

**Concluding Observation Committee on Economic, Social and Cultural Rights
E/C.12/IRN/CO/2 para 22**

Full recommendation:

The Committee recommends that the State party take steps to ensure that ownership of houses and land, in particular in rural areas, is formally registered, and that the State party actively raise awareness among affected groups of the population, including through the dissemination of knowledge, on relevant legal provisions and registry procedures. It recommends that the State party take steps to prevent arbitrary interpretations of article 49 of the Constitution, and to ensure that persons affected by such confiscations have access to an adequate remedy, restitution of their property, and compensation, as appropriate, including in line with the Committee's general comment No. 7 (1997) on forced evictions. The Committee also requests the State party to include in its next periodic report information on the extent and the root causes of homelessness in the State party. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.

Assessment using Impact Iran human rights indicators¹

- A. The Committee recommends that the Islamic Republic of Iran take steps to ensure that ownership of houses and land, in particular in rural areas, is formally registered, and that the Islamic Republic of Iran actively raise awareness among affected groups of the population, including through the dissemination of knowledge, on relevant legal provisions and registry procedures.**

There are currently laws recognizing the right to own and register property in rural areas.² Its executive regulations have also been prepared and approved by the government.³ According to this regulation, the method of registering the property and the steps of receiving the ownership document are specified.⁴ In addition, Article 140 of the Law on the Third Development Plan of the Islamic Republic further emphasizes this issue, obliging the Housing Foundation of the Islamic Revolution to carry out technical and bureaucratic measures for all villages with more than 200 households.⁵

¹ ESCR.11.1.S.2; ESCR.11.1.S.4; ESCR.11.1.P.2; ESCR.11.1.P.1; ESCR.11.1.O.2; ESCR.11.1.O.3; ESCR.11.1.O.1

² The Law on Issuance of Land Ownership Documents subject to land reform in villages and cities covered (adopted on November 2, 1993): < <https://rc.majlis.ir/fa/law/show/92312> >

³ The Regulation of implementation of the Law on Issuance of Land Ownership Documents subject to land reform in the villages and cities covered (adopted on April 23, 1995): < <https://rc.majlis.ir/fa/law/show/116054> >

⁴ Article 2 of the Regulation mentioned in footnote 2.

⁵ Executive Regulations of Article 140 of the Law on the Third Economic, Social and Cultural Development Plan of the Islamic Republic of Iran (adopted on August 20, 2000) < <https://rc.majlis.ir/fa/law/show/120635> >

Article 1 of the executive regulations of this law obliges the "Property Registration Organization" to provide information in this regard and to publish the content of the advertisement in the public information.⁶

According to media reports, a significant percentage of villagers are still unable to document ownership and registration of their property. For example, according to a report published by Young Journalists' Club, affiliated with the Islamic Republic of Iran Broadcasting) in July 2020, 30% of the villagers in Zanzan Province still do not have a title deed.⁷ Moreover, according to another report published by Sazandegi Newspaper on June 26, 2016, the residents of a village in Kerman Province have been waiting for more than 10 years to receive property documentation and register their ownership.⁸

B. The Committee recommends the Islamic Republic of Iran take steps to prevent arbitrary interpretations of article 49 of the Constitution, and to ensure that persons affected by such confiscations have access to an adequate remedy, restitution of their property, and compensation, as appropriate, including in line with the Committee's general comment No. 7 (1997) on forced evictions.

In 1979, a foundation was established to provide housing for the poor and low-income groups called the Housing Foundation of the Islamic Revolution, responsible for many projects with a significant role in this area till date.⁹ The foundation was initially set up to use the houses confiscated in the beginning of the revolution in order to provide adequate housing for people who needed it. These confiscations were not entirely legal, and many of these houses are still being held by various institutions, violating the right of many citizens to own property.¹⁰

Article 49 of the Constitution was used by the revolutionary courts in the post-revolutionary years to seize or confiscate the property of many officials and affiliates of the Pahlavi Dynasty ousted by the revolution in 1979. In the early years after the adoption of the Constitution of the Islamic Republic, this article was implemented at the discretion of the revolutionary courts and the prosecutors of the revolutionary courts throughout the country. Later, on August 8, 1984, the law on the implementation of this principle was prepared and approved.¹¹ The law sought to regulate the application of this article and to clarify its examples. Nevertheless, the revolutionary

⁶ Article 1, The Regulation of implementation of the Law on Issuance of Land Ownership Documents subject to land reform in the villages and cities covered (adopted on April 23, 1995): <<https://rc.majlis.ir/fa/law/show/116054>>

⁷ "Issuance of title deed for 69% of rural housing units (in Zanzan)": <<https://www.yjc.ir/00V9vu>>

⁸ "10 years of waiting for the people of one of the villages of Kerman province to receive property registration documents": <<https://tn.ai/2302164>>

⁹ The Housing Foundation of the Islamic Revolution: <<https://bonyadmaskan.ir/>>

¹⁰ ISNA news agency report, June 24, 2018: "The fate of post-revolutionary confiscations" <<https://www.isna.ir/news/97040300957/>>

¹¹ The Law to Implementing Article 49 of the Constitution: <<https://rc.majlis.ir/fa/law/show/90948>>

courts still played a key role in enforcing this principle.¹² An issue that led to arbitrary actions in many cases.

Processing complaints regarding the right to property and property confiscations has remained challenging in the Islamic Republic. The General Assembly¹³ of the Supreme Court, once on May 19, 1992, in its "Unity of Procedure" announced that the investigation of the complaint of "individuals" and "legal entities" individuals to recover confiscated property, is in the special jurisdiction of the "General Legal Courts".¹⁴ A year later, on May 6, 1993, the General Assembly changed its mind, and declared that the "revolutionary courts" are competent to hear and process complaints.¹⁵ At present (2020), the claim of ownership of "individuals" or "legal entities" in relation to the property confiscated by the ruling of the Islamic Revolutionary Court is subject to the special jurisdiction of the "Revolutionary Courts".

Reports indicate that the existing enforcement mechanism is still ineffective and needs further follow-up. Still, in recent years, there have been reports of individuals filing complaints and being able to reclaim confiscated property.^{16 17}

C. The Committee requests the Islamic Republic of Iran to include in its next periodic report information on the extent and the root causes of homelessness in the State party. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.

As of February 2021, the Islamic Republic of Iran has not submitted its next periodic report to the Committee (due initially in 2018).¹⁸

Despite the existence of legislative provisions covering the registration of housing and mechanisms to process property confiscation complaints, reports continue to indicate that issues remain in terms of registering housing and processing confiscation complaints. This notwithstanding, a number of rural inhabitants have been able to register their housing in the last

¹² Article 3 of the Law to Implementing Article 49 of the Constitution.

¹³ It is the highest entity to determine ruling on any legal issue that is facing varrying interpretations by different courts.

¹⁴ The Supreme Court rolling issue number 575: <<https://rc.majlis.ir/fa/law/show/101477> >

¹⁵ The Supreme Court rolling issue number 581: <<https://rc.majlis.ir/fa/law/show/101486> >

¹⁶ Mahmoud Alizadeh Tabatabai, lawyer, was interviewed by the Sazandegi Newspaper on December 24, 2018. He stated: "Cases related to confiscated property are still active in courts. Those who did not have any wealth other than property, with their property confiscated, without them being allowed to enter or leave the country should submit a complaint through a lawyer. He further stated, "Many were able to get their property, and many filed lawsuits in Algerian courts[according to [Algeria Accords](#)], where they were able to get their property back and file lawsuits by proving their dual citizenship." <<http://sazandeginews.com/News/814> >

¹⁷ This part of the recommendation needs to be completed by looking at Iran's possible report after this recommendation [The Committee also requests the State party to include in its next periodic report information on the extent and the root causes of homelessness in the State party.]

¹⁸ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=IRN&Lang=EN

few years, even though many remain unregistered. Considering this information, this recommendation has been partially implemented.

Recommendation status:

This recommendation has been **PARTIALLY** implemented.