

## ADVANCE QUESTIONS TO IRAN, ISLAMIC REPUBLIC OF- ADD.2

### ARGENTINA

#### **Igualdad y no discriminación**

- En el 2008, el Secretario General de la ONU puso de relieve que Irán se enfrentaba a una serie de problemas en materia de igualdad de género, y que asimismo existían disposiciones discriminatorias en el derecho penal y civil que había que reformar urgentemente. Asimismo, el Comité de Derechos Humanos y el Comité de Derechos Económicos, Sociales y Culturales observaron que la persistencia y la importancia de las discriminaciones contra las mujeres eran incompatibles con el Pacto Internacional de Derechos Civiles y Políticos y el Pacto Internacional de Derechos Económicos, Sociales y Culturales. Entre los casos más resonantes se encuentran el castigo y hostigamiento por vestimenta inapropiada; el valor de la vida de la mujer, en caso de indemnización se prevé que por accidente o muerte los hombres poseen un doble valor respecto de las mujeres; y la denegación de la nacionalidad iraní a los hijos de madre iraní que contrae matrimonio con un no nacional, sin autorización del gobierno.

Asimismo, el Secretario General señaló que la violencia por motivos de género estaba generalizada y la Relatora Especial recomendó al Gobierno que mejorase el acceso de las mujeres a la justicia, estableciese la eliminación de la violencia contra la mujer como cuestión prioritaria de la política del Estado, a fin de prevenir, investigar y castigar todos los actos de violencia contra la mujer, y promoviese y apoyase la emancipación de la mujer. Asimismo, la Relatora Especial sobre la violencia contra la mujer mencionó informes que indicaban un aumento preocupante de la trata de niñas y mujeres.

Con respecto al mercado laboral, el Secretario General destacó que el desempleo femenino era un problema especialmente agudo, que las mujeres tenían una participación limitada en el trabajo remunerado fuera del sector agrícola. En 2009 la Comisión de Expertos de la OIT pidió la enmienda o derogación de las leyes o reglamentos que limitaban el empleo de las mujeres y que dejase de aplicarse de forma discriminatoria la legislación sobre seguridad social.

La delegación argentina, frente a los informes mencionados, desea saber: ¿Qué medidas han sido adoptadas o piensa adoptar Irán tendientes a mejorar la situación jurídica y social de la mujer en la sociedad iraní?

*[Informal translation provided by Argentina]*

#### **Equality and non discrimination**

- In 2008, the UN Secretary-General stressed that Iran was facing a number of issues concerning gender equality, and that there were also discriminatory provisions in civil and criminal law that had to be urgently reformed. Similarly, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights noted that the persistence of discrimination against women was incompatible with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The Secretary General noted that the gender-based violence was widespread and he recommended the Government to improve women's access to justice, to eliminate violence against women, and to promote and support the emancipation of women. Also, the Special Rapporteur on violence against women mentioned reports indicating an alarming increase in trafficking of girls and women.

With respect to labor market, he emphasized that the female unemployment was a particularly serious problem and that women had limited participation in paid work outside the agricultural sector. In 2009 the Committee of Experts of the ILO requested the amendment or abolition of laws or regulations limiting employment of women and the end of the application of social security legislation in a discriminative way.

Taking into account the above mentioned reports, Argentina would like to know: What measures Iran has taken or will take in order to improve the legal and social status of women in Iranian society?

## **BELGIUM**

- In recent years, there has been a major upsurge in violations of the civil, political, social, economic and cultural rights of the members of the Bahá'í Faith, who constitute Iran's largest religious minority. The members of the Bahá'í Faith are specifically targeted by official acts of persecution and discrimination on religious grounds, i.e. denial of access to education, confiscation and destruction of community property as well as property belonging to individual Bahá'ís, denial of employment, pensions and other benefits and denial of civil rights and liberties. How is the Government of Iran going to put an end to this institutionalized form of discrimination on religious grounds, which contravenes its obligations under the International Covenant on Civil and Political Rights (articles 18, 26, and 27)?
- The Secretary-General has noted a pattern of concerns with respect to protection of all minorities, i.e. Bahá'ís but also Arabs in Khuzestan, Nematollahi Sufi Muslims, Jews, Kurds, Sunnis, Baluchis, Azeri-Turks and Christians. What action has been undertaken by the Government of Iran to address this pattern of concerns?
- In 2009, the ILO Committee of Experts sought information on the employment of ethnic minority groups, including in the public sector; on efforts to ensure equal opportunities; and on positions from which they are excluded on grounds of national security. Has the Government of Iran provided this information to the ILO Committee of Experts?
- After mentioning in its national report which special rapporteurs have visited the Islamic Republic of Iran in the past, the Government declared that '*there are plans under consideration for visits of other Rapporteurs*'. Could the Government of Iran provide further details about these plans? What is the status concerning the visits agreed upon in principle by the Islamic Republic of Iran as

well as the status concerning visits that have been requested by several special rapporteurs but not yet agreed upon by the Government of Iran?

- Which follow-up has been given by the Government of Iran to the recommendations of the special rapporteurs that have already visited the Islamic Republic of Iran, in particular the recommendations of the special rapporteur on the right to freedom of opinion and expression and of the special rapporteur on violence against women?
- In protests after the 2009 presidential elections, six special procedures mandate holders raised grave concerns about a range of violations of civil and political rights. Which measures have been taken by the Government of Iran to address those concerns? Have independent investigations been carried out?
- In 2008, the Secretary-General noted that the Islamic Republic of Iran had a practice of entering general reservations upon signature or ratification, repeatedly cited by treaty bodies as impeding enjoyment of some human rights. Has the Government of Iran been undertaking steps to withdraw these reservations?
- Major concerns in the 2005 report of the Committee on the Rights of the Child relate to the age of maturity, which is set at pre-defined ages of puberty for boys at 15 and for girls at 9. What steps have been taken by Iran to review its legislation so that the age of majority is set at 18 years of age and that minimum age requirements conform with all the principles and provisions of the Convention on the Rights of the Child and with internationally accepted standards?
- The Secretary-General has also indicated that the 1979 Constitution guarantees a wide range of human rights and fundamental freedoms, but in practice there are serious impediments to their full protection and to the independent functioning of State institutions. How does the Government of Iran intend to address these impediments?
- Is the Government of Iran considering accepting the individual complaints procedure under the human rights conventions to which it is already a State party?
- In its national report, the Government of Iran announced that there are several important human rights bills which are on the *Majlis* approval process, introduced by the government as well as members of the *Majlis*, including the new law on Islamic Penal code and Criminal Procedures Code. How is the Government of Iran going to ensure that these new bills will not be incompatible with its obligations under the International Covenant on Civil and Political Rights?
- There are numerous reports that torture is widespread and is, inter alia, used to extract confessions. How do the Iranian authorities intend to counter this practice, which contravenes article 7 of the International Covenant on Civil and Political Rights?

- The Human Rights Committee has recommended that legislation and practice be brought into line with the right to a fair trial, including the assistance of counsel, the right to be brought promptly before a judge and tried in public. How has the Government of Iran implemented this recommendation?

## **IRELAND**

### **Death Penalty**

- Could the Islamic Republic of Iran outline how it is acting to ensure that existing national guidelines, which are currently not widely in use, are given legal force to prevent Judges continuing to order inhumane and public executions?
- Could the Islamic Republic of Iran clarify what the Government is doing to abolish the death penalty for minors in line with its obligations under the Convention on the Rights of the Child?

### **Torture**

- Could the Islamic Republic of Iran outline its timeframe for acceding to the Convention against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment?
- Could the Islamic Republic of Iran advise whether they would consider issuing an early invitation to the UN Special Rapporteur on Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment?

## **NETHERLANDS**

- Is the government of Iran ready to make visits of UN rapporteurs possible in the near future to investigate and gather information on the general human rights situation or human rights violations in the aftermath of the presidential elections of 12 June 2009 in particular? Additionally, would the government of Iran be committed to follow-up recommendations by these UN human rights mechanisms?
- Is the Government of Iran considering to take concrete steps to ensure the ratification of CEDAW, accession to which the Government is considering, as stated in the country report?
- Would the Government of Iran consider the abolishment of the death penalty, especially for crimes committed by persons under the age of eighteen and to bring its legislation in line with the international human rights conventions that Iran has ratified, including the Convention on the Rights of the Child? If so, under what conditions would it do so?
- Iran feels strongly about due judicial process, which is guaranteed by Iranian law. We have received reports of violations of Iranian constitutional and legal

provisions and international standards regarding fair trial that Iran has subscribed to such as arbitrary detention, suspects being held without being informed about their charges, reports of maltreatment of detainees, including allegations of rape and torture. What actions will be taken to guarantee that Iranian law and international standards for a fair and open trial are observed?

- What guarantees can the Government of Iran give for the free flow of information through all kinds of media channels, which would contribute to fully guaranteeing freedom of expression and the freedom of peaceful assembly and association?
- Iran acknowledges the active role of NGO's in helping with the national report and providing consultation within the field of human rights. Guarantees can the Government of Iran give for the free and unhindered work of independent NGO's, especially in the field of human rights, and how does the Government of Iran intend to protect human rights defenders?
- Has Iran implemented the 1996 report of the Special Rapporteur on religious tolerance? What provisions has Iran taken to avoid the impairment of rights and discrimination against adherents of other religions or non-believers in view of Iran's international obligations to lift limitations and restrictions on freedom of religion and belief?

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