations General Assembly and the universal periodic review. Students of all faiths could attend university and were expelled only if they broke the rules or disrupted public order, not on the basis of their religious affiliations. The Baha'i community was not the largest religious minority, and its members numbered about 20,000, not 200,000 or 2 million, as had been mentioned. Baha'is were prospering: community members owned factories and sat on chambers of commerce, for example, and, in a recent legal dispute, the court had ruled in favour of the Baha'i party. He wished he had known he would be asked about the Baha'is because he had a great deal of information to share with the Committee on the subject.

20. In closing, he wished to thank the Committee for the issues raised and the questions asked. The delegation had carefully considered and discussed them all. He had noted that one Committee member had not referred to the State party by its official name. The Government was committed to meeting all its international obligations with regard to civil and political rights, yet the legal system of the Islamic Republic of Iran, like that of other countries, was based on the enactment of legislation by parliament. He urged the bodies involved in promoting human rights to exercise patience and to use dialogue in order to foster greater understanding among all the parties concerned since that would not only help fulfil the objectives of the Covenant, but also further the cause of human dignity.

21. **The Chairperson** said she welcomed the renewed commitment that the Islamic Republic of Iran had shown by sending a delegation to continue the dialogue with the Committee. She commended the State party for including women in the delegation and hoped there would be even more women delegates next time. She was impressed by the various bills currently before parliament and hoped that they would be enacted shortly.

22. Certain issues continued to cause concern: the status of the Covenant in domestic legislation; the provisions for equal treatment of women in various areas; the rights of persons with different sexual orientations; fair trial guarantees; and the reports of extrajudicial killings, torture and illegal detentions. Some issues, such as the death penalty, freedom of expression, freedom of association and the rights of religious minorities, in

particular the Baha'is, had still not been dealt with exhaustively. Since several aspects of the discussion remained outstanding, she hoped the State party would consider the dialogue as ongoing and not take too long in submitting its next periodic report. The State party was welcome to submit supplementary information within the next 48 hours.

The discussion covered in the summary record ended at 4.45 p.m.