



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-third session

SUMMARY RECORD OF THE 1597th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 August 2003 at 10 a.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4)
(continued)

Sixteenth and seventeenth periodic reports of the Islamic Republic of Iran (continued)
(CERD/C/431/Add.6, HRI/CORE/1/Add.106)

1. At the invitation of the Chairman, the members of the delegation of the Islamic Republic of Iran resumed their places at the Committee table.
2. Mr. AMIR noted with satisfaction that the delegation of the Islamic Republic of Iran included representatives of all ethnic and minority groups, who had actively participated in the preparation of the report (CERD/C/431/Add.6). The report itself fully addressed the issues raised by the experts and conformed to the Committee's guidelines and methodology. He noted further that, in his observations, the Country Rapporteur had confined himself to issues related to discrimination and violations of the Convention and had stayed away from religious issues.
3. He was pleased to learn that enjoyment of the human rights and fundamental freedoms provided for in article 2 of the Convention were guaranteed by the Constitution of the Islamic Republic of Iran, article 19 of which provided for equal rights for all "the people of Iran regardless of tribal or ethnic origin".
4. With reference to article 3 of the Convention, the Islamic Republic of Iran had signed the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and the International Convention against *Apartheid* in Sports. He hoped that it would soon sign and ratify the other international instruments for the protection of human rights.
5. He noted with satisfaction that regulations under treaties signed by the Government in accordance with the Constitution were legally binding and that all the provisions of the Convention, including article 4, were therefore automatically incorporated into Iranian domestic law without need for new legislation. On the subject of participation in political life (article 5 of the Convention), the report contained detailed information confirming extensive participation in political life by the people of provinces inhabited by the various ethnic groups. He welcomed the information that passports were now being granted to members of the Baha'i faith without any indication of their religion. The great Persian civilization had made a valuable contribution to world civilization in such fields as art, ethics and morality. The Islamic Republic of Iran had a rendezvous with history to continue that contribution.
6. Mr. SHABESTARI (Islamic Republic of Iran), replying to the questions and observations of the Committee, noted with regret that some of the issues raised by the Country Rapporteur did not fall within the Committee's mandate. It was not for the Committee to discuss whether the religion of Islam was fair or not. In the post-11 September world, when the international community needed more than ever to show a united front, some elements, including sections of the media, were attacking and seeking to divide the religion of Islam. He hoped that the Committee would not allow itself to be influenced by the propaganda being put out by those elements.

7. No country in the world was free from racial discrimination and not all of the provisions of the Convention were being fully implemented in the Islamic Republic of Iran. Since the Islamic Revolution in 1979, however, concrete measures had been taken to combat discrimination against minority groups. As a member of the Azeri ethnic minority, he himself could attest to that fact.

8. His delegation looked forward to a constructive dialogue with the Committee. It was willing to listen to the Committee's views and hoped in turn that its own views would be listened to. Each had much to learn from the other. The trend towards reform in the Islamic Republic of Iran was irreversible. The standing invitation issued to the thematic rapporteurs on human rights to visit the country, the ongoing dialogue with the European Commission and the technical cooperation programme with the Office of the United Nations High Commissioner for Human Rights were all evidence of the willingness of the Islamic Republic of Iran to engage with the international community in the field of protection of human rights.

9. Ms. KADIVAR (Islamic Republic of Iran) said that, as a member of the Islamic Consultative Assembly (Parliament), she would provide additional information on the measures being taken by the Parliament to combat discrimination in the Islamic Republic of Iran.

10. The first priority of the Parliament was to use its legislative powers to combat discrimination and promote respect for human rights. Legislation had been introduced in Parliament to promote equality of opportunities for all groups. The draft text was currently being considered by the State Expediency Council. Other draft legislation that had been introduced concerned women's rights and related issues.

11. Parliament was also reviewing the provisions of the Civil Code of the Islamic Republic of Iran concerned with divorce and the right of single women to travel abroad for purposes of study. Those provisions that were found to be discriminatory would be amended. Legislation had also been introduced for the implementation of programmes to raise the living standards of populations living in disadvantaged areas.

12. Under the Constitution, Parliament was also responsible for monitoring the activities of other national organizations and agencies and, where necessary, for investigating and holding them accountable. To that end, the Article 90 Commission of the Islamic Consultative Assembly received complaints from the public at large and ensured the proper application of the law. Because of its record as a staunch defender of individual rights, the Article 90 Commission now enjoyed public trust. For example, the Commission had acted on complaints from the Baha'i community about the confiscation of property and obstacles to the participation of its members in university examinations. It had also forwarded to the relevant agencies complaints it had received from nomadic groups that grazing permits had been revoked and rangelands given to non-nomadic groups.

13. Under article 7 of the Convention, the Government had taken concrete measures in the field of education to promote understanding, tolerance and friendship among the various ethnic groups of the Islamic Republic of Iran. The teaching of human rights had been introduced into school and university curricula and every effort was being made to promote public awareness of human rights issues through newspapers, journals and workshops. The International Centre for Dialogue among Civilizations had been established in 1999 to

promote a culture of peace, tolerance and dialogue. A course entitled “Dialogue among civilizations” had also been introduced in the high school curriculum.

14. Mr. MEHRPOUR (Islamic Republic of Iran) said that the Iranian Government had been making considerable efforts to disseminate information about human rights in general and international conventions and treaties in particular. He insisted, however, that each aspect of human rights should be addressed by the relevant forum. Since article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination made no mention of religion, the Committee on the Elimination of Racial Discrimination was not the right forum for discussing religious discrimination. Despite that, the country rapporteur had focused much of his argument on that aspect of discrimination.

15. Under the Constitution of the Islamic Republic of Iran, Islam was the official religion and the State recognized as unofficial religions only those faiths that were based on Holy Books. While the Government acknowledged that the rights covered by all international treaties, conventions and covenants applied to all citizens, it could not change the Constitution and recognize other religions; that was for the clerics alone to decide.

16. The State Expediency Council, whose role was described in paragraphs 17 to 19 of the periodic report, had recently ratified a motion that guaranteed full protection of the rights of all individuals living in the Islamic Republic of Iran. Any problems concerning religious minorities that had arisen had been successfully addressed by the judicial committee of that Council, and contact had been made with organizations representing unofficial religions. Difficulties concerning the registration of marriages among certain religious minorities had been solved; all such marriages, previously declared unconstitutional, could be registered as a result. The Government ensured that the educational, property, civil and judicial rights of all religious minorities, recognized or not, were respected; the application of Islamic rules, however, was a matter for the religious authorities, not for the Government.

17. He reminded the Committee that the Islamic Republic of Iran was not the only State party to express reservations about certain issues relating to women’s rights.

18. He said that the Government had published the text of the Convention and was doing its utmost to raise public awareness of all its provisions. Copies of the Convention had been distributed to all courts, the Islamic Human Rights Commission and the relevant parliamentary committees.

19. Whereas Farsi was the official language of the Islamic Republic of Iran, other linguistic groups had the right to teach and be taught and to publish material, including newspapers, in their own language. Complaints had been received in the past that the authorities had refused to allow journals and periodicals to be published in languages other than Farsi. Statistics published by the Ministry of Culture and Islamic Guidance suggested that the number of authorized publications in other languages, such as Kurdish, was on the increase. School curricula were also being prepared in languages other than Farsi.

20. Ms. TAVAKOLI (Islamic Republic of Iran) said that the Islamic Republic of Iran had hosted considerable numbers of refugees, mostly from Afghanistan and Iraq. The Iranian authorities had cooperated in that request with the international community, which had shared the burden. Some 180,000 refugees had voluntarily returned to Afghanistan, under a trilateral agreement between the Islamic Republic of Iran, Afghanistan and the United Nations High

Commissioner for Refugees (UNHCR). Although the number of refugees in the Islamic Republic of Iran had dropped from the peak level of more than 5 million, there were still over 2 million refugees on Iranian soil. There was no discrimination on religious grounds against those who had fled their country to settle as refugees in the Islamic Republic of Iran.

21. Turning to the issue of ethnic minorities, she said that the fact that their social and economic condition tended to be inferior to that of other Iranian citizens was a consequence of their living mostly in peripheral areas. For geographical and demographic reasons, the border provinces tended to be less developed than the central parts of the country. Consequently, the Government was paying particular attention to those areas, with a view to improving living local conditions and employment opportunities, as outlined in paragraphs 20 to 35 of the periodic report.

22. She said that the national censuses held every 10 years classified the population according to geographical area rather than ethnic origin. Statistics about people's ethnic origin were confused by factors such as inter-ethnic marriages, while many members of ethnic groups protested if they were classified by ethnic origin. She confirmed that Iranian citizens living abroad were included in the census figures.

23. The reference to the settlement of nomadic tribes, in paragraph 12 of the periodic report, was unclear, perhaps owing to a mistranslation. The nomadic tribes were not in any way forced to settle. However, when they chose to settle voluntarily, the Government identified specific areas where they might do so, according to the season, and provided public services and facilities there.

24. All Iranian citizens had equal opportunities to vote and stand as candidates, in elections, regardless of their ethnic, racial or religious identity. While agreeing with her colleague that religious matters were not covered by the Convention, she said that she would answer questions about the activities of the Religious Minorities Committee. It had been set up in 2000 at the request of the President of the Islamic Republic of Iran, under the auspices of the Ministry of the Interior. It comprised representatives of different government organizations dealing with the issues of religious minorities. Members of Parliament representing those minorities had been invited to participate in its meetings and express their views. It had carried out studies into the problems facing religious minorities and put proposals to the President. The President had already issued directives calling for equality of employment opportunities in State organizations and for the investigation of allegations that people had been dismissed from State bodies for religious reasons. The Ministry of Education had been asked to set a special quota for religious minorities to remedy their underrepresentation in that sphere of activity. The State set aside considerable sums of money to assist official religious minorities and investigated their complaints about the way government was run.

25. Members of religious minorities were entitled to free education like all other citizens. Religious studies could be taught in the minorities' languages and school principals could be appointed from their own ranks. All Iranian citizens belonging to religious minorities were entitled to have their own cemeteries. They were also able to stand in local council elections.

26. Mr. JAMSHIDI (Islamic Republic of Iran) said that the Supreme Council for Judicial Development, of which he was Secretary, had already achieved positive results and had framed forward-looking strategies with a view to raising the quality of judicial practice in the

Islamic Republic of Iran. One of the Council's main goals was that all Iranian citizens, regardless of race, should have equal access to judicial proceedings. The plan to promote justice in remote areas of the country, following a comparative study of the judicial systems in more than 40 countries, would be implemented in early 2004. The Council had also recommended the appointment in the different regions of the country of judges who had a knowledge of the local language, other than Farsi.

27. The Government attached considerable importance to ensuring the independence of the judiciary and arbitration councils had been set up to enable the general public to participate in judicial processes. The Council had also set up a special department for the protection of the interests of women and children. Courses had been laid on for judges to keep them informed of international developments in the field of human rights and cooperation with the United Nations agencies. Under a new initiative, holders of law degrees, as opposed to professional judges, were able to take part in legal proceedings and defend people's rights, in particular those of women.

28. The judiciary were encouraged to cooperate with Parliament in the process of legal reform. Under the Constitution, members of the judiciary were entitled to table draft legislation. A committee had been established to deal with human rights matters and international conventions and had been instructed to promote citizens' rights. The judiciary made every effort to follow up all complaints and grievances and had established special panels to investigate complaints of violations of the Convention.

29. With regard to the closure of newspapers, he said freedom of the press was guaranteed under the Constitution, but there were certain elements that attempted to destabilize the country by provocation. Racist propaganda was liable to prosecution.

30. Under the law, no government official could deny people their enjoyment of equal rights under the Constitution and any violation was punishable by three to five years' imprisonment.

31. Ms. MOLAVARDI (Islamic Republic of Iran), responding to the Country Rapporteur's request for information on the situation of women members of ethnic groups, said her own department, the Presidential Centre for Women's Participation, cooperated with non-governmental organizations (NGOs), universities, government bodies and United Nations agencies, among others, in efforts to improve participation by women from all walks of life. One of its responsibilities was to approve financial and educational plans for women, with priority being given to women heads of households, particularly in the less-developed regions. In recent years, a range of education, employment, skills and general support programmes for women had been implemented in cooperation with NGOs, and there were 22 projects currently in progress with a number of ministries. There was a project aiming to expand sporting activities for women to give them more choice in the use of their free time, and to provide job opportunities, for example within the area of handicrafts.

32. Rural and nomadic women's networks were being established, and neighbourhood teams, sometimes operating through mosques, provided information to women on welfare and reproductive or general health. A joint project was being conducted with Iranian Radio and Television to try to correct social attitudes towards women and to prevent the occurrence of social evils.

33. The most important area of cooperation with United Nations agencies was the empowerment of women: a project on reproductive health was being carried out in four poor areas in conjunction with the United Nations Population Fund (UNFPA); micro-credit schemes were available to help women set up their own businesses, including cattle farming; and literacy and sex education classes were provided. Women were being encouraged to participate in organizations such as gender networks and women's NGOs, and in various provinces projects to increase women's self-confidence had enabled them to participate in local elections.

34. A joint project was being carried out with the United Nations Development Programme (UNDP) to establish a women's rights information centre, with workshops around the country, and projects to enhance women's job opportunities and employment were under way in conjunction with the United Nations Industrial Development Organization (UNIDO) and the International Labour Organization (ILO).

35. More generally, she said budget resources had been earmarked to encourage women's artistic and social activities, and women's shelters had been established as part of the effort to eradicate violence against women. Since the election of President Khatami, there had been an increase in the number of women's NGOs and there were 14 political organizations exclusively for women. Lastly, she said women accounted for 60 per cent of university students.

36. Mr. SAYYADI (Islamic Republic of Iran), replying to questions concerning the cultural activities of ethnic groups and government measures to implement the Committee's recommendations in that regard, said there had been a significant increase over the past three years in the number of minority-language publications in regions where ethnic minorities were concentrated. Those newspapers that had been shut down had been guilty of provoking ethnic conflict. Local radio and television stations in those areas broadcast programmes in ethnic minority languages; ethnic groups had access to books in their languages. Other cultural activities, including more than 60 festivals and cultural exhibitions, were encouraged among ethnic groups as part of efforts to raise mutual awareness and increase tolerance, as well as to promote cultural traditions. Some 175 non-governmental cultural research institutions had been established in recent years. It was important to note that the Government had tried to provide support to all groups on an equal footing, with no discrimination between ethnic groups.

37. Mr. HEFDAHTAN (Islamic Republic of Iran) said the creation of jobs and employment opportunities in the poorest areas of the country were an important aid to the elimination of discrimination on the basis of race, ethnicity and religion.

38. One major difficulty faced by the Government in that regard had until recently been the rapidly expanding population, but population growth had been brought down to 1.7 per cent and it had become easier to balance supply and demand. Over half a million job opportunities had been created in the past three years, including jobs for young people. The Government placed special emphasis on education and vocational training, which were the cornerstones of employment. Some 200 vocational training centres had been established, including in remote areas of the country, in one of the largest such ventures in the Middle East: ample budget allocations made it possible to train over half a million applicants every year, on long or short courses; 90 per cent of them came from very deprived sectors of society, while 30 per cent of the centres provided training exclusively for women.

39. As part of its efforts to eradicate discrimination in Iran's less-developed regions, the Government had given the mining sector a tax holiday and tried to persuade businesses to invest in the regions by granting low-interest loans. Around one million jobs were held by Afghan refugees.

40. Mr. de GOUTTES, referring to the Islamic Consultative Assembly's right to review complaints about the public service or the administration of justice and punish officials found to be incompetent or dishonest, asked to what extent that right extended to the judiciary; abuse the right could lead to political interference by the legislature in the workings in the courts.

41. Turning to the 1985 Press Act, one of the purposes of which was to prevent the dissemination of racist ideas through the press, he expressed concern that article 2 (c) required the press to reject false and divisive documents; he had received reports that the provision was used less to prevent racial propaganda than to suppress political opposition on the grounds that such opposition was divisive. He wondered whether the delegation could provide any information on the application in practice of the Press Act and would also welcome a copy of the Act itself.

42. Mr. SHAHI, referring to the rights of religious minorities, including non-recognized minorities, to equal treatment inquired whether the courts, the Islamic Human Rights Commission or bodies such as the Administrative Justice Tribunal or State General Inspectorate had received any applications from minorities to redress grievances. Were such applications in fact possible and open to all citizens including minorities? He also expressed surprise that, given that some 20 per cent of the population of Iran was comprised of ethnic minorities, the report stated (para. 166) that no case involving Convention rights had been referred to ordinary tribunals, the Administrative Justice Tribunal (AJT) or the State General Inspectorate (SGI). Perhaps the problem was that the remedies available to citizens were not widely publicized, in particular in isolated areas or among minority groups.

43. Mr. HERNDL said there seemed to be a discrepancy between paragraph 81 of the core document (HRI/CORE/1/Add.106) and paragraph 45 of the periodic report regarding whether the Convention could be invoked before administrative bodies and the courts. Like Mr. Shahi, he was surprised that there had been no, single case in which the Convention had been invoked before the courts. He asked whether there was any distinction regarding the binding nature of international instruments ratified by the Islamic Consultative Assembly and approved by the Council of Guardians and those approved only by the Islamic Consultative Assembly (core document, para. 80). He reminded the delegation that the State party's core document should clearly explain the general legal framework for human rights protection, including matters relating to the Convention.

44. He shared the concerns expressed by Mr. de Gouttes regarding application of the Press Act and said that paragraph 48 of the report should come under article 5 of the Convention dealing with freedom of the press, rather than under article 4. He also pointed out that there were inconsistencies in the English translations of the same terms in the core document and in previous and current reports. One such example was the wording of article 2 of the Press Act.

45. Mr. KJAERUM said it was still not clear to him whether minority language groups received primary education in their native language. For example, were Arabic-speaking children in Khuzestan educated in Arabic? He had received reports that Kurdish speakers in fact did not receive instruction in Kurdish. He also inquired whether the State party intended to make the declaration under article 14 of the Convention regarding individual communications.

46. Ms. JANUARY-BARDILL defended the Committee's right to raise the issue of religious discrimination within the framework of the Convention. She noted that since 11 September 2001, the Committee had consistently been critical of and sensitive to targeting and harassment of Islamic individuals in the context of the fight against terrorism. As a South African, she could testify to the effects of failure to recognize the rights of minorities such as the Baha'i. Once recognition of religion was denied, it was only a short step to denial of ethnic or other characteristics. The Committee had the right to raise the issue of religious discrimination as it deemed necessary, in accordance with article 5 (d) (vii) of the Convention.

47. The CHAIRMAN endorsed that view and said the Committee would be discussing the limits and scope of that right.

48. Ms. KADIVAR (Islamic Republic of Iran), referring to the review of complaints by the Islamic consultative Assembly (report para.150) said that, in accordance with article 90 of the Constitution, any individual could complain about the functioning of the Assembly, the Executive or the judiciary to the article 90 Commission of the Islamic Consultative Assembly. In recent years, that Commission's powers had been interpreted as being relatively limited, in particular with regard to the judiciary. Since its establishment, nevertheless, it had dealt with complaints regarding legal proceedings and performance of the courts, although there was disagreement within the judiciary about its right to do so.

49. Mr. SAYYADI (Islamic Republic of Iran) said he would provide the Committee with an English translation of the Press Act. The Act had been referred to under article 4 of the Convention because there had been court cases involving accusations against the media of promoting ethnic or racial divisiveness. As a result, some newspapers had received warnings or been penalized by the courts.

50. Mr. MEHRPOUR (Islamic Republic of Iran) said article 15 of the Constitution allowed the teaching of minority languages and literature; implementation of that provision was under review by the Ministry of Education but to date no decision had been taken. There were currently, no schools which taught in minority languages.

51. Turning to the issue of implementation of the Convention, he said that the Committee's recommendations and observations had been disseminated. International instruments must be approved by the Majlis and endorsed by the council of Guardians. The Convention had been approved by the previous senate and national congress and, in the opinion of the legal experts he had consulted, its provisions could be directly invoked before and by the courts, although in practice that had never occurred.

52. He did not foresee any problem with ratification of the amendment to article 8 of the Convention; the normal administrative and legal process would, however, have to be followed. He did not know whether his Government was ready to make the declaration under

article 14 of the Convention but would transmit the Committee's recommendation. With regard to abuse of the Press Act for political purposes, he said his office could not be responsible for the interpretation of the Act by the judiciary. Every attempt was made to ensure proper implementation of the Constitution. With regard to whether the Press Act should come under article 4 of the Convention, he said that since it prohibited the promotion of racism and ethnic conflict, it was relevant to article 4.

53. Mr. MOJTAHED SHABESTARI (Islamic Republic of Iran) thanked the Committee for its positive dialogue with his delegation. However, he urged the Committee and the Country Rapporteur to limit any recommendations and comments to their mandate under the provisions of the Convention and not to delve into areas which fell within the scope of other treaty bodies.

54. Mr. ABOUL-NASR requested that the State party provide more information on the Arabic-speaking population Khuzastan, including their language and land rights.

55. Mr. BOSSUYT (Country Rapporteur) welcomed the irreversible trend towards reform in Iran. He congratulated the State party on its response in meeting the needs of large numbers of Afghan and Iraqi refugees, some 500,000 of whom had been voluntarily repatriated. He also took note of the State party's efforts to meet the needs of nomadic and ethnic groups, including protection of their culture, and to promote the emancipation of women.

56. He defended the Committee's right to raise the issue of freedom of religion and said his sources for information relating to discrimination on the basis of religion had been provided to the delegation. A judicial system which granted or denied rights on the basis of religion violated the Convention. Religion was often closely linked to the issue of descent and both religious and descent-based discrimination were clearly violations of the Convention. All human rights were inalienable and interdependent and the rights guaranteed under article 5 of the Convention must be protected without distinction.

57. He welcomed positive aspects such as the fact that Baha'i marriages were currently recognized, but regretted that mention of religion when registering for university could lead to differential treatment. More information should be provided on the Press Act and its relevance to articles 4 and, especially 5 and on the status of the Convention in domestic law. More information should also be provided on the role and influence of the Council of Guardians. He noted, for example, that he had received reports that the Council had recently refused to endorse ratification of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, two instruments which would contribute greatly to the promotion of human rights in the Islamic Republic of Iran.

58. Mr. MOJTAHED SHABESTARI (Islamic Republic of Iran) thanked the Committee for a very constructive dialogue. Its recommendations and observations had been noted and would be transmitted to his Government for consideration within the context of the provisions of the Convention. He welcomed the Country Rapporteur's reference to the trend towards reform in the Islamic Republic of Iran and said that his delegation would continue to inform the Committee of positive developments.

59. The CHAIRMAN said the Committee had concluded the initial phase of its consideration of the sixteenth and seventeenth periodic reports of the Islamic Republic of Iran. Its concluding observations would be provided in due course to the permanent mission of the State party.

The meeting rose at 1 p.m.