



**International Covenant on  
Civil and Political Rights**

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**Consideration of reports submitted by States  
parties under article 40 of the Covenant**

**Islamic Republic of Iran\***

**Addendum**

**Replies from the Government of the Islamic Republic of Iran to the list  
of issues (CCPR/C/IRN/Q/3) to be taken up in connection with the  
consideration of its third periodic report (CCPR/C/IRN/3)**

[28 July 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Reply to Question 1

1. Laws of the Islamic Republic of Iran are not in contradiction to the Articles of the Covenant on Civil and Political Rights. By virtue of Article 9 of the Civil Code of the Islamic Republic of Iran, regulations of the treaty pledges made in conformity with the Constitution of Islamic Republic of Iran are considered as domestic national law. In general, barristers and lawyers prefer to administer justice by virtue of domestic national laws. Reference to the text of international legal documents has not turned into a prevalent practice. The majority of judges, on the basis of the right for judicial interpretation, are inclined to render their judgments on the basis of domestic laws and regulations. Due to the lack of publication and distribution of all verdicts, it is not easy to have access to them. The case on contaminated blood with its multiplicity of plaintiffs was among the cases judged to some extent by virtue of the Covenant.

2. In the above-mentioned case, more than 1,200 litigations were filed before the judicial authorities, and in spite of the legal vacuum caused by the new and unprecedented nature of the case subject, the judiciary was able to finalize the required legal procedure within a short period of time and settle the case.

3. In the said case, the Ministry of Health, the Blood Transfusion Organization and the Blood Research and Refining Company were found guilty. On the basis of the rich sources of Islamic jurisprudence (*feq*), two judicial judgments were rendered for 974 and 171 claimants, respectively. The third relevant case is also under judicial consideration.

4. Judges of the cases rendered verdicts in the interest of the plaintiffs, free from any kind of gender, ethnical, religious or other discrimination, on the following subjects:

- (a) Provision of concrete and abstract damages;
- (b) Provision of medical charges, in the past, present and future;
- (c) Formal apology of the condemned parties to the plaintiffs in wide-circulation newspapers.

5. It is noteworthy that in the first and second cases, three of the claimants were from the Zoroastrian minority religion, many from among different ethnic minorities, and two were Afghan refugees residing in Iran, as follows:

<i>Number of the people who have received compensation in two dossiers</i>	<i>Name of Province</i>	<i>Number</i>
17	Central	1
17	Kermanshah	2
24	Kurdistan	3
30	Lorestan	4
67	Gilan, Mazanderan and Golestan	5
3	Hormozgan	6
15	Hamedan	7
56	Khorasan	8
31	Khouzestan	9
30	Zanjan	10

<i>Number of the people who have received compensation in two dossiers</i>	<i>Name of Province</i>	<i>Number</i>
56	W. and E. Azerbaijan and Ardebil	11
1	Kerman	12
4	Qom	13
13	Qazvin	14
19	Semnan	15
26	Fars	16
138	Esfahan	17
4	Chehar Mahal Bakhtiari	18
567	Tehran	19

6. By virtue of Article 1 of the Civil Code of the Islamic Republic of Iran, “treaty stipulations which have been in accordance with the Constitutional Law shall have the force of law”. The Guardian Council is the legal authority for verification of conformity between laws and the Constitution. The Council has not ever reported any contradiction between the Covenant and the Constitution.

## **Reply to Question 2**

7. With regard to the reply of the Islamic Republic of Iran on Article 3 in the third periodic report, the Guardian Council has not made any interpretation on the 115th principle of the Constitution.

8. According to Principles 90 and 112 of the Constitution, there is no gender limit stipulated for membership on the Guardian Council and the Expediency Council.

9. The Islamic Republic of Iran has taken promotional measures to absorb women for incumbency of judicial positions. The following is an indication of this reality.

### **Statistics on women judges**

<i>Number</i>	<i>Organizational Position</i>
497	Assistant Public and Revolutionary Prosecutor
82	Judicial Counseling
18	Deputy Head
10	Counselor
7	Deputy Prosecutor
614	Total

10. To make a comparison, it is noteworthy to mention that in 2003, there were exactly 161 women judges and 4 women deputies of Judicial Complexes. Meanwhile, women

counselors in courts of appeal, have the same power as men in drafting and rendering judgments

11. As for professional promotion of women in Iran, in 15 March, 2003, the High Council of Administration adopted the criteria for selection, appointment and change of managers “to promote participation of women in management affairs, executive departments are bound to carry out programs and take the required action for recognition and empowerment of women and their appointment at management levels, in a way to increase the role of women in different management areas, on an annual basis.” To this end, new positions particularly targeting women have been introduced at the national level. The post of advisor to the President on women and family affairs, appointment of women advisors in the field of women for all Cabinet Ministers, membership of women on the Women’s Socio-Cultural Council, creation of the Director General office on women-related issues, in all provinces, creation of the Deputy Minister’s office in the Ministry of Education for elementary education, and in all its general departments, as well as management positions in research institutions related to women are among the principle actions taken so far.

12. In addition to the above-mentioned cases, and on the basis of the principle of merit, women in the Islamic Republic of Iran, in healthy competition with men, have been able to be present at different high levels of decision-making and hierarchy of power, including membership in the Government, either as Minister, Deputy Minister, Deputy or Advisor to the President, as well as membership in the Islamic Consultative Assembly (the Parliament), membership in the social and cultural commissions of the Government and in the State Social Council, as Heads of organizations at the national level (such as the handicraft organization), Directors-General of different Ministries, and membership in different high-level national decision-making bodies, such as the High Council for Cultural Revolution, the High Council for Employment, the High Council for Health, the High Council for Youth, the High Council for Iranians Living Abroad, the High Council for Provincial Planning and Development. It is worth mentioning that for the first time in the Islamic Republic of Iran, there are four women in the Cabinet of Ministers.

13. In the course of the eighth term of the parliamentary elections, there were 585 women candidates, eight of whom won seats in Parliament. Those figures reveal that:

- In comparison between the first and the eighth term of parliamentary elections, the number of women candidates and women elected have been doubled,
- The proportion of women candidates for parliamentary elections to the total number of candidates in the eighth term of elections stood at 8.16, which indicates an increase of 350%.
- The number of women members on City and Village Islamic Councils stood at 1,491 in the third term, which indicates an increase of 8.44 in comparison to the first term.

14. The Ministry of Education of the Islamic Republic of Iran has been the most successful ministry within the Executive Branch in the appointment of women in management positions. One fourth of the members of the Council of Deputies, including Deputy Ministers, heads of organizations, and Ministerial advisors are women. It should be mentioned that in the recent portfolio of the Ministry of Education, the positions of Director-General for Women’s Affairs, Deputy Minister for Elementary Education, Deputy Minister for Provincial Elementary Education were held by women. Presently, all provinces, cities and regions of the Ministry of Education, up to Grade 4, have Deputy Ministers for Elementary Education who have to be a woman.

15. The number of women in management positions in the Ministry of Education at perfect, superior and average levels has increased from 45 women at the end of 2005 to 482 women in 2011. This is quite an outstanding achievement towards believing in the power of women, as well as preparing the ground and merit-oriented provision of opportunities for women and girls.

16. It appears that although some positions targeting women have been dissolved in a number of organizations, new positions have been added to many other different sectors, such as the positions created in the Ministry of Education, Ministry of Health, Treatment and Medical Education and other sectors, including the Judiciary, leading to an upward trend in the effective presence of women in the decision-making process.

### Reply to Question 3

17. Firstly, permission from the father is a precondition only for a virgin girl. Secondly, this precondition is stipulated merely for observance of the best interests of the girl concerned. In the absence of a guardian and in case of abuse of the right, pertinent courts have the jurisdiction to easily render the writ for marriage. Thirdly, from the viewpoint of Islamic jurisprudence, this issue is among the subjects on which judges have different views. Therefore, in the absence of a consensus, imposition of amendments to the Civil Code could be taken into consideration.

18. The issue of the precondition for divorce in the legal system of the Islamic Republic of Iran has been facing moderation over past years. E.g. for the carrying out of divorce as requested by the man, there are conditions and restrictions stipulated in the law, such as receipt of the court verdict and payment of all the woman's financial rights. At present, a man does not have the right to request a divorce without having a court verdict; while very easy procedures are stipulated for women to request a divorce, such as the stipulation of the right to divorce (given to the woman) at the time of marriage; or the possibility of executing divorce after realization of "difficulty and guilt condition" (*osr-o-haraj*), where any mistreatment or hardship in life could serve as the condition. For observance of the best interests of children and safeguarding of the foundation of the family, the right to execute a divorce either by the man or the woman could be realized under particular conditions, which are not only in the power of one side.

19. There is no legal impediment for giving custody of children to the mother after the age of seven. For this particular case, and for observance of the best interests of the child, especially for preliminary clarification of his/her situation until the age of seven, which is considered the age of affections and sentiments, priority for custody is given to the mother. Beyond the age of seven, priority for custody is given to the father. In the meantime, it is unquestionable that observance of the expedience and interest of the child has high priority and precedes any other observation. Thus, in case of dispute, the interest of the child shall be the criterion for custody.

20. In the case of the death of the father and the need to appoint a guardian, not only is there no legal impediment for guardianship by the mother, but also the mother has priority. In practice, if the competency of the mother is not recognized by the court, guardianship shall be given to other relatives of the child, merely for observing his/her best interests.

21. The financial system of wife and husband under Iranian law is defined as a set or collection which should be seen beside each other. If one takes a comprehensive look, one would realize that the rights of women are fully observed. Firstly, women have financial independence and enjoy equal right of ownership. Secondly, in comparison with their husbands, women enjoy upper financial rights, such as dowry, alimony, remuneration (for services at home). Thirdly, the heritage system is a financial system based on the explicit

wording of the Holy Quran, which in many of cases cannot be changed. As for the level of women's inheritance and its causes, there are points worth noting:

(a) Duties such as participation in war and compulsory military service are not applied to women;

(b) Alimony and dowry are financial privileges enjoyed by women, which men are bound to pay;

(c) In many cases where blood money (mullet) has to be paid by men (for helping relatives), women are exempted from payment.

Therefore, one may notice that if we consider the rights of men and women in one comprehensive approach, no unjust dealing has been made against women.

22. The subject of obedience or submission between husband and wife is not the issue, but considering and observing the best interests of the child and the foundation of the family, management of financial and educational affairs of the family is entrusted to the husband, which in practice, takes place through agreement between the couple in such a manner that practically, the role of women has been more serious and outstanding than that of men.

23. The Passport Issuance Law which requires permission from the husband for the wife to travel abroad is presently under consideration in the Islamic Consultative Assembly (Parliament) and there is no religious impediment for removing the stipulation.

24. By virtue of Article 16 of the Family Protection Law and Article 645 of the Islamic Penal Code, polygamy is prohibited in the Islamic Republic of Iran, but could take place under particular conditions, including insanity of the woman, conviction to prison, infertility.

25. Prevention of the occupation of the spouse is equally stipulated in Article 18 of the Family Protection Law as follows: "The husband may, on the basis of a court verdict, prevent his wife from any occupation which is incompatible with the family interests or the dignity of himself or his wife. The wife may do the same. The court may prevent a man from a particular occupation if it does not disturb the livelihood of the family." Therefore, that is a right stipulated in the law equally for husband and wife, and not just for the husband.

26. Considering the existing difficulties for children of Iranian mothers who are married to a foreign citizen, the Law on the Citizenship Status of Children born of the marriage of Iranian women with foreign men was passed by the Islamic Consultative Assembly (Parliament) on 24 September 2006, and ratified by the Guardian Council on 4 October 2006. On the basis of that law, "children born in Iran to families established by the marriage of an Iranian woman with a foreign man or born in Iran within maximum one year after approval of this law, may apply for Iranian citizenship after the age of eighteen. On the condition of lack of penal or security record and renouncement of non-Iranian citizenship, the applicant shall be accorded Iranian citizenship."

27. The Ministry of Interior shall verify the birth of the child in Iran and the marriage documents (subject of Article 1060 of the Civil Code), and on the basis of approval by the Ministry of Interior, the Police shall issue residence permits for the foreign fathers subject to this law. Children subject to this law shall be allowed to reside in Iran before obtaining Iranian citizenship.

(a) Clause 1: If the age of the person subject to this law at the time of its approval is more than full eighteen years, he/she should, within one year maximum, apply for Iranian citizenship.

(b) Clause 2: From the date of approval of this law, individuals born in Iran to the marriage between an Iranian woman and a foreign man and the marriage of the couple has been registered from the beginning in compliance with Article 1060 of the Civil Code, shall be granted Iranian citizenship upon eighteen full years of age and within one year maximum, irrespective of the condition of residence stipulated in Article 979 of the Civil Code.

28. In implementation of the objectives set forth in the said law, a Commission on according citizenship was established in the Ministry of Interior in 2007. The Commission examines applications and documents of applicants for Iranian citizenship and grants citizenship to applicants with Iranian mothers. Over the past four years, the Commission has met 24 times and has approved 1,625 applications. Most of those who have been granted Iranian citizenship had Afghani or Iraqi fathers. Cases such as granting citizenship to children born to Iranian mothers abroad or inside the country before the age of eighteen, is under consideration by the Parliament in the form of a Bill.

#### **Reply to Question 4**

29. The Islamic Republic of Iran, by virtue of the Islamic Penal Code, under the title Offences against Family Rights and Commitments (Articles 642 to 647) has stipulated regulations which are executed by judicial authorities.

30. On the basis of Article 619 of the Islamic Penal Code, under the chapter Offences against Minors and Individuals, Iranian lawmaker has stipulated punishments for persons bothering the minors and women in public places.

31. Observance of the rights of women has been taken into consideration by the lawmaker in Article 622 of the said law and particular stipulations have been introduced for punishment of offenders who hurt pregnant women.

32. Those Articles are general and may be applied to husbands beating and using foul language against their wives.

33. Preventive and protective measures for vulnerable women and victims include the establishment of intervention and rehabilitation offices and enforcement of programs of intervention in individual, family and social crises; setting up of a social emergency telephone line; provision of mobile emergency services; establishment of 24 rehabilitation centers and 31 health houses for women and girls.

34. Establishment of intervention and rehabilitation offices in the Welfare (*Behzisti*) Organization and enforcement of programs under the title of intervention in individual, family and social crises (137 social emergency centers throughout the country) have helped to control and mitigate the said crises in the country.

Objectives of the program are as follows:

(a) Promotion of the knowledge and awareness of vulnerable people and socially-harmed individuals against social problems and issues, and assisting them with assessing their situation in critical conditions;

(b) Empowerment of vulnerable people and socially-harmed individuals against individual and social problems in critical circumstances through timely provision of specialized services;

(c) Promotion of awareness and knowledge of the family and the society of the existing needs for facilitating the process of problem-solving in critical situations;

(d) Recognition of damage-inflicting areas and focal points and specialized measures in settlement of crises;

(e) Recognition of newly created and repetitive social damage;

(f) Preparing the ground for the participation of people and non-governmental organizations;

(g) Effective intervention to decrease offences, prevent the aggravation of crisis and social damage and mitigate the suffering of vulnerable people.

35. Setting up of a social emergency telephone line (hotline-123) with the general objective of controlling and alleviating social damage.

Objectives of the program are as follows:

(a) Specialized and effective intervention aimed at preventing aggravation of crisis and social damage and alleviating the suffering of vulnerable and affected individuals;

(b) Facilitating access to the related social services in the social arena, with emphasis on social damage;

(c) Analysis of social damage.

36. Provision of mobile emergency services with the general objective of empowering vulnerable and suffering individuals through the use of some 200 special vehicles.

Main objectives:

(a) Provision of specialized timely services to vulnerable and suffering individuals;

(b) Facilitating access to the related social services in the social arena, with emphasis on social damage;

(c) Provision of information to individuals about the field programs and activities of the Welfare Organization and other social sources;

(d) Recognition of damage-creating areas and focal points.

37. Establishment of 24 rehabilitation centers for women and girls in 22 provinces of the country. The provinces of Tehran and Khorasan Razavi each have established two centers.

Objectives and services include:

(a) Prevention and control of damage aggravation, rehabilitation as well as psychological and social empowerment of women and girls. Eligible individuals are introduced and admitted through judicial authorities, the Police, Centers of Intervention in Crises or by self-introduction;

(b) Provision of specialized social assistance, vocational training aiming at employment creation, educational facilities and aids, arts training and life skills, leisure-time programs, constant and occasional material support. It is noteworthy that upon the return of the women and girls to their families or marriage, and the establishment of an independent family and employment, they are eligible to receive continued assistance and counseling from social workers of the centers, in order to ensure their social security and independence.

38. Establishment of 31 Health Houses throughout the country with the aim of empowering socially vulnerable and suffering women and girls, and preventing further damage.

Main objectives:

- (a) Provision of protection and sustenance to vulnerable girls in need of social assistance;
- (b) Preparing the ground for education, employment, self-sufficiency and independence of the affected individuals;
- (c) Recognition of talents and abilities of vulnerable girls aiming at leading them towards using their God-given assets.

39. Girls admitted to those centers are usually in need of social protection and who, due to lack of effective family protection or mistreatment in their family environment, have temporarily lost their hold on life as well as their natural intelligence and preparedness. They have been exposed to social damage and hazards and lacking social protection, they could fall prey to moral problems and social damage.

40. As for compatibility of Article 630 of the Islamic Penal Code with provisions of the Covenant, firstly, “existence of suspicion”, which was raised in the question, is not the precondition for realization of the Article, but realization of its requirements are very difficult. For instance, knowledge should exist on the occurrence of adultery and not mere suspicion. The perpetrator should prove his allegation in the court, which is very difficult. Therefore, in practice, reference to this Article has been very rare and it has been mostly stipulated as a deterring and proclaiming instrument, and not for actually exempting a man from punishment.

41. Secondly, in this respect, the lawmaker intended that “due to the lack of free will of the steward in commitment of the criminal act of murder, the perpetrator could be subject to remission.” Meanwhile, it is emphasized that in recent years there has not been even one case of this type of murder. As for other violations in the family environment, cases shall be brought to justice upon lodging of complaints by plaintiffs, or the perpetrators shall be treated on the basis of regular laws and the relevant judgment shall be issued.

### **Reply to Question 5**

42. This question has gone beyond the mandate and subject matter of the Covenant on Civil and Political Rights.

### **Reply to Question 6**

43. The punishment of execution for heavy and most serious crimes has been a legal punishment recognized and endorsed by international documents. In the Islamic Republic of Iran, the punishment of execution has been stipulated only for the most serious crimes. The lawmaker has not stipulated execution for premeditated murder unless the blood owners request retribution in kind and the Supreme Jurisprudent agrees with the request (Article 219 of the Islamic Penal Code). Otherwise, in case of pardon by the complainant, the perpetrator of murder shall be sentenced to 3 to 10 years of imprisonment (*taziri*) (in Islamic Jurisprudence (*feq*), the punishment having maximum and minimum limits, determined by law and judge respectively) (Article 208 of the Civil Code) and may be released upon payment of blood money (Article 257 of the Islamic Penal Code).

44. The most serious crimes shall be examined with special sensitivity in provincial penal tribunals in the presence of five experienced judges who have already held high ranks of judicial positions, a representative of the Prosecutor, the accused and his/her defence lawyer. The court meets in the required number of sessions, and after examining all the

existing documents, obtaining expert reports, including the forensic report, hearing the statement of the accused, receiving the plea/bill, hearing statements of the complainants, as well as of persons who have information to provide in connection with the case, and finally through the necessary consultations, issues the verdict.

45. The court session meets only in the presence of the defence lawyer. In the event that the court meets in the absence of the defence lawyer, the verdict shall be considered null and void and rejected by the Supreme Court.

46. The verdict issued in this connection may be appealed in the Supreme Court. For further precision and observance of the rights of the accused, and following finalization of the judgment and before execution of the verdict, the phase of permission (*estizan*) is also stipulated. Also, over time, several executive rules of procedure have been produced, which have removed earlier probable deficiencies. Therefore, all the rights of the accused are meant to be observed in different phases through different legal stipulations. Examination of the request for appeal, the phase of permission, non-execution of the verdict in case of ill convicts or pregnant women until her baby is two full years of age, delivery of medical services and treatments, carrying out of religious ceremonies, meeting of the convict with his/her relatives and writing of a will are among the established rights of the convict, guaranteed by law and the Judiciary.

## **Reply to Question 7**

### *Punishment of crimes under the age of 18 in the Islamic Republic of Iran:*

47. On the basis of Islamic and humanitarian considerations, the Islamic Republic of Iran has been very flexible with criminals under 18 years of age, including the necessity of hearing their cases in special tribunals and the application of commuted and lower punishments for them. Only in case of premeditated murder by perpetrators who are under 18 years of age, the provincial penal court meets in the presence of five judges. By virtue of law and the Islamic canon law, retribution in kind is applicable to premeditated murder. In this connection, the State is merely in charge of the investigation and verification of the nature of the crime and execution of the relevant verdict. Execution of the punishment itself rests on demand of the blood owners. Presently, even after finalization of court verdict and their confirmation by the Supreme Court, extensive efforts are carried out by the Conciliation Commission to obtain consent of the blood owners and substitution of retribution by blood money.

48. Within recent years, tens of individuals have been released from punishment and encouragement for conciliation has been the principled policy of the Islamic Republic of Iran. To this end, even financial support has been provided by the Judiciary to families unable to pay the blood money.

49. Establishment of a working group on the prevention of denial of life (death penalty) has also been among measures taken by the Judiciary. The working group is, in fact, a sub-committee of the Executive Committee on the Protection of the Rights of the Minor and Youth, under the General Prosecutor's Office of Tehran Province. The Committee has been set as a role model for other provinces. The working group was established with the aim of stopping the death penalty through compromise and reconciliation.

50. The working group does its utmost to obtain the consent of blood owners in the course of legal proceedings. The working group is made up of the following:

- representative of the national authority on the rights of the minor,
- psychologist of the Rehabilitation Center,

- social worker of the Rehabilitation Center,
- director of the Rehabilitation Center,
- active lawyer on the rights of the minor and youth,
- Secretary of the Executive Committee on the Protection of the Rights of the Minor and Youth (Tehran Justice Department),
- Officer in charge of collecting financial support.

51. Artists, members of NGOs, experts in the field of minors, as well as donors are honorary members of the working group.

52. The working methods of the working group are as follows:

- Report from the Prosecutor's Office, the Court, Director of Rehabilitation Center or the Police Department (Tehran Province). on entry into the judicial system of the youth charged with committing murder or any other crime eligible for the death penalty,
- Examination of character of the accused by the social worker,
- Visit to the home of the accused by the social worker,
- Meeting of the lawyer with the family of the victim,
- Meeting of the lawyer with the examining magistrate,
- Presentation of the report by the working group to the Committee,
- Decision-making by the Committee on the next required measures,
- Extension of invitations to influential people to obtain consent from the blood owners, if necessary,
- Extension of invitations to the blood owners and meeting of the working group with the examining magistrate.

53. On the basis of Articles 87 and 88 of the Bill on Islamic Penal Law, which is presently under consideration by the Guardian Council for adoption as a law, all *taziri* and deterring punishments for persons under the age of 18, including execution, corporal punishment and imprisonment shall be replaced by educational and correctional (*tamini*) rehabilitation on the basis of age. As for *hadd* (the degree and type of this punishment is not specified in the Shari'a) and retribution punishments, they may also be replaced, under easy conditions, by punitive and educational measures. By virtue of Article 90 of the Bill, "for crimes punishable by *hadd* or *qisas* (retribution in kind), when the perpetrator of an offence, being less than 18 years of age, is unable to comprehend the nature of his/her crime or its illegitimacy or where there is doubt about the maturity of his/her mind, depending on the nature of each particular case and the age of the perpetrator, punishment is stipulated in this chapter."

54. Article 87 stipulates that for children who are 9 to 15 full solar calendar years of age at the time of committing a *taziri* offence, based on the case, the court shall take one of the following decisions:

A. Surrender to parents or legal guardians on receipt of a letter of commitment from them to educate the child or the youth in good social behavior. In such cases, the court may, on its discernment, require them to take the following measures:

- (a) Introduce the child or youth to a social worker or a psychologist or other experts and cooperate with them;

- (b) Send the child or youth to an educational or cultural institute for education or vocational training;
- (c) Take the required action for treatment and abandonment of addiction of the child or youth under supervision of a physician;
- (d) Prevent engagement of the child with individuals who may, on the Court's discernment, mislead him/her;
- (e) Prevent the child or youth from visiting particular places;

B. Surrender the child or youth to other legal or private entities, on the Court's discernment, where the parents are not competent, under the above-mentioned requirements and in observance of Article 1173 of the Civil Code;

C. Advise the child;

D. Warn and remind the child on receipt of a letter of commitment on non-repetition of the offence;

E. Hold the child or youth in the rehabilitation center for 3 months to one year, in the case of Grade 1 to 5 *taziri* offences.

55. Clauses:

(a) Clause 1: Decisions of paras. D and E are merely applicable to children between 12 to 15 years of age. Also, application of stipulations of para. E is compulsory for perpetrators of *taziri* offences.

(b) Clause 2: Whenever an underage person commits an offence that is eligible for *hadd* or *qisas*, in case he/she is between 12 to 15 lunar calendar years of age, he/she shall be subject to the stipulations of paras. D and/or E. Otherwise, stipulations of paras. A to C shall be applied.

(c) Clause 3: As for stipulations of paras. A and B of the Article, the Children and Youth Court may, on the basis of investigations and reports of social workers on the situation of the child and his/her behavior, reconsider its decision in the interest of the child, as many times as it deems necessary.

56. Article 88 stipulates that for youths who are 15 to 18 full solar calendar years of age at the time of committing a *taziri* offence, the following punishments shall be executed:

(a) Keep in the rehabilitation center from 2 to 5 years, for offences which are eligible for grade 1 and 3 *taziri* punishments;

(b) Keep in the rehabilitation center from 1 to 3 years, for offences which are eligible for grade 4 *taziri* punishments;

(c) Keep in the rehabilitation center from 3 months to 1 year, or pay cash fine of 10 to 40 million Rials, or do 180 to 720 hours free public services for offences eligible for grade 5 *taziri* punishments;

(d) Pay cash fine of 1 to 10 million Rials or to do 60 to 180 hours free public services for offences eligible for grade 6 *taziri* punishments;

(e) Pay cash fine of up to 1 million Rials for offences eligible for grade 7 and 8 *taziri* punishments.

57. Clauses:

(a) Clause 1: The public service shall not exceed 4 hours a day;

(b) Clause 2: Considering the situation of the convicted individual and his/her offence, the court may decide to replace his/her confinement in the rehabilitation center or cash fine with confinement at home for the hours the court decides or confinement in the rehabilitation center during the last two days of the week, based on each case, for 3 months to 5 years.

58. Approval of the above Articles shall make an effective contribution toward abrogation of execution and other harsh punishments for individuals under the age of 18.

59. According to existing statistics, until April 2011, there were six convicts awaiting execution of the death penalty and 13 convicts for *qisas* (retribution in kind).

### **Reply to Question 8**

60. In the Bill on Islamic Penal Law, the word “*mahdour-ol-dam*” (whose blood may be shed with impunity) is omitted and no one deserves death. There are punishments stipulated for all murders. There has not been any case of this nature since 2008.

### **Reply to Question 9**

61. With regard to the clarification presented by the Islamic Republic of Iran in its third periodic report on the International Covenant on Civil and Political Rights, on Articles 7, 10 and 14, in case allegations are made and presented to the pertinent judicial authorities, in this connection, observing the stipulations of the Criminal Procedure Code, it shall be investigated in accordance with legal principles.

### **Reply to Question 10**

62. The Islamic Republic of Iran considers “honour killings” as being disagreeable and forbidden. The lawmaker has considered the perpetrator eligible for *qisas* (retribution in kind) on the request made by the blood owners or payment of blood money. Even in lack of complaint by the blood owners or their consent, or absence of the plaintiff, Article 208 of the Islamic Penal Code stipulates imprisonment for the perpetrator. The accomplice who is a relative of the victim, shall be treated in compliance with Article 207 of the same law. In the absence of a request for *qisas*, blood money or consent and pardon of the blood owners, the perpetrators will not be granted conditional release or pardon, unless in exceptional cases.

63. In addition to execution of the punishment and serious treatment for criminals, preventive measures such as public-awareness programs, holding of public meetings with clergymen of the regions where such crimes have taken place and educational sessions have been in the agenda of the relevant authorities. National educational and cultural authorities have also been alerted and advised of any ongoing trend.

### **Reply to Question 11**

64. With regard to the clarification presented by the Islamic Republic of Iran in its third periodic report on the International Covenant on Civil and Political Rights, on Articles 7 and 10, it should be stated that since 2007, there have been 13 complaints lodged to the pertinent authorities on mistreatment and insult by different law enforcement officers against the individuals that had been arrested. The Special Prosecutor’s Office for Government Employees investigated the mentioned cases and in all the cases the accused

was found guilty, legal actions were taken for recovery of the plaintiff's civil rights and dignity as well as payment of compensation. Payment of compensation and blood money to those who suffered during the unrest following presidential elections of 2009 is among the recent cases of the aforementioned measures taken by the relevant national authorities.

### **Reply to question 12**

65. With reference to the description of Article 2, we would like to state firstly, that "*moharebeh*" has been wrongly translated as "enmity with God". In fact, *moharebeh* is considered an example of terrorist activities. A "*mohareb*" is a person who holds a gun against people with the purpose of scaring them." Therefore it is an action aimed at disturbing public order, disrupting public security and threatening people; it has nothing to do with war against God.

66. Secondly, in Iranian law, crimes are divided into two categories. The first category includes *hodoud* and *qesas*, whose punishment is specified in the Shari'a and cannot be changed or replaced. Of course, such crimes are very rare and limited and they are usually very difficult to prove. The second category includes *taziri* and deterrent offences which cover a wide range of crimes. *Tazirat* law which is presently under reconsideration and editing in the Judiciary, has not stipulated any corporal punishment for any *taziri* offence. The Bill on the reform of *Tazirat* law will be submitted to the Islamic Consultative Assembly by the Government for approval upon its completion and final editing. It should be mentioned that verdicts on amputation are very rare, and in case it is issued, the execution department, and particularly the Provincial Amnesty Commission, strives to convert the penalty.

### **Reply to Question 13**

67. By virtue of Article 112 of the Penal Procedure Code, summoning of individuals shall be done by issuing a subpoena which carries full details and address of the accused, signed by the examining magistrate. Therefore, issuing arrest warrants in general is prohibited. In case of violation, the violator shall be sued by law.

### **Reply to Question 14**

68. On the basis of descriptions of Articles 10 and 14 of the third periodic report, by virtue of Articles 24 and 127 of the Penal Procedure Code, none of the investigating officers, tribunals and branches is allowed to arrest and detain an accused person for more than 24 hours. The authorized cases of pre-trial temporary detention are stipulated in Articles 32 to 37 of the Penal Procedure Code such that in the presence of strong reasons and evidence, the examining judge may render writ of temporary arrest. Meanwhile, the decision is contestable and may be appealed. In the case of issuing a temporary arrest warrant, the examining judge is bound to clear the situation of the accused within one month for general offences, and four months for drug-related offences. The duration of detention should not exceed the minimum period of the punishment stipulated for the committed offence.

69. As for the number of cases of pre-trial detentions, the examining judge is bound to immediately issue another decision upon elimination of the need for temporary detention. This number is floating and changes during the day. In the Islamic Republic of Iran, all prisons are run and managed by the Prisons, Safeguarding and Educational Measures Organization, under the Judiciary. On this basis, no other place can be established as a

prison or detention center out of the power of the said prison authority. All judges are required to introduce accused individuals to a prison or detention center by issuing an official letter of introduction. Prison authorities may not admit an individual as prisoner unless by an official letter of introduction submitted by the relevant judge.

70. It should be mentioned that with due regard to the question raised, to which the aforementioned response was provided, it seems that the reference in question 14 ( to para. 317 of the periodic report) is not correct.

### **Reply to Question 15**

71. Principles 20 and 22 of the Constitution of the Islamic Republic of Iran stipulates that "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" and "the dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law". This indicates, at a glance, the position and value of the human being and the need to safeguard his/her dignity. In confirmation and conformity with those principles, Principle 32 stipulates that no one may be arrested unless by the power of law and that the accused shall immediately be informed of attributed charges in writing (Articles 112 and 113 of the Penal Procedure Code). Principle 38 stipulates that "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."

72. As explicitly stated in the above-mentioned Principle, any confession under torture and persecution shall be considered as null and void. In this connection, Article 194 of the Penal Procedure Code stipulates that "if the defendant explicitly and clearly confesses to and/or admits the commission of the crime in such a manner that there remains no doubt, and if the indications, conjectures and proofs confirm the commission of the crime by the defendant, the court shall proceed to pronounce the appropriate judgment. However, if the defendant denies the charges and/or accusations or if he remains silent, or if the confessions made by the defendant are dubitable and uncertain, or if they contradict other evidence and reasons, the court shall inquire and interrogate the witnesses, the informed and the defendant anew and shall reconsider other proofs and evidence." Articles 196 and 197 of the Penal Procedure Code also provided for clarification of the subject which shall lead to obtaining certainty by the examining judge.

73. In many other cases, the accused individuals repeat their earlier confessions in the presence of their defence lawyers and that constitutes one more reason for the true nature of the confession at the stage of investigation. In case of any allegation of torture, the judicial authority shall send the alleging individual to forensic analysis for the necessary medical examinations. In any case or at any stage, if it is revealed that the confession was acquired through torture, persecution or harassment, the confession would be considered null and void and the violator liable to punishment in accordance with the law. Moreover, Articles 69 and 70 of the Islamic Penal Code stipulates that "the confession is valid when the confessor has the virtues of maturity, sanity, willingness, and liberty." and also "the confession must be explicit or appear not to be inconsistent with the case". Otherwise, it is not credible.

**Reply to Question 16**

74. With reference to the description of Article 10 in the third periodic report, it should be stated that all prisons in the Islamic Republic of Iran are under direct supervision of prosecuting attorneys or their deputies. They may inspect prisons at any time and in case of any infringement, they may sue the violators.

75. Presently, there are three Tehran Province Deputy Prosecutors under the titles of general prisoners affairs, drug-related prisoners affairs, female prisoners affairs. Meanwhile, supervision of security prisoners is carried out by the Prosecutor himself.

76. The following points are noteworthy in the fulfillment of the duties of the Prisons, Safeguarding and Educational Measures Organization:

(a) At present, all the places used as detention centers are under the management and supervision of the Organization and beside intra-organizational supervision, (inspection, security, judicial and verdict execution), it is under the high supervision of the Prosecutor. Supervising judges are also authorized, on behalf of the prosecutor, to inspect and supervise all sections, particularly the places of security prisoners and accused persons, at random and without prior notice.

(b) Since the responsibility of prisons is entrusted to the Organization as an independent body affiliated to the Judiciary (contrary to countries where prisons are managed by the police), the prison has no role, whatsoever, in investigation, interrogation and discovery of the perpetrated crime. Therefore, the question of mistreatment of prisoners is ruled out. Moreover, religious teachings do not allow the commission of such actions.

(c) Sections 350, 2A and 240 receive regular suitable services and facilities.

(d) Introduction of reforms into the prison management system has replaced and upgraded solitary confinement cells by single suites. The suites are used in very rare cases during judicial investigation for the purpose of preventing collusion among perpetrators of a crime, particularly, under the order issued by the examining magistrate.

(e) The Constitution and other general laws of the country, including the Laws on Safeguarding Legitimate Liberties and Citizens' Rights, prohibit resort to torture and mistreatment of prisoners. To this end, officers and prison authorities have received special training. Meanwhile, interrogation of accused persons has nothing to do with the subject of prison management.

(f) There are medical clinics in Evin prison, including ward 350. There is also a hospital in the prison which provides standard medical services. In comparison with ordinary members of society living out of prison, the prisoners enjoy easier access to physicians and medical services, free of any charge.

**Reply to Question 17**

77. With reference to the description of Article 24 in the third periodic report, measures taken by the Islamic Republic of Iran are as follows:

- The Law on Punishment of Traffickers on borders, passed in 1987, by the Islamic Consultative Assembly (Parliament),
- The Law on Protection of the Minor and Youth, passed in 2002, by the Islamic Consultative Assembly (Parliament),

78. Furthermore, the Islamic Consultative Assembly passed the Law on Trafficking of Persons, in 2004, with the aim of safeguarding human dignity. By adoption of justice-

oriented policies, the Government, too, has strived for fair distribution of national income and preparation of the ground for growth, progress and empowerment of men and women, disregarding gender issues, with the ultimate goal of preventing the bitter phenomenon of trafficking of persons.

79. Training of suitable professions and skills, increase of abilities and knowledge of men and women have also been among the measures taken by authorities for the creation of bread-winning employment, preventing this illegitimate and illegal act.

80. Adoption of poverty eradication policies and strategies, particularly among women, through financial supports, employment creation and support of women's cooperatives as a means for their empowerment has also been on the agenda of the Islamic Republic of Iran.

81. To upgrade the protection of the rights of the minor, Articles 18 and 19 of the Bill on the Protection of the Minor and Youth, which has been approved by the Government and is presently going through legal channels for finalization, has stipulated up to 10 years imprisonment for the purchasing, selling, trafficking and transfer of limbs. Those punishments may not be pardoned or suspended. Moreover, in case the crime is carried out by parents, guardians and skilled people, including physicians, they shall receive the highest punishment. Article 26 of the Bill stipulates punishments if the perpetrator is a legal entity.

82. It should be reminded that on the basis of Article 1173 of the Civil Code, if the physical health or moral education of the child is endangered as a result of carelessness or moral degradation of the father or mother who are in charge of the child's custody, or if they abuse the child and force him into immoral jobs such as prostitution, beggary or trafficking, the court may waive the right of custody from the parents, in protection of the child's rights.

83. Due to the importance of the issue and in observance of the rights of the child, the provincial border police departments are assigned to follow the issue with the highest attention and report any development in this connection to the Security Council of provinces and cities and also to the joint committee of the Judiciary and the Police for adoption of any corrective and preventive decision and its imposition in the best interest of the child.

84. Accession of the Islamic Republic of Iran to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2007, was an important development. It is noteworthy that on the basis of the Law on punishment of individuals who are involved in audio-visual activities and unauthorized activities (approved in 2007), and also by virtue of Articles 13, 14, 15 and 16 of the Bill on Protection of the Minor and Youth, are examples of the provisions included in the Optional Protocol.

### Reply to Question 18

85. With reference to Article 24 in the third periodic report, the existing statistics are as follows:

#### Arrests and convictions under the law to combat trafficking in persons

<i>Number of individuals</i>	<i>Year</i>
36	2004
393	2005
259	2006
167	2007

<i>Number of individuals</i>	<i>Year</i>
	óSolar Iranian Calendar (three recent years)
530	1387
427	1388
478	1389

## Reply to Question 19

86. With reference to the description of Article 14 in the third periodic report, the following replies are presented to the raised questions:

(a) The right to legal aid on the choice of the individual:

(i) References are made to this right in Principle 35 of the Constitution and in the Penal Procedure Code, reading that the accused may have a lawyer of his/her choice. Article 185 of the Penal Procedure Code also states that in all penal cases, parties may choose and introduce their defence lawyers. The time of prosecution shall be announced to the accused, complainant, private claimant and defence lawyers. In case of multiplicity of lawyers, the presence of one lawyer from each side in the court shall be enough (expression of this point indicates that the accused may have more than one lawyer).

(ii) Article 186 of the Penal Procedure Code stipulates that the accused may request the court to appoint a lawyer for him/her. If the court is aware of the inability of the accused to afford a lawyer, it will appoint a lawyer from among the lawyers in the judicial district, or from an adjacent district (costs of the lawyer shall be paid by the justice department).

(iii) It should also be mentioned that there are Legal Aid Offices in all Judicial Districts throughout the country. Lawyers and attorneys of those offices shall provide free of charge legal counseling and services to any individual requesting so.

(b) The right to be informed immediately of the nature and reason of the criminal charges.

(i) Principle 42 of the Constitution stipulates that “no one may be arrested except in accordance with and in the manner laid down in the law. If a person is detained, the subject matter of the charge, with reasons, must be immediately communicated and explained in writing to the accused and within at most 24 hours, the file on the case and preliminary documentation must be referred to the competent legal authority. Legal procedure must be initiated as early as possible. Any one infringing this Principle will be punished in accordance with the law.”

(ii) Articles 112 and 130 of the Penal Procedure Code contain provisions on the protection of the rights of the accused so that he/she could have time to choose the defence lawyer with the information he/she receives on the nature and causes of the charges. In Article 575 of the Islamic Penal Code, the lawmaker has stipulated punishments for violation of the above-mentioned provisions, such as permanent removal from judicial position or from governmental positions for a duration of 5 years.

(iii) The Prosecutor’s Office is assigned to read, in the process of prosecution, all the rights of the accused, in writing. Article 63 of the Bill is the sanction for practice of the Article where it stipulates 3 months to one year of removal from governmental positions against any violation thereof.

(c) As it was mentioned in the first part of the reply to question 19, the right to legal aid is included in the judicial system of Iran. It should be added that according to the Clause of Article 128 of the Penal Procedure Code, in cases where confidential issues are involved or the presence of a non-accused person, at the discretion of the judge, may cause corruption, and also in offences against the security of the country, the defence lawyer may be present, at the stage of investigation, by permission of the examining judge. In this connection, priority of public interests to private interests should be noted. Principle 40 of the Constitution also stipulates that no one shall violate public rights and interests in favour of his/her own private interests.

(d) Article 37 of the Constitution has explicitly referred to the principle of innocence and also by virtue of Article 177 of the Penal Procedure Code has clarified the duty of the court in terms of observance of the mentioned principle. It should be reminded that Article 4 of the Penal Procedure Code, in addition to emphasizing observance of the principle of innocence, guarantees effects of the principle in terms of observing the liberties of individuals and their right of privacy under the supervision of law and the judicial authority.

(e) The right to public trial: Article 165 of the Constitution stipulates that "trials are to be held openly and members of the public may attend without any restriction; unless the court determines that an open trial would be detrimental to public morality or discipline, or if in case of private disputes, both the parties request not to hold an open hearing." Also, Article 168 stipulates that political and press offences will be tried openly and in the presence of a jury in courts of Justice.

(f) The right to appeal in courts: According to Constitutional Principle 159, "the courts of justice are the official bodies to which all grievances and complaints are to be referred. The formation of courts and their jurisdiction is to be determined by law". In this connection, Articles 217, 233, 236 and 239 of the Penal Procedure Code guarantees the right of appeal.

87. It is noteworthy that Articles 272 and 273 of the Penal Procedure Code also stipulate the restoring of hearing in observation of precaution in particular cases. Moreover, there is no court in Evin prison; and the Revolutionary Courts do not follow special laws but the laws and regulations of the Penal Procedure Code. On the basis of the new Bill on the Penal Procedure Code, the Revolutionary Court is a branch of Penal Court 1.

## **Reply to Question 20**

88. Paragraph 141 of the periodic report, Clause 12 of the Law on Citizens' Rights declares that "replies to be written in the same form and quality that they are presented, without any change, and to be read to the declarer; and literate people, if they so wish, may write their own statements to prevent suspicion of distortion." Clause 14 of the Paragraph stipulates that unauthorized possession of confiscated properties and goods entails penal consequences and should be strictly avoided. Legal decision should be made with regard to the confiscated properties, at the earliest time.

89. Establishment of the Board for supervising the implementation of the Law on Respect for Legitimate Liberties and Safeguard of Citizens' Rights: Considering the responsibility entrusted to the Judiciary for securing the rights of the public, and due to the importance of the subject and for safeguarding human dignity and values, the Head of the Judiciary issued the Circular on the rights of citizens on 8 April 2004, and made references to examples of citizens' rights. The required emphasis was also made on observance of the stipulation by all judicial authorities and branches. The Circular was soon adopted as a law by the Islamic Consultative Assembly (Parliament). The Guardian Council approved the

Law on 5 May 2004, and forwarded it to the Government for enforcement. Clause 1 of the law guarantees liberties and security of individuals and Clause 8 stipulates punishment for violation of people's privacy. Clause 13 deals with supervision of tribunals and prosecutors in detention centers and with the officers' behavior as well as encouragement of well behaved officers and appropriate treatment against violations.

90. With regard to the reply to question 12 on *moharebeh*, imposition of influence by any authority on a legal case shall have no effect because judges and examining magistrates are strictly required to fulfill their duties and issue their verdicts on the basis of provisions contained in the Penal Procedure Code, documents and evidence in the dossier, mandates assigned by Principles 73 and 164 of the Constitution, the right of the judge for judicial interpretation and his independence. Moreover, any attempt of abuse and influence entails legal punishment.

### **Reply to Question 21**

91. With reference to the description of Article 14 in the third periodic report and as stated in the reply to question 19, Principle 35 of the Constitution and Article 128 of the Penal Procedure Code stipulate the right to an attorney. Although, the Clause of Article 128 imposes restrictions on the intervention of the lawyer, the new Bill on the Penal Procedure Code imposes no particular limit in offences against State security or other offences, on the presence and intervention of defence lawyers. By virtue of Clause 1 of Article 100 of the Bill, if the examining magistrate considers access of the claimant or the lawyer to contents of the dossier as unnecessary or irrelevant, he may refuse any such request. The decision should be immediately communicated to the claimant and it could be protested within three days.

### **Reply to Question 22**

92. With reference to the description of Article 18 and 26 in the third periodic report:

(a) Several principles of the Constitution, including Principles 23 and 32 have stipulated fundamental rights and freedoms for all Iranian citizens and subjects, and they receive equal treatment disregarding their ethnic, racial, language and other affiliations,

(b) According to the Constitutional provisions, "all people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language, and the like do not bestow any privileges." 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" and "the dignity, life, property, rights, residence, and occupation of the individual are inviolable, except in cases sanctioned by law".

(c) Principle 13 of the Constitution stipulates freedom to practise religious ceremonies. Budgets are also allocated in the annual budget of the country to help religious minorities. Besides the approved budget, three million dollars are also provided to those minorities by the State. There are five seats in the Islamic Consultative Assembly allocated to elected representatives of those minorities, while in countries claiming protection of human rights and hosting millions of Muslims, no Muslim has been to their parliament.

(d) Based on the afore-mentioned information and stipulations, basically, points raised in the question do not entail legal, formal and practical basis. In fact, the Government of the Islamic Republic of Iran was astonished at the points raised by the distinguished Committee because no Christian has ever been arrested for following his/her religion.

(e) Article 225 has been removed through the new Bill, and the Guardian Council has not opposed the decision.

(f) Allegation of “prohibition” or “banning” from holding religious ceremonies by minorities in their languages is a deviating and deluding approach. Iranian law and regulations do not have any stipulation restricting minorities from practicing their religious ceremonies in any other language beside the official language of the country.

### Reply to Question 23

93. In the legal system of the Islamic Republic of Iran, by virtue of Principle 36 of the Constitution and the Islamic Penal Code, offences and crimes are defined and decided by law. Vague offences make no sense and as it was mentioned in the reply to question 12, *moharebeh* is defined as an act of terrorism with a clear definition. As for propagation against the State, it should be mentioned that by virtue of Article 500 of the Islamic Penal Code any propagation activity against the State is considered an offence and the perpetrator shall be punished upon trial in the court of justice and approval of the offence. On this particular subject, there have been cases in which the perpetrators’ punishment has been commuted or replaced by pecuniary payment.

### Reply to Question 23

94. With reference to the description of Article 19 in the third periodic report, it should be mentioned that 4,404 publications, including newspapers, weeklies, monthlies and occasional, have been published throughout the country, among which, 8 were closed by legal warrant as a result of breaching the relevant publication laws and regulations, as described below :

<i>Date and Cause of Closure</i>	<i>Permit Date</i>	<i>Type</i>	<i>Editor-in-Chief</i>	<i>Proprietor</i>	<i>Name of Publication</i>	<i>No.</i>
Para 1, 8 & 11 of Press Law of Article 12 Press Board of Supervision 19 April 2010	15/1/1996	Newspaper	Saeid	Saeid	Bahar	1
by Verdict of Branch 76 of Tehran Penal Court Article 6 of Press Law 6 Press Board of Supervision 4 Sep. 2006	9/3/1998	Weekly	Negar Eskandarfar	Negar Eskandarfar	Karnameh	2
Para.1, 8 & 9 of Press Law Article 12 of P.L Press Board of Supervision 6 Sep. 2010	16/2/1998	Monthly	Keyvan Samimi Behbahani	Keyvan Samimi Behbahani	Nameh	3
Para b, Article 7 & Para 10 of Article 6, Clause 2 of Article 6 and Clause 12 of Press Law Press Board of Supervision 12 April 2010	27/6/2008	Weekly	Hassan Lavari	Hassan Lavari	Nassir Boushehr	4
Para 8 and 11 & 12 of Article 6, Clause 2 of Article 6 and Clause 12 of Press Law, Press Board of Supervision 3 May 2010	19/12/2008	Monthly	Ahmadreza Ghadirian	Ahmadreza Ghadirian	Sarve Abarkouh	5
Para 8 and 11 of Press Law, Press Board of Supervision 31 May 2010	10/11/2003	Weekly	Reza Mehrdad	Abdollah Omrani	Khayam nameh	6
Para 4,5 and 8 2 of Article 6,	7/7/2003	Monthly	Changiz Ardalan	Changiz Ardalan	Badr	7
	10/12/2001	Newspaper	Aghdas-	SeyedHadi	Hayat-no	8

<i>Date and Cause of Closure</i>	<i>Permit Date</i>	<i>Type</i>	<i>Editor-in-Chief</i>	<i>Proprietor</i>	<i>Name of Publication</i>	<i>No.</i>
Clause 2 of Article 6 and Clause 12 of Press Law, Press Board of Supervision 3 May 2010			Mohsen Bahrami Araz	Hosseini Khamene'i	Ejtema'i	

### Reply to Question 24

95. This question is in the framework of an “allegation” and it is regrettable that the esteemed Committee has put forward such a baseless and undocumented claim as a question. It is not acceptable that a person should be interrogated merely for being a journalist or leaving the country. The esteemed Committee is expected to raise more substantiated issues based on facts, and to refrain from putting forward general cases which may damage the position of the Committee for more constructive interaction.

### Reply to Question 25

96. With reference to the description of Article 19 in the third periodic report, it should be mentioned that in the Islamic Republic of Iran all the media, either written or online, are treated on the basis of the law. By the virtue of the law on computer offences, the Judiciary is entrusted with establishing a committee to introduce evidence of criminal content. On the basis of laws and regulations, the committee shall decide on defining examples of websites, etc. which may potentially endanger the security and peace of the society, promote offences against public morals and chastity, distribute false information, support terrorist groups and so on. The pertinent legal authorities are likewise duty bound to deal with the perpetrators of the offences on the basis of the current laws. This approach shall not violate freedom of expression and privacy of people, but also it shall guarantee the rights and privacy of citizens in the environment of the Internet. This is also a serious demand of the people from the Government and the State to stand against those who heedlessly and purposefully violate the rights of people to privacy and disclose their private information.

### Reply to Question 26

97. With reference to the description of Article 26 in the third periodic report, it should be mentioned firstly that Baha'ism is not a religion; it is a sect which was founded to achieve its political objectives. Secondly, on the basis of Articles 18 and 19 of the Covenant on Civil and Political Rights, everyone has the right to freedom of thought, belief and expression. Therefore, enjoying this very right requires that as far as statement and expression of belief of individuals do not harm other people's freedoms as well as the security, order, health and morals of the society, there should not be any objection to that. And thirdly, instigation to discrimination and enmity is of a legal weight which requires documentation and evidence. In any case, on the basis of the rule of public order, any act disturbing public order, shall be sued by legal authorities and the mere claim of expression of belief and publicity may not prevent any judicial action.

### Reply to Question 27

98. In the Islamic Republic of Iran, the rights of workers are explicitly guaranteed by the Labor Law and any action taken by the authorities have been on the basis of legal warrants. Those actions have not been on the basis of the Government's policy of harsh treatment

against workers, but it has been a reaction against disruption in public order and security, prevention of social insecurity, prevention of derangement in current affairs of the country and prevention of illegal actions in the society. The same reaction takes place, even on a larger scale, in other countries. Arrest and detention of some leading elements, as inciters of unrest, was in fact on one hand, an objective-oriented, constructive and reformist choice of action aimed at alleviating the atmosphere of unrest and riot at the stage of changing from trade unrest to social unrest, and on the other hand, an action to prevent illegal actions. In none of the incidents, while labor organizations do not go beyond the atmosphere of social dialogue and normal trade interactions, no legal preventive action takes place.

99. The policy of the Islamic Republic of Iran is based on strengthening the spirit of constructive dialogue for settlement of any problem. The Government believes that hostile ways overshadows any constructive interaction.

100. In any case, legal action and arrest takes place at the stage when the rule of law is not observed and as a consequence, public order is disturbed, public security is endangered, public or private properties are violated. Under such circumstances, all domestic and international legal instruments urge the government to take the appropriate legal action.

### **Reply to Question 28**

101. With reference to the description of Article 26 in the third periodic report, it should be stated that individuals who, on the basis of their anti-social behavior, and under the pretext of a sacred objective, ignore the norms of society, attribution of such a title may be considered an insult against national and international norms and standards. Serious high attention of the Islamic Republic of Iran to women and promotion of their status is an in-ignorable fact.

102. Within the last 32 years, the Islamic Republic of Iran has had principled, continuous and objective-oriented activities toward promotion of the status of women in social, political, cultural and economic and indiscrimination fields. As a result of that policy, the status of women of Iran has taken great leaps in comparison with other countries in the region. On this basis, the presence of an outstanding number of women human rights activists in the domestic and international arena and their practical achievements in the society, necessitates legal action against the individuals who under the name of activities for women, disregard legal stipulations. Some women activists have never legally requested the establishment of a law-oriented organization, and some have had access to budgets with suspicious sources, contributing to public disorder. Undoubtedly these sorts of activities are not endorsed by any country. But, it is noteworthy to mention the soft and tolerant treatment of the judicial system of Iran, as well as the commuted and suspended punishments for perpetrators of such illegal actions, which demonstrate the constructive approach of the country to these people. In principle, if there is no action taken and incitement made toward creation of unrest in the society, no restriction shall be imposed by the relevant judicial authorities.

### **Reply to Question 29**

103. As already mentioned in response to earlier questions, unfortunately, the questions raised by the Committee are too general and in some cases vague points are raised. The Committee is expected to avoid this sort of reference. However, to give a clear picture to the distinguished members of the Committee, we would like to state that on the basis of several principles of the Constitution, the Government of Iran is duty bound to secure the rights of all individuals and judicial security for the whole society. According to Principle

20 of the Constitution, all people are equal under the protection of the law. On this basis, there is no difference or discrimination between university students and other members of the society in the enjoyment of their rights. At the same time, all individuals are required to observe laws and regulations. On this basis, any probable action in scientific and educational environments is treated in accordance with the current laws and regulations of the country and academic centers. On the other hand, deterrent treatment against any individual breaching the norms of the society shall be based on current law and regulations. Commissioning of a criminal action by anyone irrespective of his/her social or educational position, shall entail legal prosecution. Merely having student status does not exclude one from legal reaction, including arrest.

### **Reply to Question 30**

104. With reference to the description of Article 23 in the third periodic report, it should be stated that on the basis of amendments introduced to the Civil Code in 2002, the minimum age for marriage stands at 13 for girls, and 15 for boys. It should be reminded that presently, in practice, the age of marriage among boys and girls in the Iranian society has risen under the effect of their extensive access to sources of information and the consequent rise in their social culture. Therefore, girls and boys tend not to marry under the age of 18.

### **Reply to Question 31**

105. With reference to the description of Article 23 in the third periodic report, it should be stated that in all political and electoral systems, candidates should meet particular requirements. In the Islamic Republic of Iran too, the representative of the people in Parliament approves the requirement for candidacy in Parliament, in compliance with political, social, cultural and domestic conditions of the country. The Guardian Council is also entrusted with supervising the due implementation of the law. In Iran, elections are held and managed by executive boards whose members are trusted by the people; and supervision of the Guardian Council is not above the law. The mechanism of elections and its supervision system, in respect of the right of people in public administration, the right of equality against law and enjoyment of law protection and taking into account the native elements, are completely in compliance with Article 25 of the Covenant on Civil and Political Rights. No irrational and illegal discrimination has been made in relation to election candidates.

### **Reply to Question 32**

106. With reference to the description of Article 25 in the third periodic report, it should be stated that in progressive systems of the world, those who run for the presidency of a country should hold particular competencies, and it is quite natural that on the basis of the legal conditions of each society, as well as the knowledge of elites in political, social, cultural and economic fields, only a few of them are introduced as the final candidates.

107. The allegation of censorship and surveillance in the course of elections is not acceptable. Unfortunately, similar to some other questions, particular questions are raised merely on baseless and undocumented allegations. All mass media in the Islamic Republic of Iran are treated on the basis of relevant laws and regulations. Therefore, in a case such as promotion issues against public chastity, disturbing public opinion, action against national security, etc., legal restrictions are imposed. Therefore any judicial or deterrent action against perpetrators of a criminal act shall be in observance of the rule of law. The

allegation of arbitrary arrest of human rights activists, raised in the question, is categorically baseless and unfounded and all arrests are carried out upon issuance of a warrant of arrest by the judge.

108. The Supreme Leader has constantly emphasized observance of laws and regulations and the need for their efficiency. With a view to encouraging people's participation and contribution in the process of elections, the Leader has always made nation-wide statements thanking people for their presence in organizing and casting of their votes. The mentioned message and statement, in the question, was of the above-mentioned usual nature, which takes place in all elections.

109. The statistics which indicate the number of people in each city who are eligible to participate in elections is based on the information provided by the national Civil Registration Office which issues national IDs. It should also be borne in mind that many Iranian cities are either the origin or destination of migration (permanent or temporary), and thus the number those migrants in a city is not included in the number of eligible individuals.

### Reply to Question 33

110. With reference to the description of Article 27 in the third periodic report, it should be stated that according to the Constitution, no Iranian citizen enjoys priority over others due to his/her race, religion or particular language. Of course, it is natural that from among the existing religions and languages, only one religion and one language is recognized as the official one. But it does not mean that citizens of other religions and languages do not enjoy their freedoms and rights in cultural and religious fields. Principle 19 of the constitution states that "all people of Iran, regardless of their ethnic or tribal affiliation, enjoy equal rights; and color, race, language and the like, do not bestow any privilege." Nevertheless, all people are duty bound to surrender to the law as they enjoy their freedoms. Principle 20 of the Constitution stipulates that "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." The Constitution states that Persian is the official language of the country, but other local and ethnic languages are also authorized. Principle 15 of the Constitution states that "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."

111. Therefore, members of other ethnic groups and non-Persian-speaking groups are not only free to speak their own languages, but can also release publications in their own languages and teach them in school.

112. Presently, the following publications are authorized:

(a) Arabic language publications: There are presently 14 authorized Arabic language and 13 Arabic-Persian publications.

(b) Azeri language publications: Presently, *Korpu* is the only authorized Azeri language publication, but there are 126 Azeri-Persian approved publications throughout the country.

(c) Armenian language publications: There are three authorized Armenian language publications, namely *Alik*, *Hovis* and *Handes Grakanotian*. There are also 7 Persia-Armenian and English or Assyrian publications.

(d) Zoroastrian publications: Two publications, *Amodad* and *Forouhar* are published by Zoroastrians in Persian language.

(e) Assyrian publications: One publication, *Payame Ashourian*, is released by the Assyrian minority in Assyrian-Persian language.

(f) Jewish publications: There is one publication under the title *Asre Khanevadeh*.

(g) Kurdish publications: There is one publication under the title of *Seveh* and 13 publications in Persian-Kurdish.

113. Meanwhile, there are many other cultural and social activities related to minorities throughout the country, including:

(a) Permits issued for music concert, theatre and other ceremonies for Armenians, Jews and Zoroastrians (140 cases).

(b) Extension of the work of foreign religious missionaries in Iranian churches (35 cases).

(c) Issuing of visas for missionaries (30 cases).

(d) Issuing of permits for holding cultural sports competitions in affiliated clubs (19 cases).

(e) Issuing of permits for the publication of books under religious-cultural-social titles for Christians, Zoroastrians and Jews.

(f) Cooperation with the Ministry of Foreign Affairs, Ministry of Education, Ministry of Interior, the Organization of Culture, the Police and the Ministry of Information for settling issues related to religious minorities.

(g) Allocation of special stands for publications of religious minorities during the Week of the Book exhibition.

(h) Issuing of visas for students and journalists visiting places of religious minorities.

(i) Holding of an annual reception for the meeting of followers of non-Muslim religions with the Minister of Culture.

(j) Allocation of a special budget for helping officially recognized religious minorities in the general budget of the country.

114. The Islamic Republic of Iran, as one of the biggest victims of terrorism in the world, is proud of its record of combating terrorism. Iranian laws and regulations have not exempted any ethnic group or minority from this campaign and combat.

115. By virtue of Principle 19 of the Constitution, "all people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language and the like, do not bestow any privilege." The judicial system of Iran does not take into consideration nor grant any privileges to people of particular religious, language, ethnic, backgrounds, in the course of court deliberations. Those attributions are not mentioned in the records of the dossiers. Therefore, only the criminal acts of individuals are taken into consideration, without any attention to the ethnical background of the accused.

### **Reply to Question 34**

116. With reference to the description of Article 27 in the third periodic report, it should be stated that on the basis of Principles 19, 20, 22 and 23 of the Constitution of the Islamic

Republic of Iran, all people of Iran are equally protected by law and they enjoy equal rights; and there are no exceptions to the rule. That is an outstanding international standard included in the Constitution of Iran. By virtue of those provisions, the government has been emphasizing protection of the legitimate rights of people without exception. Neither legal authorities nor the government deal with individuals or claimants on the basis of their ethnic or ideological affiliations. Thus, the question of the Committee is of a very vague and accusative nature, which damages the position of the Committee for the realization of constructive dialogue. The Islamic Republic of Iran emphatically expects the Committee to adopt a fair approach to issues. We wish to emphasize that in the Islamic Republic of Iran, no one has been arrested or prosecuted merely on the basis of being follower of Baha'ism.

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