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Committee on Economic, Social and Cultural Rights

Fiftieth session

Summary record of the first part (public)* of the 6th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 1 May 2013, at 3 p.m.

Chairperson: Mr. Dasgupta (Vice-Chairperson)

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of the Islamic Republic of Iran (continued) (E/C.12/IRN/2; HRI/CORE/1/Add.106; E/C.12/IRN/Q/2; E/C.12/IRN/Q/2/Add.1, in English only)

1. *At the invitation of the Chairperson, the delegation of the Islamic Republic of Iran took places at the Committee table.*
2. **Ms. Hedayati** (Islamic Republic of Iran) said that the State party was currently implementing its fifth five-year development plan, which included programmes related to family and the empowerment of women.
3. **Ms. Barimani** (Islamic Republic of Iran), referring to paragraph 175 of the periodic report, said that there were 34 service centres for street children in various provinces throughout the country. In addition, advisory services were provided to families to encourage them to take their children off the streets.
4. **Mr. Hakimi** (Islamic Republic of Iran) explained that the minimum age of marriage for girls was 13. Girls aged between 13 and 18 and boys between 15 and 18 could marry only with the consent of their parents and the authorization of a court, which was responsible for verifying that there was no physical or medical impediment to the marriage. If a girl aged between 13 and 18 or a boy aged between 15 and 18 married without the approval of the court and there was proof of the marriage, the union was legally recognized.
5. **Ms. Barimani** (Islamic Republic of Iran) said that, in accordance with the country's culture, women who were victims of domestic violence received the support of their extended family. However, shelters had been set up to deal with situations in which such support was not available. The shelters provided a range of services to victims and their children, who could stay for a maximum of six months, during which time the professionals tried to find a solution — either judicial or non-judicial — to the situation. An emergency telephone line and mobile units had been established. The objective was ultimately for the victim to return to her family.
6. **Ms. Hedayati** (Islamic Republic of Iran) explained that, under article 619 of the Islamic Punishment Act, any assault of a woman or a child in a public place was classified as an offence. Article 1130 of the Civil Code provided that, if the continuation of family life was not in the best interests of the wife, she could bring a case before the courts. Article 1127 of the Civil Code provided that, if the husband was diagnosed with a sexually transmitted disease after marriage, the wife was entitled to apply for a divorce before the courts. In addition, legislation on women's safety, which set forth punishments for domestic violence and violence against women, had been adopted.
7. **Mr. Hakimi** (Islamic Republic of Iran) said that physical violence between spouses was considered grounds for taking a case before the courts, which could result in sanctions being imposed on the perpetrator. Cases of domestic violence were rare, however, as, in keeping with customs, the family elders — men or women — intervened to settle matters between spouses amicably and maintain the foundations of family unity. Only if such family mediation failed was the case taken to court.
8. **Ms. Barimani** (Islamic Republic of Iran) said that efforts were being made to strengthen health networks and centres throughout the country.

9. **Mr. Pourmousvi** (Islamic Republic of Iran) said that discrimination against ethnic minorities ran counter to the country's values. There were two types of religion — ancient and modern — as well as sects, including Baha'ism. The appearance of that sect was linked to social disturbances, and there was proof that the sect maintained links with external elements, such as Israel and foreign intelligence agencies. The Government was therefore duty-bound to take measures to prevent social unrest. Of course, generalizations should not be made about the Baha'i community as a whole, many of whom were not troublemakers and enjoyed many civic rights. The State party accepted many religious practices, such as dervishism, and recognized four religions: Islam – the official religion, Christianity, Zoroastrianism and Judaism.

10. **Mr. Hassani** (Islamic Republic of Iran) said that some higher education institutions had introduced segregation between girls and boys in the face of pressure from the local population.

11. **Mr. Behzad** (Islamic Republic of Iran) said that the economic and social rights of workers in the export processing zones and Special Economic Zones were guaranteed by legislation on employment, insurance and social protection, which also regulated the settlement of labour disputes. The minimum wage was set by a tripartite body and calculated on the basis of the income required to support a family, inflation, and salary scales by profession and sector. The High Council for Employment had adopted many measures in the area of training, home-based work and the granting of microcredits for professional projects developed by women. In order to promote economic empowerment, the authorities had implemented awareness-raising and vocational and technical training programmes in various sectors, particularly targeted at women and the provinces of the south and west. According to figures from 2010, more women than men had participated in those programmes. Career guidance programmes aimed at encouraging entrepreneurship among women had also been organized in the municipalities, and in rural areas women had received financial assistance to develop businesses.

12. **Mr. Pourmousvi** (Islamic Republic of Iran) explained that there were some 5 million “refugees” in Iran. Regular refugees enjoyed all of the rights that went with that status and lived in camps or accommodation specifically for them. The others, who had come to Iran in search of work, were not considered refugees: they were undocumented and, as a result, were arrested and returned to their countries. At present, Afghan citizens arriving in Iran were not considered refugees, as that status was not justified by the situation in their country. With regard to the “gozinesh” selection procedure, the criteria were skills, which should be as advanced as possible, and a clean criminal record.

13. **Ms. Bras Gomes**, referring to the concept of prohibited zones for Afghan citizens, asked whether the State party had amended its policy in that area. The policy had had a detrimental effect on many families, some of whom had been living in Iran for decades and, because of the resulting displacement, had been deprived of papers, and thus their right to education and health, among others. She also asked the delegation to provide details on the health rights of transgender persons.

14. **Mr. Sadi** recalled that the minimum age for marriage was set at 18 for all the treaty bodies. Rejecting parental consent as sufficient grounds for overriding an international standard, he asked what measures the State party planned to take in that regard. Noting that rape was subject to the death penalty, he asked the delegation to provide details of how marital rape was dealt with. He asked about the position of Sunnis in higher administration, such as representative assemblies.

15. **Ms. Shin** asked whether there were any initiatives to encourage men who had committed acts of domestic violence to change their behaviour. With regard to segregation between men and women in universities, she expressed surprise that the Government had

succumbed to public pressure rather than promoting rules that were in line with the Covenant.

16. **Mr. Schrijver** expressed concern that the State party's description of the Baha'i community as a sect could be considered a violation of the international human rights standard of freedom of religion and religious practice. It was not for States to decide what was a religion and what was a sect. According to information available to the Committee, the Baha'i community was discriminated against in access to employment and higher education, among others. He would welcome further information on the State party's official position with regard to that community.

17. **Mr. Marchán Romero** said that the Committee was working on a general comment on article 15, paragraph 1 (a), of the Covenant, which established the right to participate in cultural life. The Committee had defined neither the concept of culture nor that of religion, which in its view was inseparable from culture and encompassed all forms of religious expression – beliefs, rites, and ceremonies. He stressed that there would be no point in protecting the rights of minorities without also protecting their rights in terms of religious beliefs. Recalling the Vienna Declaration and Programme of Action, he underlined that, regardless of national particularities, it was the duty of States to protect all human rights and fundamental freedoms.

18. **Mr. Hakimi** (Islamic Republic of Iran) said that the State party's position on the issue of religions and sects had been clearly and comprehensively explained and had not changed.

19. **Ms. Hedayati** (Islamic Republic of Iran) said that there were cases of domestic violence in some urban areas in the larger provinces but that the phenomenon was not widespread in the country. Nonetheless, training programmes had been organized over the past four years, particularly in the context of military service, to promote family harmony.

20. **Mr. Hakimi** (Islamic Republic of Iran) said that, under the Constitution, practitioners of the various recognized religions — such as Zoroastrianism, Christianity and Judaism — had the right to have their own places of worship, which was a right not always granted to Muslims worldwide. That being said, if a representative of the Baha'i community attempted to convert a child, the parents were entitled to intervene to protect the child from such influence, otherwise the Office of the Public Prosecutor would initiate proceedings.

21. Sunnis, who primarily lived in Sistan-Baluchestan and Khuzestan provinces, were represented in the Islamic Consultative Assembly (parliament) and held in high esteem. Some were working towards recognition of certain sects as religions, to which the Iranian Government was absolutely opposed.

22. The issue of the exercise of cultural rights, was simple: anyone who wished to develop themselves intellectually had access to culture. Baha'i and Buddhists were free to exercise their cultural rights provided that in so doing they did not disrupt public order and security, in which case they would be subject to legal proceedings. There was no justification for them receiving special protection, which was something not even Muslims received. Nor was there any justification for a country in which 98 per cent of the people had opted for an Islamic system to have to change its cultural policies and traditions, particularly if it was done to comply with the will of a foreign power. The Iranian Government respected diverse views — to which it listened with interest — but did not intend to deviate from its current path.

23. With regard to transgender persons, some 100 of whom had submitted applications for sex change operations in the past two years, he pointed out that it was a commission of experts in forensic medicine which, with the assistance of psychologists and other

professionals, ruled on whether or not to approve the application for surgery. Each application led to the opening of a file by the prosecutor, not to prosecute the applicant but to protect them. If the application was approved by the commission, the costs of the surgery were covered by social protection bodies.

24. The family being the pillar of society, same-sex marriage, which went against nature, was not permitted. In a democracy, the rights of each individual — father, mother and children — should be protected, and future generations should inherit a healthy world, free from HIV, for example.

25. Under the Constitution, all citizens — men and women — enjoyed the same privileges. He was aware that the opinions of the Iranian Government might contradict those of the Committee members on some societal matters, but the Islamic Republic of Iran had no intention of imposing its point of view, and expected the same from the international community. However, Iran was aware of the need to debate issues concerning economic, social and cultural rights and the implementation of the Covenant; any differences of opinion would be submitted to parliament for consideration, giving rise to legislative amendments if parliament so deemed appropriate.

26. **Mr. Kedzia** (Country Rapporteur) thanked the Iranian delegation for its replies and welcomed the presence of so many civil society representatives. The dialogue had enabled Committee members to more clearly identify the obstacles to implementation of the Covenant in Iran. He hoped that it had also given the delegation a better grasp of the Committee's concerns.

27. He welcomed the information provided by the delegation on the Iranian Government's efforts to combat discrimination against certain communities, but said that other issues could benefit from more in-depth discussion, such as the risks faced by members of the Baha'i community, and State party measures to promote tolerance and mutual understanding in society.

28. He hoped that, in its subsequent periodic reports, the State party would provide more information on measures taken to ensure that all persons in its jurisdiction enjoyed equal economic, social and cultural rights.

29. **The Chairperson** said that the Committee had now concluded its consideration of the second periodic report of the Islamic Republic of Iran.

The public part of the meeting rose at 4.40 p.m.