



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Pre-sessional working group

21-25 May 2012

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues in connection with the consideration of the second periodic report of the Islamic Republic of Iran concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/IRN/2)

Iran

I. General Information

1. Please provide examples of cases where the Covenant has been invoked before or by national courts. Please also indicate whether in the view of the State party article 4 of the Constitution is fully consistent with the provisions of the Covenant and please also explain which law takes precedence in cases of conflict.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2 paragraph 2 - Non-discrimination

2. Please provide information whether the State party is considering the adoption of a general Anti-Discrimination Act, in particular with regard to the most discriminated and marginalized individuals and groups.

3. Please provide information on access by members of the Baha'i community to employment and benefits in Governmental institutions, including higher education. Please also provide information on steps taken to prevent and combat denial of employment and Government benefits, as well as denial of access to and expulsions from higher education for members of the Baha'i community.

4. Please provide information on legislative, administrative and other measures taken, if any, to eliminate and prohibit discrimination on the basis of sexual orientation with

respect to access to employment, housing, education and health care, and to ensure that individuals of different sexual orientation or gender identity benefit from all rights and are effectively protected against violence and social exclusion.

Article 3 - Equal rights of men and women

5. Please provide information on legislative and policy measures adopted by the State party to ensure the equal rights of men and women (art.3 and General Comment No.16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights).

6. Please provide information on steps taken to address the gender imbalance in the labor market, including the comprehensive programme for the development of women's participation, and their impact measured. Please indicate which measures are being taken to increase the number of women in decision-making positions in the public sector.

7. Please indicate whether the State party plans to amend the Civil Code to remove the legal obligation for a woman to be obedient to her husband and remove the power of a man to prohibit his wife from entering employment.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - The right to work

8. Please provide updated information, on an annual basis since 2008, on the unemployment rate, disaggregated by sex, urban and rural areas, as well as measures taken to counter unemployment.

9. Please provide information on the application of the "gozinesh" criterion, requiring prospective State officials and employees to demonstrate allegiance to the Republic and the State religion, and the impact this has on employment opportunities for ethnic and religious minorities, as well as layperson. Please also clarify whether minority groups are excluded from certain official positions on grounds of national security.

Article 7 - The right to just and favourable conditions of work

10. Please provide information on whether the economic and social rights of workers are protected in workplaces with fewer than five workers or in export processing zones.

11. Please clarify whether the latest minimum wage level, as announced by the Supreme Labor Council, has been determined at a level sufficient to provide workers and their families with a decent living.

12. Please indicate which steps have been taken to address the phenomenon of the non-payment of back wages, and clarify whether workers have been allowed to go on strike to protest against this phenomenon.

Article 8 – Right to form and join trade unions and right to strike

13. Please clarify how trade unions are guaranteed independence to organize their activities without interference, in particular unions of teachers, bus workers and sugar cane

workers, as well as the Iran Free Workers' Union? Please also comment on the alleged use of force by security forces to break up workers' public protests. Have workers who have subsequently suffered injuries been offered compensation, and have officials responsible for such excessive use of force been held responsible? Please also clarify how many labor rights activists and members of independent trade unions currently serve prison sentences.

Article 9 - The right to social security

14. Please provide updated information on steps taken to ensure universal health insurance coverage, , as well as the impact , in particular with regard to the period since 2009 .

Article 10 - Protection of the family, mothers and children

15. Please indicate whether legislative steps are foreseen to criminalize domestic violence, including marital rape. Please provide information on steps taken to ensure that victims of domestic violence have access to effective means of redress and immediate protection, including through a sufficient number of safe houses.

16. Please provide information whether steps are envisaged to explicitly prohibit all forms of corporal punishment in all settings, including by repealing the legal defences for its use in article 1179 of the Civil Code, articles 49 and 59 of the Penal Code and article 7 of the Law on the Protection of Children.

17. Please provide information on steps taken to ensure that all those who sexually abuse children are punished and to ensure that victims of child abuse are protected.

18. Please provide information on steps taken to combat and prevent the trafficking and sale of persons under 18 years of age, particularly young girls from rural areas. Please also clarify how many arrests and convictions have been made since 2007 under the 2004 law to combat trafficking.

19. Please provide information on measures taken since 2009 to address the situation of children living and/or working in the street, with the aim of protecting these children, and of preventing and reducing this phenomenon.

20. Please provide information whether the domestic legislation determines the minimum age of access to employment and also provide information on steps taken since 2009 to prevent and combat labour of children below the age of 15.

Article 11 - The right to an adequate standard of living

21. Please provide information on the scale of poverty in the State party, including statistical data illustrating the problem. Please also provide information on the results of the fourth Development Plan with regard to the reduction of poverty in the State party.

22. Please clarify what is understood by "irregular property acquisition according to Sharia law" in article 49 of the Constitution, and the conditions under which this may lead to property confiscation. Please also provide information on steps taken to formally register ownership of houses and land, in particular in rural areas.

23. Please provide information on steps taken to improve housing and living conditions in the neighbourhoods in Kermanshah, Sistan-Baluchestan, Khuzestan and Ilam provinces that are inhabited by ethnic minorities.

24. Please provide information on steps taken to address discrimination against women in relation to equal access to housing, land, property and inheritance.

Article 12 - The right to physical and mental health

25. Please provide information on measures taken since 2009 to combat malnutrition, particularly in rural areas, and on the impacts measured. Has a National Nutritional Strategy for Children been established?

26. Please provide information on measures taken to promote adolescent health and to provide reproductive health counselling and services to the general population, in particular in the context of the spread of HIV/AIDS.

Articles 13 and 14 - The right to education

27. Please indicate which measures are in place to address (a) the high dropout rates of girls in rural schools upon reaching puberty, as well as of indigenous Arab children; (b) the lack of female teachers in rural areas; and (c) the stark differences in teaching staff capacities and material equipment between schools in urban and rural areas.

28. Please provide information on literacy levels, since 2009, disaggregated by urban and rural areas, sex, and steps taken since then to address illiteracy.

29. Please provide information on steps taken to ensure that children living and/or working in the street, working children and children without complete personal documents, in particular refugee children, have full access to education.

30. Please indicate which steps have been taken to integrate children with disabilities into the regular school system so that they can enjoy inclusive education.

31. Please indicate which steps have been taken to ensure the unhindered access of Baha'i children and adolescents to primary, middle and high schools, and to prevent discrimination and harassment affecting this group, including the exclusion from institutions of higher education.

Article 15 - Cultural rights

32. Please provide information on measures taken by the State party to ensure the enjoyment by minorities in the State party, such as the Kurds, Arabs, Azeris, and Baluch, of cultural, linguistic and religious freedoms, including the use of minority languages in schools. Please also provide information on any restrictions or conditions placed on the enjoyment of these rights by such minorities.
