



Economic and Social Council

Distr.: General
6 May 2013

Original: English

Committee on Economic, Social and Cultural Rights Fiftieth session

Summary record of the 5th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 1 May 2013, at 10 a.m.

Chairperson: Mr. Dasgupta (Vice-Chairperson)

Contents

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

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.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 (E/C.12/IRN/2; E/C.12/IRN/Q/2 and Add.1; 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. Akhoundzadeh** (Islamic Republic of Iran), introducing his country's second periodic report (E/C.12/IRN/2), said that the Islamic Republic of Iran unwaveringly upheld its constitutional and international obligations and had taken a long-term approach to safeguard all human rights on the basis of interaction and cooperation.
3. The positive references to Iran's developmental progress in the 2013 Human Development Report highlighted the country's achievements in respect of economic, social and cultural rights. Its rating in the Human Development Index had risen by almost 70 per cent in 2012 compared to 1980, while the developmental gap had been dramatically narrowed since 1990 on the basis of successes in fields such as health and education. Progress had been achieved thanks to Iran's successful cooperation with the international community, despite politically motivated pressures and illegal sanctions, imposed by a few, attempting to hamper the country's development plans.
4. Iran had actively sought to carry out the principles and purposes of the Covenant, which it had enshrined as provisions in its Constitution. The Government had also worked to raise the standard of living, giving priority to improvement of the lot of disadvantaged sectors of society and development of rural areas.
5. Iran's constructive cooperation with the Committee reflected the country's sincere commitment to fulfil its international obligations. His delegation looked forward to continuing its work with the Committee to realize the objectives of greater global prosperity, justice and equity through the enhancement of human rights for all.
6. **Mr. Kedzia** (Country Rapporteur), remarked that 20 years had elapsed since Iran's initial report, and that regrettably there had been little possibility for regular dialogue with the State party over that time.
7. The report, although providing impressive data on the strides towards development made by Iran, did not include information on the follow-up to a number of the concluding observations made by the Committee in 1993 (E/C.12/1993/7), including on the right of issuance of *fatwahs*, and on protection of the rights of the Baha'i. He would also welcome more information on civil society's involvement in the preparation of the report.
8. Regarding the application of the Covenant in the Iranian legal system, he asked whether it could be used as the sole basis of a court judgement in cases where there was no corresponding national law and in what specific cases the Covenant had been invoked before national courts. In the event of a conflict between national law and the Covenant, which took precedence? Moreover, given that the delegation had stated in its written replies (E/C.12/IRN/Q/2/Add.1) that there was no contradiction between the Covenant and article 4 of the Constitution, according to which laws and regulations must be based on "Islamic criteria", he requested clarification of the meaning of Islamic criteria.
9. Lastly, the Constitution contained several references in the section on the rights of the people to "the people of Iran" and "the citizens of Iran" but not to human beings in

general. He expressed concern that such wording might lead to an interpretation focused on the need to protect the civil rights of Iranian citizens rather than the human rights of all.

Articles 1 to 5

10. **Ms. Shin** pointed out that the Covenant covered non-discrimination on the grounds of religion, yet only four religions were recognized under the Iranian Constitution and there had been reports that some individuals in Iran had been imprisoned for practising a minority religion. Similarly, women suffered both de jure and de facto discrimination. Had the Government considered conducting a review of all its policies so as to root out discrimination on the basis of both religion and gender?

11. **Mr. Ribeiro Leão** asked whether the fourth, fifth and sixth development plans provided for the drafting of a general anti-discrimination act protecting, above all, vulnerable and marginalized groups.

12. **Ms. Bras Gomes** asked whether the progress made by Iran in narrowing the developmental gap had resulted in broader enjoyment of economic, social and cultural rights. The issue of minorities' enjoyment of their rights had been taken up in the Committee's 1993 concluding observations, yet reports indicated that Baha'i minorities and Afghan immigrants were subject to discrimination, including restrictions on where they could live, work and receive education. Since 1993, had the State party made any progress in protecting their rights? Furthermore, in the context of restrictions on the professions which women could practise and recent changes to the law that further impinged on women's social and economic rights, she wished to know how the delegation understood the concept of gender equality.

13. **Mr. Abashidze** asked whether an expert in international law sat on the Guardian Council, which was responsible for checking legislation: such an expert would surely have a better understanding of the requirements of the Covenant and how to apply them in Iran. He also wondered whether there were acts or bodies that specifically set out how the Covenant differed from Islamic law.

14. **Mr. Martynov**, referring to the State party's reservation to the Convention on the Rights of Persons with Disabilities stating that it need not apply the Convention in cases where it was incompatible with national regulations, asked whether there had been specific cases in which the provisions of the Convention had proved incompatible with Iranian law and, if not, whether the Government might consider withdrawing its reservation.

15. **Mr. Tirado Mejía** expressed doubt about whether it was necessary for a State party formally to recognize a religion and requested further information on the challenges, restrictions and opportunities for persons practising non-Islamic religions.

16. He sought clarification as to why Afghans were excluded from certain academic careers such as engineering and physics; why the children of some refugees were not granted birth certificates; and why some products, and even medicine, could be refused for sale to refugees and foreigners. Lastly, pointing out Iran's low position in the 2011 Gender Inequality Index, he asked why the State party wished to restrict women's access to university and prohibited women from holding certain senior positions such as in the courts.

17. **Mr. Sadi** asked to what extent the State party, beyond its recognition of the Covenant in its code of laws, took the Covenant seriously in practice: the 20-year gap since its previous report was worrying. He expressed surprise that the Iranian delegation had not explained how the sanctions imposed on Iran had made it harder to fulfil its obligations under the Covenant. He asked for more details on human rights instruction; why no national human rights institution had been established in line with the Paris Principles; and how the

delegation justified the differential treatment of women, which the Committee viewed as discriminatory and in conflict with international law.

18. **Mr. Mancisidor** expressed concern that Iran considered sexual orientation not to be one of the grounds of discrimination referred to in article 2, (2) of the Covenant. On the contrary, the Committee considered sexual orientation to be implied by the wording “discrimination of any kind [...] or other status”.

Articles 6 to 9

19. **Mr. Ribeiro Leão** said that he wished to know if the right to form and join trade unions and to engage in collective bargaining was universally recognized in Iran, and he asked the delegation to comment on the alleged use of force to break up workers’ protests. He also enquired whether all citizens enjoyed universal social security coverage based on the principle of non-discrimination.

20. **Ms. Bras Gomes** asked what was meant by the statement that women were prohibited from holding certain jobs on the basis of ideological, cultural and social values. She asked the delegation to confirm whether labour laws applied to all workers, including those working in export processing zones and in companies with fewer than five employees. Given that the poverty threshold for a family of three or four was US\$ 653 per month, the minimum wage of US\$ 303 per month did not seem to guarantee an adequate standard of living. As Iran was an upper middle income country, she wondered what was impeding the Government from raising the minimum wage. She wished to know precisely who was covered by the social security system and what progress had been made towards universal health insurance coverage under the fifth development plan.

21. **Mr. Martynov** asked whether the Government had analysed the impact of foreign sanctions on employment and, if so, what conclusions it had drawn.

22. **Mr. Sadi** asked for specific examples of when the right to strike had been exercised, along with further information on the laws regulating strikes. He wished to know how often the minimum wage was reviewed, and by whom.

23. **Mr. Abdel-Moneim** said that he appreciated the detailed nature of the report. He commended the State party’s use of national plans, but wondered why the number of such plans had declined when the performance of credits allocated to national plans and projects had improved, as indicated in the State party’s report. He asked if the fall in the number of plans and projects had led to increased unemployment.

24. **Mr. Kedzia** asked the delegation to provide statistical data on the percentage of civil service positions occupied by members of religious minorities. While the Government had indicated that both Muslims and members of religious minorities should be able to seek employment under equal conditions, he wondered if that applied to agnostics or members of unrecognized religious groups.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

25. **Mr. Hakimi** (Islamic Republic of Iran) said that achieving the aims set out in the Covenant required a collective commitment and mutual understanding, based on respect for all cultures. The judiciary and the High Council for Human Rights monitored law enforcement and the human rights situation in all provinces of the country in accordance with the Constitution, which had been approved by 98 per cent of voters in a referendum. The membership of the High Council for Human Rights included the Chief Justice of the Supreme Court, the Prosecutor-General, five ministers and two judges.

26. The State party’s report had been prepared in cooperation with various government bodies and NGOs. International treaties ratified by Iran had the same status as national

laws, and courts were free to invoke those treaties in their judgements. The High Council for Human Rights organized training workshops on international instruments for judges; nevertheless, it took time for judges to become familiar with those instruments and to begin invoking them. There was no discrimination before the law, as all persons had the right to bring claims before the courts, and all offences were prosecuted in accordance with the law, irrespective of the perpetrator's religion. In addition to Islam (the official State religion), Zoroastrianism, Judaism and Christianity were also officially recognized religions. Various other sects had been founded on the basis of political concerns and required further evaluation.

27. **Mr. Hassani** (Islamic Republic of Iran) said that in 2002 women had represented 52 per cent of students in higher education, while in 2012 they had been outnumbered by male students. Women tended to enrol in courses in the humanities and social sciences rather than in technical fields. There was no discrimination against women or religious minorities in education or in the employment market.

28. **Mr. Hakimi** (Islamic Republic of Iran), responding to a question on whether prisoners in the country could hire the services of a foreign lawyer, asked if any of the Committee members could provide examples of such practice in their own countries. Lawyers were allowed to perform their duties without hindrance provided they respected the law. A few lawyers, however, disregarded the interests of their clients and simply used them for their own purposes, such as obtaining visas or moving to another country, which was not acceptable. No lawyers had been imprisoned simply for performing their job; those in contact with terrorist organizations would be prosecuted, however. Parliament, the Guardian Council and the court established to protect and preserve the Constitution were all involved in determining whether national laws complied with international instruments.

29. **Ms. Barimani** (Islamic Republic of Iran) said that the State Welfare Organization provided extensive services for persons with disabilities, including programmes on rehabilitation, prevention, disability rights and anti-discrimination, and vocational training. Special medical devices and services such as physiotherapy were also provided and some families could access emotional, legal and financial support. In addition, there was a programme to recruit 3 per cent of persons with disabilities to State sector jobs.

30. **Mr. Hakimi** (Islamic Republic of Iran) said that the ratification of treaties and the withdrawal of any reservations to a treaty involved a legislative process that required parliamentary approval.

31. **Mr. Behzad** (Islamic Republic of Iran) said that all enterprises were bound to comply with the Labour Code, regardless of their size, and that there were no exceptions to the application of the minimum wage. Labour inspectors regularly visited workplaces and submitted reports to the Ministry of Labour and Social Affairs.

32. **Ms. Barimani** (Islamic Republic of Iran) said that the fifth five-year development plan provided support for low-income families, female-headed households, widows and women whose husbands were disabled. It was implemented by trained staff and included rehabilitation programmes, funds for education, vocational training and other assistance, such as microfinance programmes. International partners were also involved in providing support under the plan. Women and girls in rural areas received national insurance coverage and urban women aged 18 to 50 enjoyed social security coverage. The stated aim was to rehabilitate and empower women, so that they would no longer require assistance.

33. **Mr. Pourmousvi** (Islamic Republic of Iran) said that his country was proud to be composed of many different ethnicities. No difference was made between ethnic groups, and questions on ethnic minorities were not really relevant because Iran upheld one Constitution and maintained a certain religious outlook. Approximately 90 per cent of the population in Ardabil province, East Azerbaijan and West Azerbaijan were indigenous to

the country, as was a similar percentage of provincial officials. Members of the Arab minority could nonetheless be found at the highest levels of the public service. There was no unofficial discrimination against minorities, indeed religious minorities were allowed to apply for public service posts and could undertake public responsibilities at a certain level.

34. Considerable funds were spent on foreigners each year and legal aliens did not encounter any difficulties exercising their rights. Data indicated, however, that there were close to 1 million persons known to be living unofficially in the country. Such persons were not registered or monitored and were easily recruited to criminal groups.

35. **Mr. Behzad** (Islamic Republic of Iran) welcomed the fact that Committee members had raised the issue of sanctions and mentioned a number of documents produced by the International Labour Organization addressing the issue of sanctions and justice. It was clear that justice was not served by the application of unfair sanctions. His country would provide a detailed analysis of the impact of sanctions on the labour market if required.

36. **Ms. Bras Gomes** asked for information on gender equality; whether the minimum wage provided an adequate standard of living; whether the minimum wage and labour regulations were applied in Special Economic Zones; and why only certain religions were listed in the Constitution. She requested the delegation to comment on discrimination against Baha'i that prevented them from accessing employment in certain industries, and to respond to her previous question regarding Afghan refugees.

37. **Ms. Shin** asked how the State party resolved the contradiction between the provisions of the Covenant on non-discrimination and the legal and other discrimination faced by women in the country. Furthermore, the recognition in the Constitution of only four religions contradicted the principle of non-discrimination on the grounds of religion set out in the Covenant.

38. **Mr. Kedzia** asked for a clear explanation of how the “gozinesh” criterion, requiring prospective State employees to demonstrate allegiance to the State religion, was applied and interpreted, particularly in the case where an individual did not wish to declare allegiance to the State religion because he or she was agnostic or a member of another religion. He asked what steps the Government was taking to bring the situation into line with the Covenant.

39. Given reports that segregated university education adversely affected the opportunities available to male and female students, he asked how the Government planned to address the issue and thereby tackle indirect and de facto discrimination.

Articles 10 to 12

40. **Ms. Shin** asked for clarification of the minimum age of marriage for both sexes: if the minimum age of marriage for girls was indeed 13, or possibly as low as 9, as information before the Committee suggested, she questioned whether that was old enough for a girl to give her free consent to marriage, as provided for in the Covenant. She wished to know whether there were any separate laws or provisions in the Criminal or Civil Code that prohibited and punished abuse and violence against women; what measures were taken to prevent the recurrence of domestic violence and deal with the perpetrators; whether any data were available on perpetrators; and whether there was a nationwide study on the frequency of domestic violence. She requested the delegation to provide a full picture of the authorities' response to domestic violence and the courses of action open to victims.

41. **Mr. Ribeiro Leão** asked whether a comprehensive plan to combat poverty was being developed that would unite all the existing, separate development plans.

42. **Mr. Martynov**, noting the provision of Government support to street children and their families, asked for further information on the phenomenon and how many street children there were in total in the State party.

43. **Ms. Cong** said that the age of marriage was too low and could have a negative impact on physical and mental health, as well as on family planning and the care of children. She asked why the Government had suspended funding for family planning services and what measures were in place to protect the right of women and girls to reproductive health.

44. **Ms. Bras Gomes** said that, given the difference in health indicators for rural and urban areas, she wished to know what measures were being taken to invest more in health care and improve the provision of water and sanitation. Drawing the attention of the delegation to the Committee's general comment No. 20 and asking for general information regarding the right to health of transgender persons, she noted that the failure to recognize individuals' sexual or gender identity led to harmful medical practices that violated the Covenant.

Articles 13 to 15

45. **Mr. Marchán Romero** said that, despite the Committee highlighting the right of minority groups to participate in the cultural life of society and outlining the responsibility of States parties to respect and protect minority cultures, the State party officially recognized only three minority religions. No other minority groups of any kind were recognized, despite the fact that a number of communities were listed in paragraph 496 of the State party's report. He therefore asked what criteria were used to determine the recognition of minorities, noting that self-identification did not appear to be among them. He recommended that the State party should broaden the criteria for minority groups so as to include groups that were not currently recognized.

46. **Ms. Cong** asked whether the Ministry of Education intended to extend the length of one-month preparatory classes offered to children in bilingual areas, in order to improve learning conditions for children from minority groups.

The meeting rose at 12.55 p.m.