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Committee on the Elimination of Racial Discrimination

Seventy-seventh session

2–27 August 2010

Consideration of reports submitted by States parties under article 9 of the convention**Concluding observations of the Committee on the Elimination of Racial Discrimination****Islamic Republic of Iran**

1. The Committee considered the 18th and 19th periodic reports of the Islamic Republic of Iran, which were due on 2006 respectively, submitted in one document (CERD/C/IRN/18-19), at its 2014th and 2015th meetings (CERD/C/SR.2014 and 2015), held on 4 and 5 August 2010. At its 2042nd meeting (CERD/C/SR.2042), held on 23 August 2010, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party, in spite of its delay. The Committee is encouraged by the attendance of a high-ranking, diverse delegation, representing several institutions of the State party and expresses its appreciation for the opportunity to continue its dialogue with the State party.

3. While the Committee notes with satisfaction that the State party's report generally conforms to the reporting guidelines of the Committee, it regrets that the report contains insufficient information on the practical implementation of the Convention, particularly on economic and social indicators of the State Party's population disaggregated by ethnicity.

B. Positive aspects

4. The Committee welcomes the various developments which have taken place in the State party, including:

(a) The approval of the Law on Citizenry Rights in 2005;

(b) The ratification of amendment to article 8 of the Convention by the State party on 7 November 2005, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992, concerning the financing of the Committee;

(c) The update on the progress being made by the State party in the establishment of a National Human Rights Institution in accordance with the Paris Principles;

(d) The amendment of the 4th Development Plan which allows budget allocations and a percentage of oil and gas revenues for the development of less developed provinces, particularly inhabited by disadvantaged ethnic groups; and

(e) Iran's active engagement with the international community on human rights issues, such as its initiative on promoting a dialogue among civilizations.

5. The Committee commends the State Party's continued hosting of a large population of refugees from neighboring countries such as Afghanistan and Iraq.

C. Concerns and recommendations

6. The Committee takes note of the State party's views on the difficulties involved in determining the ethnic composition of the population beyond indicating the concentration of ethnic groups in different provinces of Iran, but also felt that the difficulties of Iran on this matter were not *sui generis*. While taking note of the recent population census in 2007, the Committee regrets that this opportunity was apparently not taken advantage of to acquire detailed information on the ethnic composition of the population by means of a self-identification question on ethnicity.

The Committee recommends that the State party make renewed efforts to update the information on its ethnic composition, relying on the principle of self-identification. It recommends that such a self-identification question be included in the next census carried out by the State party and requests that the results of the census be made public and this information be provided in the next State party report.

7. While noting the clarifications made by the State party on the incorporation of the Convention into domestic legislation, the Committee reiterates that the status of the Convention, when juxtaposed with certain divergent provisions of the Constitution and of domestic legislation, still remains unclear. It further notes that the Convention has never been invoked by domestic courts.

The Committee recommends that the State party undertake the necessary measures to harmonize its domestic legislation with the Convention. It also recommends that the State party take further steps for public dissemination of the provisions of the Convention and the possibilities for its invocation to combat racial discrimination, including in minority languages and that it provide its Government officials with education and training in this area.

8. The Committee notes the information furnished by the State party on the definition of racial discrimination in article 19 of the Iranian Constitution and reiterates its concern that this definition does not explicitly cover the forms of racial and ethnic discrimination prohibited under the Convention. (Art. 1)

The Committee again urges the State party to consider reviewing the definition of racial discrimination contained in its Constitution and domestic law in order to bring it into full conformity with article 1, paragraph 1, of the Convention.

9. While commending the efforts undertaken by the State party to empower women, the Committee is concerned that women of minority origin may be at risk of facing double discrimination. (Art. 2)

The Committee draws the State party's attention to its general recommendation No. 25 (2000) on Gender-related dimensions of racial discrimination

and recommends that the State party continue its efforts to empower women and promote their rights, paying particular attention to women belonging to minorities.

10. The Committee notes the information furnished by the State party on the 1985 Press Act. The Committee also notes the efforts undertaken by the State party to combat racist discourse in the media by applying sanctions to newspapers whose publications have included racist discourse. However, the Committee is concerned at continued reports of racial discrimination, *inter alia* directed against Azeri communities in the media, including stereotyped and demeaning portrayals of those peoples and communities. The Committee is also concerned at the reports of racial discrimination in everyday life and statements of racial discrimination and incitement to hatred by government officials. (Art. 4)

The Committee recommends that the State party take appropriate steps to combat manifestations in the media, as well as in everyday life, of racial prejudice that could lead to racial discrimination. The Committee also recommends that, in the area of information, the State party promote understanding, tolerance and friendship among the various racial and ethnic groups in the State party, especially on the part of public officials, and including through the adoption of a media code of ethics that would commit the media to showing respect for the identity and culture of all communities in the State party, taking into account the possible intersection of racial and religious discrimination. It reiterates its previous request that the State party submit information in its next periodic report on the application of this law to combat racial discrimination.

11. The Committee notes the information provided on the High Council for Human Rights and its work. It expresses concern however that its composition could impact on its independence. The Committee takes further note of the information provided that the High Council is currently working on a plan to establish a national human rights institution. (Art. 6)

The Committee urges the State party to speed up the process for the establishment of a national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134). It also urges the State party to ensure the independent functioning of this institution through provision of adequate financial and human resources.

12. While the Committee notes that, according to the State party, measures are being taken to promote minority languages, and the teaching of minority languages and literature in schools is permitted, it expresses concern over the lack of sufficient measures to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction. It would have appreciated more information on the literacy levels of ethnic minorities. (Art. 5)

The Committee recommends the State party continue its efforts to implement measures to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction. It requests the State party to provide more information on the literacy levels of ethnic minorities.

13. The Committee is further concerned that language barriers may create an obstacle in access to justice for ethnic minorities in the State party. The Committee also expresses its concern at reports of discriminatory treatment of foreign nationals in the Iranian justice system. (Art. 5, 6)

The Committee recommends the State party continue its efforts to ensure access to justice in these languages through the provision of translators and interpretation, as appropriate. The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The Committee recommends that the State party intensify its efforts to ensure due process and transparency for all persons in the justice system, including foreign nationals.

14. The Committee notes the lack of sufficient information on the implementation of article 6 of the Convention.

The Committee reiterates its view that the lack of any complaints is not proof of the absence of racial discrimination and may be the result of the victims' lack of awareness of their rights, the lack of confidence on the part of individuals in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The Committee recommends that the State Party undertakes an effective public information campaign to increase awareness of the accessibility of this channel for receiving complaints of racial discrimination and providing redress. The Committee reiterates its previous request that the State party include in its next periodic report statistical information on complaints lodged, prosecutions launched and penalties imposed in cases of offences which relate to racial or ethnic discrimination, as well as examples of cases illustrating this statistical information.

15. The Committee expresses concern at the limited enjoyment of political, economic, social and cultural rights by, *inter alios*, Arab, Azeri, Balochi, Kurdish communities and some communities of non-citizens, in particular with regard to housing, education, freedom of expression and religion, health and employment, despite the economic growth in the State party. It notes information that the provinces where many of them live are the poorest in the country. (Art. 5)

The Committee recommends that the State party take the necessary steps to achieve effective protection from discrimination against *inter alia* Arab, Azeri, Balochi and Kurdish communities and some communities of non-citizens, in view of General recommendation No. 30 (2004), in various domains, in particular, employment, housing, health, education and freedom of expression and religion. The Committee also requests that the State party include information in its next report on the impact of programmes aimed at giving effect to the economic, social and cultural rights of the population, as well as statistical data on progress in this regard.

16. The Committee expresses concern over reports that the application of the "gozinesh" criterion, a selection procedure that requires prospective state officials and employees to demonstrate allegiance to the Islamic Republic of Iran and the State religion may limit employment opportunities and political participation for, *inter alios*, persons of Arab, Azeri, Balochi, Jewish, Armenian and Kurdish communities. (Art. 5)

The Committee would appreciate further information in the next report on the utilization of this criteria to better understand it and better advise the State party.

17. The Committee expresses concern at the low level of participation of persons from, Arab, Azeri, Balochi, Kurdish, Baha'i, and certain other communities in public life. This is reflected in, for example, the scant information provided about them in the national report, in the national census and in public policies. (Art. 5)

The Committee urges the State party to carry out a study of members of all such communities that would enable the State party to identify their particular needs and draw up effective plans of action, programmes and public policies to combat racial discrimination and disadvantage relating to all areas of the public life of these communities.

18. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the Convention on Elimination of Discrimination Against Women, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

19. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

20. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

21. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

22. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

23. Noting that the State Party submitted its Core Document in July 1999, the Committee encourages the State Party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).

24. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraph 9 10 and 11 above.

25. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations at 6, 13, 15 and 17 and request the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

26. The Committee recommends that the State party submit its 20th, 21st and 22nd periodic reports in a single document, due on 4th January 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).