

## **IRAN (ISLAMIC REPUBLIC OF)**

### **Follow-up - State Reporting**

#### **i) Action by Treaty Bodies, including reports on missions**

**CERD, A/65/18 (2010)**

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### **Annex VII**

#### **Comments of States parties on the concluding observations adopted by the Committee**

##### **Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran**

The following comments were sent on 22 September 2010 by the Permanent Representative of the Islamic Republic of Iran to the United Nations concerning the concluding observations adopted by the Committee following the consideration of the eighteenth and nineteenth periodic reports submitted by the State party:<sup>a</sup>

“1. According to paragraph 2 of article 1 of the Convention “CERD shall not apply to distinctions, exclusions, restrictions or preferences made by a State party to this Convention between citizens and non-citizens.” Therefore, raising issues of non-citizens in paragraph 13 and 15 of the Concluding Observations is out of the realm of the Convention and recommendations made in this regard do not lie within the mandate of the Committee.”

“2. With regard to paragraph 17 of the Concluding Observations, the Islamic Republic of Iran takes note of the Committee’s recommendation on ethnic groups, but having considered the definition of racial discrimination in article 1 of the Convention, maintains that including Baha’is in this paragraph is not relevant to the Convention.”

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<sup>a</sup> For the text of the concluding observations, see paragraph 42 [of the Annual Report of CERD, A/65/18]. The comments refer to the unedited version of the concluding observations.

**Follow-up - State Reporting**  
**ii) Action by State Party**

**CERD A/54/18 (1999)**

Annex IX

Comments of the Government of the Islamic Republic of Iran on the concluding observations\* adopted by the Committee on the Elimination of Racial Discrimination on the thirteenth, fourteenth and fifteenth periodic reports of the Islamic Republic of Iran

1. The Government of the Islamic Republic of Iran expresses its gratitude for the opportunity provided for a good, transparent and fruitful dialogue between its delegation and the members of the Committee on the Elimination of Racial Discrimination during the consideration of its thirteenth, fourteenth and fifteenth periodic reports on the Convention on the Elimination of All Forms of Racial Discrimination at the 1338th and 1399th meetings of the Committee, held respectively on 3 and 4 August 1999.
2. The Government of the Islamic Republic of Iran appreciates the recognition by the Committee in section B of the concluding observations of the efforts made by it to implement all provisions of the Convention.
3. The Government of the Islamic Republic of Iran expresses its regret that despite the readiness of its delegation to present comprehensive information on all the questions raised by the Committee members, the inadequate time allocated to the consideration of the report did not permit some questions and issues to be duly addressed. We remain confident that the full response to those questions could to a great extent remove the grounds for the limited concerns of the Committee reflected in section C of the concluding observations.
4. Nevertheless the comprehensive responses to all unanswered questions as well as other information requested by the Committee during the last meetings will appear in the next periodic report of the Islamic Republic of Iran to the Committee.

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\* See paragraphs 294-313 of the present report.

**CERD A/58/18 (2003)**

Annex VII

COMMENTS OF STATES PARTIES ON THE DECISIONS AND CONCLUDING OBSERVATIONS ADOPTED BY THE COMMITTEE AND REPLIES OF THE COMMITTEE

Sixteenth and seventeenth periodic reports of the Islamic Republic of Iran

The following comments were sent on 28 August 2003 by the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva concerning the concluding observations adopted by the Committee following the consideration of the sixteenth and seventeenth periodic reports submitted by the State party:\*

“The Government of the Islamic Republic of Iran expresses its gratitude to the Committee on the Elimination of Racial Discrimination for the opportunity it has provided for a constructive dialogue between the Iranian delegation and the members of the Committee during the consideration of Iran’s sixteenth and seventeenth reports to the Committee.

“Having attentively considered the Committee’s observations contained in the above-mentioned document, the Islamic Republic of Iran would like to make the following comments:

“1. In paragraph 10 of the concluding observations, the Committee noted ‘that the status of the Convention in Iran’s domestic law is unclear’. This issue was dealt with in length by both the Iranian delegation and in paragraph 45 of Iran’s report to the Committee (CERD/C/431/Add.6). However, we yet again bring to the attention of the Committee that according to article 9 of the Civil Code of the Islamic Republic of Iran, regulations under treaties signed by the Government in accordance with the Constitution are legally binding. Therefore, all provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, including article 4, are automatically incorporated into Iranian domestic legislation without further need for new legislations, and constitute legal reference in court.

“In the second part of the same paragraph of the concluding observations, the Committee wished ‘to know whether the Convention has been endorsed by the Guardian Council’. We would like to draw the attention of the Committee to the fact that Iran has been a party to the Convention since 1968 after submitting its instrument of ratification to the then Secretary-General of the United Nations. The Guardian Council was established according to the new Constitution which came into existence after the Islamic Revolution in 1979. Provisions of the new Constitution are not retrospective and thus conventions ratified before the existence of the new Constitution do not need the endorsement of the Guardian

Council. Therefore, these conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, are legally binding and can be invoked in domestic courts.

“2. As to paragraph 11 of the concluding observations on the lack of full conformity of article 19 of the Iranian Constitution with the definition of racial discrimination contained in the Convention, it should be noted that grounds for and types of discrimination according to article 19 of the Iranian Constitution are, in a way, broader than that mentioned in the Convention itself. In article 19 of the Constitution grounds for and types of discrimination are named as ‘colour, race, language and the like’. Actually, the phrase ‘the like’ covers all grounds for and types of discrimination which are in the Convention, including descent [and] national or ethnic origin, although they are not explicitly mentioned in the Constitution.

“3. In the last part of paragraph 12 of the concluding observations, the Committee expressed concern that ‘no reference has been made to the compliance of the State party’s legislation with article 4 (b) of the Convention’. Responding to the concern of the Committee, we would like to state that according to article 4 (b) States ‘shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law’. This request of the Convention was fully complied with by Iran through the ratification of the Bill for the Punishment of the Propagation of Racial Discrimination in 1977. The full text of the Bill is available in paragraphs 46 and 47 of the sixteenth and seventeenth periodic reports of the Islamic Republic of Iran to the Committee contained in document CERD/C/431/Add.6.

“4. The Islamic Republic of Iran deeply regrets that the Committee in paragraph 14 of its concluding observations dealt with an issue which is totally beyond the mandate entrusted to it by the Convention. During the consideration of the reports, the Iranian delegation, along with some members of the Committee, repeatedly requested that the mandate of the Convention be meticulously observed, and appealed to the distinguished Country Rapporteur and certain members of the Committee to conform to the definition of racial discrimination as contained in the Convention and to refrain from taking issues related to the other types of minorities which are under the competence of other treaty bodies. The Islamic Republic of Iran is of the view that expansion of the competence of the Committee to consider discriminations other than those contained in the Convention requires the approval by the States parties, which does not exist as yet.”

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\*/ See paragraphs 415-436 of the present report. The comments refer to the unedited version

of the concluding observations.