

IRAN (ISLAMIC REPUBLIC OF)

CESCR E/1991/23

196. The Committee considered the initial report of the Islamic Republic of Iran concerning the rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.43) at its 42nd, 43rd and 45th meetings, held on 6, 7 and 10 December 1990 (E/C.12/1990/SR.42, 43 and 45).

197. The representative of the State party introduced the report, and briefly described the geographical, demographic, economic and political situation of his country. With regard to the system of education, he said that the Government was committed to providing education, including secondary education, free of charge for all children and young persons. The system of education included a kindergarten level, primary education, a middle or guidance level and secondary education. At the primary level, courses were given before each school year to allow children whose language was different from the national language to acquire the necessary knowledge of the latter. The level of orientation permitted teachers to evaluate the needs, interests and capacities of students, who then entered one of the branches of secondary education, lasting for four years. Recently, technical and professional institutions associated with industries had been established to provide education of better quality. The university level was open to everyone who had a secondary education and who passed an entry exam. The Islamic Revolution had been followed by a cultural revolution, which made it necessary to adapt educational programmes and materials. Decisions regarding education and culture were taken at the highest levels of authority, which were responsible for preserving the ideals of the Revolution. With a view to increasing the number of students and educational facilities, access to universities had been guaranteed on the basis of equality and additional institutions had been set up. A number of places had been reserved for culturally and economically disadvantaged groups. After the Revolution, an Islamic university had been opened to all, regardless of age or educational background, who wished to pursue a university education. The Iranian Government was committed to fighting illiteracy through a number of measures. Some 800,000 persons had followed literacy classes as of June 1990, and 1,200,000 others were expected to follow. About 6 million illiterates were expected to benefit from this programme by the end of the decade. According to the Constitution all Iranians had access to education and the efforts of teachers and politicians were directed at the application of this principle as well as a teaching respect for human rights.

General matters

198. As regards the general framework in which the Covenant was being implemented, members of the Committee, noting that in the report no reference was made to article 15, requested information on the implementation of that article. They asked whether the Government of the Islamic Republic of Iran had plans to present its reports concerning the rights covered by articles 6 to 9 and 10 to 12 of the Covenant or whether the Government experienced any difficulties preparing them, and if so, of what kind. Furthermore, it was asked to what extent the recently adopted Declaration on Human Rights in Islamic countries favored the implementation of economic, social and cultural rights enshrined in the Covenant and addressed in the Iranian report. Lastly,

information was sought concerning the position of women in Iranian society, especially with regard to the Penal and Civil Codes.

199. In reply, the representative said that everything was being done to submit information on article 15 as well as the reports on articles 6 to 9 and 10 to 12 of the Covenant but pointed out that his country had faced a war and natural disasters of tremendous magnitude, as well as a considerable influx of refugees from Kuwait and Afghanistan. The Declaration of Human Rights in Islamic countries contained a number of articles favouring the implementation of economic, social and cultural rights. Iranian women seeking employment did not need permission from their husbands. Nearly half of Iranian primary school teachers were female and most of them were married. The Penal and Civil Codes were in accordance with the teachings of Islam and the Constitution, and in no way were women considered second-class citizens.

Articles 13 and 14: Right to education

200. Members of the Committee wished to know whether the Government was committed to making primary education compulsory and, if so, whether a detailed plan of action for the implementation of compulsory primary education had been worked out; what was the gender breakdown of enrolment at all levels of education and whether there were any plans to remedy discrimination in cases where women were significantly under-represented; what percentage of children were still unable to obtain access to appropriate schooling and whether there were any significant regional disparities in this regard; how the difficulties mentioned in paragraph 9 of the report were affecting the realization of the right to education and whether the Government had been seeking assistance from international organizations such as UNESCO to overcome those difficulties. Noting that a distinction was made in paragraph 13 of the report between courses of vocational training at the secondary level offered to male students and those offered to female students, members asked whether that was not considered to be discriminatory. Information was also sought on the educational situation of Armenian, Baha'i, Kurdish and other minority group children; on the number of schools for minorities, their enrolment, and any eventual changes in that data since the Revolution; and on the extent to which students and their parents were free to pursue non-Islamic education. With regard to human rights education, it was asked whether there were references to United Nations instruments in secondary school textbooks and, if so, whether any conflict was perceived between those standards and Koranic law.

201. In addition, members of the Committee requested information concerning the position of the Bahai community and of ethnic and refugee groups with respect to the right to education; on individuals and groups making use of the possibility of setting up primary schools and other education institutions; on the educational status of children belonging to the Kurdish minority; and the disparities between the various regions in respect of such aspects as enrolment, availability of facilities and the number of teachers. Members also wished to know what progress had been made in the rate of enrolment for women; what measures had been taken to encourage women to enter university; whether girls were destined for careers which were considered typically female, how many women professionals there were; whether there were any associations for women, what was the position of atheists and of secular education relative to religious education; and what were the possibilities of establishing institutions or associations that had no religious affiliation.

202. Noting that one of the objectives of Iranian education was to encourage students to fight against tyranny and to assure political independence, members asked for a clarification as to the specific meaning of “tyranny” and “political independence”; whether students could criticize the current régime; what were the reasons for the shortage of teachers; what was their salary as compared to civil servants or military personnel; and whether the free university mentioned in paragraph 18 of the report was private. Information was also sought regarding the special education scheme for exceptionally gifted children, especially girls; on the specific size of the problem of illiteracy; on the number of loans given to teachers; procedures, including selection on the basis of political views for determining which teachers are allowed to travel abroad; the number of hours taught per teacher per week; and on the university education.

203. In reply, the representative of the State party said that education had not been made compulsory for economic reasons but measures had been taken to remedy that situation; free school meals were offered to children in backward rural areas; young teachers were sent to isolated regions to teach in the primary schools as a substitute for military service; the development programme 1988-1998 aimed at bringing enrolment rates for children between 6 and 10 years old from 78.5 per cent to 85 per cent. Females comprised 45 per cent of enrolment in primary schools, 39.5 per cent at the middle level, 42.3 per cent at the level of secondary education, and 30 per cent at the university level. Girls were free to choose any form of secondary education they liked. The rate of enrolment in rural areas generally lagged behind the rate in urban areas. Replying to a question on the difficulties that had been encountered, the representative drew attention to the drop-out rate, the lack of qualified teachers, the consequences of the war, and the destruction of school-buildings by two earthquakes. International co-operation was undertaken mainly under the auspices of UNESCO. The Constitution recognized three religious minorities: Zoroastrians, Jews and Christians, who had the right to their own system of education. They were not obliged to practice Islam but had to receive religious instruction, which could not be dispensed with in an Islamic country such as Iran. Ethnic minorities enjoyed the same right as Iranian citizens. United Nations human rights instruments were studied by political science students; students of Islam were acquainted with human dignity and human rights from the point of view of Koranic law, which were not necessarily contrary to international human rights standards.

204. In reply to other questions, the representative said that there were special schools for exceptional children of all kinds, whether gifted or handicapped. There was no problem in respect of gifted girls. Two of the six Iranian candidates in the forthcoming international physics Olympiad would be women. Women were also involved in research work and 20 per cent of the doctors in the country were women. There were a great number of women’s associations and any group of women could set up a women’s association if it so desired. A new literacy programme had been introduced in June 1990. Illiterate persons seeking employment had to first attend literacy classes. Before completing military service, recruits had to be literate. On the other hand, the insistence by parents that their children go to work rather than to school contributed to illiteracy. Teachers enjoyed the right to travel abroad and could purchase tickets with the 40 per cent discount applicable to civil servants. Information on the number of teachers who applied for and received passports could be provided, if required. Due to a shortage of teachers, they taught for more than 24 hours a week but were remunerated accordingly.

205. In reply to questions regarding religious education, the representative explained that two

systems of education had emerged: theological seminaries, in which Islamic culture was taught, and the formal education system which included many subjects in addition to religious instruction, which religious minorities were not required to take. Students were not questioned about their religious inclinations. The admission fees for State universities were so low that there was heavy competition for admission. In private higher education institutes such as the free university, students paid tuition fees. There was no discrimination in employment opportunities between boys and girls. However, vocational training courses were based on the traditional inclinations of Iranian parents.

206. The representative also stated that educational opportunities were provided for school-age children and illiterate adult refugees of Afghan and Iraqi-Kurdish origin as well as for other ethnic groups living in Iran. The situation in respect of the Iranian Kurdish people was similar to that in other parts of the country. The Kurds lived mainly in a single province, in which there were 258,000 pupils. With regard to “tyranny and domination”, he stated that his country had been dominated by tyrannical régimes and therefore it was natural that the educational system should encourage political independence. With regard to the issue of the Baha’ is, he noted that that group could not be defined as a minority and that the subject had been covered extensively in the work of the Commission on Human Rights. The Government position was that they could not be officially deprived of their legal and social rights.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

207. Members of the Committee regretted not having received information regarding article 15 of the Covenant and requested to be informed in writing of the implementation of this article.

208. The representative replied that efforts would be made to submit information on article 15 as soon as possible.

Concluding observations

209. The Committee expressed its appreciation of the fact that the Government of the Islamic Republic of Iran had been able to present its report despite earlier indications that it would be unable to do so. The Committee welcomed the statement by the representative of the State party that the two reports which were outstanding would be submitted to the Committee prior to its sixth session and noted that the receipt of those reports would enable the Committee to gain a better appreciation of the situation in his country with respect to economic, social and cultural rights. It was regretted that the report before the Committee failed to deal with article 15 and a supplementary report on that article was requested.

210. While noting that a considerable effort had been made in responding to many of the questions posed, the Committee observed that a number of questions remained unanswered. It expressed concern about the overall human rights situation in the Islamic Republic of Iran, as reflected in the report of the Special Representative of the Commission on Human Rights (E/CN.4/1990/24), and noted that, in light of the indivisibility of human rights, economic, social and cultural rights were inevitably affected. Particular concern was expressed for the situation of certain minority groups and it was stated that some questions on these issues had not been satisfactorily answered.

211. The question of the situation of women had been raised and the Committee welcomed the representative's offer to send, in the near future, a further report on the status of women in the Islamic Republic of Iran.

212. The Committee expressed the hope that the relationship between the Government of the Islamic Republic of Iran and the Centre for Human Rights could be developed so that the latter could assist the Government to bring its system into line with the applicable international treaty standards.

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122. The Committee considered the initial report of the Islamic Republic of Iran (E/1990/5/Add.9) at its 7th, 8th, 9th and 20th meetings on 18, 19 and 28 May 1993 and, at its 20th meeting, adopted the following concluding observations.

A. Introduction

123. The Committee expresses its appreciation to the State party for its willingness to cooperate with the Committee and for engaging in a dialogue with the Committee. The Committee notes with satisfaction that some of the concluding observations formulated by the Committee at its fifth session (E/1991/23, paras. 209-212) have been given consideration by the Government of Iran and that, as requested by the Committee, the report under consideration also contains information relating specifically to the implementation of article 15 of the Covenant as well as information concerning the situation of women in Iran. At the same time, the Committee finds that the report, being essentially legalistic, does not include sufficient information about the implementation of the Covenant in practice and about factors and difficulties which might impede the application of the Covenant. Moreover, the report does not provide sufficient information on the implementation of articles 1 to 5 of the Covenant. In view of the foregoing, the Committee welcomes the oral replies and clarification provided by the delegation of the State party that, to some extent, supplemented the information provided in the written report and permitted the Committee to obtain a clearer picture of the degree of implementation by the Government of Iran of the provisions of the Covenant.

B. Positive aspects

124. The Committee notes that the rate of unemployment, which had risen to 15 per cent as a result of the war with Iraq has, in the four years since the end of the war, fallen to 10 per cent; that under new labour legislation annual leave has been increased from 12 to 30 days and that the minimum age for employment has been raised from 12 to 15 years; that the Ministry of Labour has established a countrywide network of labour inspectors whose task is to ensure compliance with labour regulations and who have the authority to shut down part or the whole of an enterprise in which safety measures are considered inadequate.

C. Factors and difficulties impeding the application of the Covenant

125. The Committee notes that the written report submitted by the Government of Iran contains no information on the factors and difficulties affecting the degree of fulfilment of its obligations under the present Covenant as required by article 17 (2) of the Covenant. However, the Committee observes that various articles of the Constitution of Iran subject the enjoyment of universally recognized human rights, including economic, social and cultural rights, to such restrictions as: “provided it is not against Islam” (art. 28); “with due regard to Islamic standards” (art. 20); “in conformity with the Islamic criteria” (art. 20); and “except when it is detrimental to the fundamental principles of Islam” (art. 24). In that connection the Committee considers, in the light of the Covenant provisions and of all the information available to it, that such restrictive clauses negatively

affect the application of the Covenant, in particular its articles 2 (2) (non-discrimination), article 3 (equality of rights of men and women), article 6 (right to work), article 12 (right to health), article 13 (right to education) and article 15 (right to take part in cultural life). It is apparent that the authorities in Iran are using the religion as a pretext in order to abuse these rights.

D. Principal subjects of concern

126. The Committee regrets that the documentation made available to it by non-governmental organizations and the report of the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl (E/CN.4/1993/41 and Add.1), confirm the broad consensus that there has been practically no progress in ensuring greater respect and protection for rights of the non-Muslim religious communities in the Islamic Republic of Iran in general, and of the economic, social and cultural rights of persons belonging to those minority groups in particular. The Committee again draws attention to the following concerns expressed at its fifth session, in 1990, about the situation of certain minority groups, which have not been satisfactorily answered in the course of the present session:

- (a) Violation of the rights of the Baha'i community;
- (b) Violation of economic, social and cultural rights in addition to violation of political and civil rights;
- (c) Discrimination on religious grounds in the educational system;
- (d) Insufficiency of the education offered to children belonging to the Kurdish minority;
- (e) Prohibition of the admission to university of Baha'is;
- (f) Restriction of freedom of debate and choice in university institutions;
- (g) The situation of the Kurds and the disparities that exist between the different ethnic and economic groups in the enjoyment of their rights to education, work, travel, housing and cultural activities.

127. The Committee expresses its particular concern about the non-performance by the Government of Iran of its obligation under article 3 of the Covenant, under which the States parties undertake to ensure the equality of men and women in the enjoyment of all economic, social and cultural rights set forth in the Covenant. In that connection the Committee finds that the situations: in which women are not permitted to study engineering, agriculture, mining or metallurgy or to become magistrates; in which they are excluded from a very large number of specific subjects at university level; and in which they need their husbands' permission to work or travel abroad; to be incompatible with the obligations undertaken by the State party under the Covenant. The Committee seeks further clarification as to which women's rights have been "revived" in accordance with article 21 (i) of the Constitution.

128. In relation to the right to take part in cultural life, the Committee also wishes to receive more

precise information on legislation and policies protecting creative freedom. In particular, the Committee expresses its grave concern about the negative implications for this right of the issuance of fatwahas. During the Committee's examination of the report, several members drew attention in this regard to the case of an author, Mr. Salman Rushdie. While appreciating that fatwahas are issued by the religious authorities and not by State organizations per se, the question of State responsibility clearly arises in circumstances in which the State does not take whatever measures are available to it to remove clear threats to the rights applicable in Iran in consequence of its ratification of the Covenant. The Committee calls upon the Government of Iran to affirm that it rejects the acceptability, in terms of its international human rights obligations, of the issuance of such fatwahas. It also requests the Government to assure the Committee that if such a fatwah were to be carried out in Iran, or elsewhere by an Iranian citizen, the Government would ensure the criminal prosecution of the individual(s) concerned.

E. Suggestions and recommendations

129. The Committee recommends that the State party should spell out a clear legislative, judicial and administrative basis for giving fullest possible effect to the provisions of the Covenant "with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures" (art. 2 (1) of the Covenant). The Committee invites the Government of Iran to undertake the necessary steps, both legislative and practical, in order to ensure that the rights enunciated in the Covenant are able to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, especially in the case of ethnic or religious minorities. The Committee notes that the obligation to ensure equal opportunity for women warrants particular attention, especially in relation to the right to work, family related rights and the right to education.

130. The Committee further recommends that the second periodic report of Iran should contain information not only on legislative measures adopted, but also on the application of these measures, on the difficulties encountered in the process of their implementation, and on the issues dealt with in the present concluding observations.