

IRAN (ISLAMIC REPUBLIC OF)

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were “satisfactory”, in the sense that they furnished all or most of the required information, and which reports were “unsatisfactory” or “incomplete” and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party’s report (or reports) was “satisfactory” or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

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30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee “incomplete” or “unsatisfactory”, in the sense that significant categories of information were either totally lacking or insufficiently provided in them: . . . Iran . . . At its 58th meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

CERD 29th No.18 (A/9618)(1974)

90. The Committee found that the reports submitted by Iran contained information which took account of all the requirements of article 9, paragraph 1, of the Convention. Constitutional provisions and the provisions of the Civil and Penal Codes directly related to the Convention were discussed, as were also some administrative and other measures. Demographic information; as envisaged in the Committee's general recommendation IV, was also provided. The information supplied was organized in accordance with the guidelines laid down by the Committee; and some of the comments made by members of the Committee during the consideration of earlier reports from the Government of Iran were taken into account and discussed in what amounted to a dialogue between that Government and the Committee.

91. With regard to the measures adopted by the Government of Iran which had direct bearing on the application of the provisions of the Convention, it was noted that the requirements of articles 5, 6 and 7 were fulfilled. Special note was taken of the fact that, under article 9 of the Iranian Civil Code, the provisions of the Convention had acquired the force of law; if any case of racial discrimination arose, the provisions of that instrument would be applicable. The activities of the Iranian Committee on Human Rights were also noted with appreciation.

92. Article 23 of the Act on the Press of 1955 was viewed as being less extensive in its scope than article 4, paragraph (a), of the Convention, and doubt was expressed whether it fulfilled any of the requirements of article 4, paragraph (b). Doubts were raised with respect to articles 959 and 960 of the Civil Code. Doubt was expressed also with the respect to the view that the provisions of the Convention had acquired the force of law; while this was true with regard to some provisions, other provisions of the Convention required additional positive enactments, inasmuch as they were not self-implementing. It was regretted that the report did not provide information on the relations, if any, between Iran and the racist régimes of Southern Africa. The relevance of the information on religious minorities and the appropriateness of using religious criteria in the determination of the ethnic composition of the population were also questioned.

93. The representative of the Government of Iran explained that minorities, which constituted only 1.2 per cent of the population of Iran, were ethnic groups distinguished chiefly by religion, not by race or colour. Iran vigorously condemned all forms of racial discrimination, particularly apartheid; it had always given active support to all United Nations resolutions on southern Africa. Articles 959 and 960 of the Civil Code reflected merely a hypothetical case and their application was minimal.

CERD A/31/18 + Corr.1 (1976)

84. The Committee welcomed the information contained in the fourth periodic report of Iran to the effect that studies were under way “with a view to the preparation of a penal bill which would cover more fully the provisions” of article 4, paragraphs (a) and (b), of the Convention. It took note of the statement that, “or the judicial level, no cases of racial discrimination have been brought before the courts in Iran, so that there are no decisions to report in this regard”. Some questions, raised at previous sessions during the consideration of earlier reports from Iran and not discussed in the current report, were raised again, particularly in relation to the implementation of article 7 of the Convention and the information envisaged in general recommendations III and IV.

85. The information previously given regarding the implementation of article 7 of the Convention had revolved around the activities of a non-governmental organization, and the question had been raised as to whether the Government of Iran had itself taken any measures to give effect to the provisions of that important article of the Convention. One member informed the Committee that such measures had in fact been taken in the past and that there was therefore no need for the Iranian Government to take additional measures for that purpose.

86. Noting that past reports and statements of the representatives of the Government of Iran, while indicating that that Government had condemned apartheid and had given active support to all United Nations resolutions on southern Africa, had not provided precise information on the implementation of the provisions of those resolutions regarding relations with the racist régimes in southern Africa, some members asked for information on the status of compliance by the reporting State with the resolutions under reference.

87. Several members felt that the information on the ethnic composition of the population of Iran, contained in earlier reports or conveyed orally to the Committee by the representatives of the Government of Iran, was somewhat ambiguous. Although those reports and statements had acknowledged the existence of “ethnic” minorities in Iran, all the information furnished thus far had referred only to “religious” minorities; the Kurds, for example, had not been mentioned at all. Nor had the current report contained any clarification or further information on the subject such as had been sought by members of the Committee in the past. One member of the Committee, however, stated during the current discussion that there were no ethnic minorities in Iran and that the Kurds were not an ethnic minority.

88. Members of the Committee asked the following additional questions: (a) Had there been, since the submission of the report, any progress in the preparation of the projected penal bill designed to cover more fully the provisions of article 4 of the Convention? (b) Regarding article 5 of the Convention, were such rights as the right to form and to join trade unions guaranteed in Iranian law? (c) Regarding the statement that no cases of racial discrimination had been brought before the courts in Iran, were there special courts for dealing with cases of racial discrimination or were such cases, if they arose, dealt with by the regular courts?

89. The representative of the Government of Iran commented on the observations summarized in

paragraphs 85, 86 and 87 above, as follows. He confirmed the information given by a member of the Committee regarding governmental measures giving effect to the provisions of article 7 of the Convention. Referring to the question on the implementation of United Nations resolutions dealing with relations with racist régimes, he said that “since certain questions which had been raised during the current discussion had been asked and answered at the previous sessions, it would be a waste of the Committee’s time for him to give the same answers again”. Regarding the questions about minorities, he confirmed the statements made by a member of the Committee at the current meeting, to the effect that there were no ethnic minorities in Iran and that the Kurds were not an ethnic minority. And he assured the Committee that he would report to his Government the questions raised and the information and clarifications required.

CERD A/33/18 (1978)

172. The fifth periodic report of Iran and the introductory statement made by Iran's representative dealt with and provided the full text of the new penal bill, which had come into force on 6 August 1977, prohibiting - and specifying the penalties for - the propagation of ideas based on racial discrimination and hatred, incitement to racial discrimination by means of mass propaganda, the provision of any assistance to racial activities, including the financing thereof, and the creation or direction of - as well as membership in - an association with the intention of propagating racial discrimination or with the aim of disseminating hatred and enmity or in order to spread discord among races and ethnic groups.

173. Members of the Committee noted with appreciation that that bill, to which advance reference had been made in the fourth periodic report of Iran, had been prepared by the Iranian Government "on the recommendation of the Committee" and "in a spirit of co-operation and solidarity with the international community in its fight against racialism and racial discrimination throughout the world".

174. It was observed that article 1 of the new bill complied with all the requirements of subparagraph (a) of article 4 of the Convention, with the exception of the requirement to "declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred". It was observed also that the words "mass propaganda" might give restricted application to the requirements of the Convention, although it was noted in that connection that the note attached to the legislation under consideration gave those words wide interpretation commensurate with that envisaged in the Convention. The representative of Iran stated in reply that "when new legislation directed towards a specific objective was being drafted, care must be exercised to avoid the possibility of misinterpretation and to ensure that the protection of one aspect of human rights did not have adverse side effects in other areas". The reference to "mass propaganda" in article 1 of the new penal law, he added, should be considered in conjunction with article 2, which stressed the intentions of persons or groups. He further stated that: "It was only when means of mass propaganda were employed that those intentions could be ascertained. If other criteria were applied, there was a risk of direct violations of other human rights."

175. With regard to article 2 of the new penal law, which corresponds to subparagraph (b) of article 4 of the Convention, some Committee members were of the view that the new Iranian legislation - like the legislation of many other countries - provided for sanctions against the persons who establish, direct or join racist organizations but did not "declare illegal and prohibit" the organizations themselves, as required by the Convention. Other members, however, emphasized that the new penal law should be viewed in conjunction with other pre-existing penal provisions. Referring to the established position of the Committee, as expressed in its decision 3 (VII), they argued that if existing Iranian laws prohibited and declared illegal organizations which violated any provisions within the national legal system, then all that was needed to bring Iranian law into conformity with the Convention was the addition of the new penal law, thereby assuring the prohibition of organizations which engaged in the racist activities described in article 2 of the new penal bill. It was therefore hoped that the Government of Iran would provide, in its next periodic

report, information on - and the texts of - the relevant provisions of its existing legislation on associations.

176. Recalling, in connection with the requirement of article 9, paragraph 1, of the Convention, that States parties should include in their reports information on the relevant judicial measures adopted by them, a member of the Committee asked whether any cases had been brought before the courts under the new penal law of 6 August 1977.

177. The Committee took note of the statement of the representative of Iran, to the effect that “his Government would be submitting a separate and comprehensive report on Iran’s implementation of the provisions of article 7 of the Convention”.

178. A member of the Committee asked for information on Iran’s relations with the racist régimes of southern Africa - which “appeared to have been omitted from the current report and from the earlier ones”, in spite of general recommendation III and decision 2 (XI) of the Committee.

179. There was some discussion of the question of whether ethnic minorities existed in Iran, and in particular whether the Kurds constituted an ethnic minority. Views similar to those which had been expressed at the thirteenth session, when the fourth periodic report of Iran was considered (A/31/18 and Corr.1, paras. 87 and 89) were voiced at the seventeenth session in connection with the examination of Iran’s fifth periodic report.

CERD A/35/18 (1980)

253. The sixth periodic report of Iran (CERD/C/66/Add.5) was considered by the Committee together with the text of the new Constitution of the Islamic Republic, adopted by the people in the referendum of 2 to 3 December 1979 and furnished to the Committee by the representative of the reporting State who introduced the report. He elaborated briefly upon the relevant principles of the new Constitution and stated that, according to a decision of the provisional Government, all the existing legislations relating to racial discrimination referred to in earlier reports remained in force until a decision is taken on them by the National Assembly.

254. The members of the Committee welcomed the desire of the new Iranian Government to re-establish a dialogue with the Committee in the spirit outlined by its representative and noted that, according to the Iranian Government, Islam, which was the foundation of its policy, recognized that all human beings were equal and excluded all forms of discrimination. The Government had also shown its strong commitment to the principles of the Convention.

255. The Committee stressed that it would be preferable to await the enactment of the laws that would give effect to the principles of the new Constitution; in the meantime, the new Parliament should be requested to take account of the provisions of the Convention when drawing up that legislation. Some members of the Committee added that it would be useful if the next periodic report of Iran contained detailed information on the implementation of the principles of the new Constitution, particularly those relating to articles 2, 4, 6 and 7 of the Convention. A member of the Committee asked for information on the status of the general principles of international law, and particularly, international agreements in the constitutional framework of Iran.

256. With regard to article 2 (2) of the Convention, members of the Committee said that the Committee should be informed of measures which the Iranian Parliament and Government intended to take on behalf of the Kurdish national minority and be provided with up-to-date information on the ethnic composition of the Iranian population. Some members wished to know whether the enjoyment of equal rights by all the people of Iran without distinction on grounds of race, colour, language, etc., as laid down in principle 19 of the new Constitution, was also extended to foreigners and what was the legal status of persons who did not practise the Islamic religion. It was also requested that a section of Iran's next periodic report should be devoted to the situation of foreign workers.

257. With reference to article 3 of the Convention, the Committee pointed out that the clear stand taken by the Iranian Government in breaking off of relations with South Africa and in cutting off of all oil supplies to South Africa, which had certainly involved sacrifices, was praiseworthy.

258. Information was requested by some members on measures taken to implement article 7 of the Convention, in particular with a view to providing teaching about the evils of racism and apartheid.

259. Replying to the questions concerning the position of minorities, the representative of Iran said that the population of his country was homogenous from the point of view of race and colour. The

minorities were mainly religious and were well integrated with the rest of the population. Social relations in Iran were governed by the principles of Islam, which prescribed respect for other religions. Principle 14 of the new Constitution affirmed the respect due to religious minorities and principle 64 guaranteed parliamentary representation for non-Muslim religious minorities. The law of 22 July 1932 ensured that the cultural identity of non-Shiite minorities was respected. The representative stated that the Government of Iran hoped soon to achieve a negotiated solution to the Kurdish question. He assured the Committee that all its suggestions would be conveyed to the Government of Iran so that it could take them into account in preparing its next report.

CERD A/38/18 (1983)

292. The seventh periodic report of the Islamic Republic of Iran (CERD/C/91/Add.31) was considered by the Committee together with the introductory statement made by the representative of the reporting State who said, in particular, that his Government had recognized all the legislation of the former régime pertaining to the elimination of racial discrimination, including the law which prescribed punishment for the propaganda of any ideology based on racial discrimination. He also pointed out that all ethnic groups had their representatives in the Islamic Consultative Assembly (Majlis) and that the Government concentrated its activities on the poorest and least developed areas of the country and gave special attention to the deprived villages where the majority of Iran's ethnic population lived.

293. Several members of the Committee voiced disappointment with the report. It was noted that a number of the questions asked during the consideration of the sixth periodic report had not been satisfactorily answered. In particular, the Committee had called for information on how provisions of the new Constitution were being applied in so far as they affected the requirements of articles 2, 4, 6 and 7 of the Convention. Members had also asked about the status of general principles of international law and international agreements within the Iranian constitutional framework and what would happen, for instance, if there was a conflict between international treaty obligations and Iranian law. Furthermore, the Committee had been informed earlier that Iranian society was homogenous in terms of race and colour, but principle 13 of the new Constitution appeared to imply the existence of racial differences in words very similar to those used in the Convention in defining racial discrimination.

294. Many questions were asked about the minorities in the Islamic Republic of Iran and, in this connection, members referred to articles 2 and 5 of the Convention. They drew attention to the fact that under principle 14 of the Constitution the human rights of non-Muslim individuals were respected only if they did not conspire or act against Islam and the Islamic Republic of Iran. It was asked what authority was empowered to determine whether an individual was conspiring or acting against Islam or the Republic, by what procedure it reached such a determination, whether the procedure was open to scrutiny and whether the individuals concerned were given a proper opportunity to defend themselves. Moreover, under principle 13 of the Constitution, only Zoroastrian, Jewish and Christian Iranians were recognized as religious minorities, but the Committee should be informed of the reasons for recognizing only those minorities. It was also asked whether any penalties had been laid down for "conspiracy" against those three officially recognized minority religions and, if so, on what grounds and with what results; and whether to profess atheism would be regarded as anti-Islamic and thus affect an individual's civil rights. Similarly, in view of the fact that the legal status of individuals in the Islamic Republic of Iran appeared to be determined largely by their religious beliefs, information should be provided about the status of the Baha'is in conformity with article 5 (d) (vii) of the Convention. The Committee also requested information on how many schools had been established for members of the Kurdish, Baluchi and Arabic-speaking minorities, and whether Jews had the opportunity to learn the two main languages used by them, as well as on the legal situation of aliens, particularly foreign workers.

295. With respect to articles 4 and 6 of the Convention, the Government was invited to furnish the text of the law relating to propaganda for racial segregation and the text of the relevant sections of the Penal Code, so that the Committee could see whether they explicitly prohibited racial discrimination. Information was also requested on the recourse procedures available to persons subjected to acts of racial discrimination.

296. Replying to some of the questions asked, the representative of the Islamic Republic of Iran stated that most people in the country were Shiite or Sunni Moslems or Assyrian or Armenian Christians whose religious freedom was guaranteed. Under principle 13 of the Constitution substantial rights were recognized to Zoroastrians, Christians and Jews, whose religions were considered the only other religions practised by a substantial number of Iranians. However, those rights could not be accorded to all who followed or practised a set of beliefs which they chose to call a religion. None the less, under principle 14 of the Constitution, everyone was free to hold any political or social ideology and, under principle 23, people could not be interrogated or abused because of their ideology. However, there was ample evidence to show that Baha'ism was not and could not be considered a religion; it was simply a political party. The mere fact that tens of thousands of Baha'is lived freely in the Islamic Republic of Iran demonstrated that the provision concerning the right of all to the ideology of their choice was observed. Concerning the question regarding the foundation for the recognition of those three religions, he said that that recognition stemmed, in principle, from the criteria laid down in Islamic jurisprudence.

297. With reference to principle 14 of the Constitution concerning a conspiracy against Islam and the Islamic state, the representative said that any person belonging to any religion, including Islam, could be tried for such conspiracy. The basis for determining conspiracy was laid down in Islamic jurisprudence and the matter was judged by the judicial system, which was independent and competent according to the norms of his country.

298. He also said that the questions and suggestions of members of the Committee would be conveyed to his Government and assured the Committee that statistical information concerning the ethnic groups and the measures which were being taken to improve the situation of such groups would be provided in the next periodic report.

CERD A/40/18 (1985)

192. The eighth periodic report of the Islamic Republic of Iran (CERD/C/118/Add.12) was considered by the Committee at its 709th and 710th meetings, on 11 and 12 March 1985 (CERD/C/SR.709 and SR.710).

193. The report was introduced by the representative of the Islamic Republic of Iran who said that his Government, in accordance with the Islamic faith, did not and could not tolerate racial discrimination of any kind. His country's commitment to the struggle against all manifestations of racism was based on its ideological principles rather than on the Constitution, which merely reiterated those principles. Thanks to those ideological principles, the discriminatory differences which existed before the Revolution had been eradicated. For example, the Government had launched a revolutionary housing programme and a campaign to eradicate illiteracy. The policy was that the most remote areas should be given first priority in every social field, followed by provincial cities and finally Teheran. Public service was not open to all. The issue of racial discrimination was not directly relevant to the Islamic Republic of Iran, which had no need to eliminate what had never existed.

194. The Committee thanked the Government for its continued co-operation, despite its reservations as to the usefulness of monitoring the implementation of its obligations under the Convention. The Committee took note of the objectives of social and economic development of the Islamic Republic of Iran as well as of the work of the Government to redress the injustices of the previous régime. It also took into consideration the recent revolutionary upheavals and the fact that the Islamic Republic of Iran was still at war with a neighbouring State. The report followed the Committee's general guidelines (CERD/C/70/Rev.1), but it did not help the Committee to establish whether the internal laws of the country were in conformity with its obligations under the Convention. The Islamic Republic of Iran, as a party to the Convention, was under an obligation to provide adequate information concerning the implementation of its provisions. The Committee trusted that further information would be provided in the next periodic report together with the relevant national legislation, so that it could evaluate existing legal guarantees of equality of all persons before the law.

195. With respect to article 2 of the Convention, the Committee asked that detailed information on the country's ethnic composition be provided in the next report as well as on the legal status of minority groups and how their rights were protected. Members of the Committee also wished to know how the Government dealt with sectarian differences within Islam, such as the Sunni or the Shiite groups; what recognition was given to the separate status of the Baluchis, how the social and economic inequalities inherited from the past were being eradicated and whether representatives of the national minorities held prominent positions in the country's political and social life.

196. Members of the Committee congratulated the Iranian Government on its full compliance with article 3 of the Convention.

197. With reference to article 4 of the Convention, members of the Committee asked why it had

been necessary to enact laws against racial discrimination with severe penalties if, as stated in the report, racial discrimination had never existed in the Islamic Republic of Iran. Clarification was sought regarding the respective legal penalties imposed on public officials and ordinary citizens in cases of discrimination.

198. As far as article 5 of the Convention was concerned, members of the Committee wished to have information regarding the provisions of principle 22 of the Constitution, on the basis of which the State was bound to protect the life, rights, abode and occupation of individuals against any encroachment, unless otherwise prescribed by law. In particular, they asked for the full text of that principle and wished to know how it could be judicially enforced. Information was requested regarding the proportion of public funds allocated to education, the number of foreign workers in the Islamic Republic of Iran and whether the legal guarantees under the Constitution and the Labour Law of 1958 applied in the same degree to both Iranian nationals and foreign workers. Members of the Committee requested an explanation regarding principle 14 of the Constitution, which alluded to respect for the human rights of individuals only if they did not conspire or act against Islam or the Islamic Republic of Iran, and asked what was meant by the reference "those who conspire and act against Islam". They also asked for the texts of the relevant Islamic judicial precedents which formed the basis for that principle.

199. In reply to questions posed and observations made by members of the Committee in relation to article 2 of the Convention, the representative of the Islamic Republic of Iran said that Iranians were not aware of or concerned with division on the basis of race. There were, however, language differences, especially in the north. The large number of people who spoke dialects of Persian, Turkish and other languages had their own culture and contributed to the overall heritage of the country. It was difficult to divide the population geographically according to ethnic groups. Religious minorities within Islam referred to various schools of law, whose different viewpoints were always accommodated within the system. There were five major schools of law, which were equally recognized. He felt that, in view of the ongoing war between Iraq and his country, it was not appropriate to comment on the situation of the Kurds. All groups, including religious minorities, were represented in the Government regardless of their numbers.

200. He informed the Committee that the budget for Baluchistan was more than 50 times that of the province of Teheran. An intensive effort was being made to reverse the process of urbanization and to try to allocate small industrial projects to the villages and rural areas. Many foreign workers had left after the Revolution and the Government was currently trying to carry out its projects using Iranian labour. The 2 million Afghans in the country were working mainly in agriculture. Because of the war, it was difficult to comment about the unemployment rate, but it was not a serious issue. As to the provisions of principle 22 of the Constitution, he said that in some cases, property had been confiscated by law, because it had been illegally owned by the Government of the Shah. As for what was meant by conspiracy against the Islamic State, he said that it was a recognized fact that members of the Communist Party had so conspired. There had also been cases in which information had been passed to the Zionist State, not to speak of the five American-inspired attempted coups d'etat, all fortunately aborted.

CERD A/48/18 (1993)

257. The Committee considered the ninth, tenth, eleventh and twelfth periodic reports of the Islamic Republic of Iran, submitted in a single document (CERD/C/226/Add.8), at its 989th and 990th meetings, held on 4 August 1993 (see CERD/C/SR.989 and 990).

258. In introducing the reports, the representative of the reporting State stated that his country was committed to pursuing policies, both nationally and internationally, designed to help eliminate racial discrimination in all its forms. Different ethnic groups existed in the Islamic Republic of Iran, but they had become mixed and interlinked in the course of history. All citizens were equal before the law and were equally entitled to participate in the political life of the country.

259. Members of the Committee welcomed the fact that the Government of the Islamic Republic of Iran had resumed its cooperation with the Committee eight years after the consideration of the previous report. They regretted, however, that the report had not been prepared in accordance with the Committee's guidelines for the presentation of State party reports and that it did not contain sufficient information allowing the Committee to assess how the Convention, particularly articles 5, 6 and 7 thereof, was implemented in practice in the Islamic Republic of Iran. They observed, in that connection, that statements by the Government rejecting all forms of racial discrimination were not sufficient to prove fulfilment of its obligations under the Convention.

260. Members of the Committee noted that the report contained no information about the ethnic composition of the country and recalled that such information had been requested by the Committee when it had considered previous reports of the Islamic Republic of Iran and that the Iranian representative had promised to provide it. They wished to know, in particular, whether Turks, Turkomen, Kurds, Lurs, Baluchis, Farsis and Arabs were the only ethnic and linguistic groups in the country; what the status of the Lurs and the Baluchis was; what the differences between the Turks and Turkomen were; and what the policy of the Government was with regard to the Baluchis. Detailed information was also requested about the extent to which children of minority ethnic groups received instruction at school in their mother tongue, as well as the percentage, in Iranian legislative bodies, of elected members from ethnic, religious and linguistic minorities. It was observed that, as approximately 50 per cent of the whole Iranian population belonged to minority groups, it was important to know their status and the way in which they fitted into the political, economic, social and cultural life of the country. Members of the Committee also asked whether economic and social projects were under way to improve the level of development and living conditions of persons belonging to minority groups; what the proportion was of posts in the public service and in the principal professions which were held by members of ethnic minorities; how many of them achieved a higher education; what the position was of Kurdish opposition groups; and whether population censuses registered citizens by ethnic background. Members of the Committee stressed that ethnic monitoring in the Islamic Republic of Iran would be a way of assessing whether the State party's professed policy of ensuring racial respect was being implemented in practice.

261. Referring to article 2 of the Convention, members of the Committee observed that the

provisions of article 19 of the Constitution of the Islamic Republic of Iran, according to which members of all ethnic groups or tribes enjoyed equal rights, were not entirely equivalent to the prohibition of racial discrimination required under the Convention. It was also suggested that the Iranian authorities should promote research into where, if anywhere, racial discrimination actually occurred in the society. In addition, it was asked whether any integrationist multiracial organizations existed in the Islamic Republic of Iran.

262. With regard to article 4 of the Convention, members of the Committee requested information on the practical application in the Islamic Republic of Iran of the Law of Punishment for Racial Discrimination Propaganda (1977). They asked, in particular, whether any cases had been brought to court under that law and, in that connection, what the status of the Convention was vis-à-vis the Constitution and legislation and whether the Convention could be invoked directly in the courts.

263. In connection with article 5 of the Convention, members of the Committee stressed that, since no information had been provided by the Government on the implementation of that article, they had to rely on other information emanating from the Special Rapporteur on the Islamic Republic of Iran of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and non-governmental organizations active in the field of human rights. They understood that there were groups (Pasdasan and Basij) exercising police functions that did not form part of the State's security forces, and enquired about measures to ensure that those groups acted in accordance with the law and the State's international obligations. Some information indicated that discriminatory measures were applied against followers of religions not recognized in the Islamic Republic of Iran, especially the Baha'is and that the latter religious community was subjected to particularly serious human rights violations. Members of the Committee, therefore, asked whether the Baha'i community was distinguished by descent; why it was discriminated against and its religion denied official recognition; why it was prohibited from electing leaders and conducting religious activities; why Baha'i marriages were not recognized and Baha'is denied access to higher education and to certain economic activities and employments. Members of the Committee also wished to know to what extent the various ethnic and religious groups in the Islamic Republic of Iran enjoyed the right to participate without distinction in elections, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association.

264. With reference to article 6 of the Convention, information was requested concerning the Iranian judicial system and, in particular, the procedures for training judges, their status, independence and tenure of office and the existence of any judges coming from minority groups. It was pointed out that numerous allegations indicated that violations of human rights, including arbitrary arrests, summary executions, torture and cruel and degrading treatment, were perpetrated by the Revolutionary Guards and it was asked what the Government had done to ensure that the Revolutionary Guards acted in accordance with the law and international obligations assumed by it and what protection and remedies were made available to individuals in the case of violation of their rights.

265. In connection with article 7 of the Convention, it was asked whether any training in human rights was provided to the police and military personnel.

266. In his reply, the representative of the State party pointed out that some of the questions raised by members of the Committee had been answered in the reports recently submitted by his Government to the Human Rights Committee and to the Committee on Economic, Social and Cultural Rights and in the statements made by the representative of his country when those reports had been considered by the two aforementioned bodies.

267. Concerning the composition of the population of the Islamic Republic of Iran, the representative said that no census showing the ethnic background of Iranian citizens had been carried out. The State sought to protect individual rights and freedoms irrespective of any ethnic consideration, and there was no mention of ethnic background in application forms for jobs, posts in the public service or university enrolment. As for the composition of the Iranian Parliament, it consisted of less than 300 members; three seats were reserved for Christians whereas Muslims held 200 seats. Furthermore, there were linguistic groups in the country, but the persons belonging to them were simply Iranians who spoke different languages.

268. Concerning article 2 of the Convention, the representative stated there was no multiracial organization in his country working for objectives of its own, since Iranian society was not multiracial.

269. With regard to article 5 of the Convention, the representative rejected the allegations of human rights violations in the Islamic Republic of Iran contained in reports or resolutions of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, and in information provided by non-governmental organizations. He went on to say that the Iranian State, like 51 other Islamic States, did not recognize the Baha'is as a religious group, but that, in accordance with the Iranian Constitution, no one could be attacked or reprimanded for their opinions, and the rights of all citizens had to be protected regardless of their ideas, convictions or political tendencies. The Baha'is were consequently not subject to any prohibition, particularly with regard to access to university on the basis of their beliefs.

270. Concerning article 6 of the Convention, the representative said that in his country the Court of Administrative Justice, under the authority of the Supreme Council of Justice, was responsible for considering complaints, grievances and protests by individuals against government officials, bodies or regulations, or concerning recognition of their rights. Generally speaking, training courses in human rights were provided for judges.

Concluding observations

271. At its 1009th meeting, held on 18 August 1993, the Committee adopted the following concluding observations.

(a) Introduction

272. The Committee welcomed the resumption of the dialogue with the Government of the State party eight years after the consideration by the Committee of the previous report. The Committee

regretted, however, that the twelfth periodic report did not contain useful information that would enable it to examine the implementation of the Convention by the State party. The report had not been drawn up in accordance with the Committee's guidelines for the presentation of State party reports (CERD/C/70/Rev.3). It provided very little information on legislative provisions against racial discrimination and did not contain information on judicial and administrative practices relating to the implementation of the Convention by the Islamic Republic of Iran. Compared to the eighth periodic report of the State party, considered in March 1985, the twelfth periodic report was a step backwards. The Committee welcomed the information provided orally by the representative of the reporting State, which clarified many issues, although a great number of questions raised by the Committee had remained unanswered. The lack of information had made it difficult for the Committee to assess how the Convention was being implemented in the Islamic Republic of Iran. The Committee therefore had to rely upon other sources of information such as the reports of the Special Rapporteur on the Islamic Republic of Iran of the Commission on Human Rights and the reports of non-governmental organizations, to assess to what extent the State party was confirming to the international commitments it had assumed under the Convention.

(b) Principal subjects of concern

273. The Committee noted the lack of information which should have been provided by the Government of the Islamic Republic of Iran with regard to the legal status of the Convention in the domestic legislation, the possibility for individuals to invoke the provisions of the Convention directly before the courts and the demographic and ethnic composition of the Iranian population. With regard to the latter point, the Committee recalled that detailed information on ethnic, religious and linguistic groups and on the demographic composition of the population had been promised by the representative of the State party when the seventh report had been considered by the Committee in 1983.

274. The Committee expressed concern, in particular, at the lack of information with regard to the implementation by the Islamic Republic of Iran of the provisions of articles 4, 5, 6 and 7 of the Convention. In that connection, the Committee wished to be informed about the treatment and the situation of ethnic, religious and linguistic minorities in the Islamic Republic of Iran. Reference was made, for example, to the situation of the Baha'i community, as well as of the Kurds and other ethnic minorities.

(c) Suggestions and recommendations

275. The Committee recommended that its comments and observations made in connection with the consideration of the ninth, tenth, eleventh and twelfth periodic reports of the Islamic Republic of Iran should be studied by the authorities of the State party with a view to their adopting the necessary legal, judicial and administrative measures to give effect in practice to all the provisions of the Convention.

276. The Committee also recommended that the next periodic report of the Islamic Republic of Iran should be prepared in accordance with the Committee's guidelines for the presentation of State party reports. It should, in particular, include information about the demographic composition of

the population and the ethnic, linguistic and religious groups in the territory of the State party and should explain how they participated in the political, economic, social and cultural life of the country. Information was also necessary with regard to concrete measures taken by the Government to guarantee to individuals belonging to those groups the enjoyment of the rights enumerated in article 5 of the Convention without discrimination. The Committee recalled that if the Islamic Republic of Iran so requested, it could receive expert advice for the preparation of its next periodic report under the programme of advisory services and technical assistance of the Centre for Human Rights.

277. In view of the fact that more than eight years had elapsed between the consideration of the previous (eighth) periodic report of the Islamic Republic of Iran in 1985 and of its twelfth report in 1993, and taking into account the lack of relevant information provided in that report, the Committee requested the State party to take the views and comments of the Committee into consideration when preparing its next periodic report, which was due to be submitted on 5 January 1994 so that it could be considered at one of the Committee's sessions in 1994.

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294. The Committee considered the thirteenth, fourteenth and fifteenth periodic reports of the Islamic Republic of Iran (CERD/C/338/Add.8) at its 1338th and 1339th meetings (see CERD/C/SR.1338 and 1339), on 4 and 5 August 1999. At its 1357th meeting (see CERD/C/SR.1357), on 18 August 1999, it adopted the following concluding observations.

A. Introduction

295. The Committee welcomes the submission of the State party's periodic report and the opportunity to continue a dialogue with the country. It appreciates the presence of a high-level delegation, which serves as an indication of the importance attached by the State party to its obligations under the Convention. The Committee also notes with satisfaction that the report constitutes a considerable improvement, in format as well as in substance, compared to previous reports.

B. Positive aspects

296. In the light of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee notes that the information given on the ethnic composition is to a considerable extent in conformity with its previous requests and welcomes the efforts of the State party to provide statistics and breakdowns to enable an identification of different ethnic groups, including Azaris, Arabs, Kurds, Baluchis, Lurs and Turkmen.

297. The Committee notes with appreciation that the State party has a long tradition of receiving and hosting on its territory a large number of refugees, particularly of Afghan origin, and welcomes its efforts to provide the refugee community with food, shelter and health services.

298. In the light of article 2, paragraph 2, of the Convention, the Committee welcomes the information provided by the State party on the measures taken to eliminate discrimination in areas inhabited by disadvantaged ethnic and tribal minorities and groups. In particular, the Committee appreciates the introduction of increased quotas for students from underdeveloped provinces in public universities; the allocation of resources to promote research on the root causes of the problems of economically, socially and culturally disadvantaged areas, such as the low number of girls enrolled in schools or completing their education; the successful literacy campaign launched in 1979 which has resulted in a significant rise in literacy among, in particular, women from disadvantaged areas; and, steps taken by the Ministry of Health and Medical Education to promote non-discrimination in terms of health care.

299. The Committee welcomes the approbation by the Council of Ministers of a Plan for the Comprehensive Development of the Nomadic Regions and other measures taken to improve the economic, social and cultural conditions of the nomadic population, such as the establishment of mobile schools, and efforts made to ensure the availability of adequate health service.

300. In relation to article 5 (c) of the Convention, the Committee welcomes information indicating a high level of participation in both local and national elections, including the population in regions inhabited by national and ethnic minorities. It further notes with appreciation that ethnic and national minorities, in particular the Kurds, are represented in the Parliament in proportion to the demographic composition of the country.

301. The Committee notes with appreciation the establishment of national institutions to promote, review and monitor human rights enumerated in international instruments and the Constitution, in particular the Islamic Human Rights Commission and the Board for Follow-up and Monitoring the Implementation of the Constitution.

C. Principal subjects of concern

302. Concern is expressed that the definition of racial discrimination found in, *inter alia*, article 19 of the Constitution of the Islamic Republic of Iran and the 1977 Bill for the Punishment of the Propagation of Racial Discrimination, is not in complete conformity with the broad definition contained in article 1, paragraph 1 of the Convention, which refers to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin.

303. While the efforts of the State party to improve the economic, social and cultural conditions in disadvantaged areas are acknowledged, it is noted with concern that some provinces largely inhabited by persons belonging to minorities, such as Sistan/Baluchistan and other border areas, are still economically disadvantaged.

304. It is noted that several of the civil and political rights listed in article 5 (d) of the Convention, such as the freedom of thought, conscience and religion and the freedom of opinion and expression, are enjoyed subject to certain restrictions. The Committee needs more information in order to assess whether these restrictions are in conformity with the Convention.

305. Although the report contains a good deal of information on legal provisions, sufficient information is lacking on the practical implementation of and the enjoyment of rights contained in articles 2, 4, 5 and 6 of the Convention, notably regarding the incidences of ethnically motivated practices, the number of complaints of racial discrimination and available remedies, as well as the practice of the judiciary.

D. Suggestions and recommendations

306. The Committee recommends that the State party take appropriate steps to bring its domestic legislation into full conformity with articles 1, paragraph 1, 4 (b) and 5 of the Convention, and to ensure, in particular, that legal stipulations providing for a difference in treatment do not result in discriminatory treatment based on race, colour, descent, or national or ethnic origin.

307. The Committee recommends that the State party continue to promote economic, social and cultural development in areas inhabited by disadvantaged ethnic and tribal minorities and groups, and to encourage the participation of these minorities in such development.

308. The Committee recommends that the State party ensure that seminars, training courses and workshops on human rights organized by the Islamic Human Rights Commission, the Ministry of Education and universities include teaching about the Convention and give due attention to the concluding observations of the Committee and the relevant national legislation, in particular relating to availability of domestic remedies.

309. In its next report, the State party should include comprehensive information relating to the practical implementation of the Convention, in particular on any complaints relating to racial discrimination brought before the courts, administrative bodies or the Islamic Human Rights Commission. The State party should also provide information on available remedies, on relevant case law and practice of the judiciary, on existing limitations as to the equal enjoyment of rights and freedoms contained in article 5 of the Convention, also, the Committee would like to receive further information on the work of the Islamic Human Rights Commission and the Board for Follow-up and Monitoring the Implementation of the Constitution.

310. The Committee suggests that the State party take steps to ensure the wide dissemination of the provisions of the Convention, as well as the State party's periodic reports and the concluding observations of the Committee.

311. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

312. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some of the members of the Committee requested that the possibility of such a declaration be considered.

313. The Committee recommends that the State party's next periodic report, which is due on 4 January 2000, be an updating report, taking into account the points raised in the present observations.

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415. 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

416. 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.

417. 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

418. 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.

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

420. 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.

421. 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.

422. 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

423. 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.

424. 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.

425. 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.

426. 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.

427. 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.

428. 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.

429. 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.

430. 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.

431. 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.

432. 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.

433. 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.

434. 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.

435. 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.

436. 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.