



Economic and Social Council

Distr.: General
17 May 2013

Original: English

**ADVANCED UNEDITED
VERSION**

Committee on Economic, Social and Cultural Rights

Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee at its fiftieth session (29 April-17 May 2013)

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of the Islamic Republic of Iran on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/IRN/2) at its 5th and 6th meetings, held on 1 May 2013 (E/C.12/2013/SR.5-6), and adopted, at its 28th meeting held on 17 May 2013, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the Islamic Republic of Iran (E/C.12/IRN/2), although belatedly following the report considered in 1993 which prevented the Committee from maintaining a regular dialogue with the State party, and the replies to its list of issues (E/C.12/IRN/Q/2/Add.1). The Committee regrets, however, that the State party did not provide adequate responses to some of the questions posed.

B. Positive aspects

3. The Committee notes with appreciation:

(a) the significant improvement in narrowing the developmental gap, as reflected by the 67 percent increase in the human development index between 1980 and 2012;

(b) the decrease in the ratio of the population with an income under 1.25 USD per day according to purchasing power parity;

(c) the formulation in 2006 of the National Comprehensive Housing Plan and the adoption in 2007 of the Law on Regulating and Supporting Housing Production and Supply;

(d) the significant increase in the number of women enrolled in the higher education system.

C. Principal subjects of concern and recommendations

4. The Committee is concerned that the State party interprets articles 4 and 20 of its Constitution in a manner that is inconsistent with its obligations emanating from the Covenant, including with regard to the issues covered in paragraphs 7, 9, 12 and 18 of the present concluding observations.

The Committee recommends that the State party ensure that all the obligations of the Covenant are fully respected under all circumstances and that Constitutional provisions, in particular articles 4 and 20, are applied in a manner consistent with the provisions of the Covenant. The Committee draws the attention of the State party to its General Comments No.3 (1990) on the nature of States parties' obligations and No.9 (1998) on the domestic application of the Covenant, and refers to the States parties' duty, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

5. The Committee is concerned that the State party has not yet established an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134).

The Committee recommends that the State party take steps to establish an independent national human rights institution with a broad human rights mandate, including for economic, social and cultural rights, in line with the Paris Principles, and provide it with adequate human and financial resources.

6. The Committee is concerned that the State party discriminates against religious communities other than those belonging to Islam, Christianity, Judaism and Zoroastrianism, which seriously and negatively affects the people's enjoyment of economic, social and cultural rights.

The Committee urges that the State party take steps to ensure that people with beliefs other than the religions recognized by the State party can fully enjoy all aspects of economic, social and cultural rights, without any discrimination.

7. The Committee is concerned that consensual same-sex sexual activity is criminalized and that convicted persons may even receive the death penalty. It is also concerned that members of the lesbian, gay, bisexual, and transgender community face discrimination with respect to access to employment, housing, education and health care, as well as social stigma and marginalization. (art.2).

The Committee recommends that the State party repeal or amend all legislation that results or could result in discrimination, prosecution and punishment of people because of their sexual orientation or gender identity. The Committee recommends that the State party take steps to combat and prevent discrimination and societal stigma against members of the lesbian, gay, bisexual, and transgender community, and ensure their enjoyment of all the rights enshrined in the Covenant, including unhindered access to employment, social services, health care, and education, in line with article 2(2) of the Covenant and the Committee's General Comment No.20 (2009) on non-discrimination in economic, social and cultural rights.

8. The Committee is concerned that members of the Baha'i community face widespread and entrenched discrimination, including denial of access to employment in the public sector, institutions of higher education, as well as to benefits of the pension system. (art.2).

The Committee recommends that the State party take steps to ensure that members of the Baha'i community are protected against discrimination and exclusion in every field, including denial of employment and benefits of the pension system. The

Committee also recommends that the State party take steps to guarantee, in law and practice, the unhindered access of Baha'i students to universities and vocational training institutions, and to prevent refusals of access and expulsions of students from such institutions based on their belonging to the Baha'i community.

9. The Committee is concerned about the restrictions placed on the access to university education, in particular affecting women (art.2).

The Committee recommends that the State party take steps to lift all restrictions on the access to university education, including bans on female and male enrolment, limited quotas for women in certain fields, as well as gender segregation in classrooms and facilities.

10. The Committee is concerned that the participation of women in the labour force is low and is further declining. The Committee is concerned about the low number of women in decision-making positions in the public sector, and that women are excluded from certain public positions, such as the post of judge presiding over a court. The Committee is also concerned that the Family Protection Law provides for the possibility of a spouse to prevent the other spouse from entering employment upon the reception of a court order (art.3).

The Committee recommends that the State party take steps to address the declining participation of women in the labour force. The Committee recommends that the State party amend the Civil Code and the Family Protection Laws with the aim to remove the power of a spouse to prohibit the other spouse from entering employment. The Committee also recommends that the State party take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas.

11. The Committee is concerned that the unemployment rate is high and continues to rise, despite the measures taken by the State party to stimulate employment. It is particularly concerned about the high unemployment rate for women (20.9 percent in 2011) and youth, as well as the disproportionately high unemployment rate in areas with ethnic minorities, such as Sistan-Balochistan and Khuzestan province. (art.6).

The Committee recommends that the State party increase its efforts to combat unemployment through specifically targeted measures, in particular aimed at women and youth, including by addressing mismatches between education and labour markets, through increasing the quality of technical and vocational training and education. The Committee also urges the State party to adopt temporary special measures to address the very high unemployment rates in areas with ethnic minorities, and to include information in its next State party report on the progress achieved.

12. The Committee is concerned that the *gozinesh* process under the 1995 Selection Law based on Religious and Ethical Standards impairs equality of opportunity or treatment in employment or occupation for persons belonging to ethnic and religious minorities, as well as laypersons, seeking employment in the public sector and organizations receiving state funding. (art.6).

The Committee recommends that the State party ensure full compliance of the *gozinesh* process with the standards under the Covenant, and thus ensure that employment is not made conditional upon political opinion, previous political affiliation or support, or religious affiliation.

13. The Committee is concerned that labour laws do not apply to workplaces with fewer than five workers or in export processing zones, excluding an estimated 700,000 legal workers from its application (art.7).

The Committee recommends that the State party take steps to extend the application of its labour law to all workers, including to those working in places with fewer than five workers and those working in export processing zones.

14. The Committee is concerned that the minimum wage level, as announced by the Supreme Labour Council, has been determined at a level insufficient to provide workers and their families with a decent living. It is also concerned that Afghan workers are often paid less than the minimum wage, or are faced with non-payment of wages (art.7).

The Committee recommends that the State party ensure that the national minimum wage is set at a level sufficient to provide all workers and their families with a decent standard of living, and strengthen its efforts towards the progressive increase of the minimum wage in accordance with article 7 (a) (ii) of the Covenant. The Committee also recommends that the State party take steps to ensure that Afghan workers are not paid a wage below the level of the minimum wage.

15. The Committee is concerned that the State party prevents the formation of independent trade unions. It is concerned that labour rights activists, such as members of the Committee to Pursue the Establishment of Workers Organizations, the Iran Teachers' Trade Associations, the Iran Free Workers' Union and members of unions of bus workers and sugar-cane workers have faced harassment, arrests and detention based on vaguely worded charges, such as "harming state security", "acting against national security", or "spreading propaganda against the system". The Committee is also concerned that workers who participated in strikes have faced reprisals from the State party's authorities, including suspended prison terms and dismissals (art.8).

The Committee recommends that the State party take steps to ensure that independent trade unions can be formed and carry out their activities without interference, including unions of teachers, bus workers and sugar-cane workers, as well as the Iran Free Workers' Union. It recommends that the State party ensure that workers can participate in strikes without facing reprisals. The Committee also calls upon the State party to immediately release labour rights activists and members of independent trade unions currently serving prison sentences who acted in conformity with internationally recognized trade union standards.

16. The Committee is concerned that a significant portion of the population is not covered by any health insurance scheme (art.9).

The Committee recommends that the State party take steps to ensure universal access to health insurance, providing for coverage for a minimum essential level of benefits to all individuals and families, including access to health facilities, goods and services on a non-discriminatory basis, provision of essential drugs, access to reproductive, maternal (prenatal as well as post-natal) and child health care, and immunization against the major infectious diseases occurring in the community.

17. The Committee is concerned that domestic violence, including marital rape, is not specifically criminalized in domestic legislation. It is also concerned that victims of domestic violence do not have adequate access to effective means of redress and immediate protection. (art.10).

The Committee recommends that the State party take urgent legislative steps to specifically criminalize domestic violence, including marital rape. It also recommends that the State party take steps to ensure that victims of domestic violence have access to effective means of redress and immediate protection, including through a sufficient number of safe houses.

18. The Committee is concerned that the minimum age for marriage, namely 13 years for girls and 15 years for boys, is inconsistent with the requirement under the Covenant that marriage be entered into only with free consent of adults. (art. 10).

The Committee calls on the State party to raise the minimum age of marriage to 18 years for both boys and girls, and to ensure that marriage can be entered into only with the free consent of the intending spouses.

19. The Committee is concerned that a very high number of children are living and/or working in the street, in particular in Tehran, Isfahan, Mashhad and Shiraz, and that these children have limited access to health services and education. (art.10)

The Committee recommends that the State party take urgent and effective steps to address the very high number of children living and/or working in the street, address the root causes of the phenomenon, and provide all street children with access to health services and education.

20. The Committee is concerned that child labour is prevalent, in particular in rural areas, including in carpet weaving and other traditional family businesses. The Committee is concerned that domestic legislation does not consistently determine the minimum age for employment, and that child labour is permitted in agriculture, domestic service, and some small businesses. The Committee is also concerned that child labour legislation is ineffectively and inadequately monitored and enforced (art.10).

The Committee recommends that the State party take steps to strengthen its national legislation prohibiting child labour in accordance with international standards, in all sectors, including in agriculture, domestic service, and clay/brickmaking. The Committee also recommends that the State party ensure that the implementation of legislation pertaining to child labour is effectively monitored and enforced, including through labour inspections in agriculture and the informal sector, ensuring that employers exploiting child labour are held accountable and that victims of child labour are rehabilitated and are ensured access to education. The Committee recommends that the State party undertake awareness-raising campaigns with a view to eradicating child labour.

21. The Committee is concerned that, despite significant progress achieved in reducing extreme poverty, certain underdeveloped regions, including Sistan-Baluchistan, Khuzestan and Kordestan, continue to show high levels of poverty (art.11).

The Committee recommends that the State party take all necessary steps to further reduce poverty and extreme poverty, in particular in provinces populated by ethnic minorities, such as Sistan-Baluchestan, Khuzestan and Kordestan. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and province, on the number of men and women living in poverty and extreme poverty.

22. The Committee is concerned that many families remain without a formal ownership title over their house and land, in particular in rural areas. It is also concerned that interpretations of article 49 of the Constitution have led to cases of arbitrary property confiscations (art.11).

The Committee recommends that the State party take steps to ensure that ownership over houses and land, in particular in rural areas, is formally registered, and that the State party actively raise awareness among affected groups of population, including through the dissemination of knowledge, on relevant legal provisions and registry procedures. It recommends that the State party take steps to prevent arbitrary interpretations of article 49 of the Constitution, and to ensure that persons affected by such confiscations have access to an adequate remedy, restitution of their property,

and compensation, as appropriate, including in line with the Committee's General Comment no.7 (1997) on forced evictions. The Committee also requests the State party to include in its next periodic report information on the extent and the root causes of homelessness in the State party. The Committee draws the State party's attention to its General Comment no. 4 (1991) on the right to adequate housing.

23. The Committee is concerned about poor living conditions in regions traditionally inhabited by ethnic minorities, in cases completely lacking basic services such as electricity, plumbing, sewage systems, public transport, medical facilities or schools. (art.11).

The Committee recommends that the State party take immediate steps, inter alia by increasing budgetary allocations, to improve housing and living conditions in regions traditionally inhabited by ethnic minorities, including access to safe drinking water, adequate sanitation, electricity, transportation facilities, schools and healthcare centres.

24. The Committee is concerned about land expropriation and forced evictions caused by some development projects and that this has disproportionately affected minority groups, including the Kurdish and Baloch communities (art.11).

The Committee urges the State party to refrain from forcibly evicting individuals and expropriating land in the context of development projects, including in regions traditionally inhabited by ethnic minorities. It recalls that in cases where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law. In this regard, the Committee draws the State party's attention to its General Comment No.7 (1997) on forced evictions which includes guidance on, inter alia, adequate legal remedies, adequate compensation, and effective and meaningful consultation.

25. The Committee is concerned that Sistan-Balochistan province is characterized by the State party's worst indicators for life expectancy, access to water and sanitation, and infant and child mortality. It is also concerned that there has been insufficient investment by the State party in the province's health clinics and other facilities in remote rural areas (art.12).

The Committee recommends that the State party take urgent steps to increase the allocation of public funds to improve the health situation of inhabitants of the Sistan-Balochistan province, in particular focusing on the health infrastructure and the provision of adequate water and sanitation.

26. The Committee is concerned about the adverse environmental effects of the river diversion programme, sugar cane farming and industrial pollution in Khuzestan province and the negative impact this has on the enjoyment of Ahwazi Arabs of their rights to an adequate standard of living and health. (articles 11 and 12)

The Committee recommends that the State party take urgent steps to counter the impact of river diversions and industrial activity in Khuzestan, including environmental pollution and water shortages, on agriculture and human health.

27. The Committee is concerned about (a) the high dropout rates of girls in rural schools upon reaching puberty and of indigenous Arab children; (b) the high illiteracy rates among Ahwazi Arabs as well as Azeris; (c) the lack of female teachers in rural areas; and (d) the stark differences in teaching staff capacities and material equipment between schools in urban and rural areas (articles 13 and 14).

The Committee recommends that the State party address the high drop-out rate of girls in rural areas as well as of Ahwazi Arab children. The Committee recommends that the State party take measures to address the high illiteracy rates among Ahwazi

Arabs and Azeris. It also recommends that the State party take steps to improve the quality of instruction in and physical infrastructure of schools in rural areas, and to increase the number of female teachers in rural areas.

28. The Committee is concerned that many children, in particular those in rural areas, are not registered at birth, creating an obstacle to school enrolment. It is concerned that refugee children have reduced access to primary education due to the lack of personal documents, the non-registration of their parents with the authorities, as well as imposition of enrolment fees. The Committee is also concerned about the lack of access to education of children with disabilities, as well as children of nomadic communities (articles 13 and 14).

The Committee recommends that the State party intensify its efforts to ensure that all children receive birth certificates and that the lack of such a document is not an impediment for school enrolment of a child. It recommends that the State party take measures to ensure that refugee children have access to education, regardless of whether their parents have registered with the authorities, and that primary education, including enrolment thereto, is offered free of charge. The Committee also recommends that the State party intensify its measures to guarantee an inclusive education for children with disabilities, including through the Organization for Special Children and the Seven-Point Guideline for Universal and Consolidated Education for Children and Students with Special Needs, and to ensure that all children of nomadic communities have access to primary education, including through the establishment of mobile schools.

29. The Committee is concerned that ethnic minorities face severe restrictions in practice with regard to education in their mother tongue, including Azeri, Kurdish, and Arabic, despite policies protecting the use of non-Persian languages (articles 13 and 14).

The Committee recommends that the State party take steps to ensure that ethnic minorities have the opportunity to receive education in their mother tongue, in addition to Farsi.

30. The Committee is concerned that ethnic minorities, including the Kurds, Arabs, Azeris, and Baluch, do not fully enjoy their right to take part in cultural life, including as a consequence of closures of publications and newspapers in minority languages (art.15).

The Committee recommends that the State party take steps to ensure the full and unrestricted enjoyment by ethnic minorities, including the Kurds, Arabs, Azeris, and Baluch, to their right to take part in cultural life, including through the protection of publications and newspapers in minority language from imposed closure. The Committee also recommends that the State party take measures to protect cultural diversity, promote awareness of the cultural heritage of national and ethnic minorities, and ensure favourable conditions for members of those minorities to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs in line with the Committee's General Comment no. 21 (2009) on the right of everyone to take part in cultural life.

31. The Committee recommends that the State party adopt a comprehensive anti-discrimination bill in compliance with article 2(2) of the Covenant and taking into account the Committee's General Comment no. 20 (2009) on non-discrimination in economic, social and cultural rights.

32. The Committee encourages the State party to consider signing and ratifying the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

33. The Committee encourages the State party to sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the International Convention for the Protection of All Persons from Enforced Disappearance, and withdraw its reservation to the Convention on the Rights of Persons with Disabilities.

34. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report.

35. The Committee encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion of the present concluding observations at the national level and facilitate their participation prior to the submission of its next periodic report.

36. The Committee requests the State party to timely submit its third periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 31 May 2018.
