

Concluding Observation Human Rights Committee CCPR/C/IRN/CO/3 para 30

Full recommendation:

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language in media and schools, participate in public affairs and are provided with effective remedies against discrimination.

Assessment using Impact Iran human rights indicators¹

A. Ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are provided with effective remedies against discrimination

Article 14 of the Constitution sets out that the government and Muslims in Iran are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their citizen rights.”² Additionally, although Article 19 of the Constitution protects the equal rights of “ethnic group or tribe” regardless of “colour, race, language, and the like”, it omits an explicit provision recognising religion or belief as a protected characteristic against discrimination.³ Article 23 of the Constitution stipulates that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”⁴

These protections, however, only apply to those “who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.”

The Constitution of the Islamic Republic of Iran names the Twelver *Ja’fari* School of *Shia* Islam as the state religion. Only Muslim minorities (including Sunnis), Zoroastrian, Jewish and Christian Iranians are recognized under the Constitution.⁵ Because there are no laws

¹CCPR.18.1.S.1; CCPR.18.2.S.1; CCPR.18.3.S.1; CCPR.18.4.S.1; CCPR.25.1.S.3; CCPR.27.1.S.1; CCPR.27.2.S.1; ESCR.2.2.S.1

CCPR.18.1.P.1; CCPR.18.1.P.2; CCPR.18.2.P.1; CCPR.18.3.P.1; CCPR.18.4.P.1; CCPR.25.1.P.1; CCPR.27.1.P.1; CCPR.27.1.P.2; CCPR.27.2.P.1; CCPR.27.2.P.2; ESCR.2.2.P.2; CCPR.18.1.O.4; CCPR.18.1.O.5; CCPR.18.1.O.6; CCPR.18.2.O.1; CCPR.18.2.O.2; CCPR.18.3.O.1; CCPR.18.4.O.1; CCPR.18.4.O.2; CCPR.25.1.O.1; CCPR.27.1.O.2; CCPR.27.2.O.2; ESCR.2.2.O.1

² The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁵ Articles 12 and 13 of the Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

safeguarding the right of religious minorities to worship, maintain places of worship or assembly, the structural exclusion of other religious minorities leaves them without legal protection to manifest and practice their religion or belief. Further, regulations may actively discriminate against members belonging to unrecognized religious minorities. For instance, a new rule proclaimed in January 2020, will only allow citizens to register as one of the country's recognised religions to the state-issued National Identity Card—which is required for almost all administrative and other procedures.⁶ A bill currently under the review of the Iranian Parliament would criminalise “any deviant educational or proselytizing activity that contradicts or interferes with the sacred law of Islam” when it is, among others, part of a “sect,” or through the use of “mind control methods and psychological indoctrination.” As stipulated by the Human Rights Committee, the mere ‘contradiction’ or ‘interference’ with the State’s official religion is not a permissible ground for the restriction of the right to religion or belief.⁷ Additionally, such bill may well disproportionately affect individuals belonging to unrecognised religious minorities, such as the *Baha'is*, numbering 350,000 in Iran,⁸ who are often arrested and detained on the basis of their religious beliefs, notably on the charge of proselytising the *Baha'i* faith.⁹

Many elements of Iran's domestic legal framework discriminate between *Shia* Muslims, Muslim and non-Muslim minorities, including also recognised minorities. According to the Constitution of the Islamic Republic of Iran, candidates for the presidency must follow the official religion of the State, as well as for members of the Assembly of Experts, the Guardian Council or the Expediency Council, excluding Muslim and non-Muslim minorities from holding high governmental positions.¹⁰ Further, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims. The Islamic Penal Code (IPC) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes.

The lack of legal safeguards enables the Iranian authorities to restrict the rights of members belonging to religious minorities and even to criminalize a wide range of their peaceful activities. Reports have shown that religious minorities in the Islamic Republic of Iran face human rights violations such as arbitrary deprivation of life and extrajudicial executions, a disproportionate number of executions on national security-related charges; arbitrary arrests and detention in connection with range of peaceful activities, incitement to hatred, forced closure of businesses

⁶ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2020/01/bahais-unrecognized-minorities-in-iran-must-now-hide-religion-to-obtain-government-id/>

⁷ UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, available at: <https://www.refworld.org/docid/453883fb22.html>

⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

⁹ ARTICLE19, <https://www.article19.org/resources/iran-lawmakers-must-urgently-drop-the-bill-that-criminalises-fundamental-rights-and-freedoms/>

¹⁰ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

and discriminatory practices and denial of employment and restrictions on access to education and other basic services.¹¹

Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “colour, race, language, and the like, do not bestow any privilege.”¹² Article 20 of the Constitution states that “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.” While the government does not consider the existence of ethnic minorities in Iran,¹³ Arabs, Azerbaijani Turks, Baluchis and Kurds face targeted discrimination on the basis of their identity and are generally sidelined from general public services, including education and health care.

For instance, the use of minority languages is effectively restricted under the Constitution, notably in school where the teaching of a minority language is only permitted for literature classes. The Ministry of Education has reportedly circulated reminders to teachers and school administrators that the use of Kurdish and Turkish languages inside public schools is forbidden.¹⁴ Furthermore, Kurdish language teachers have been facing harassment and persecution.¹⁵

In 2018, prison data showed that at least three quarters of Iran’s political prisoners are from ethnic minorities.¹⁶ Current statistics from the NGO United for Iran indicate that a majority of current prisoners of consciences are Kurds.¹⁷ Ethnic minorities, especially Kurds and Baluchis, are over-represented in death penalty statistics. Many of the offenses carrying the death penalty, in particular drug-related offenses and national security offenses, are among the charges most commonly used to target and convict minorities. Impoverished and marginalised minorities have been over-represented among those executed for drug offenses. Additionally, Kurdish political prisoners charged with national security offences represent almost half of the total number of political prisoners. Overall, half of those executed for affiliation with a political party or a banned group between 2010 and 2018 were Kurds, while a quarter were Baluchis and over one-tenth Arabs. There have also been serious concerns over the secret executions of Ahwazi Arab

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

¹² The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹³ At its Universal Periodic Review in 2019, the Government stated that « All ethnic groups constitute part and parcel of the Iranian nation and no one is considered as ethnic minority”, Report of the Working Group on the Universal Periodic review, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

¹⁴ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁵ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹⁶ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁷ United for Iran, <https://ipa.united4iran.org/en/prisoner/>

prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.¹⁸

Since February 2018, members of the *Gonabadi Dervishes* faith have faced a crackdown, with hundreds arrested following a peaceful protest and over 200 sentenced to lengthy prison terms, flogging and other punishments.¹⁹ Dozens remained imprisoned on charges including “gathering and colluding to commit crimes against national security.”²⁰ Reports have shown that members of the Christian converts minority were regularly being arrested on the charges of “Christian activity” or “acting against national security through propaganda against the regime.”²¹ Members of the *Baha’i* faith, have faced a range of charges for manifesting their faith, including “collusion and assembly against national security” and “formation and management of an illegal *Baha’i* group with intent to disturb national security.”²²

While it is technically possible to file discrimination complaints with the Administration of Justice Court, the Parliament’s Article 90 Commission, and the Oversight Bodies for the exercise of Citizenship Rights in the country’s provincial courts, there is no evidence that judicial actions are taken in response to complaints.²³ There is no official and readily available information that indicate that victims are provided with remedies when complaints are addressed. Hate crimes, such as motivated killings and desecration of cemeteries, particularly against *Baha’is*, have not been investigated by the Iranian authorities.^{24 25}

In light of the above the Islamic Republic of Iran has not ensured that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are provided with effective remedies against discrimination.

B. Ensure that all members of ethnic and religious minorities are able to enjoy their own culture and are able to use their own language in media and schools

Article 15 of the Constitution of the Islamic Republic of Iran identifies Persian as the official language but permits the use of “regional and ethnic languages in the press, the mass media, and

¹⁸ Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

¹⁹ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/living-under-suppression-the-situation-of-gonabadi-dervishes-in-iran/>

²⁰ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1318292020ENGLISH.PDF>

²¹ EN-HRANA, <https://www.en-hrana.org/a-report-on-fateme-mary-mohammadi>

²² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

²³ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

²⁴ Ibid.

²⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

the teaching of their literature at schools, alongside the Persian language...”²⁶ However, the restrictive language of Article 15 does not fully protect the right of minorities to learn and teach in their mother tongue. Although Article 101 of the Charter on Citizens’ Rights recognises the right of citizens to learn, use and teach their own local language and dialect,²⁷ the Charter is not legally binding.

Despite these restricted legal guarantees, the Special Rapporteur on the human rights situation in the Islamic Republic of Iran raised concerns about reports of Kurdish, Ahwazi Arab and Azerbaijani-Turk (or Azeri-Turk) lacking access to education in their mother tongues.^{28 29} These concerns were echoed by the U.N Secretary General,^{30 31 32} who noted that reports indicating that members of ethno-linguistic minorities, including the Azeri community as well as Arabs, were being denied the opportunity to teach their language in schools.³³ The reported State-imposed ban on Azeri-Turkish being taught in school would go some way in explaining such struggle.³⁴ Additionally, teachers need to obtain a state-issued permit to be able to teach the Kurdish language.³⁵ Kurdish language teachers are reportedly persecuted.³⁶ In 2016, reportedly up to 40,000 Ahwazi Arab children were denied access to education for failing the Farsi language proficiency test, although Farsi is their second language.³⁷ A lack of teaching in a child’s mother tongue has reportedly been causing high school dropout and illiteracy rates, notably among Azeri³⁸ and Ahwazi Arab children.³⁹

There is no readily available information that might indicate the existence of governmental measures and/or policies aiming at providing access to education based on the national curriculum in the native languages of ethnic minorities, in particular in Azeri, Kurdish, Arabic and other languages. In 2019, Rezvan Hakim Zadeh, deputy of the regime’s elementary

²⁶ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

²⁷ Charter on Citizens’ Rights, English translation, <http://president.ir/en/96865>

²⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

²⁹ See more: Association for the human rights of the Azerbaijani people in Iran, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19735_E.pdf

³⁰ IRNA News, www.irna.ir/news/83404283/ (in Farsi).

³¹ Report of the U.N. Secretary General, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf

³² Ibid.

³³ Report of the U.N. Secretary General, August 2019, <https://undocs.org/en/A/74/273>

³⁴ Center for Human Rights in Iran, <https://iranhumanrights.org/2019/03/irans-intelligence-ministry-slaps-azeri-rights-activist-with-new-charges-claim-hes-organizing-protests-from-prison/>

³⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019, <https://undocs.org/A/74/188>

³⁶ Ibid.

³⁷ UNPO, <https://unpo.org/article/19590>

³⁸ Association for the human rights of the Azerbaijani people in Iran, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19735_E.pdf

³⁹ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2013/10/khuzestan-teachers/>

education department, reportedly announced that the health assessment plan for pre-school children will include an evaluation of the children's level of proficiency and comprehension in Persian.⁴⁰ Children who fail to pass the assessment will not be able to attend State kindergartens, therefore severely limiting access to pre-primary education for children from ethnic minorities, such as the Ahwazi Arabs, Turks, Kurds and Balochs who will be directed to an intensive training in the Farsi language.

In light of the above, the Islamic Republic of Iran has not ensured that all members of ethnic and religious minorities are able to enjoy their own culture and are able to use their own language in media and schools.

C. Ensure that all members of ethnic and religious minorities are able to participate in public affairs

Representation and participation in public affairs by members of ethnic nationalities or religious minorities is limited. For instance, the Iranian Constitution places religious requirements on certain high-ranking positions. The President, the Supreme Leaders, members of the Guardian Council, of the Assembly of Experts and of the Expediency Council must all adhere to Shia Islam.⁴¹ These constitutional rules exclude persons belonging to religious minorities, such as the Sunnis, Jews, Christians, Zoroastrians, Yarasani or Baha'is from these key positions. It also indirectly excludes most Kurds, Turkmen and Baloch who are Sunni in majority. No province governor belongs to an ethnic minority. As of February 2021, none of the provinces that are populated in majority by minority groups, like Kurdistan, Sistan-and-Balochistan, Golestan, East and West Azerbaijan, is run by a person belonging to that minority.⁴²

Positive developments have been slow and limited in scope, like the appointment by the government of three Sunni county governors belonging to the Turkmen, the Baloch and the Kurd minorities in 2017 and 2018. There are 324 counties in Iran, and therefore less than 1% are currently headed by a person belonging to an ethnic minority. While President Rouhani created a new post of Special Assistant to the President for Ethnic and Religious Minorities' Affairs after his election in 2013, the person appointed to this position does not belong to any ethnic or religious minority himself.⁴³

In municipal executives as well, minorities remain largely under-represented. In September 2017, protests erupted in Ahwaz after the results of municipal elections showed that only three

⁴⁰ ISNA News <https://www.isna.ir/news/99031005237/>

⁴¹ The Constitution of the Islamic Republic of Iran, Articles 5, 91, 109, 111 and 115. <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴² Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

⁴³ Ibid.

out of 13 seats on the municipal council had been won by Arab candidates, which many suspected was the result of fraud. The Baluchi, Kurdish and Turkmen minorities are also underrepresented in high-and-medium-ranking political posts according to Minority Rights Group International.⁴⁴

Additionally, Members of minorities face serious hurdles in accessing public sector employment due to the gozinesh process.⁴⁵ Such process bars de facto minorities or anyone who are unable or unwilling to accept religious requirements (notably adhering to Islam) from seeking employment in the public sector.^{46 47 48}

Recommendation Status:

This recommendation has **NOT** been implemented.

⁴⁴ Minority Rights Group International, Ceasefire Centre for Civilian Rights, Centre for Supporters of Human Rights, Rights Denied: Violations against ethnic and religious minorities in Iran, March 2018, p.28, accessible at: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁴⁵ See <http://rc.majlis.ir/fa/law/show/92541> (in Persian).

⁴⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

⁴⁷ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2017/05/most-yarsani-religious-minority-candidates-disqualified-from-irans-2017-councils-elections/>

⁴⁸ Baha'i International Community, Submission to the Universal Periodic Review of Iran, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/3>