

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                                                                                                          |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>1137</b>                                                                                                                                              |
| Land:                           | Iran                                                                                                                                                     |
| Kilde:                          | United Nations. International Convention on the Elimination of All Forms of Racial Discrimination. Committee on the Elimination of Racial Discrimination |
| Titel:                          | Concluding observations on the combined twentieth to twenty-seventh periodic reports of the Islamic Republic of Iran                                     |
| Udgivet:                        | 19. september 2024                                                                                                                                       |
| Optaget på baggrundsmaterialet: | 5. februar 2025                                                                                                                                          |
|                                 |                                                                                                                                                          |



# International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General  
19 September 2024

Original: English

## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined twentieth to twenty-seventh periodic reports of the Islamic Republic of Iran\*

1. The Committee considered the combined twentieth to twenty-seventh periodic reports of the Islamic Republic of Iran,<sup>1</sup> submitted in one document, at its 3083rd and 3084th meetings,<sup>2</sup> held on 7 and 8 August 2024. At its 3101st meeting, held on 20 August 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined twentieth to twenty-seventh periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation, and thanks the delegation for the information that it provided during and after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The Seventh Development Plan (2023–2027), adopted in May 2023, which included measures to eliminate economic disparities between provinces;

(b) The Amendment to the Law on Determining the Nationality of Children Born from a Marriage of Iranian Women and Foreign Men, adopted in 2019, which allowed women nationals married to foreign nationals to transmit their nationality to their children at the time of birth;

(c) The Citizenship Rights Charter, adopted in December 2016 as a programme aimed at protecting the rights of ethnic and ethno-religious minority groups and combating hate speech against them;

(d) The decree, issued in May 2015, that allowed all Afghan children to enrol in primary and secondary education, regardless of their documentation status.

\* Adopted by the Committee at its 113th session (5–23 August 2024).

<sup>1</sup> [CERD/C/IRN/20-27](#).

<sup>2</sup> See [CERD/C/SR.3083](#) and [CERD/C/SR.3084](#).



## C. Concerns and recommendations

### Statistics

4. The Committee notes the statistics provided by the State party on the demographic composition of its population, which included results from the population census conducted in 2016. However, the Committee is concerned that the 2016 population census did not allow information to be gathered on the ethnic composition of the population based on the principle of self-identification. The Committee is concerned about the lack of disaggregated data on non-citizens, such as undocumented migrants, refugees, asylum-seekers and stateless persons, and the absence of tools for data collection on non-citizens living under its jurisdiction. It is also concerned about the lack of detailed and comprehensive information on the socioeconomic situation of ethnic and ethno-religious minority groups and of non-citizens. This lack limits the Committee's ability to properly assess the situation of such groups, including their socioeconomic status and any progress achieved by implementing targeted policies and programmes. The Committee is further concerned about the lack of statistics on the ethnic composition of the prison population (arts. 1, 2 and 5).

5. **Recalling its general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention,**<sup>3</sup> the Committee recommends that the State party collect and provide to the Committee reliable, updated and comprehensive statistics on the demographic composition of the population, based on the principle of self-identification, including on ethnic and ethno-religious minority groups and non-citizens, such as undocumented migrants, refugees, asylum-seekers and stateless persons. It also recommends that the State party produce disaggregated statistics on the socioeconomic situation of ethnic and ethno-religious minority groups and of non-citizens and on their access to education, employment, health care and housing, with a view to creating an empirical basis for assessing the equal enjoyment of the rights enshrined in the Convention. The Committee further recommends that the State party collect and publish statistics on the ethnic composition of the prison population.

### National human rights institution

6. The Committee notes the information provided by the delegation on the bill to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, the Committee is concerned about the limited progress and delay in adopting the bill (art. 2).

7. **Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party expedite the adoption of the bill on establishing an independent national institution for the promotion and protection of human rights, with a mandate to combat racial discrimination, and provide it with adequate human and financial resources to enable it to fulfil its mandate fully and in full compliance with the Paris Principles.**

### Prohibition of racial discrimination

8. The Committee is concerned that the national legislative framework does not contain an explicit definition of racial discrimination on all the grounds enumerated in article 1 of the Convention, particularly on the grounds of colour, descent or national origin, and that it does not expressly prohibit intersecting forms of discrimination or structural, direct and indirect racial discrimination in the public and private spheres (arts. 1, 2 and 5).

9. **Reiterating its previous recommendations,**<sup>4</sup> the Committee recommends that the State party review its legal framework, particularly provisions of the Constitution, to bring them into line with the Convention. It also recommends that the State party

---

<sup>3</sup> CERD/C/2007/1.

<sup>4</sup> CERD/C/IRN/CO/18-19, para. 8.

**develop and adopt comprehensive anti-discrimination legislation that contains a clear definition of racial discrimination and encompasses structural, direct, indirect and intersecting forms of discrimination in both the public and private spheres, in accordance with article 1 of the Convention.**

#### **Special measures to address inequalities**

10. The Committee is concerned about the information provided by the delegation that special measures are inadmissible under the domestic legislative framework owing to the prohibition of granting advantages or privileges on grounds such as race or colour, pursuant to article 19 of the Constitution (arts. 1 and 2).

**11. Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party take measures to review its position, with a view to allowing the implementation of special measures as a means of addressing the impact of structural discrimination on all vulnerable groups in the State party and to securing adequate advancement of these groups in conformity with articles 1 (4) and 2 (2) of the Convention.**

#### **Complaints of racial discrimination**

12. The Committee notes the information provided by the State party on the complaints submitted to the board investigating cases of violation by administrative staff in accordance with the Administrative Violations Law. Nevertheless, the Committee is concerned about the lack of detailed and disaggregated information on complaints of racial discrimination, and on investigations, prosecutions, convictions and sanctions by domestic courts. The Committee also regrets the lack of information on the availability and accessibility of a specific safe judicial mechanism for addressing cases of racial discrimination (arts. 4, 6 and 7).

**13. The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and recalls that an absence of complaints and legal action relating to racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of trust in the judicial system, a fear of reprisals or a lack of will on the part of the authorities to prosecute the perpetrators of such acts. It recommends that the State party:**

**(a) Establish safe remedies and redress mechanisms for victims of racial discrimination, facilitate the filing of complaints of racial discrimination and ensure the accessibility and availability of reporting channels to victims of racial discrimination;**

**(b) Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination;**

**(c) Conduct training programmes for police officers, prosecutors and other law enforcement officials on the identification and registration of incidents of racial discrimination;**

**(d) Collect statistics on complaints of racial discrimination and on investigations and prosecutions undertaken, convictions handed down and sanctions imposed, and include them in its next report.**

#### **Hate speech and hate crimes**

14. The Committee notes the information provided by the delegation on the legislative framework to combat hate speech and hate crimes in the Islamic Penal Code and the Amended Press Law. It also notes the information provided on the establishment and activities of the Press Supervisory Board to examine cases of hate speech and hate crimes. Nevertheless, the Committee is concerned:

**(a) That the national legislative framework does not contain provisions that expressly criminalize racist hate speech and hate crimes in accordance with article 4 of the Convention and on all the grounds recognized in article 1;**

(b) About reports of the spread of hate crimes, racist hate speech and the dissemination of negative stereotypes against ethnic and ethno-religious minority groups and non-citizens, particularly those from Afghanistan, including in State-owned radio and television broadcasts and print media and on the Internet and social media;

(c) About reports of the use of racist hate speech by politicians and public figures, at the central and provincial levels, and the lack of information on investigations, prosecutions and convictions of politicians and public figures for hate speech (arts. 4, 6 and 7).

**15. Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Review its legislative framework, particularly the Islamic Penal Code, to explicitly criminalize racist hate speech and hate crimes in accordance with article 4 of the Convention and ensure that it includes all the grounds of racial discrimination recognized in article 1 of the Convention;**

(b) **Take effective measures to encourage the reporting of racist hate speech and hate crimes and to ensure the availability and accessibility of safe reporting channels;**

(c) **Monitor the spread of racist hate speech on the Internet and social media, in close cooperation with Internet service providers and social media platforms;**

(d) **Take effective measures to ensure the public condemnation of racist hate speech and to distance itself from racist hate speech by public figures, including politicians.**

#### **Racial profiling and lethal use of force**

16. The Committee notes the information provided by the delegation on the human rights training provided to law enforcement officials on human rights and the legislative framework on the use of firearms. Nevertheless, the Committee is concerned:

(a) That the legislative framework on law enforcement does not prohibit racial profiling by law enforcement agencies and that it is not in accordance with international law and international standards regarding the use of firearms by law enforcement agencies;

(b) About reports of racial profiling by the police of members of ethnic and ethno-religious minority groups and non-citizens and the lack of information on measures taken to combat racial profiling;

(c) About reports of the indiscriminate, excessive and lethal use of force and firearms by border law enforcement agencies in border provinces, leading to injuries and extrajudicial killings of fuel and border couriers, who are mainly members of the Kurdish and Baluch ethnic minority groups;

(d) About the lack of investigations, prosecutions, convictions and sanctions for acts of racial profiling and the excessive and lethal use of force and firearms by law enforcement officials against members of ethnic and ethno-religious minority groups (arts. 4–6).

**17. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Adopt legislation that explicitly prohibits racial profiling by law enforcement officials during police stops and other police operations;**

(b) **Review its legislative framework on the lethal use of force by law enforcement officials to ensure that it is in accordance with international law and international standards, including the Code of Conduct for Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law**

### **Enforcement and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(c) **Establish an independent monitoring body with the competence to receive complaints of racial profiling, racially motivated police violence and the excessive and lethal use of force by law enforcement agencies, with safe and accessible reporting channels for victims;**

(d) **Conduct prompt, thorough and impartial investigations into all allegations of racial profiling, racially motivated police violence and the excessive and lethal use of force by law enforcement officials and ensure that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims or their families are provided with adequate forms of reparation;**

(e) **Collect and include in its next periodic report information on complaints of racial profiling, racially motivated police violence and the excessive and lethal use of force by law enforcement officials, on investigations, prosecutions, convictions and sanctions and on reparations provided to victims.**

### **Women belonging to ethnic and ethno-religious minority groups**

18. The Committee notes the information by the State party on the implementation of women empowerment programmes in rural areas. Nevertheless, the Committee is concerned that women belonging to ethnic and ethno-religious minority groups are marginalized, subjected to multiple and intersecting forms of discrimination on the basis of ethnic origin, religion, age and gender owing to discriminatory provisions in the domestic legislative framework, such as mandatory dress requirements. Racial discrimination prevents their enjoyment of human rights and equal access without discrimination to employment, education, health care and justice, and they are subjected to violence, particularly by law enforcement officials. Furthermore, the Committee is concerned about reports of the prevalence of child marriage, as the minimum age of marriage is 13 years for girls, and of high school dropout rates among girls belonging to ethnic and ethno-religious minority groups (arts. 2 and 5).

19. **Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, and reiterating its previous recommendations,<sup>5</sup> the Committee recommends that the State party review its legislative framework to eliminate all barriers and restrictions faced by women belonging to ethnic and ethno-religious minority groups, ensure their equal access to employment, education, health care and justice, particularly in relation to mandatory dress requirements, and prevent child marriage. To this end, it recommends that the State party incorporate a minority women perspective into all gender-related policies and strategies. It also recommends that the State party strengthen its efforts to increase enrolment and reduce dropout rates among girls belonging to ethnic and ethno-religious minority groups, including by raising parents' awareness about the value of continued education for children's long-term socioeconomic well-being and about the adverse consequences of child labour and child marriage on children's health and future prospects.**

### **Citizenship Rights Charter and reports of structural discrimination**

20. The Committee notes the information provided by the delegation that, pursuant to article 134 of the Constitution, the Government adopted in December 2016 the Citizenship Rights Charter as a programme aimed at protecting the rights of ethnic and ethno-religious minority groups and combating hate speech against them. Nevertheless, the Committee is concerned about:

(a) The lack of detailed information on the implementation of the Charter and its status, in the light of the information provided that it has not been approved by the Islamic Consultative Assembly;

<sup>5</sup> Ibid., para. 9.

(b) Reports that the legislative framework results in systemic and structural racial discrimination against members of ethnic and ethno-religious minority groups, who face discrimination in access to and enjoyment of their human rights, particularly the right to take part in the Government and in the conduct of public affairs at the central and provincial levels, the right to inherit, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association (arts. 2 and 5).

**21. The Committee recommends that the State party:**

(a) **Assess the implementation of the Citizenship Rights Charter, and take measures to strengthen its application, including through adoption by the Islamic Consultative Assembly so that it becomes binding on the central and provincial authorities;**

(b) **Take effective measures to combat structural discrimination against members of ethnic and ethno-religious minority groups and to remove all restrictions that prevent members of these groups from fully enjoying their human rights under the Convention, including by developing and adopting special measures and by conducting a review of its legislative and policy frameworks to guarantee their full conformity with the Convention and ensure that they have no discriminatory impact on the rights of ethnic and ethno-religious minority groups.**

**Socioeconomic situation of ethnic and ethno-religious minority groups**

22. The Committee notes the information provided by the delegation on the implementation of the Sixth Development Plan (2017–2021) and the adoption of the Seventh Development Plan (2023–2027), aimed at eliminating disparities between the provinces and building schools and medical facilities. However, the Committee is concerned about reports of the persistent structural socioeconomic inequalities in provinces inhabited mainly by members of ethnic and ethno-religious minority groups compared to other provinces, particularly the prevalence of extreme poverty, substandard living conditions with no proper infrastructure or basic services such as access to safe drinking water and sanitation, high unemployment rates and high rates of infant mortality (arts. 2 and 5).

**23. The Committee recommends that the State party take specific and effective measures to tackle structural socioeconomic inequalities in provinces inhabited mainly by members of ethnic and ethno-religious minority groups compared to other provinces, particularly with a view to ending extreme poverty, improving infrastructure and basic services, including access to safe drinking water and sanitation, and ensuring access on an equal basis with others to employment and to gender-responsive and high-quality health services, including by reducing infant mortality.**

**Rights to freedom of expression and of association in the context of the 2021 amendments to the Islamic Penal Code**

24. The Committee notes the information on the adoption in 2021 of amendments to the Islamic Penal Code, including the addition of article 499 bis to criminalize the act of insulting “Iranian ethnicities or divine religions or Islamic schools of thought recognized under the Constitution with the intent to cause violence”. The Committee is concerned that the overly broad and vaguely worded provisions of this article and other provisions of the Islamic Penal Code, particularly articles 286, 500, 514, 609, 610, 698 and 700, not only seriously endanger and disproportionately restrict the legitimate exercise by members of ethnic and ethno-religious minority groups of the rights to freedom of expression and of association, but also allow for arbitrary arrest and detention and for harsh punishment and the use of the death penalty (arts. 2 and 4–6).

**25. Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Ensure that its legislation is not used to intimidate, harass, arbitrarily detain or prosecute members of ethnic and ethno-religious minority groups for exercising their rights to freedom of opinion and expression and their right to freedom of peaceful assembly and association;**

(b) **Amend the Islamic Penal Code, particularly articles 286, 499 bis, 500, 514, 609, 610, 698 and 700, to ensure its conformity with the provisions of article 4 of the Convention.**

#### **Right to freedom of thought, conscience and religion**

26. The Committee is concerned that the domestic legislative framework restricts the right of members of ethnic and ethno-religious minority groups to freedom of thought, conscience and religion, and that, according to reports, they are subjected to discrimination and persecution for practising their faith or religion, particularly if theirs is not a recognized religious minority pursuant to article 13 of the Constitution. The Committee is also concerned about the criminalization of blasphemy and apostasy, which are punishable with death penalty (arts. 2 and 5).

27. **The Committee recommends that the State party review its legislative framework to guarantee the enjoyment by members of ethnic and ethno-religious minority groups, without any discrimination, of their right to freedom of thought, conscience and religion, as specified in article 5 of the Convention, including by repealing the limitation to recognized religious minorities pursuant to the discriminatory provisions of the Constitution and the Islamic Penal Code, particularly those enabling prosecution and punishment for exercising the right to freedom of thought, conscience and religion.**

#### **Right to freedom of peaceful assembly and association in the aftermath of the protests of November 2019, July 2021 and September 2022**

28. The Committee is concerned about reported violations and abuses against members of ethnic and ethno-religious minority groups during the various nationwide protests in the State party in recent years, particularly those that erupted in November 2019 following the announcement of an increase in subsidized fuel prices, in July 2021 following water shortages, and in September 2022 following the death in custody of Mahsa Amini, who was Iranian of Kurdish origin. In this regard, the Committee is concerned about reports of:

(a) Grave human rights violations and abuses committed during the response of law enforcement agencies against protestors belonging to ethnic and ethno-religious minority groups and in provinces inhabited mainly by them, which include disproportionate and intentional excessive use of force, extrajudicial killings, torture, rape and other forms of sexual violence – including violent attacks by private parties against women and girls as a form of structural and intersecting discrimination – arbitrary detention, racial profiling during police checks, and Internet shutdown and the blockage of social media platforms in the aftermath of the protests;

(b) The so-called “school poisoning” incidents between November 2022 and November 2023, particularly in provinces inhabited by ethnic and ethno-religious minority groups, allegedly as reprisals for schoolgirls having engaged in the 2022 protests;

(c) Incidents of hate speech and incitement to hate speech and hate crimes against ethnic and ethno-religious minority groups, in particular in State-owned radio and television broadcasts, on the Internet and social media, and by public figures and government officials;

(d) Disproportionate subjection of members of ethnic and ethno-religious minority groups to arbitrary detention, alleged lack of effective guarantees of a fair trial and the sentencing of persons belonging to these minority groups to the death penalty as a result of having exercised their right to freedom of peaceful assembly and association;

(e) Targeting and subjection of human rights defenders, activists, lawyers and journalists to intimidation, surveillance, harassment, threats and reprisals as a consequence of their work to defend the enjoyment by individuals belonging to ethnic and ethno-religious minority groups of their human rights;

(f) The lack of an independent mechanism to investigate such reports of violations and abuses and to provide victims with redress and support, notwithstanding the information provided by the delegation on the investigation of a few incidents related to the protests of September 2022 (arts. 2, 5 and 6).

29. **The Committee recommends that the State party:**

(a) **Conduct effective, thorough and impartial investigations into allegations of violations and abuses of human rights committed in the context of the protests of November 2019, July 2021 and September 2022, including the alleged “school poisoning” incidents, reports of intimidation, harassment, threats and reprisals targeting human rights defenders, activists, lawyers and journalists, and any act of violence inflicted by private parties in violation of article 4 of the Convention, in accordance with its obligations under article 2;**

(b) **Provide medical, psychological, material and other support for victims, particularly women and girls, and ensure adequate reparation, including restitution, compensation, rehabilitation, satisfaction and guarantee of non-repetition;**

(c) **Monitor and combat racist hate speech, including in State-owned radio and television broadcasts, on the Internet and social media, and by State officials and public figures, including religious leaders, targeted at members of ethnic and ethno-religious minority groups, and ensure that incidents of hate speech are effectively, thoroughly and impartially investigated and that perpetrators are prosecuted and punished with penalties commensurate to the offences;**

(d) **Ensure the rights of members of ethnic and ethno-religious minority groups to a fair trial and due process in the context of the protests and release those arbitrarily detained;**

(e) **Refrain from imposing and carrying out the death penalty;**

(f) **Implement the recommendations made by the independent international fact-finding mission on the Islamic Republic of Iran in its report to the Human Rights Council,<sup>6</sup> and cooperate fully with and grant unimpeded access to it.**

#### **Criminal justice system**

30. The Committee is concerned about reports that members of ethnic and ethno-religious minority groups are overrepresented in the criminal justice system and disproportionately subjected to arbitrary detention and sentenced to the death penalty for broad and vaguely formulated offences under the Islamic Criminal Code and for drug-related offences. The Committee is also concerned about the reported lack of fair trial guarantees for members of ethnic and ethno-religious minority groups, particularly in cases concerning the death penalty. The Committee regrets that the State party does not make available detailed, disaggregated statistics on death penalty (arts. 2, 5 and 6).

31. **Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and the relevant recommendations of the Human Rights Committee,<sup>7</sup> the Committee recommends that the State party:**

(a) **Review its legislative framework, particularly the provisions of the Islamic Penal Code, to repeal vaguely worded criminal offences punishable by death penalty;**

(b) **Establish a moratorium on the death penalty with a view to abolishing it;**

(c) **Collect and publish disaggregated statistics on death sentences imposed and executions carried out, including the type of offence.**

<sup>6</sup> See [A/HRC/55/67](#) and the associated conference room paper, available at <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session55/list-reports>.

<sup>7</sup> [CCPR/C/IRN/CO/4](#), para. 24.

### Minority groups in political and public affairs

32. The Committee notes the information by the delegation on the participation of members of ethnic and ethno-religious minority groups in public affairs, including in the Islamic Consultative Assembly. The Committee is concerned that the legislative framework, including provisions of the Constitution, excludes and discriminates against members of ethnic and ethno-religious minority groups with regard to participation in decision-making and high-ranking positions. The Committee is also concerned about the application of the *gozinesh* criterion for selection and employment in the public sector, the judiciary and law enforcement agencies, whereby prospective State officials and employees are required to demonstrate allegiance to the State religion, which leads to discrimination against and low levels of participation among members of ethnic and ethno-religious minority groups, particularly women, at the central and provincial levels (arts. 2 and 5).

**33. The Committee recommends that the State party review its legislative framework, including provisions of the Constitution, to repeal discriminatory legislation and to ensure fair and equitable representation of ethnic and ethno-religious minority groups, including women, at the central and provincial levels in the public sector, the judiciary, law enforcement agencies and elected bodies and in decision-making and high-ranking positions.**

### Right to education

34. The Committee notes the information provided on the establishment of departments teaching the languages of ethnic and ethno-religious minority groups and the introduction of literature courses related to those languages in public universities in provinces inhabited mainly by members of ethnic and ethno-religious minority groups. Nevertheless, the Committee is concerned about:

- (a) The lack of education in the languages of ethnic and ethno-religious minority groups at public schools, Persian (Farsi) being the official language of instruction pursuant to article 15 of the Constitution;
- (b) Reports of barriers to using and studying in the languages of ethnic and ethno-religious minority groups;
- (c) High dropout rates among children, particularly girls, belonging to ethnic and ethno-religious minority groups, notwithstanding the information provided on support initiatives for children and their families to tackle school dropout rates (arts. 2 and 5).

**35. Reiterating its previous recommendations,<sup>8</sup> the Committee recommends that the State party take measures to ensure the availability of education in the mother tongue of ethnic and ethno-religious minority groups as a language of instruction in public education. It also recommends that the State party strengthen its efforts to ensure access to education for children belonging to ethnic and ethno-religious minority groups and to tackle school dropout rates among them.**

### Birth registration, identity documents and statelessness

36. The Committee welcomes the information provided on the adoption, in 2019, of the amendment to the legislative framework on nationality to allow Iranian women married to men of foreign nationality to transmit their Iranian nationality to their children at the time of birth. However, the Committee is concerned about:

- (a) The bill, currently being considered by the Islamic Consultative Assembly, aimed at delaying the transmittal of the mother's nationality to the child until the age of 18 years, instead of at the time of birth;
- (b) Reports of challenges and barriers faced by members of ethnic and ethno-religious minority groups and in provinces inhabited mainly by them in the issuance of birth certificates and identity documents;

<sup>8</sup> CERD/C/IRN/CO/18-19, para. 12.

(c) The lack of a dedicated determination procedure in relation to statelessness and the lack of national plan to combat statelessness (arts. 2 and 5).

**37. The Committee recommends that the State party:**

(a) **Ensure that the revision of its legislative framework is in compliance with international human rights principles and the objectives and purposes of the Convention to combat statelessness, particularly by maintaining the provision allowing Iranian women married to foreign men to transmit their nationality to their children at the time of birth;**

(b) **Take measures to ensure the availability and accessibility of birth registration and identity documents, which are required for the determination of citizenship, to members of ethnic and ethno-religious minority groups and in provinces inhabited mainly by them, in order to prevent statelessness;**

(c) **Ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;**

(d) **Adopt a national plan to combat statelessness.**

#### **Refugees, asylum-seekers and undocumented migrants**

38. The Committee commends the State party for hosting as many as 3.5 million refugees, mainly from Afghanistan, and notes with appreciation the issuance of a decree, in May 2015, to allow all Afghan children to enrol in primary and secondary education, regardless of their documentation status. Nevertheless, the Committee is concerned about reports that:

(a) The legislative framework does not recognize the rights of asylum-seekers, and the procedure for refugee-status determination lacks transparency and accessibility for applicants;

(b) There are only 58 job titles under which refugees and asylum-seekers are authorized to work, and with limited access to health care, and children in some provinces are facing barriers to obtaining access to primary and secondary education owing to the limited availability of resources and school infrastructure, notwithstanding the decree allowing their enrolment in primary and secondary education;

(c) Hate speech, hate crimes and harassment targeting undocumented migrants, refugees and asylum-seekers has increased;

(d) There have been cases of pushback of migrants with use of force by law enforcement agencies, and cases of deportation, extradition and forcible return of migrants and asylum-seekers in need of international protection, in violation of the principle of non-refoulement (arts. 2 and 5).

**39. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Review its legislative framework on refugees and asylum-seekers to align it with international standards, particularly the Convention and the Convention relating to the Status of Refugees and the Protocol thereto, ensure the availability and accessibility of a fair and effective procedure for refugee-status determination to those in need of international protection, including undocumented migrants, and abolish the restrictions on and barriers to access to employment, housing, health care and education for refugees and migrants;**

(b) **Take measures to ensure access for undocumented migrants to health care, employment and education;**

(c) **Conduct effective, thorough and impartial investigations into all reports of abuses and violations of human rights perpetrated against non-citizens, prosecute and punish adequately those convicted with penalties commensurate with the offences, and provide victims of discriminatory acts with adequate redress and support;**

(d) **Refrain from engaging in collective expulsion, deportation and pushback, provide access to its territory for persons in need of international protection, respect**

**the principle of non-refoulement and conduct investigations into cases of collective expulsion, pushback and excessive use of force and violence by law enforcement officials against migrants, refugees and asylum-seekers.**

#### **Training, education and other measures to combat prejudice and intolerance**

40. While noting the information provided on training for the judiciary and law enforcement agencies on human rights, the Committee is concerned about the lack of information on measures taken by the State party to combat prejudice and intolerance, including the incorporation of human rights principles into school curricula and university programmes and awareness-raising campaigns targeting the general public, law enforcement officials and judicial authorities on the importance of non-discrimination, cultural diversity and tolerance (art. 7).

41. **The Committee recommends that the State party increase its efforts to raise public awareness of the importance of ethnic and cultural diversity and of the fight against racial discrimination, in particular for law enforcement officials and judicial authorities, and integrate these concepts into all levels of education in order to promote substantive inter-ethnic solidarity.**

### **D. Other recommendations**

#### **Ratification of other treaties**

42. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.**

#### **Declaration under article 14 of the Convention**

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

#### **Follow-up to the Durban Declaration and Programme of Action**

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

#### **International Decade for People of African Descent**

45. **In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information**

on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### Consultations with civil society

46. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### Dissemination of information

47. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, including at the provincial level, in the official and other commonly used languages, as appropriate.

#### Common core document

48. The Committee encourages the State party to update its common core document, which dates to January 1999, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006.<sup>9</sup> In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

#### Follow-up to the present concluding observations

49. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 7 (national human rights institution), 16 (racial profiling and lethal use of force) and 24 (rights to freedom of expression and of association in the context of the 2021 amendments to the Islamic Penal Code) above.

#### Paragraphs of particular importance

50. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 14 (hate speech and hate crimes), 28 (right to freedom of peaceful assembly and association in the aftermath of the protests of November 2019, July 2021 and September 2022) and 38 (refugees, asylum-seekers and undocumented migrants) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

---

<sup>9</sup> [HRI/GEN/2/Rev.6](#), chap. I.

**Preparation of the next periodic report**

51. The Committee recommends that the State party submit its combined twenty-eighth and twenty-ninth periodic reports, as a single document, by 4 January 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>10</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

---

---

<sup>10</sup> [CERD/C/2007/1](#).