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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Islamic Republic of Iran**

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\* This document was not edited before being sent to the United Nations translation services.

## **I. METHODOLOGY AND CONSULTATION PROCESS**

1. The national report of the Islamic Republic of Iran for this review has been prepared in line with the General Guidelines for the Preparation of Information under the Universal Periodic Review (PRU).<sup>1</sup>
2. A special committee comprising representatives from most important relevant institutions at the national level has been involved in drafting this report with the High Council for Human rights, acting as the principal coordinator. The Committee conducted consultations by exchanging written communications and holding meetings with relevant governmental organizations and a broad range of civil society institutions, including the members of academia, research centers and non-governmental organizations (NGOs) active in promotion of human rights.<sup>2</sup> These consultations were conducted by written communications, holding of meetings and providing virtual internet space, such as dedicated website and emails.
3. To draft this report, in addition to using the information received from the institutions and agencies mentioned above, all legislations, rules, regulations, directives and decrees by the three branches of government as well as the current situation relating to the implementation of them, and the national periodic reports submitted to the United Nations treaty bodies were used as sources of information.

## **II. COUNTRY BACKGROUND**

4. Having one of the oldest and richest human civilizations, Iran has played a distinctive and unique role in contributing to the enrichment of human civilization and culture. With the victory of the Islamic Revolution, the people of Iran chose the Islamic Republic as their system of government with overwhelming majority of votes in a national referendum. The Islamic Republic is based, on one hand, on principles of independence, freedom, and progressive Islamic beliefs, and on the other hand, on the principles of democracy, including the three independent branches of government,<sup>3</sup> and direct and indirect oversight of people over all core organs of the government within the country.
5. Iran is also a vast country with a population of more than 70 million people. Farsi is spoken as the official language and Islam is and the official religion. Several ethnic, linguistic and religious minorities also live in Iran and enjoy equally the rights and privileges accorded to all Iranian citizens by law.<sup>4</sup>

## **III. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

### **A. The Constitution**

6. The Constitution of the Islamic Republic of Iran was adopted in 1980 with the vote of overwhelming majority of the people of Iran in a national referendum.<sup>5</sup> Chapter 7 of the Constitution, under the title of “The Rights of People”, which includes 24 articles, acknowledges human rights and fundamental freedoms of people. Other chapters and articles of the Constitution also refer to those rights. The most important principles of human rights that are clearly mentioned in the Constitution are: human dignity, political and civil rights that include democracy, prohibition of depriving people of their fundamental freedoms, rights of minorities, the non-discrimination principle, equality before the law, women’s rights , prohibition of investigation of people’s belief, freedom of expression, respect for

the privacy of people, freedom of political parties and peaceful assemblies, prohibition of arbitrary arrests, prohibition on banishment of people, the right to have recourse to the courts, the right to choose legal counsel, presumption of innocence, respect for the dignity of arrested persons, economic, social and cultural rights and the environment right.<sup>6</sup>

## **B. Legislative System**

### **1. The Islamic Consultative Assembly (*Majlis*)**

7. The Iranian Parliament (*Majlis*) is an important legislative institution and serves as the law-making body in charge of both legislations and planning for the country. It is the body which ensures true presence and participation of people in the decision-making process and reflects the national resolve of the people. Principal duties of *Majlis* can be classified as legislative and monitoring duties.

8. *Majlis* is made up of representatives of people who are elected by direct voting.<sup>7</sup> The term for the representative of *Majlis* is four years.<sup>8</sup> The total number of representatives in *Majlis* is 290.<sup>9</sup> Since the victory of the revolution, eight parliamentary elections have been held. Women have also participated in the parliamentary elections as candidates. There are presently 8 women parliamentarians in *Majlis*. The official religious minorities of the country, the Zoroastrians and Jews each elect one representative; Assyrian and Chaldean Christians jointly elect one representative; and Armenian Christians in the north and those in the south of the country each elect one representative.<sup>10</sup>

9. *Majlis* sessions are held openly, and its proceedings are broadcast by radio and printed in the official gazette.<sup>11</sup> The Islamic Consultative Assembly can pass laws on all matters, within the limits of its competence as laid down in the Constitution.<sup>12</sup> The Islamic Consultative Assembly may not, however, pass laws contrary to the official religion of the country or to the Constitution. It is the duty of the Guardian Council to verify whether any such violation has occurred.<sup>13</sup> Every representative is responsible to the entire nation and has the right to express his/her views on all internal and external affairs of the country.<sup>14</sup> Members of the Assembly are completely free in expressing their views and casting their votes in the course of performing their duties as representatives, and they cannot be prosecuted or arrested for opinions expressed in the Assembly or votes cast in the course of performing their duties as representatives.<sup>15</sup>

### **2. National Legislation**

10. The most recent legislations on Human Rights are as follow:

- Respect for legitimate freedoms and protection of the citizenry rights;
- Protection of the rights and duties of women at national and international arenas;
- Protection of children and adolescent's rights;
- Protection of unprotected women and children;
- Press law;
- Establishment of Dispute Settlement Councils;

- Amendment of the Law on Establishment of Courts (Revival of the Offices of the Prosecutor);
- Amendment of Criminal and Civil Procedures Codes;
- Equalization of *Diyeh* (blood money and financial penalties) of Muslims with members of the religious minorities;
- Combating human trafficking;
- Protection of the Disabled;
- Establishing comprehensive social security system.

11. There are several important human rights bills which are on the *Majlis* approval process, introduced by the government as well as members of the *Majlis*, including:

- Amendment of the Civil Code, allowing the wife of the deceased person to inherit from both movable and immovable property;
- Adding articles to the Islamic Penal Code concerning offences resulting from insults to Iranian ethnic communities;
- Supporting establishment of non-governmental organizations (NGOs);
- Payment of unemployment insurance;
- Protection of children and juveniles without guardian;
- Alternative dispute settlement mechanisms and decriminalization of certain offences;
- Social punishments as alternatives to incarceration;
- Review of the authority of judges in issuing verdicts;
- The new law on Islamic Penal code;
- Criminal Procedures Code;
- Administrative Justice Tribunal Procedural Code;
- Crime prevention;
- Definition of political offence;
- Reform of judicial organization of the Ministry of Justice;
- Trial of offences committed by children and juveniles;
- Protection of victims of crimes;

- Protection of the institution of family;
- Promoting public participation for protection of the victims of crimes;
- International Crimes Law;
- Organized crimes;
- Freedom to publish and have access to information.

### **3. Human Rights Mechanisms of *Majlis***

#### **(a) Human Rights Committee**

12. The newly-established human rights committee of *Majlis* functions under the Foreign Policy and National Security Commission and was created to deal with national and international aspects of human rights.

#### **(b) Article 90 Committee**

13. According to Article 90 of the Constitution “whoever has a complaint concerning the work of the Assembly or the Executive Power or the Judicial Power can forward his complaint in writing to the Assembly. The Assembly must investigate the complaint and provide a satisfactory reply. In cases where the complaint is lodged against the Executive or the Judiciary, the Parliament must ensure proper investigation into the matter and an adequate explanation from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the reply must be made public.”<sup>16</sup>

#### **(c) Judicial and Legal Committee**

14. This committee consists of three sub-committees relating to “public and international law”, “private law”, and “criminal law” and has the responsibility to review all matters relating to legislation on judicial and legal affairs, including enactments concerning human rights.

### **4. Supplementary Legislative Bodies**

#### **(a) The Guardian Council**

15. For the purpose of safeguarding the Islamic ordinances and the Constitution and in order to examine compliance of the legislation passed by the Islamic Consultative Assembly with Islam, the Guardian Council was constituted with the following composition: Six *Faqih*, proficient on the Islamic jurisprudence, to be appointed by the Supreme Leader, and six jurists, specializing in different areas of law, to be elected by the Islamic Consultative Assembly from amongst the jurists nominated by the Head of the Judiciary.<sup>17</sup>

16. The verification of compatibility of the legislation passed by the Islamic Consultative Assembly with the laws of Islam rests with the majority vote of the *Faqih*s in the Guardian Council; and the

verification of its adherence to the Constitution rests with the majority of all the members of the Guardian Council.<sup>18</sup>

**(b) Expediency Council**

17. The Expediency Council was established in 1987 solely for the purpose of determining the overall interests of the State in case of dispute between the Islamic Consultative Assembly and the Guardian Council. However, in 1989 the Constitution was amended and eleven duties were assigned to the Council, the most important of which was to provide consultations to the Supreme Leader concerning major policies of the state.<sup>19</sup>

**(c) Human rights enactments of the Expediency Council**

18. Some of the strategic enactments of the Expediency Council in relation with human rights are as follows:

- General policies relating to judicial security;
- General policies for the protection of the status and independence of judges;
- General policies relating to management and administrative system for the Judiciary;
- General policies concerning ethnic and religious minorities.

**C. Judicial and Legal System<sup>20</sup>**

19. The judicial system of Iran is independent and centralized. This branch of government is headed by a *Mojtahid* well-versed in judiciary affairs who is appointed by the Supreme Leader.<sup>21</sup> The Supreme Court is to be formed for the purpose of supervising the correct implementation of the laws by courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law.<sup>22</sup> The Prosecutor General is appointed by the Head of the Judiciary after consultations with the judges in the Supreme Court. The Office of the Prosecutor of Supreme Court functions under the direction of the Prosecutor General. The Minister of Justice is introduced to the parliament by the President for the vote of confidence from among the candidates proposed by the Head of the Judiciary. The Minister of Justice is responsible for all matters concerning the relationship between the Judiciary and the Executive and the Legislative branches.<sup>23</sup>

**1. National Jurisprudence**

20. The Judicial system of Iran is based on the following principles:

21. **Principle of Independence:** The Judiciary is one of the three independent branches of the Government, and its primary responsibility is to protect the rights of the individual and the society, and the realization of justice.<sup>24</sup>

22. **Rule of Law:** The verdicts of courts must be consistent with good reasoning and documented with reference to articles and principles of law in accordance with which they are delivered.<sup>25</sup> Judgments that are not based on articles of codified law or rules of Sharia can be overruled by higher courts. Issuing such verdicts entails disciplinary liability for the judge.

23. **Equality before the Law:** one of the responsibilities of the Government is to secure the different rights of all citizens, both women and men, and to provide legal protection for all, as well as ensure the equality of all before the law.<sup>26</sup>

24. **Respecting Islamic Criteria:** In light of the fact that the system of Government in Iran is based on principles of Islam, it is necessary that Islamic standards and criteria prevail in the society.<sup>27</sup> In order not to allow Islamic norms and the law to be regarded as two separate bases and for the purpose of preventing conflict of opinions by the religious jurists on a single matter, and to provide legitimacy to the judicial system, principles of religious jurisprudence (*fiqh*) need to be articulated by law and duly observed by judges. Accordingly, the qualification and the requirements needed to be a judge and the competence of courts are to be determined by law in accordance with principles of *fiqh*.

25. **Impartiality of Judges:** Judges must be independent and impartial. At any stage of judicial proceedings if the claimant, respondent, complainant or defendant in a lawsuit comes to realize that the sitting judge in the court has family relationship with the other party, he/she can demand the judge to withdraw. If the judge himself finds out that one of the parties in the court is related to him, he is required to ask his superior official to refer the case to another branch. Non-observance of this requirement can invalidate the judgment and even lead to disciplinary actions against the judge.<sup>28</sup>

26. **Open Trials:** All phases of trials should be held in open courts<sup>29</sup> except in the following cases:

- When the trial contravenes with the public decency. The court decides whether the trial contravenes with public decency;
- When the parties to the litigation request the trial to be held in camera.

27. **The right to have legal counsel:** All courts are required to hold the sessions and hearings in presence of a defence attorney. There is a penalty for violation of this rule and the judgments issued without the presence of a defence attorney are considered void and invalid.<sup>30</sup>

28. **Presumption of innocence:** Assumption of innocence is the valid principle, and no one is regarded guilty in the eye of the law unless the charges against him/her are proven in the court. Presumption of innocence also applies to civil suits, and the claimant has the burden of proof.

29. **Prohibition of torture:** All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.<sup>31</sup>

30. **No punishment for unexpressed offence by Law:** No act or omission may be regarded as an offence, unless clearly regarded as an offence by law.<sup>32</sup>

31. **Differentiation between political and press offenses, and ordinary offences:** Political and press offenses are tried openly and in the presence of a jury, in courts of justice. The manner of the selection of the jury, its powers, and the definition of political offenses, will be determined by law in accordance with the Islamic criteria. There is no need for jury trials in ordinary offences, while the presence of a jury is basic requirement for courts dealing with political and press offence.<sup>33</sup>

32. **Prohibition of illegal arrests:** No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law.<sup>34</sup>

33. **Compensation for error in court rulings:** Whenever an individual suffers moral or material loss as the result of a default or error of the judge with respect to the subject matter of a case or the verdict delivered, or the application of a rule in a particular case, the defaulting judge is liable for the reparation of that loss in accordance with the Islamic criteria, if it be a case of default. Otherwise, losses will be compensated for by the State. In all such cases, the repute and good standing of the accused will be restored.<sup>35</sup>

34. **All rulings by the courts can be appealed:** In light of the fact that trials and judicial proceedings are held in two stages in the Iranian legal system, majority of rulings by the courts are appealable and the higher courts may overrule or uphold the rulings by the lower courts.<sup>36</sup>

## **2. Human Rights Mechanisms of the Judiciary**

### **(a) Monitoring Mechanisms**

35. Monitoring the proper enforcement of the law is among the responsibilities of the Judiciary.<sup>37</sup> The law provides special monitoring and oversight mechanisms for this purpose. The supervisory functions are discharged by judicial and administrative modalities.

### **(b) Judicial Supervision**

36. The judicial supervision is exercised by the Supreme Court, as the highest judicial authority, and the prosecutors in accordance with the law.

### **Supreme Court**

37. The Supreme Court is formed for the purpose of supervising the correct implementation of laws by courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law. This supervision is exercised by the branches of the Supreme Court and Prosecution Office of the Supreme Court.<sup>38</sup>

### **Prosecutor**

38. In light of the importance of supervision over the conduct of law enforcement officers, inter alia in prisons, the Legislator<sup>39</sup> has delegated management and supervision over the enforcement officers to the Prosecutor.<sup>40</sup>

**(c) Administrative Supervision**

**Administrative Justice Tribunal**

39. In order to investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes, a tribunal will be established to be known as the Administrative Justice Tribunal under the supervision of the head of the Judiciary branch.<sup>41</sup>

**General Inspection Organization**

40. In accordance with the right of the Judiciary to supervise the proper conducting of affairs and the correct implementation of laws by the administrative organs of the Government, an organization is constituted under the supervision of the head of the judiciary to be known as the National General Inspectorate. The powers and duties of this organization will be determined by law.<sup>42</sup>

**The Office for Supervision and Evaluation of Judges**

41. This office was established to review, evaluate and comment on the qualifications and competence of judges.

**Central Supervisory Board for Protection of the Rights of Citizens**

42. This Board was established to oversee the proper enforcement of laws relating to rights of citizens. The Central Supervisory Board comprises members of the Council of Deputies of the Judiciary. The head of the Judiciary presides over the Board.<sup>43</sup>

**(d) Supportive Arrangements**

**Pardoning arrangements**

43. A commission known as Pardon Commission is charged with the duty to conduct legal reviews for the purpose of proposing commutation of sentences and pardoning of prisoners to the Head of the Judiciary. The head of the Judiciary proposes the same list after his approval to the Supreme Leader. The pardon order is issued twice a year on religious and national occasions.

**Dispute Settlement Councils**

44. For the purpose of reducing the load on the courts and promoting participation of people in judicial process, settlement of local disputes and those that do not have judicial character or complexity, councils known as Dispute Settlement Councils were established nationwide.<sup>44</sup>

**Special Human Rights Branches**

45. Proceeding from the instructions issued by Head of the Judiciary, it was decided to establish a branch of the General Court dedicated to violations of human rights. The targets of those courts are the prison officers and guards, enforcers of judicial orders and those who deal with suspects.<sup>45</sup>

### **Family Courts**

46. For the purpose of dealing specifically with the cases relating to family cases, a special court is dedicated to family disputes. Women judges and counsellors are active in these courts.

### **Children Courts**

47. For further protection of the rights of the child and where it is needed special branches of the General Courts are dedicated to hearing the offences committed by children.<sup>46</sup>

### **Election Offences Courts**

48. In view of the importance of defending the rights of people in the election process, a branch of the General Courts was dedicated to hearing cases relating to election offences and fraud.

### **Offences relating to violation of the rights of citizens**

49. Five-hundred thirty-eight branches of all courts in the country deal with cases relating to violations of citizens' rights in addition to the ordinary cases.

### **The Office for Women's Affairs**

50. This office was established in the Judiciary for the purpose of protecting the women's rights and is headed by a woman.

### **The Office for the Protection of the Rights of Women and Children**

51. This office was established in 2004 in the Judiciary. All general departments of the Ministry of Justice are required to establish special office for the protection of rights of children and women.

## **3. Initiatives by the Judiciary**

### **(a) Judicial Researches on Human Rights Issues**

52. Fourteen titles relating to human rights are being studied by the Judiciary. *Qisas* (retribution), inheritance, testimony by members of religious minorities, plan of action for forced disappearances, implementation of human rights in the Judiciary, right to health, rights of the child, conflict of national laws with international law concerning women's rights, fair justice system, adjustment of penal and judicial policies, plan for the protection of victims of crimes, and judicial governance and management are among the subject covered in these studies.

### **(b) Training of judges and judicial enforcers**

53. These training programs are conducted by holding training courses, human rights seminars, international cooperation and interactions, and publication of books and professional journals.

**(c) Judiciary Call Center and Electronic Services**

54. This center was inaugurated in 2004 for the purpose of expanding and facilitating provision of legal services to people and raising awareness on rights of citizens. Direct contacts with lawyers and legal counsellors, messages for the Head of the Judiciary and other officials, questions and answers and holding training workshops are among the services offered by the Center.

**(d) Legal Guidance and Assistance**

55. In each judiciary district a unit is established to provide expert and professional assistance and guidance to indigent people. Those units assist people with writing petitions and their submission to courts, have telephone legal counselling, appoint assisting lawyers and help in settlement of trade disputes.

**(e) Cooperation and interactions with universities and centers of higher education**

56. This cooperation takes place primarily for the purpose of drafting bills, review of legislations and preparing the policy documents relating to the work of the Judiciary.

**(f) School of Judicial Sciences**

57. This school has been established for the purpose of educating and training judges.

**4. Cooperation with NGOs and International Organizations**

**(a) Cooperation with NGOs**

58. The Judiciary has had close cooperation with NGOs active in promotion of human rights since 1997. This cooperative relationship takes place by receiving consultations on vulnerable segments of the society, including women, children and the disabled. The Judiciary has benefitted from their assistance in organizing international training workshops and participating in international meetings.

**(b) Cooperation with International Organizations**

59. The Judiciary has established constructive cooperation with some of the United Nations specialized agencies including the five-year plan for cooperation with UNICEF (2004-2009) for the purpose of harmonizing national laws and regulations with the international norms on the rights of children and juveniles, holding of training courses in disadvantaged areas and on children at risk.

60. Moreover, plans for cooperation with the Office of the High Commissioner for Human Rights have been under consideration since 2008. The initial arrangements for the visit of a delegation from the Office of the High Commissioner have been made and are being finalized.

## **5. Institutions affiliated to the Judiciary**

### **Organization of Prisons, Security and Correctional Measures**

61. In Iran, special attention has been paid to the situation of prisoners and to the required correctional measures. Regulations of the Prisons Organization provides extensive facilities for the humane treatment of prisoners, the right of equality, the right access to legal counsel, the right to have regular visits from family members, separation of prisoners on the basis of their convictions, gender and age, the right to benefit from rehabilitation programs, the right to communicate, the right to medical treatment, and the right to have regular prison leaves. It is noteworthy that prisons in Iran have been visited on many occasions by international delegations.<sup>47</sup> The Islamic Republic of Iran continues to have its cooperation with international Mechanisms. The Working Group on Arbitrary Detention of the then Commission on Human Rights visited the Islamic Republic of Iran in February 2003 and examined the conditions of prisons and reviewed the cases of prisoners. Those cases were made available at the request of the Working Group and were found to be in accordance with the rule of law and that their arrests had not been arbitrary.<sup>48</sup>

62. Moreover, human rights training courses have been organized regularly for the purpose of elevating the knowledge of prison personnel. Also, for the purpose of promoting the principles and fundamentals of the rights of citizens in prisons and detention centers, raising their knowledge on Islamic and human rights laws, facilitating the process of de-incarceration, and reintegrating prisoners into the society, an office known as the “Office for the Protection of the Citizens’ Rights of Prisoners” has been established.

### **D. National Human Rights Infrastructures**

#### **1. High Council for Human Rights**

63. In 2001, Head of the Judiciary issued a directive for the establishment of the High Council of Human Rights for the purpose of creating better coordination between the relevant agencies and in line with the duties assigned to the Judiciary by the Constitution. The Council consists of representatives from different sections of the Judiciary as well as representatives of other national governmental organizations.

64. The Council has the duty to review the inadequacies and complaints relating to violations of the rights of citizens and to present practical solutions in accordance with law. The Secretariat of the Council sends a report on its performance to the Head of the Judiciary and heads of relevant organizations and ministries every six months.<sup>49</sup>

65. In 2007, the council changed its statute and elevated the level of its members and the number of relevant human rights institutions. It is now a national coordinating and policy-making institution in the field of human rights.<sup>50</sup>

#### **2. National Human Rights Institution**

66. The establishment of the National Human Rights Institution of the Islamic Republic of Iran has been one of the national priorities. The relevant legislation is being drafted by the High Council for Human Rights and will be soon presented to the Islamic Consultative Assembly.

### **3. Inspection Office of the Supreme Leader**

67. This office has the responsibility to investigate all the complaints it receives from people concerning violations of their rights.

### **4. Inspection Office of the President**

68. This office has the responsibility to investigate all the complaints it receives concerning violation of the rights of citizens.

### **5. Minority Rights Committee of the Ministry of Interior**

69. This committee has the responsibility to promote the political, civil, economic and social rights of minorities.

### **6. The Headquarters for the Protection of Rights of Citizens and Privacy**

70. In 2008, pursuant to the decree by the President to the Ministry of Interior, this Headquarters was established to prevent discretionary and unrestricted approaches to citizens' rights and to protect dignity of citizens. The headquarters has offices in the Ministry of Interior and provinces of the country.

### **7. Bar Association of Iran**

71. Bar Association Iran is an independent body with 90 years of history. Today, there are 12 independent bar associations in Iran. Their membership is close to 12,000 lawyers and interns.<sup>51</sup> The Bar Association chooses its Board of Governors by direct voting. Although the Bar Association is independent, it has close relations with the Judiciary. Determining the number of lawyers needed for each region rests with a commission with representatives of the Judiciary as majority of its members. The Judges Disciplinary High Court hears the appeals from the Lawyers Disciplinary Courts. The Judiciary is entrusted with the duty to amend the executive Regulations of the Bill on Independence of Bar Association and the relevant Law of 1997. Some officials of the Judiciary have the authority to appeal the ruling of the Disciplinary Court and also demand suspension of lawyers.

72. There are Human Rights Commissions in all Bar Associations. Those Commissions are involved in training, providing expertise, promoting cooperation with governmental and non-governmental organizations active in promotion and protection of human rights and in providing recommendations for prevention of human rights violations and promotion of those rights. The questions relating to education, research, rights of women and children, defending victims and suspects, rights of the prisoners and minorities are among issues that are dealt with by special committees.

### **8. Non-Governmental organizations (NGOs)**

73. There are hundreds of NGOs active in the field of human rights. They function through the network of NGOs or individually in particular areas of human rights. A considerable number of those NGOs are active in issues relating to women. The NGOs have played an active role in providing consultation and helping with national reports, promoting cooperative relations with other NGOs and participating in international meetings, including human rights conferences. Moreover, twenty NGOs

have been able to acquire consultative status with the Economic and Social Council of the United Nations. Their professional cooperation in programs of the UN Specialized Agencies for Iran has also increased over the recent years.

#### **IV. Scope of International Commitments**

74. Iran has acceded to the following human rights treaties and conventions:

- International Covenant on civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on Elimination of all forms of Racial Discrimination;
- International Convention on the Rights of the Child;
- Optional protocol to the Convention on the rights of the Child on the Sale of Children , Child Prostitution and Child Pornography;
- International Convention on the Rights of Persons with Disabilities;
- Convention on the Prevention and Punishment of the Crime of Genocide 1948;
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 1956;
- The Convention on the Suppression and Punishment of the Crime of Apartheid;
- The Convention on the fight against Apartheid in Sport;
- Convention against Discrimination in Education;
- Convention Relating to the Status of Refugees, 1951;
- Protocol Relating to the Status of Refugees, 1967;
- ILO Convention No. 182. concerning Worst Forms of Child Labor;
- ILO Convention No. 105. concerning Abolition of Forced Labor;
- ILO Convention 111, concerning Discrimination in Respect of Employment and Occupation;
- International Convention Against Hostages Taking, 1979;
- 1925 Geneva Protocol for the Prohibition of Poisonous Gases and Bacteriological Methods of Warfare;
- International Conventions on Counter-Terrorism;

- The Convention on Prohibition of forced and early marriages;
- Accession to the following conventions is being considered;
- The Convention against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment;
- The Convention on the Elimination of All Forms of Discrimination against Women.

#### **A. Implementation of International Human Rights Commitments**

75. The latest situation of reporting to treaty bodies of the United Nations is as follows:

#### **B. The International Covenant on Political and Civil Rights**

76. The third periodic report to the United Nations Human Rights Committee was submitted on 27 October, 2009.

#### **C. The International Covenant on Economic, Social, and Cultural Rights**

77. The Second periodic report to the United Nations Economic, Social and Cultural rights Committee was submitted on 3 November, 2009.

#### **D. The International Convention on Elimination of all forms of Racial Discrimination**

78. The fifth periodic report of Iran to the Committee on Prohibition of Racial Discrimination was submitted in 2008.

#### **E. The Convention on the Rights of the Child**

79. The second national report of Iran to the Committee on the Rights of the Child was submitted in 2002 and the third and fourth reports will be submitted in 2010.

### **VI. Promotion and protection of human rights on the ground**

#### **A. Civil and Political Rights<sup>52</sup>**

##### **1. Democratic Elections**

80. In Iran, the most important institutions of the Government arise from the will and direct or indirect vote of the people. The Supreme Leader is elected by the Assembly of Experts whose members are elected by the direct vote of the people. The President and the representatives of *Majlis* (Parliament) are also elected directly by the vote of people.

81. Since the victory of the Islamic Revolution, 28 elections have been held to choose the President, representatives of *Majlis*, members of the Assembly of Experts, and the councilors in the City Councils. High turnout of voters has been one of the salient features of elections in Iran. In the last presidential election close to 40 million people i.e. 85 per cent of qualified voters participated in the election.

## **2. Councils**

82. To promote people's participation in managing affairs of the country and to allow greater self-determination in local communities for decision-making, planning in cities, rural areas and districts, including the election of mayors, the Law on Establishment of Councils was approved by the Islamic Consultative Assembly in 1996. Since the approval of the said law three nationwide elections have been held to elect members of the councils.

## **3. Freedom of Expression and Press**

83. In Iran, freedom of expression is promoted by exchange of information and educational activities, broadcasting radio and television programs by the Islamic Republic of Iran Broadcasting-IRIB- throughout the country, facilitating publication of books and other printed materials, holding of book fairs and other similar activities. The free flow of information via media and press and the environment characterized by conflicting and challenging views is quite visible in the political and cultural atmosphere of Iran.

84. Freedom of press is guaranteed by the Press Law provided that the Islamic teachings and the best interest of the nation are observed.

85. The latest statistics in 2008 shows that there are 2,050 national publications and 650 local newspapers with a total circulation of 1,250,000 copies. Moreover, a total of 55,554 book titles, with a circulation of 218 million copies, were published.

## **4. Freedom for Political Parties, Associations and Assemblies**

86. According to the Constitutional principles, formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted, provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic and no one may be prevented from participating in the aforementioned groups, or be compelled to seek their membership. Public meetings and demonstrations may be freely held, provided arms are not carried and those are not detrimental to the fundamental principles of Islam.

87. In 1981 the law on the activities of political parties, associations and political and professional societies and non-governmental organizations and associations relating to religious minorities was ratified. In accordance with the law, a commission was established in the Ministry of Interior for this same purpose. The committee is charged with the duty to issue permits and to oversee the activities of civil institutions.<sup>53</sup> To this date, 240 organizations and formal groups have been registered at the Ministry of Interior and the applications from several others are due consideration. According to the provisions of this law, holding of peaceful assemblies is permissible by obtaining a permit from the Ministry of Interior.

## **5. Trade and Labor Unions**

88. The Labor Code<sup>54</sup> and the law relating to parties, and professional societies and associations<sup>55</sup> define the general framework for the activities of trade unions. Accordingly, a very active labor organization that covers more than 1,450 business units and factories represents the interests of

workers nationwide. This organization operates according to democratic principles and has the right to hold peaceful assemblies and carry out political activities.

## **B. Economic, Social and Cultural Rights<sup>56</sup>**

### **1. Employment**

89. In the Twenty-Year Vision Strategic Plan for development of the country, matters relating to economic affairs, generation of employment and unemployment rate reduction are underlined as the primary goals of economic development. Special attention is paid in this document to elimination of discrimination and creation of employment for the vulnerable segments of the population, such as women and minorities.

90. In view of the government policies aiming at controlling unemployment growth rate and creating new employment opportunities, between the years 2005 to 2007, the lowest rate of unemployment was 10.5 per cent in 2007 and the highest rate was 11.5 per cent in 2005.

### **2. Health and Medical Treatment**

91. Activities of the Government in the less developed regions of the country to improve the situation of health and health care services have accelerated over the recent years. Policies dedicated to health and related services in the Third Development Plan, the plan for comprehensive coverage of health insurance services, the plan for insurance of rural population, use of assistance from international agencies such as UNICEF to alleviate shortage of resources in less developed regions, adoption of incentives and granting special benefits to physicians to work in rural health centers, allocation of special quota in universities for the residents of less developed regions are among the measures to achieve the goal of non-discrimination in health and medical services. The level of access of urban and rural population to primary health care in 2005 was 92 per cent, while the current rate stands above 95 per cent.

### **3. Education**

92. Ministry of Education has carried out a number of programs to promote the right to education and to elevate it qualitatively and quantitatively for all segments of population, especially the vulnerable groups in the society. Moreover, the Ministry of Higher Education, Research and Technology has also been effectively promoting higher education in the country.

93. According to the latest statistics, literacy of men stands at 88.75 per cent and literacy of women at 80.3 per cent among the population above the age of six. The ratio of girl students to total number of students has increased 10 per cent from 38.4 per cent to 48.6 per cent. The number of students of non-profitable schools has increased two folds from 620,068 to 1,086,361. The total number of schools has increased 3 folds, from 53,885 to 146,213.

94. Diversification of methods of higher education by establishing new fields and disciplines, development of inter-disciplinary fields, increasing the enrolment in continuous education courses, development of advanced medical education, expansion of non-governmental and non-profitable higher education institutes, development of applied and modular courses are among the fundamental measures taken by the higher education, research and technology sector to achieve the qualitative goal of increasing access to higher education in the framework of the primary ambitious goals of the Fourth

Development Plan. In the 2008 academic year, the total number of university students was 3,392,000 which indicate an increase of 20 per cent comparing with the previous academic year.

#### **4. Social Security**

95. Social Security Organization is the primary institution in the social safety system of the country. It plays an important role in the sustainability of the Iranian society and in protection of the productive human resources of the nation. This organization has been the official member of the International Social Security Association for the past 40 years. It is one of the most robust social security systems in Asia and the Middle East. The social Security Organization has under its protective umbrella 39 million citizens of the country, which is 51 per cent of the entire population in Iran and 66 per cent of urban population. Social welfare indicator increased by 3 per cent to 3,498. The indicators have registered 4.7 per cent average annual growth.

#### **5. Housing**

96. Over the recent years the housing sector in Iran has witnessed the largest participation by the private sector and has had an uninterrupted growth. In addition, the Government has made considerable efforts to provide low-price residential units for the vulnerable segments of the population. Paying housing loans, *Mehr* Housing Project, providing lands through housing cooperatives, Rent toward Ownership Plan, long-term lease agreements at low cost and construction of rural housing have been on the rise and increasing over the recent years with an unprecedented pace. These developments in the home construction and housing sector, and changes in the demographic and household composition have caused the supply of housing units to overtake the growth in the number of households and have alleviated the shortage of housing.

#### **6. Cultural Activities**

97. Meeting the needs of the society for cultural and artistic activities, in light of the rich cultural history of the country, have of utmost importance. The Third Economic and Social Development Plan underlines the importance of these endeavours. The Plan requires the Government to build cultural, arts and sports spaces in the less and underdeveloped regions of the country, as a result of which sports complexes and spaces in the country have doubled over the past four years,.

### **C. Vulnerable Groups<sup>57</sup>**

#### **1. Rights of Women<sup>58</sup>**

98. Relying on the progressive Islamic laws the role of women in Iran in the family institution is unparalleled and unique. All the policies relating to women's rights proceed from this principle. In respect of rights of women and elimination of discrimination against them, Iran has carried out principles, unremitting and targeted efforts to promote the status of women in educational, political and cultural endeavors over the past 30 years. Women rights activists, both as governmental and non-governmental entities, have been able to pass a number of reforms in the government, city councils, municipalities and courts. These reforms have improved the status of women in comparison of international standards and the Islamic countries. Special attention to the rights of women in the Twenty-Year Vision, Fourth Development Plan and drafting to the Charter on Women's Rights and

Duties in the Islamic Republic of Iran combined with the highest Islamic and human rights principles have laid the foundation for the promotion of the culture of human rights in Iran.

99. Over the recent years important advances have been made in legislations relating to the rights of women and family. Among the most important legislations in this field are the passage of a comprehensive law on the rights and duties of women, program for preventing of social harms, combating abuse and violence against women, the national plan for development and organizing research projects on women, empowerment of influential women. Protective policies for the formation, consolidation and enhancement of family, facilitation of marriage, the programs for raising public awareness through mass media education, the law on part time work of women, equal payment of blood money(*Dieh*) and financial penalties for men and women by insurance companies and the right of women to inherit from immovable property. The most recent measure in this connection is the bill on supporting creation and expansion of NGO's and civil institutions and women associations.

100. According to official statistics, the population of women in the country is 49.05 per cent. In relation to health and medical wellbeing, the life expectancy of women has gone up to 74.51 years. The indicator for economic participation of women over the past 10 years has risen by 72 per cent. For example, the percentage of official employment of women in the country is 13.6 per cent which is 12.3 per cent larger than ten years ago. The literacy rate of women is 80.34 per cent. The ratio of literate women as compared to the total population is 46.5 per cent, which was 36.5 per cent 30 years ago. The number of women entering institutes of higher education is close to 70 per cent of the total entrants in the previous academic year. This number has risen 192.96 per cent compared to a decade ago and is 27 times more than 30 years ago. Generation of employment and empowerment of women by skills and vocational training and strengthening women cooperatives, especially for rural women, are among the policies that have been implemented.

101. In the arena of political participation, women are witnessing substantial growth and advancement over the past recent decade. The number of women in managerial position and in universities has increase 10.7 per cent compared to the total senior executive positions. There are women in high government positions in 40 agencies, in 30 provincial administrations, and 256 district governorates. This shows a 3.25 per cent increase in the number of women acquiring senior executive positions. Introduction and appointment of women for positions of minister, and provincial governors are among the newest development. The number of NGOs active in women's affairs has gone up to 736, which is 12 times more than a decade ago. The presence of women in the areas of publishing, arts, film production, sports and scientific Olympiads are among other important activities.

## **2. Institutions for Rights of Women**

### **(a) The Center for Women and Family**

102. This center has duties such as conducting research, education, and needs assessment. Planning and laying the ground for women empowerment, advising the President and other government agencies, presenting and following up on plans and bills relating to women's rights and family and establishment of proper institutions to for following up affairs of women and family.

**(b) The Cultural and Social Council of Women**

103. This council is affiliated to the High Council for Cultural Revolution and established on the basis of a directive by the President. This council has a number of experts committee<sup>59</sup> that have the responsibility of policy making concerning cultural and social affairs of women and coordinating between the relevant agencies.

**(c) The women and Children Committee of the Expediency Council**

104. This committee was established to conduct expert review and studies on women and children with the aim of providing professional assistance for the general policies of the government on matters relating to women and children.

**(d) Women and youth Working Groups**

105. In the High council for Planning and Development of provinces there are offices dealing with the affairs relating to women in all government agencies at the level of ministries, provincial administrations, and in the police and armed forces. They are charged with the duty to organize and improve the activities relating to women nationwide.

**(e) Women Caucus in *Majlis***

106. This caucus comprises women parliamentarians who are primarily involved in promoting the rights of women through legislations.

**(f) General Directorate for the women international affairs and Human Rights of the Ministry of Foreign Affairs**

107. This Directory has the duty to disseminate information, help promote standards, formulate policies and coordinate affairs relating to human rights and women issues at international and national levels.

### **3. Rights of the Child**

108. The important of the rights of the child has a long record in Iranian and Islamic culture. In addition, there are numerous considerations in the Islamic Sharia that compel; paying attention to children in psychological, moral, living and legal aspects. Iran has taken a wide range of measures to realize these teachings and aspirations.

109. Promoting education of girls, reducing the gender gap, providing legal protection to children, including children born out of wedlock, amending certain legislations relating to children, expanding pre-elementary education, protections before and after birth, increasing the participation of children in decision-making, paying attention to their views by establishing students' parliament, prohibition of torture and other cruel punishments, access to proper information, raising awareness and sensitivity among teachers toward the rights of the child, holding training courses and workshops on the rights of the child, implementing joint projects with UNICEF, providing health care and services, free food for students and disabled children, providing safe houses for street children, access to 100 per cent of urban residents and more than 87 per cent of rural population to health facilities are all among the

important measures taken by the government in promoting the rights of the child. These measures were commended by chairperson and members of the Committee on the Rights of the Child after presenting the report of Iran.

#### **4. Rights of Minorities<sup>60</sup>**

110. Iran is a land with diverse ethnic and religious communities that live side by side with different traditions, customs and languages.<sup>61</sup> The Iranian society is a successful model of brotherly and peaceful coexistence. One of the principal objectives of the government is to enhance and consolidate these relationships.

111. The government has several projects to generate employment, provide health services, education housing and to promote civil and political rights. These projects are designed to improve the economic, social and cultural indicators in the less developed parts of the country. In addition, some provinces of the country with larger concentration of ethnic communities receive special budgetary allocation in the annual budget law to be spent on human development and improvement of economic and social conditions.

#### **5. Rights of the Disabled**

112. According to the latest statistics by the World Health Organization, the population of the disabled in Iran is close to 3 million people, most of whom are the disabled of the war imposed on Iran for 8 years, and of the actions by terrorist groups. With the passage of a comprehensive legislation for the protection of the disabled in 2004, extensive efforts have been made to mitigate the material and psychological problems of this segment of the population. Creation of a medical fund for the treatment of the disabled, providing special employment facilities, housing and sports for the disabled are among the measure taken over the recent years.

### **VII. Cooperation with the United Nations Human Rights Mechanisms**

#### **A. Cooperation with Asia-Pacific Arrangements**

113. Following cooperation has been taken place during last decade:

- Hosting the 8<sup>th</sup> Meeting of the Regional Human Rights Arrangement of the Asia-Pacific in Tehran, Iran, 1998;
- Hosting the Asia Pacific Regional Conference of the World Conference on Racism in 2001;
- Visits of Mrs. Robinson, the then High Commissioner for Human Rights in 1998 and 2001;
- Visit by Ms Arbour, former High Commissioner for Human Rights in 2006.

#### **B. Cooperation with the Office of the High commissioner for Human Rights**

114. Following cooperation has been taken place during last decade:

- Technical cooperation on human rights in the context of which the Needs Assessment Mission Report was approved and implemented in 2003 and 2004;

- The idea of cooperation between the Office of the High Commissioner and the Judiciary was discussed by sending a delegation of judges to Geneva and after the visit of a delegation of the Office of High Commissioner for Human Rights to Tehran in May 2008 a working Programme was drafted and the details of this project was followed up in 2009 and it is expected to be finalized in 2010.

### **C. Cooperation with the Special Procedures**

115. From 1998 to this day, the government of Iran has extended an open invitation to human rights mechanisms. Since then the following visits have taken place:

- Working Group on Arbitrary Detention, February 2003;
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, November, 2004;
- Special Rapporteur on the human rights of migrants, February, 2004;
- Special Rapporteur on violence against women, February, 2005;
- Special Rapporteur on adequate housing, July, 2005;
- Independent Expert on violence against children, 2006.

116. In addition to above-mentioned visits, there are plans under consideration for visits of other Rapporteurs.

117. Moreover, over the recent years there have been constructive interactions between Iran and compliant mechanisms of the United Nations, including 1503 Procedure, to respond to the complaints by individuals concerning human rights situation in Iran. Many of complains received by Iran have been resolved as the result of our response.

## **VIII. Identification of Achievements, Best Practices, Challenges and Constraints**

### **A. Achievements and best practices**

118. Following initiatives have been taken at international and national level:

#### **1. International Initiatives**

##### **(a) Human Rights and Cultural Diversity**

- Initiating resolution on human rights and cultural diversity in the UN General Assembly;
- Hosting the Meeting of the Ministers of the Non-Aligned Movement on Human Rights and Cultural Diversity in Tehran, September 2007;
- Approval of the establishment of the NAM Center for Human Rights and Cultural Diversity in Tehran by the Movement Foreign Ministers;

- Establishment of the NAM Center for Human Rights and Cultural Diversity in Tehran in May 2008 with primary mandate of developing and enhancing the common understanding of NAM Member States as well as between NAM member states and other members of international community with respect to human rights and cultural diversity.

**(b) Dialogue among Civilizations**

119. The idea of Dialogue among Civilizations firstly proposed by Iran and approved by the United Nations in 2001.

**(c) Activities within the Organization of the Islamic Conference (OIC)**

120. Upon the initiative by Iran, the resolution on commemoration of the adoption of the Islamic Human Rights Declaration in Cairo in 1991 was approved and a day was designated as the Islamic Human Rights and Dignity Day in OIC member states.

121. There is now an opportunity for the Islamic countries and the international community to have better insight and understanding of the Islamic point of view on human rights and to shed light on some of questions and misunderstanding relating to Islam and human rights. It is also an opportunity for the rich and genuine Islamic civilization and culture to contribute to the enrichment of universal standards of human rights.

122. Holding of the Meeting of Heads of the Judiciaries of the Islamic countries for the purpose of establishing a legal and judicial union of the Islamic countries in 2007.

123. Holding of two meetings of the Prosecutors of the capitals of Islamic countries under the theme of “the rights of suspects to defence in accordance with the Sharia, national laws and international treaties” in 2007 and “review of violations of human rights in Gaza in 2009”.

## **2. National Initiatives**

**(a) Strategic National Action Plan on Human Rights**

124. For the purpose of drafting a strategic national action plan on human rights, the High Council for human Rights in consultation and cooperation with all the relevant governmental and nongovernmental institutions is drafting a comprehensive national document to be soon submitted to *Majlis* for approval.

**(b) Initiatives on Economic, Social and Cultural Rights<sup>62</sup>**

**Literacy Movement**

125. Before the victory of the Islamic Revolution, 52.5 per cent of the population above the age of 6 was illiterate. With the establishment of an organization under the title of “Literacy Movement” in 1979 and drafting of literacy strategy, the rate of literacy has come down to 15.4 per cent. The target of the literacy plan is to reduce illiteracy to zero by 2014. The decrease of absolute value of illiteracy, reduction in gender discrimination and lessening of regional discrimination has been among the most important achievements. Several international organizations, including UNESCO, have awarded prizes to the Literacy Movement for its achievements.

## **Imam Khomeini Relief Committee**

126. This committee was established to assist the vulnerable and deprived segments of the population to improve their economic, social and cultural situation. It has been involved over the past three decades in providing valuable services to target segments of the population.

### **B. Challenges and Constraints**

127. Iran is facing the following major challenges in promotion and protection of human rights:

#### **1. Political pressures and abuse of International Human Rights Mechanisms by some Western countries**

128. With the victory of the Islamic Revolution and coming out of the Western bloc of countries, Iran's human rights situation have consistently been used as a political tool to apply pressure and to advance certain ulterior political motives of some specific Western countries. Sponsoring selective and political resolutions by those countries against Iran, interferences and media hype in this connection over the past 3 decades have all created negative sensitivity and major problems in promotion of human rights inside the country.

#### **2. Implementing some international human rights standards in practice**

129. According to the provisions of 1993 Vienna World Conference Declaration and Programme of Action on Human Rights, regional, historical, national, cultural and religious particularities of different regions and countries need to be taken into consideration in implementing of human rights standards.

130. Iran, like other Islamic countries, has faced certain problems in practicing some international standards of human rights. This matter needs to be duly understood by the international community that due to its legal structures which are based on principles of Islam, commitment of its authorities to these principles, and true demands by the people, Islamic Republic of Iran considers itself obliged to adhere to laws of Islamic Sharia. Accordingly, it is necessary that by relying on the principle of cultural diversity, while respecting and avoiding political and cultural pressures, to pay attention to this point that any change or adjustments in these laws must come about as a result of dynamic national dialogue among our own authorities and civil society in the context of Islamic principles. Pressure or demands by other countries to accept and adopt certain Western standards of human rights will practically have negative impact on promotion of human rights.

#### **3. Terrorism**

131. Since the victory of the Islamic Revolution, Iran has consistently faced with the serious problem of terrorism supported by certain foreign countries. Iran has been one of the main victims of terrorism in the world. After 11 September 2001 that led to the presence of foreign troops in Iraq and Afghanistan, the presence and operations of terrorist groups in the eastern, western and southern borders of Iran increased considerably. The terrorist groups have killed, threatened, and abducted Iranian ordinary citizens among them women and children and plundered public and private property of them. This situation has placed a heavy responsibility on the shoulder of the government to put an end to this challenge.

132. Unfortunately, the overt and covert financial and military support of certain countries and intelligence services of some Western countries have complicated the situation. The situation has become so complicated that causes any responsible government to resort to deterrent punishments in dealing with the perpetrators of these atrocious terrorist crimes. It is even more tragic when those Western governments who are supporting the individuals and groups behind these acts do not take any action to put an end to this situation. On the contrary, they are supporting the perpetrators under the guise of defenders of human rights and grant them political asylum. By waging a propaganda and media war against Iran, they even portrayed the legal actions of Iranian forces against them as violations of human rights.

#### **4. Drug Trafficking**

133. Over the recent years, especially after the presence of coalition forces in Afghanistan, production and trafficking of narcotic drugs have increased several folds, posing serious threat to the security and the health of people of Iran. For this reason, over the recent year close to 70 per cent of sentences in Iranian courts relate to drug offences and the armed outlaw engaged in trafficking of illicit drugs. Unfortunately, our efforts to prevent the flood of drugs going to Western countries, especially Europe, are not adequately appreciated and supported financially and technically.

#### **5. Economic Sanctions**

134. Imposing unilateral and coercive sanctions by certain Western countries purely for political reasons as well as international sanctions resulting from political actions of the same countries at the UN Security Council have had a negative impact on realization of all human rights of Iranian citizens, specifically right to development, over the recent years. To give an example, the sale of passenger aircrafts and civilian navigation and aviation spare parts has caused the deaths of hundreds of people in Iran.

#### **6. Global Economic and Financial Crisis**

135. Because of its connections to the global economy, Iran economy has suffered from the global economic and financial crisis. This has been reflected in various areas of economic, social and cultural rights, including the right to development. Needless to say, the rich countries and international financial institutions that had a larger share in bringing about this crisis have a greater responsibility to resolve this crisis and help the countries with more vulnerable economies.

### **IX. Key National Priorities, Initiatives and Commitments**

#### **A. Education**

136. Iran looks at human rights as an important, substantive, long-term and genuine matter. By stay away from overstatements and hyperbole, Iran regards human rights education as a national strategy for promotion and protection of human rights. In this connection, the capacity-building programs for promotion of human rights and greater access to justice are being implemented in cooperation with the United Nations Development Programme in a five-year period from 2005 to 2009. Teaching of human rights in universities, conducting applied research and studies, software and hardware equipment of human rights institutions, exchange of knowledge and experiences are among the programmes that have been implemented.

## **B. Standard Settings**

137. In light of the difficulties mentioned above concerning the compatibility of the some Islamic human rights and international norms of human rights and for the purpose of presenting a correct picture of Islamic human rights in cases of divergence, a committee comprising Islamic scholars and members of the academia has been established at the Ministry of Foreign Affairs. The committee will articulate on Islamic views on human rights and present practical recommendations for greater interactions with international human rights mechanism.

## **X. Expectations in terms of Capacity-Building and Technical Assistance**

138. Iran is fully prepared to have bilateral as well as multilateral cooperation and receive advisory services and technical assistance for capacity-building and promotion of human rights. We wish to have these cooperative relationships in close cooperation with all relevant international organizations and member states of the United Nations on the basis of the principles of sovereign equality, mutual respect, non-interference in the internal affairs and staying away from political and selective approaches.

### *Notes*

<sup>1</sup> Refer to document A/HRC/6/L.24

<sup>2</sup> The list of universities and NGOs consulted for the preparation of the national report is attached as annex 1.

<sup>3</sup> The three branches of the government are :Judiciary, Executive and Legislative

<sup>4</sup> For further information on Iran refer to HRI/CORE/1/Add.106.Core Document 1999.

<sup>5</sup> The constitution was amended in 1990 and with some changes in certain articles it was approved in a general referendum.

<sup>6</sup> The constitution that was voted by the overwhelming majority of people consists of 14 chapters and 177 articles. Chapter 3 for the constitution under the title of “rights of People” has 24 articles relating to human rights and fundamental freedoms. Also, other chapters and articles of the Constitution have clear references to these rights. These rights are stated below:

Article 2: Human dignity: the Islamic Republic of Iran is a system based on belief in dignity and worth of human being and the duty to God.

Article 3: Political, Social, Civil, Economic and Cultural rights: the government has the duty to ensure political and social freedoms within the confines of the law, public participation in deciding their political, economic and social destiny, the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and the intellectual spheres, the planning of a correct and just economic system, in accordance with Islamic criteria, in order to create welfare, eliminate poverty, and abolish all forms of deprivation with respect to food, housing, work, health care, and the provision of social insurance for all, and ensuring the rights of all people, men and women, and creating judicial security for all and equality before the law.

Article 6: Democracy: In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by the means of elections.

Article 9: Prohibition of Infringement of Freedoms:

No authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.

Articles 12, 13, 14, 15, deal with the rights of minority:

Official religion of Iran is Islam and the Twelver Ja'fari school. Other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. In regions of the country where Muslims following any one of these schools constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school, without infringing upon the rights of the followers of other schools.

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.

The government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. The Official Language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as textbooks, must be in this language and script. However, the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.

Article 19: All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege.

Article 20: All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

Article 21: criteria, and accomplish the following goals:

- 1) create a favorable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual;
- 2) the protection of mothers, particularly during pregnancy and child-rearing, and the protection of children without guardians;
- 3) establishing competent courts to protect and preserve the family;
- 4) the provision of special insurance for widows, aged women, and women without support;
- 5) the awarding of guardianship of children to worthy mothers, in order to protect the interests of the children, in the absence of a legal guardian.

Article 22: The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.

Article 23: The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.

Articles 24, 168 and 175 relate to freedom of expression: Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The cases of violations by the press are examined by press courts in presence of a jury.

Freedom of expression and airing of opinions in radio and television should be in keeping with the Islamic principles and the best interest of the public.

Article 25: Right to privacy: The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications, censorship, or the willful failure to transmit them, eavesdropping, and all forms of covert investigation are forbidden, except as provided by law.

Articles 26 and 27: Freedom of political parties and the right to peaceful assembly: The formation of parties, societies, political or professional associations, as well as religious societies, whether Islamic or pertaining to one of the recognized religious minorities, is permitted provided they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.

Public meetings and marches may be freely held, provided arms are not carried and that they are not detrimental to the fundamental principles of Islam.

Article 28, 29, 30, 31: Economic, Social and Cultural Rights: Everyone has the right to choose any occupation he wishes, if it is not contrary to Islam and the public interests, and does not infringe the rights of others. The government has the duty, with due consideration of the need of society for different kinds of work, to provide every citizen with the opportunity to work, and to create equal conditions for obtaining it.

To benefit from social security with respect to retirement, unemployment, old age, disability, absence of a guardian, and benefits relating to being stranded, accidents, health services, and medical care and treatment, provided through insurance or other means, is accepted as a universal right of work, to provide every citizen with the opportunity to work, and to create equal conditions for obtaining it.

The government must provide the foregoing services and financial support for every individual citizen by drawing, in accordance with the law, on the national revenues and funds obtained through public contributions.

The government must provide all citizens with free education up to secondary school, and must expand free higher education to the extent required by the country for attaining self-sufficiency.

It is the right of every Iranian individual and family to possess housing commensurate with his needs. The government must make land available for the implementation of this article, according priority to those need is greatest, in particular the rural population and the workers.

Article 32: Arbitrary arrest: No one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law.

Article 33: Prohibition of banishment: No one can be banished from his place of residence, prevented from residing in the place of his choice, or compelled to reside in a given locality, except in cases provided by law.

Article 34: recourse to courts: It is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have right of access to such courts, and no one can be barred from courts to which he has a legal right of recourse.

Article 35: The right to legal counsel: Both parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel.

Article 36: Competence of the court: The passing and execution of a sentence must be only by a competent court and in accordance with law.

Article 37; Presumption of innocence: Innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court.

Article 38: Prohibition of torture: All affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.

Article 39: Dignity of arrested persons: All affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.

Article 50: Environment: The preservation of the environment, in which the present as well as the future generations have a right to flourishing social existence, is regarded as a public duty in the Islamic Republic. Economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it are therefore forbidden.

<sup>8</sup> Article 63 of the Constitution

<sup>9</sup> Article 64 of the Constitution

<sup>10</sup> Ibid.

<sup>11</sup> Article 69 of the Constitution

<sup>12</sup> Article 71 of the Constitution on

<sup>13</sup> Article 72 of the Constitution

<sup>14</sup> Article 84 of the Constitution

<sup>15</sup> Article 86 of the Constitution.

<sup>16</sup> According to article 44 of the internal regulations of *Majlis*, this committee can make inquires at all agencies, ministries and organizations of the three branches of the government and demand explanations for all complaints left unanswered. The reports by the Article 90 Committee are read on the floor after submission to the presidium.

<sup>17</sup> Article 91 of the Constitution

<sup>18</sup> Article 96 of the Constitution

<sup>19</sup> Articles 112,111, 110, and 177 of the Constitution

<sup>20</sup> More information on the structure of the Judiciary is available at third ICCPR periodic report of the I.R. of Iran to human rights committee.

<sup>21</sup> Article 158 of the Constitution, deals with the duties of the head of the Judiciary

<sup>22</sup> Article 161 of the Constitution

<sup>23</sup> Duties of the Minister of Justice are explained in article 160 of the Constitution.

<sup>24</sup> Article 156 of the Constitution deals with the duties of the Judiciary

<sup>25</sup> Article 166

<sup>26</sup> Paragraph 14 of article 3

<sup>27</sup> Article 4 and 12 of the Constitution

<sup>28</sup> Article 91 of the Civil Code

<sup>29</sup> Article 165 of the Constitution

<sup>30</sup> Article 35 of the Constitution and 1991 Law of *Majlis*

<sup>31</sup> Article 38 of the Constitution

<sup>32</sup> Article 169 of the Constitution and article 2 of the Islamic Penal Code of 1996.

<sup>33</sup> Article 168 of the Constitution

<sup>34</sup> Article 32 of the Constitution

<sup>35</sup> Article 179 of the Constitution

<sup>36</sup> According to article 268 of the Criminal Code and article 387 of Civil Code, the prosecutor General is Allowed to ask the Supreme Court to revise a ruling by a lower court if it is contrary to law and Sharia, provided the convicted person requests from the Prosecutor within a month after the final ruling.

<sup>37</sup> According to paragraph 3 of article 156 of the Constitution

<sup>38</sup> According to article 161 of the Constitution

<sup>39</sup> According to article 17 of the Criminal Code

<sup>40</sup> To achieve this supervision, the Prosecutor General sends judges to police stations to visit the holding cells for temporary detention and ensure that all police procedures in respect of arrested persons are in line with the law and regulations. If any violations are discovered in the course of inspection, the necessary warnings are given to the officer in charge and if needed, the matter will be referred for judicial action. Moreover, assistant prosecutors also visit prisons to inspect the conduct of prison guards and officials. They meet the prisoners and enquire about their problems and take necessary actions.

<sup>41</sup> Article 173 of the Constitution relate to Administrative Justice Tribunal. The first law on this tribunal was ratified in 1981 and the new law was ratified in 2006.

<sup>42</sup> Article 74 of the Constitution: the ordinary law relating to the powers, authority and organization of General Inspection Organization and its Implementing Regulations were approved in 1981. Regular and special inspections of all ministries,

state-owned companies, armed forces and police are carried out by this Organization. Reporting of cases of violations by the government agencies is one of the primary tasks of the General Inspection Organization.

<sup>43</sup> Supervision over the proper enforcement of the said law and creating a uniform procedure, amending methodologies and processes and making them compatible with regulations, review of the reports of the Supervisory and Inspection Boards in the provinces, sending special inspection teams to the agencies covered by this directive, sending complaints and reports to relevant authorities, and following them up until conclusion, recommending rewards or punitive measures according to the reports of inspection teams, preparation of reports on the situation of enforcement of legations and laws in the country every three months, presenting the same report to the public every six months are among the responsibilities of this Board, in addition, a board comprising five judges of the justice system, from the armed forces judicial organization, General Inspection Office, and the representative for the Judges Disciplinary Court as "Inspection and Supervision Board of the Province.

<sup>45</sup> According to Implementing Regulations of 1380

<sup>46</sup> According to the Directive of 1387 by the Head of the Judiciary

<sup>47</sup> Supplementary report on advancements in prisons.(Annex 2)

<sup>48</sup> E/CN.4/2004/3/Add.2

<sup>49</sup> Supplementary report on terms of reference and structure of the High Council for Human Rights is attached. (Annex 3)

<sup>50</sup> The Head of the Judiciary as the Chairman of the High Council for Human Rights, and ministers of justice, foreign affairs, interior, Islamic Guidance and Culture, Commander of the Police, and President of Islamic Republic of Iran Broadcasting are among the members of this

<sup>51</sup> Central Bar Associating, East Azerbaijan, and Ardabil, Fars and Blusher, Kohkilooyeh and Booyer Ahmad, Khorasan, Isfahan, West Azerbaijan, and Kuridstan, Gilan, Mzandaran and Golestn Ghazvin and Zanzan Kermanshah and Ilam, Khuzestan and Lorestna, and Hamedan.

<sup>52</sup> For more information on political and civil rights refer to the recent report of Iran to the Human Rights Committee of the United Nations in 2009.

<sup>53</sup> The Law includes the terms of reference and composition of Article 10 Committee.

<sup>54</sup> Article 131 of the Labor Code

<sup>55</sup> Article 2

<sup>56</sup> Refer to the latest report of Iran on economic, social and cultural rights for 2009.

<sup>57</sup> Refer to the latest periodic report of Iran to Human Rights Committee.

<sup>58</sup> Supplementary report on Women's advancements is attached.(Annex 4)

<sup>59</sup> These committees are: Research, Education, Law and Family, Culture, Social and economic Affairs and Employment, International Affairs. Basij and Defense and *Figh*

<sup>60</sup> Supplementary Report on the rights of minorities is attached ( Annex 5)

<sup>61</sup> Seven ethnic communities: Azeri, Kurd, Lor, Arab Speaking, Baluchis, Turkmen and Fars

<sup>62</sup> For additional information refer to the periodic report of Iran to the committee on Economic, Social and Cultural rights of the United Nations.

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