



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

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Summary record of the 2017th meeting

Held at the Palais Wilson, Geneva, on Thursday, 5 August 2010, at 10 a.m.

Chairperson: Mr. Calí Tzay
later: Mr. Kemal

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran (continued)
(CERD/C/IRN/18-19 and Corr.1; CERD/C/IRN/Q/18-19; HRI/CORE/1/Add.106)

1. *At the invitation of the Chairperson, the delegation of the Islamic Republic of Iran took places at the Committee table.*

2. **Mr. Dehghani** (Islamic Republic of Iran) said that, although some of the questions the Committee had asked fell outside the scope of its mandate, his delegation would endeavour to answer them, in a spirit of cooperation. To his mind, article 5 of the Convention clearly concerned religious issues related to ethnicity, not religious issues in general. As such, it did not cover the situation of the Baha'is or similar cases. Any explanations given should not be taken as acknowledgement of the opposite view, or of any duty to answer questions relating to issues falling outside the purview of the Committee. Such issues should not be included in its report. Nevertheless, he reaffirmed his Government's willingness to cooperate with the Committee in its work.

3. **Mr. Eshragh Jahromi** (Islamic Republic of Iran) outlined the composition and activities of the High Council on Human Rights, as the most important national human rights body in the country. The Council was an intersectoral body comprising representatives of the legislative, executive and judicial branches, and experts in human rights and other fields also participated in its work. It was responsible for formulating policy and coordinating activities in the area of human rights, and for receiving and examining complaints of any human rights violations, including on ethnic grounds, both within the Islamic Republic of Iran and abroad. Women participated actively in the work of the Council. In February 2010, as part of the universal periodic review, Iran had accepted a recommendation to create a national human rights institution in full compliance with the Paris Principles, and initial steps were already being taken in that regard.

4. With regard to the involvement of governmental and non-governmental bodies in the preparation of periodic reports, he said that a committee comprising representatives of many government institutions and non-governmental organizations (NGOs) had been established in July 2005 and had provided input to the periodic report currently under discussion. Following his country's previous appearance before the Committee, the Committee's recommendations, concluding observations and questions had been translated and made available to governmental and non-governmental bodies.

5. **Mr. Shahmir** (Islamic Republic of Iran) said that his country had a long history of racial, religious and cultural tolerance and peaceful coexistence. With regard to the employment of minority groups, he recalled that the Islamic Republic had ratified the International Labour Organization (ILO) Conventions concerning Discrimination in respect of Employment and Occupation (No. 111) and Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), along with the shelved ILO Convention concerning the Abolition of Penal Sanctions for Breaches of Contract of Employment by Indigenous Workers (No. 104). Articles 3, 14, 19, 20, 28–30 and 43 of the Constitution of the Islamic Republic, together with numerous provisions of the Labour Code, provided for equal rights and treatment before the law and equal access to employment and training for all nationals of Iran, regardless of sex, ethnic group or tribe, social extraction, colour, race, language, or political or religious beliefs. Any form of discrimination or restriction on those grounds was prohibited by the Constitution. Regular reports on the application of ratified ILO conventions were submitted to the supervisory body of that Organization, but the ample statistical data provided were not disaggregated by ethnic or racial group, as it was

not feasible to extract such information from such an ethnically diverse population. In provinces such as West Azarbaijan, Kermanshah, Elam, and Sistan and Baluchistan, which had large ethnic minority populations, members of ethnic minority groups occupied between 65 and 90 per cent of senior government posts, as well as almost all regular jobs in government offices, banks, business administration, the courts and other sectors.

6. In recent years, women had been almost fully integrated into the fabric of Iranian society, with economic participation and formal employment rising by 72 per cent and 12.3 per cent respectively over the previous decade. Participation in academia had risen from 1 per cent in 1979 to almost 30 per cent 30 years later, and women had regularly accounted for more than 60 per cent of applicants for the college entrance examination between 2001 and 2008. Such considerable progress could be attributed to free access to primary and higher education, without discrimination. Women were now employed in jobs traditionally considered the preserve of men, for example in the emergency services and the public transport sector, and were represented in senior managerial posts, ministries, parliament and the cabinet. The Minister of Health and the District Governor for the city of Sarvestan, in Fars Province, were both female. Some 230,000 small and medium-sized enterprise projects submitted by women had been awarded loans or grants and, in 2009, more than 48,000 female university graduates had been recruited into the labour market. Women's access to technical and vocational training was unmatched in the region. Legislation on home-based jobs had recently been passed with a view to further bridging the employment gap between men and women and promoting a healthy work-life balance, in line with ILO recommendations. Committees and offices to protect women in the fields of education, law, cultural and social affairs, the economy, employment, international affairs and health had been or would be created at national and regional level and within relevant ministries.

7. **Mr. Tahmasbi** (Islamic Republic of Iran), referring to the legal status of the Convention in the State party, explained that, once international instruments had been signed, they must be ratified by the Islamic Consultative Assembly. In accordance with article 9 of the Civil Code, one of the country's most important legal instruments, in which a number of key legal principles were set out, they were then considered a binding part of domestic legislation and could be invoked by judges in a court of law.

8. All provisions of ratified international conventions were on a par with national legislation. Although the primacy of international law over domestic law was not recognized in Iran, no new legal acts could be passed that were incompatible with existing legislation, including international instruments. Any laws adopted before the Islamic Revolution that had been explicitly identified as being incompatible with Islamic law or the Constitution of the Islamic Republic were revoked, but the International Convention on the Elimination of All Forms of Racial Discrimination remained fully in force, including the amendment to article 8, which had been ratified by the Islamic Consultative Assembly and endorsed by the Council of Guardians.

9. Some members of the Committee had asked whether ethnic minority groups were disproportionately subject to prosecution and whether they were ensured a fair trial. Expressing doubt as to the validity of the question, he stressed that race, colour, ethnicity and other similar considerations were not taken into account in any way within the State party's judicial system, and that all defendants, irrespective of ethnic origin, were equal before the law and enjoyed the same rights. The ethnic origin of those involved in a case was not registered. The number of prosecutions in a particular area depended solely on the number of offences committed, although the specific nature of some provinces could leave them more prone to certain types of crime – for instance, trafficking and smuggling offences in border provinces and urban crime in Tehran. The fact that many of those provinces had large ethnic minority populations was incidental. In response to a related question, he explained that statistics for the number of cases involving racial discrimination

were not available, as legal proceedings were classified with reference to which provisions of the Constitution had been violated, whether damages had been awarded, etc., and ethnic background was not taken into account. However, some specific examples of such cases would be provided later.

10. The Committee had asked whether the lack of complaints regarding discrimination on ethnic grounds might be due to lack of trust in the judicial system or the police, lack of awareness among victims of their rights, or failure of the judicial authorities to pay adequate attention to such issues. He emphasized that if offences were committed against ethnic groups, the perpetrators would be prosecuted by the judicial authorities, but the offences would be classified as breaches of the Constitution or the legislation in force and not as offences of ethnic or racial discrimination.

11. **Ms. Hamed** (Islamic Republic of Iran) listed a number of instances of non-discrimination in the judicial system between ethnic, racial or religious groups.

12. Legal action had been taken by many victims of haemophilia due to contaminated blood transfusions. The first case had been brought by 974 complainants and the second by 171 complainants. They had received a fair hearing and a judgement had been handed down. A third case involving 1,600 complainants was currently before the judiciary and to date the courts had issued final verdicts concerning some 40 of the persons concerned. The accused parties were all public bodies: the Ministry of Health, the country's blood transfusion centre and a research organization. The verdicts had been based on the teachings of Islam, domestic law and international treaties. The award of material and non-material damages had been equally distributed among the complainants, irrespective of sex, race, ethnic group and religion. The complainants were from 21 different provinces and included three Zoroastrians and two Afghan nationals. The convicted parties had been ordered to pay all medical expenses and to make a public apology in the media.

13. In Khuzestan Province Mr. Jabbar [family name withheld] had filed a complaint against Khorramshahr Municipality, which had confiscated his land. The court had ruled against the Municipality and the complainant's property had been restored.

14. Employees who had been dismissed from a company in Khuzestan Province had filed a complaint against the national social security organization. The court had ruled in their favour and they had been awarded unemployment benefit.

15. In Kurdistan Province, Mr. Ali [family name withheld] and his brothers had filed a complaint against Bijar Municipality for abuse of authority and breaches of the administrative regulations. The administrative court had found the Mayor of Bijar guilty of the charges.

16. In 1981 the Baha'i Society in Sistan Province had filed a complaint concerning the confiscation of its graveyard for use as a parking area for public transport vehicles. The court had ruled in favour of an amicable settlement whereby land in an adjacent area had been transferred to the complainants.

17. In Kurdistan Province, Ms. Asma [family name withheld] had filed a complaint against Marivan Municipality and the administrative court had ruled in her favour, requiring the municipal authorities to reimburse her for land that had been confiscated or to provide her with land of equal value.

18. **Mr. Mossadegh Kahnemoui** (Islamic Republic of Iran) said that citizens' rights were enshrined in different laws and regulations, particularly in the Act concerning the protection of citizenship rights. The general policies applicable to such rights had been endorsed by the Supreme Leader. Citizenship rights were enjoyed by all Iranian nationals and could be granted to foreign nationals residing in the Islamic Republic of Iran. For example, article 19 of the Constitution stipulated that: "All the people of Iran, irrespective

of their ethnic group or tribe, enjoy equal rights; moreover, no privilege is conferred by a person's colour, race, language or any other attribute." Article 20 stipulated that: "All citizens of the country, both men and women, are entitled to equal protection under the law and enjoy all human, political, economic, social, and cultural rights."

19. The Act concerning the protection of citizens' rights had been enacted in 2004 and endorsed by the Council of Guardians. It covered such matters as the legal procedures to be followed in criminal investigations and the prohibition on the use of torture to extract information from a suspect. Since its entry into force, the judiciary had adopted a series of measures aimed at ensuring its effective implementation. For instance, a secretariat in each province whose membership included the head of the provincial judiciary and eminent judges had been established to oversee compliance with the Act; a central secretariat had also been established under the supervision of the head of the national judiciary; courts in each of the 30 provinces had been assigned the task of addressing alleged violations of citizens' rights; and inspectors and experts monitored the performance of the judiciary in legal proceedings in all provinces. Moreover, supervisory groups paid unannounced visits to the provincial secretariats to assess their performance on the basis of questionnaires containing some 50 questions. They investigated, for instance, whether summonses had been issued in accordance with the law and whether arrest warrants had been duly served. The questions raised included: whether judges' questioning of suspects was to the point or whether they tried to establish guilt by underhand methods; and whether the suspect had been brought before the relevant judicial body, since the law enforcement authorities were not supposed to detain a suspect for more than 24 hours without bringing him or her before a judge.

20. Another questionnaire was filled out by parties to legal proceedings in person or by telephone. The officials asked whether the rules had been observed during the legal proceedings and enquired about the conduct of the law enforcement officers, the amount of time detainees had spent in custody, whether the food provided had been satisfactory and whether the prison wardens had conducted themselves correctly. The questionnaire contained no fewer than 65 questions.

21. In 2009 the provincial inspectors had conducted over 6,000 inspections, including 2,021 court inspections, 1,545 prison inspections and 2,551 inspections of law enforcement authorities. In addition, the general public had filed 2,939 complaints.

22. No organization had ever been established to promote discord between ethnic minorities or religious groups. Any such action would constitute a crime and the perpetrator would be prosecuted. Article 1 of the Act concerning incitement to racial discrimination prohibited all forms of discrimination on grounds of race or sex, as well as xenophobic acts. Incitement by either a natural or a legal person constituted an offence. The Press Act also prohibited incitement through the media. Article 698 of the Islamic Criminal Code prescribed a penalty of up to two years' imprisonment for incitement to ethnic or racial discrimination. Attempts to sow discord between people of different cultural or ethnic origins or of different religions were also prosecuted. In 2005, for example, an issue of a mass-circulation Iranian newspaper had been withdrawn for containing material that insulted the people of Azerbaijan Province.

23. A Committee member had asked how citizens' rights could be enforced. Article 34 of the Constitution stipulated that: "Every citizen has an inalienable right to seek justice by resorting to the competent courts. All citizens have the right of access to such courts and no one may be barred from a court to which he or she has a legal right of recourse." Accordingly, all courts were required to deal with complaints lodged by Iranian nationals. Following the promulgation of the Act concerning the protection of citizens' rights, special courts had been established to address violations of the rights concerned.

24. With regard to the Iranian woman who had been sentenced to death by stoning, her case was still pending and no final decision had been taken. In addition to committing double adultery, she had been found guilty of conspiring to murder her husband. Under Iranian law, the crime of premeditated homicide of an innocent person carried the death penalty. He pointed out that, pursuant to article 188 of the Code of Criminal Procedure, he was unable to comment on the case until a final judgement had been handed down.

25. **Mr. Dehghani** (Islamic Republic of Iran) noted that the case did not fall within the scope of the Committee's mandate. The media had politicized the case and used it as an opportunity to disseminate negative propaganda about his country.

26. *Mr. Kemal took the Chair.*

27. **Mr. Abbaszadeh Meshkini** (Islamic Republic of Iran) said that a population census was conducted in all 30 provinces every five years. Several provinces, such as West Azerbaijan, East Azerbaijan, Ardabil and Zanjan, had historically been home to much of the country's Azeri population. According to the 2006 census, the population of those provinces was some 8.6 million. Official estimates based on the census figures put the number of Azeris nationwide at between 8 and 10 million. There were no clear boundaries between the country's ethnic groups, and any attempt to make such distinctions would hinder political and cultural development in general and efforts to promote the cultures of the individual ethnic groups in particular. Iranian identity cards included details of names, gender, date and place of birth, civil status and offspring, but not the language or dialect the bearer spoke. Accurate data on the number of speakers of each language or dialect were therefore not available. The authorities' planning was based on indicators developed using the census statistics, which had met their needs thus far.

28. Replying to questions about the participation of different ethnic groups in public life, he said that in the 2009 presidential elections, voter turnout in many of the provinces with a large ethnic population had been between 65 and 83 per cent. Ethnic groups were well represented among the 290 members of parliament (MPs), with 40 from predominantly Azeri provinces, 5 Azeris from Tehran province, 9 Arabs from Khuzestan province, 6 Kurds and 5 Baluchis. In addition, the Ministry of the Interior held regular meetings with provincial representatives. There was no indigenous population, as defined by the United Nations, in the country. There were some 250 political parties; the major, broad-based parties had branches in different provinces, including those where ethnic languages and dialects were spoken. Some parties were specific to individual provinces. Many NGOs had been registered and were working in several provinces, in some cases over 100 in one province.

29. The Special National Committee for the Promotion of the Rights of Religious Minorities was an agency of the Ministry of the Interior which assisted religious minority associations. There were over 60 such associations, which promoted cultural and sporting activities and promoted the health and social well-being of their members. Some 19 billion rials were allocated to those associations each year. In recent years, the Committee had expanded its mandate to include ethnic minorities, and regularly consulted ethnic groups and the authorities in predominantly ethnic provinces. Religious minorities were represented in Parliament by two Armenian MPs, one Assyrian, one Jew and one Zoroastrian. Religious minorities were also entitled to publish their own newspapers and run schools, as well as practise their own religion, customs and traditions.

30. Of the 17 MPs representing the population of Khuzestan province, 9 were Arabs. There were an estimated 2.2 million Arabs living in the province. Some 20 newspapers were published in Arabic. Almost all local governors in provinces with a large ethnic population were from the relevant ethnic groups. Many of the highest political and

commercial posts in the country were occupied by individuals from ethnic groups, including Azeris and Arabs.

31. According to a decision of the High Cultural Revolution Council, all persons had the right to receive education in local languages, particularly at university. Since the beginning of the previous academic year, all university students had had the right to take modules in local languages. Arabic had been taught at primary, secondary and tertiary level since the beginning of the post-Revolution era. Books and newspapers had been published on a wide range of subjects in different ethnic languages, and television and radio programmes were broadcast in ethnic languages in provinces with audiences for those languages. That policy had facilitated the promotion of the culture, literature and language of different ethnic groups and provinces.

32. The five-year development plans were drawn up by the Government and submitted to Parliament for adoption. The current plan was in its fourth year; the fifth such plan was now being drafted. The plans established national priorities and formed the basis of the country's annual budgets.

33. The terms "tribe", "nomadic community" and "ethnic group" had not been defined in domestic legislation. From a sociological perspective, "tribe" referred to a number of families that shared patriarchal lineage. The term "nomadic community" was used to refer to a group that worked in animal husbandry. Owing to the country's diverse climates, some animal breeders moved around the country during the year to take advantage of climatic conditions at different times of the year. As they tended to follow the same routes every year, the Government was able to provide them with social and other services without difficulty.

34. In his delegation's opinion, questions about the Baha'is did not fall within the Committee's mandate, since the Baha'is did not constitute a distinct ethnic, religious or linguistic group. His Government had addressed the Baha'i issue under the universal periodic review procedure of the Human Rights Council in February 2010. In any case, all citizens were equally entitled to services such as health care, education and housing. University applicants, for example, might have to answer questions related to the application process, but they would not be asked about their religious beliefs. People applying for jobs in both the public and the private sector were assessed purely on merit.

35. **Mr. Dehghani** (Islamic Republic of Iran) noted that a Jewish member had been elected to the Majlis (parliament), even though he represented a much smaller group of voters than the 150,000 people who made up an ordinary constituency.

36. **Mr. Khoubkar** (Islamic Republic of Iran) said that, while Mr. Prosper's question about the status of foreign nationals under the judicial system of Iran did not, properly speaking, fall within the Committee's mandate, he could nevertheless provide some information. All accused persons enjoyed certain basic rights, and imprisoned foreign nationals were entitled to visits from consular officials of their own country, pursuant to article 36 of the Vienna Convention on Consular Relations of 1963.

37. **Mr. Ghadimi** (Islamic Republic of Iran) said that, despite Iran's wealth of natural resources, the more remote regions had been greatly neglected under the previous regime. Poverty eradication was a major priority of the current Government, and access to health, education and welfare services had improved in all regions. Provinces inhabited by ethnic minorities received large amounts of Government development funding: for instance, the province of Baluchistan had received 8.6 per cent of all grant funding for less developed regions in the period 1999–2009, and Khuzestan had received 6.1 per cent.

38. The nomadic population numbered over 1.2 million. Nomads received special protection from the Government, including health care, education services, arrangements for voting in elections and supplies of fuel and other basic commodities.

39. **Mr. Taghavi** (Islamic Republic of Iran) said that the groups recognized as ethnic minorities under the Constitution, Zoroastrians, Christians and Jews, could freely practise their religion and establish their own schools. There were 300 churches and 75 synagogues throughout the country. Ten magazines were published in ethnic minority languages. A total of 220 books had been published by the Zoroastrian community, and 132 by the Armenian Christians. Other religious communities, including Hindus and Buddhists, had founded religious centres.

40. **Mr. Diaconu** said that the Committee had called upon the Iranian Government to make a number of changes in its legislation in order to establish a clear legal basis for dealing with racial discrimination whenever it occurred. For instance, the Committee always recommended that States parties explicitly acknowledge the primacy of the Convention over domestic legislation, in order to prevent possible conflicts between the two in future. It likewise recommended an explicit ban on racist organizations, even if the State party considered that no such organizations existed on its territory.

41. It was important to collect data in a disaggregated form which would show the real situation of minority groups. That information would also help the State in its own economic and social planning.

42. **Mr. de Gouttes** said that the Committee's numerous questions were a reflection not of any negative spirit, but of the importance of the issue under consideration: sometimes they touched on issues not directly connected with the Committee's official mandate. Many of the issues raised concerned questions of general principle, such as the precedence of international human rights instruments over domestic legislation or the close link between racial and religious discrimination, which explained why the Committee was interested in the situation of groups such as the Jews, the Zoroastrians and the Baha'is. Finally, the Committee often stressed the importance of classifying racial discrimination as a criminal offence and the fact that the absence of complaints about racial discrimination was not, in itself, sufficient to indicate that no such discrimination existed.

43. **Ms. Crickley** thanked the delegation for its comprehensive replies. She hoped that, in the next report, the State party would give more information about women from ethnic minorities and the overlap between gender discrimination and racial discrimination.

44. **Mr. Thornberry** noted that the Convention dealt not only with direct discrimination, but also with indirect discrimination, such as unexpectedly discriminatory consequences of new laws.

45. The delegation had complained about sensational media reports. However, Committee members viewed all the sources of information available to them with a critical eye and decided how much credence to give them. In any case, Governments had ample opportunity to confirm or deny assertions made in the media.

46. **Mr. Lahiri** (Country Rapporteur), summing up the interactive debate with the State party, declared himself greatly impressed by the delegation's detailed explanation of its measures to promote economic and social development, including the allocation of special funding to underdeveloped areas, and improve the situation of women. He called upon the State party to include data disaggregated by ethnicity in its next report, which was essential for an accurate understanding of the real level of discrimination.

47. The delegation had stated that there was no conflict between the Convention and domestic law. However, a statement such as that made by the Secretariat of the Central Students Selection Board in June 2010, to the effect that students from "man-made"

religions and “unofficial” minorities were not entitled to study at university, would surely not have been made if the Convention really did take precedence over domestic law.

48. He hoped that in future reports the State party would give details of any action taken against officials who publicly criticized ethnic minorities and of complaints brought before the High Council for Human Rights. He thanked the delegation for the detailed information it had provided and the quality of its interaction with the Committee.

49. **The Chairperson** thanked the members of the Iranian delegation for their responses to the Committee’s questions and regretted that they had not had time to submit all the material they had prepared.

50. **Mr. Dehghani** (Islamic Republic of Iran) thanked members for their questions. On several occasions, however, those questions had gone beyond the Committee’s official mandate: he hoped that members would also see fit to ask other States parties, where relevant, about the current Islamophobia in Europe and the rest of the Western world.

The meeting rose at 1.05 p.m.