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Summary record of the 4039th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 October 2023, at 10 a.m.

Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fourth periodic report of the Islamic Republic of Iran (continued) (CCPR/C/IRN/4; CCPR/C/IRN/Q/4; CCPR/C/IRN/RQ/4)

1. *At the invitation of the Chair, the delegation of the Islamic Republic of Iran joined the meeting.*
2. **Ms. Bassim** said that, in view of reports that conditions in formal and informal places of detention in the Islamic Republic of Iran had deteriorated and that detainees had been subjected to degrading treatment, she would be grateful for detailed information on the State bodies responsible for monitoring such conditions, including their mandate, their degree of structural independence and the frequency of their visits to places of detention. She would be interested to know what measures had been taken to improve detention conditions and to reduce or prohibit the use of solitary confinement, and would welcome information on conditions for female detainees and their rights with respect to family visits and to caring for small children living with them. She also wondered whether the State party would release persons who had been arrested for political reasons or had participated in peaceful demonstrations without causing harm to others or damaging property. Could the State party provide statistics on the number of detainees in Iranian prisons, the charges against them and the number of cases that had been brought to trial?
3. The assertion, in paragraph 4 of the State party's core document (HRI/CORE/1/Add.106), that Iranians were of Aryan descent disregarded the ethnic diversity of Iranians. There had been reports of discrimination against ethnic minorities in terms of their right to enjoy their own culture, learn their own language and be fully included in the State party's development, welfare, health-care and education plans. She would be grateful for up-to-date information on measures taken to protect members of all ethnic minorities from discrimination. While noting the State party's policy of allowing members of minorities to learn their own language and literature at the university level, she would like to know whether the State party planned to lift the ban on teaching minority languages at the primary and secondary levels. Could the State party elaborate on measures taken to enable members of minority groups to participate fully in politics and society, including in senior and decision-making posts at the county and municipality levels?
4. **Mr. Yigezu**, while noting the information provided by the State party on legislative and administrative measures to combat human trafficking, child labour exploitation and sexual exploitation, said that he would be grateful for additional information on the number of persons prosecuted and convicted in human trafficking cases between 2018 and 2020 and on the redress provided to victims of those offences, disaggregated by sex and age. Had the State party taken steps to make publicly available the number of arrests and convictions in that regard? He would welcome comments on reports that young girls had been subjected to *mut'ah* (temporary) marriage, which reportedly pushed poor women and girls into becoming sex workers, of whom there were reportedly 200,000 in the Islamic Republic of Iran. In view of reports that child marriages were on the rise, with more than one million registered over the reporting period, he would like to know what measures had been or would be taken to eliminate forced, early and temporary marriage of girls and to set the minimum age for marriage at 18 years.
5. Despite the criminalization, under the 2020 Law on the Protection of Children and Adolescents, of hazardous child labour and all forms of exploitation and violence against children, 15 per cent of children in the State party were reportedly engaged in labour activities and at least 10 per cent of working children were unable to attend school. He wondered how the State party intended to fully eliminate child labour and punish those responsible. He would also be grateful for information on the timeline for finalizing and adopting a bill to combat human and organ trafficking and for amending the Countering Human Trafficking Act of 2004.
6. While noting with appreciation the information regarding the treatment of refugees and asylum-seekers in the State party, and acknowledging that the State party continued to

host one of the largest populations of migrants and refugees in the world, he was concerned about the deportation of a large number of Afghan nationals without any assessment of their individual circumstances and about the numerous pushbacks at the border, which had prevented such persons from lodging claims for international protection. What measures had been or would be taken to ensure that asylum claims and refugee status were determined on a case-by-case basis, respecting the principle of non-refoulement provided under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, as well as article 13 of the Covenant? He would be grateful for information on whether there was an independent and impartial body responsible for considering and deciding on appeals in asylum cases. In view of reports that the State party had arrested undocumented foreign nationals and had deported children and others without due assessment of possible claims on their part, he would appreciate clarification as to whether persons who were arrested and their families were informed of the reasons for their arrest and the charges against them, and whether they were afforded access to legal support for lodging claims before the relevant authorities or courts.

7. In light of reports that migrants and refugees had been killed by security forces and border forces of the State party, he would like to receive information on the measures taken to hold the perpetrators to account. With regard to reports that refugees' freedom of movement was restricted to the area where their documentation had been issued and that any unauthorized movement could result in deportation, could the State party clarify whether it would consider amending its laws and administrative practices to respect asylum-seekers' and refugees' right to freedom of movement and residence, in line with article 12 of the Covenant?

8. **Mr. Soh**, noting that, despite the State party's claim that there was no ban on internal or international travel, there were numerous reports that lawyers, journalists, human rights defenders, dissidents and even their family members had been subjected to such restrictions, said that he would like to know the grounds on which travel bans could be imposed and the number of persons who were barred from international travel. Regrettably, under the Civil Code, women's freedom of movement continued to be arbitrarily restricted, in contravention of article 12 of the Covenant and paragraph 6 of the Committee's general comment No. 27 (1999). He wondered whether the State party was considering any measures to review the Civil Code to bring it into line with article 12 of the Covenant.

9. He would be grateful for an explanation as to how article 10 of the 2010 law on computer crimes, which facilitated State surveillance and criminalized data encryption technologies, was compatible with articles 17 and 19 of the Covenant. How many persons had been charged under that law during the reporting period? Noting that the State party had not commented on the allegations of targeted surveillance that were mentioned in the Committee's list of issues (CCPR/C/IRN/Q/4), he asked for information on any investigations into such allegations and any redress provided. What legal safeguards were in place to protect personal data from misuse and to provide redress for data and privacy breaches? He would also be grateful for information on the current status of the "user protection bill", which restricted foreign Internet services and websites, thereby further violating the right to privacy and seriously threatening net neutrality and users' rights to freedom of expression and assembly. Were there any plans to repeal or amend the bill?

10. He would be interested to know what executive and legislative measures were in place to guarantee the right to freedom of religion for religious minorities, including those not recognized by the Constitution. Could the State party comment on allegations of State-sanctioned human rights violations against religious minorities? He would also be grateful for a response to reports that two men had been executed for "apostasy" in May 2023, despite the State party's assertion in its report that the Penal Code contained no provisions on apostasy or the execution of apostates.

11. As the February 2021 amendment of the Penal Code allowed for further suppression of religious freedom and freedom of expression, he would be grateful for detailed statistics on those convicted under the amended articles 499 bis and 500 bis of the Penal Code and for information on whether there were plans to repeal those amendments. Given the continued rights violations and discrimination against religious minorities, particularly the Baha'i, who were not permitted to practise their faith in public and had been subjected inter alia to arrest,

imprisonment, enforced disappearance, expropriation of property and exclusion from higher education, he would like to know what measures had been taken to protect them against discrimination and ensure their freedom of religion. Could the State party comment on the allegation that there was an official directive instructing authorities in Sari, Mazandaran, to target and persecute the Baha'i and "rigorously control" their meetings and other activities?

12. Noting with regret that the State party had failed to address key concerns expressed by the Committee in its previous concluding observations (CCPR/C/IRN/CO/3) regarding electoral processes and the right to participate in public affairs and that religious minorities, women and political dissidents continued to face violations of their rights in that regard, he said that he was concerned about the Guardian Council's announcement of 12 additional criteria for presidential candidates and its approval of only 7 candidates while disqualifying 585. He would appreciate information on any measures taken or envisaged to ensure transparent and free elections and to promote genuine political pluralism, and on whether any steps had been taken to revise articles 3 and 28 of the Majlis Elections Act. Did the State party intend to revise its strict criteria for candidates and limit the power of the Guardian Council, in addition to allowing challenges to decisions on candidate eligibility? He also wished to know whether the State party had conducted thorough investigations into allegations of harassment and arbitrary arrests during the 2021 elections and would be grateful for detailed statistics on arrests of and threats against activists and journalists during the recent presidential and parliamentary elections. How did the State party ensure free press and media coverage during elections, and could it comment on the reported Internet and social media shutdowns during the most recent presidential election?

13. **Mr. Gómez Martínez** said the Committee had noted that, under article 157 of the Constitution, the Supreme Leader directly appointed the head of the judiciary, who in turn directly appointed senior judges at other levels of the justice system. According to the Committee's sources, the vetting process for the recruitment of judges allowed for the exclusion of any individual who failed to adhere to State-sanctioned political and religious ideologies, and legislation precluded the appointment of women as judges. He would be grateful if the State party could explain how those legal provisions were compatible with the requirement of judicial independence enshrined in article 14 (1) of the Covenant. Could the State party provide data on the total number of judges and on the number of judges who did not belong to the Shiite majority, and did the State party envisage a legal reform that would allow women to be appointed as judges?

14. Commending the State party for having amended the Code of Criminal Procedure to provide for the presence of counsel during the initial detention and investigation phases, he asked whether the Code would be further amended to remove the reference to a pre-approved list of lawyers who could assist persons accused of crimes against national security. Did the State party intend to amend article 190 of the Code, which did not adequately safeguard accused persons' right to be assisted by counsel? He would be grateful for information on measures taken to ensure respect for fair trial guarantees in revolutionary courts, where many activists, journalists, lawyers, human rights defenders and others were reportedly tried and convicted on drug offences or national security charges without due process, resulting in a high number of death sentences and summary executions. Could the State party provide disaggregated data on the number of cases and the types of criminal offence handled by the revolutionary courts and on the convictions and death sentences handed down by them in the last five years? The Committee would also appreciate statistical data on the number of persons convicted of crimes against national security, war against God, corruption on Earth and crimes against the State. Some of those accused were reportedly adherents of non-admitted religions, political dissidents or human rights defenders, including Nobel Peace Prize winner Narges Mohammadi, who had been given a 10-year prison sentence. How were the definitions of those crimes compatible with article 15 of the Covenant?

15. **Mr. Helfer** said that, as the Committee had received numerous reports that journalists were being harassed, arrested, prosecuted and imprisoned, it wished to know what measures the Government would take to protect journalists who engaged in protected speech. It also wished to hear what measures the State party was taking to remedy violations of the right to freedom of expression of public figures and social media users who had voiced support for the protests that had followed the death of Mahsa Amini in September 2022. The Committee

would appreciate an explanation of how article 6 of the Press Law, article 512 bis of the Penal Code and the chastity and hijab bill complied with the Covenant's requirement that restrictions on speech should be narrowly tailored and proportionate. The Committee also wished to know what steps the State party was taking to protect the freedom of expression of women and of lesbian, gay, bisexual and transgender persons. It was anxious to learn whether the Government was prepared to end any complete or partial disruption of the Internet, since that was contrary to article 22 of the Covenant. Similarly, it wished to know whether the Government would consider lifting restrictions on access to social media platforms such as Facebook and X/Twitter and to other online forums.

16. The Committee would be grateful for an explanation of how the execution of protesters who had been denied a fair trial or whose confessions had been obtained by coercion could be deemed compatible with the right to freedom of assembly. It would like the State party to comment on reports that the families of deceased protesters had been harassed and arbitrarily detained for holding protests and graveside memorials and explain why they were being prevented from engaging in such activities. It would be grateful for an explanation of why attorneys who supported protesters were being summoned to the public prosecutor's office and charged with a variety of offences.

17. The Committee would like to receive clarification of how action to arrest members of civic organizations and to prevent them from holding meetings could be considered compatible with the right to freedom of association. Had the individuals arrested been prosecuted or imprisoned, and had the Government investigated the legality of those arrests? An explanation of how the arrest and detention of members of trade unions and teachers' associations could be regarded as consistent with the right to freedom of association would be welcome. He would like to hear whether the individuals arrested had been prosecuted and whether the Government had investigated the legality of those arrests. The Committee would also like to receive detailed information on the reasons for the closure of the Imam Ali Popular Student Relief Society, the Imam Ali Charitable Society and the Khaneh of the Sun in Kerman. How could such closures be considered compatible with the right to freedom of association?

18. The Committee regretted that the State party had not replied to its request for information about the role of the Ministry of Intelligence and the Ministry of the Interior in the registration of non-governmental organizations. How many applications had been received by those ministries? How many applications had been approved and how many had been rejected? Lastly, he would like the State party to clarify whether establishing and running a civic organization was conditional upon compliance with the principles of Islam and, if so, how the State party reconciled those principles with the right to freedom of association enshrined in the Covenant.

The meeting was suspended at 10.55 a.m. and resumed at 11.20 a.m.

19. **Mr. Najafi** (Islamic Republic of Iran) said that the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) had been incorporated into prison regulations. Reports on visits to prisons by the State Prisons and Security and Corrective Measures Organization, members of parliament or members of the national Human Rights Council were forwarded to the head of the judiciary, who could then provide advice or issue orders with regard to the action to be taken. The national Human Rights Council visited and inspected women's prisons. He himself held weekly or monthly meetings with public prosecutors, presidents of courts and prison governors to ensure that the rights of all citizens were respected. All requests to visit a prison were considered. Prison inspectors received training and all prison staff were qualified. Media reports to the contrary were incorrect and biased. If judges or prison officers violated prisoners' rights, the appropriate disciplinary action would be taken.

20. Prisoners and their families could apply for amnesty. Prisoners who committed offences, engaged in disruptive behaviour or violated other prisoners' rights would be punished, as would anybody who violated another person's rights in any setting. That also applied to members of the highest judicial bodies, who would be prosecuted if they committed disciplinary or administrative offences. The authorities understood their duties and responsibilities. The prison staff had to provide monthly statistical updates on the number

of inmates to the State Prisons and Security and Corrective Measures Organization. Careful attention was paid to prisoners' food, accommodation and access to health care. Juvenile offenders were housed in correction and rehabilitation centres, where they received education and training while in detention.

21. **A representative of the Islamic Republic of Iran** said that trafficking in women and children had been criminalized under a law passed in 2014. The Commission on Countering Trafficking in Persons had formulated policies and strategies to combat the trafficking of women and children. Anyone who trafficked children under the age of 18 was liable to a prison sentence ranging from 10 to 15 years. The adoption of the Law on the Protection of Children and Adolescents and the implementing regulations thereof had been a turning point. Some 70 articles of the law dealt with the reform of juvenile correctional facilities and introduced standards that were higher than international standards.

22. In accordance with the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182), the economic exploitation of child labour was punishable under section 173 of the Labour Code. In 2020, laws had been adopted on the provision of support for children in street situations and 31 homes had been established for over 12,000 such children. They would receive assistance with the continuation of their schooling, along with free health care. Websites would be set up to offer guidance to their parents and families on how to obtain financial support and access primary care services. The assertion that in the previous eight years, over one million early marriages had been registered in the Islamic Republic of Iran was incorrect.

23. **A representative of the Islamic Republic of Iran**, in response to questions concerning the right to freedom of movement, drew the Committee's attention to paragraphs 62 to 66 of the replies to the list of issues ([CCPR/C/IRN/RQ/4](#)).

24. **A representative of the Islamic Republic of Iran** said that information on access to justice, the independence of the judiciary and the right to a fair trial could be found in paragraphs 67 to 77 of the replies. Proceedings before the revolutionary courts, like those before other domestic courts, were required to respect fair trial guarantees.

25. **A representative of the Islamic Republic of Iran** recalled that the country had acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto and said that it had received a large number of Afghan nationals over the previous four decades in a manner that went beyond its international obligations. Since the deterioration of the humanitarian situation in Afghanistan in 2021, the Islamic Republic of Iran had welcomed a significant Afghan refugee population, which was currently estimated to number around 5 million individuals. There had been no impartial international reports of violations of that population's human rights. Most of the Afghans who entered the Islamic Republic of Iran did not intend for it to be their final destination, with the result that few of them applied for refugee status and many remained in the country illegally. To assist Afghan refugees, the authorities had established 87 schools, 150 health centres and 15 non-governmental refugee organizations, in addition to granting them health insurance, including them in coronavirus disease (COVID-19) vaccination plans and providing some 3,000 of them with vocational education and training. More than 600 Afghan children were currently benefiting from free education.

26. The Government, while expressing its gratitude for the assistance provided by the Office of the United Nations High Commissioner for Refugees, called on the international community to lift the cruel and oppressive sanctions imposed on the Islamic Republic of Iran, which ran counter to article 1 (2) of the Covenant and undermined its efforts to support Afghan refugees.

27. Over 4,000 law enforcement officers had lost their lives in the fight against drug and arms trafficking, as part of which numerous measures were being taken in border areas. Such measures did not, however, include the use of coercive force, allegations of which the Government firmly rejected. Efforts were made to facilitate the repatriation of the remains of Afghan nationals who died and to enable Afghan nationals wishing to return to Afghanistan to do so.

28. **A representative of the Islamic Republic of Iran** said that consideration of the user protection bill was not on the agenda of the parliament. The rights to privacy and to the protection of honour and reputation were enshrined in the Constitution, the Act on Dissemination and Free Access to Information and a number of cybercrime laws. Eavesdropping and wiretapping of private conversations, including by government officials, had been criminalized and were punished. In the conduct of investigations into alleged offences, domestic law imposed an obligation to respect the confidentiality of information and content not germane to those investigations and to ensure that questions asked during interrogations were useful and relevant to the charges brought or offences alleged. The unwarranted confiscation of laptops and other devices was prohibited and could be reported through a specific complaint and compensation mechanism.

29. Iranian citizens had access to a variety of social media. However, as in many other countries, and as permitted under the Covenant, restrictive measures were occasionally adopted to protect national security and public order. Unfortunately, there had been several recent incidents of abuse of information and communications technology to disseminate disinformation, hate speech and isolationist discourse. Countermeasures restricting access to some social media were temporary, as the Government considered free access to information to be a basic right.

30. **A representative of the Islamic Republic of Iran**, drawing attention to paragraphs 103 to 106 of the replies to the list of issues, said that the Government was committed to protecting religious minorities, in keeping with the country's centuries-old tradition of cultural diversity and peaceful coexistence. Pursuant to article 14 of the Constitution, religious discrimination and stereotyping were not permitted, and non-Muslims were to be treated fairly, with respect for their human rights. The freedoms of religion, conscience and expression were conditional on the preservation of public security, order, health and morality. Consequently, religious, political and other bodies could carry out activities only after they had received official authorization to do so. Many associations and places of worship had been established for religious minorities, whose right to practise their faith had been upheld in domestic court decisions and had been promoted through interfaith conferences and seminars. Minorities were free to organize celebrations and other events and to publish material in their own languages. Courses on Armenian language and literature were taught at universities in Isfahan and Tehran.

31. Under article 64 of the Constitution, Zoroastrians, Jews, Assyrian and Chaldean Christians, Armenian Christians in the north of the country and Armenian Christians in the south of the country were each entitled to elect one representative to the parliament. Representatives who belonged to religious minorities could take their oath of office on their own holy book. Guidelines for the appointment of officials to "sensitive positions" had been approved by the Guardian Council and transmitted to the authorities responsible for their enforcement.

32. **A representative of the Islamic Republic of Iran** said that freedom of speech was enshrined in multiple laws, and no authority had the power to pressure, control or censor the media. Furthermore, the State supported mass media and the population's right to access to information and was strongly committed to following up on any violations in that regard. Working groups had been set up to detect cybercrimes and report to the Ministry of Communication and Information Technology. Restrictions had been placed on Internet access to prevent terrorist groups from infiltrating otherwise peaceful protests. Despite those measures, some actors had managed to post indecent content and convey misinformation to the population, in breach of the right to accurate information. Nearly 13,400 domestic and over 170 foreign media outlets were active in the country, and more than 200 permits had been granted to foreign journalists.

33. **A representative of the Islamic Republic of Iran** said that people had the right to march and assemble provided that they did not carry weapons. Meetings and public assemblies of different parties and associations took place on a daily basis with no need for a permit. The problem arose when terrorist groups used online platforms to spread hate and fear and turned peaceful protests into riots. An instruction had been issued on the maintenance of order and security during assemblies, and a comprehensive bill on marches, demonstrations, rallies and assemblies was currently before the parliament.

34. **Ms. Bassim** said that she would welcome information about reports that persons whose occupation required them to cross into the State party, such as Kurdish couriers and Turkmen fishers, were shot at and sometimes killed.
35. **Mr. Gómez Martínez** said that he would appreciate a more detailed explanation of the jurisdiction of the revolutionary courts so as to better understand why the authorities had established bodies separate from the ordinary courts. Did judges in the revolutionary courts receive the same training as their counterparts in the ordinary courts?
36. **Mr. Quezada Cabrera** asked how the recently adopted legislation curtailing the independence of the bar association and empowering the Ministry of Economic Affairs to issue and revoke law licences were in line with the principle that lawyers should be able to practise freely and independently without fear of reprisals.
37. **Mr. Carazo** said that he wished to know whether the State party would consider amending the 1991 document that had led to discrimination and human rights violations against the Baha'i, how many Baha'i temples there were in the State party and whether it intended to decouple access to justice from religious considerations. He would appreciate information about the prevalence of female genital mutilation and the measures taken to eliminate the practice.
38. **Mr. Helfer** said that the Committee was eager to read the reports of the working groups on cybercrime, if they were public, and would welcome more details concerning the comprehensive bill on marches and the instruction on the order and security of assemblies.
39. **Mr. Soh** said that he had not heard a reply to his questions regarding travel bans, allegations of targeted surveillance, the current status of the user protection bill and any plans to amend or repeal it, and the individuals convicted under articles 499 bis and 500 bis of the Criminal Code.
40. **Mr. Yigezu** said that he would appreciate further information on the functioning of the asylum system, in particular whether decisions were appealable and, if so, whether appeals were heard by an impartial body.
41. **A representative of the Islamic Republic of Iran** said that measures had been taken regarding persons living in border areas, including the creation of a website on trade activities in those areas and the dissemination of information on the status of tradespersons. The exercise of human rights, including freedom of expression and the right to peaceful assembly, should never be a cause for arrest and detention; however, it could not be used as a pretext for committing offences and disrupting public order and security. A review of the 2022 protests had shown that the Government had demonstrated considerable flexibility, especially with regard to amnesties. It would follow up on cases of violations committed in the context of protests.
42. **A representative of the Islamic Republic of Iran** said that, following transparent procedures governed by law, permits had been issued by the relevant authorities to nearly 140 political parties, 480 trade and specialized associations, 9,500 non-governmental organizations, including over 70 that had consultative status with the Economic and Social Council, and 14,000 employer associations. Applicants had to have a clean criminal record, and associations must refrain from engaging in activities unrelated to their field. Elections were held in a transparent manner in keeping with the relevant laws and in a spirit of political pluralism. Awareness-raising was conducted to inform stakeholders of campaign rules, including the ban on insults and defamation based on ethnicity, religion or any other social or political affiliation. The Islamic Republic of Iran had never been based on a minority-versus-majority dichotomy. On the contrary, its national identity had been forged from different ethnicities.
43. **Mr. Bahreini** (Islamic Republic of Iran) said, with regard to the number of cases of early marriage, that 43,000 such cases had been registered.
44. **Mr. Najafi** (Islamic Republic of Iran) said that the dialogue had been instrumental in fostering a deeper understanding of the complexity and nuances involved in safeguarding civil and political rights. He appreciated the fact that, diverging opinions notwithstanding, the Committee had been encouraging and had shown an understanding of the particular

cultural diversity of the Islamic Republic of Iran. However, the State did not consider itself legally bound by notions that fell outside the scope of the Covenant. It remained committed to the principles enshrined in both its Constitution and the Covenant and was steadfast in its pursuit of a more prosperous society in which the rights and freedoms of all individuals were protected.

45. While he thanked the Committee members for their technical questions and valuable contribution to the dialogue, he regretted that one member, with complete disregard for the Committee's mandate, had levelled a baseless allegation at a member of the delegation in connection with the unlawful unilateral sanctions imposed by the European Union. Ms. Zohreh Elahian was the well-respected Chair of the parliamentary committee on human rights; like many others, she had been the object of a misinformation campaign.

46. The imposition of unilateral coercive measures against his nation and the abuse by certain Western countries of United Nations human rights mechanisms were among the challenges that the Committee should take into consideration. Nevertheless, the State was fully aware of the areas where it needed to redouble its efforts to ensure the effective implementation of civil and political rights and was eager to continue collaborating with the Committee.

The meeting rose at 1.05 p.m.