

Concluding observation Committee on Economic, Social and Cultural Rights E/C.12/IRN/CO/2 para 24

Full recommendation:

The Committee urges the State party to refrain from forcibly evicting individuals and expropriating land in the context of development projects, including in regions traditionally inhabited by ethnic minorities. It recalls that in cases where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law. In this regard, the Committee draws the State party's attention to its general comment No.7 (1997) on forced evictions, which includes guidance on, inter alia, adequate legal remedies, adequate compensation, and effective and meaningful consultation.

Assessment using Impact Iran human rights indicators¹

The Urban Land Act is a law that empowers municipalities to develop and implement urban development plans to build housing and improve community welfare.² In some of these development projects, land or personal property is included in the scope of the plan, and the municipalities, or the Ministry of Housing and Urban Development, are required to purchase the land from its owners. Article 9 of this law deals with the conditions and regulations on how to acquire such lands.³ Note 6 of this article allows the municipalities or the government that in case of non-compliance of the owner with the sale of the property, the value of the property will be deposited in the account of the "Registration Fund" of the region and after the owner refers, this amount will be paid to him, or be exchanged for another piece of land. In general, according to the Law on Urban Land⁴ and its executive regulations⁵, if land or property is included in a development plan approved by the municipality, or the Ministry of Housing and Urban Development, in practice there is no possibility of opposition from the owners and laws and regulations are not on the side of the private owners.

In this context, there are no legal protections in Iranian legislation specifically addressing forced evictions. Article 31 of the Constitution of 1979 indirectly addresses this issue by mandating that "Every Iranian individual and family is entitled to a dwelling appropriate to its needs". The Civil Code of the Islamic Republic of Iran addresses government appropriation of land in its article 26, as it the seizure of property by the government if this act is in 'the best interest of the province,

¹ ESCR.11.1.S.2

ESCR.11.1.P.2 ESCR.11.1.O.3

² <https://shenasname.ir/organs/vezarat/rah/1528-1366>

³ <https://shenasname.ir/organs/vezarat/rah/1528-1366>

⁴ <https://shenasname.ir/organs/vezarat/rah/1528-1366>

⁵ <https://rc.majlis.ir/fa/law/show/114360>

city or region'. This article fails to include mentions of any protection or appeal process nor of possible compensation for victims of forced evictions under the law.

There are no reports of any appeals made in order to prevent evictions or demolitions, despite the fact that it is possible to appeal such actions, and there are no legal procedures one can use to seek compensation after an eviction. Similarly, there are no published report of rehabilitated or resettled individuals.

There is a lack of recent reports of major forced evictions in regions inhabited by ethnic minorities, yet non-governmental sources and UN special procedures have reported on cases of mass evictions such as the displacement of between 200.000 and 250.000 Arabs in Khuzestan due to government development projects in 2005.⁶ In the same year, leaked government documents revealed the state's policy to alter the demographic composition of Khuzestan through transferring a non-Arab population into the area.

More recently, there are reports of cases where authorities have attempted to dismantle informal housing areas through demolitions and forced evictions due to claims that their housing buildings had been built on illegal terrain, resulting in civilian casualties as was the case with the death of an elderly woman in the Kurdish-majority region of Kermanshah.⁷

As forced evictions has not ceased in Iran, this recommendation has not been implemented.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁶ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁷ <https://english.alarabiya.net/en/News/middle-east/2020/06/02/Elderly-woman-dies-in-Iran-amid-forced- eviction-destruction-of-her-home>