

Concluding Observation Committee on Economic Social and Cultural Rights E/C.12/IRN/CO/2 para 6

Full recommendation:

The Committee urges that the State party take steps to ensure that people with beliefs other than the religions recognized by the State party can fully enjoy all aspects of economic, social and cultural rights, without any discrimination.

Assessment using Impact Iran human rights indicators¹

Discrimination on the basis of religion is not expressly prohibited by the Iranian Constitution. This leads to situations in which members of certain religious minorities can see the exercise of their economic, social and cultural rights being restricted.

The Constitution of the Islamic Republic of Iran names the Twelver *Ja'fari* School of Shia Islam as the state religion and stipulates that “other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites” (Article 12).² Article 13 of the Constitution provides that the Zoroastrian, Jewish, and Christian Iranians “are the only recognised religious minorities” under Iranian law. Given that there are no laws 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.

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”.³ However, the Constitution omits an explicit provision recognising religion, or belief, as a protected characteristic. 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”.⁴ Additionally, 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

¹ ESCR.6.1.S.3; ESCR.15.1.1.S.1; ESCR.13.1.S.1
ESCR.6.2.P.2; ESCR.14.1.P.1; ESCR.15.1.1.P.2; ESCR.13.1.P.2
ESCR.6.1.O.3; ESCR.15.1.1.O.1; ESCR.13.1.O.4

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

³ Ibid.

⁴ Ibid.

belief”.⁵ The Constitution also protects the right for all to choose a profession that is “not contrary to Islam”⁶ and guarantees free education, up till secondary school, for everyone.⁷

However, as freedom of religion or belief is not legally protected under Iranian legislation and as the enjoyment of economic, social and cultural rights is conditional on whether an individual is “in conformity with Islamic criteria”, religious and ethnic minorities’ rights are not adequately protected under the Iranian legal framework. In practice, this leads to the discrimination of members of religious minorities in Iran.

Reports have shown that religious minorities, recognized and not recognized, 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 a range of peaceful activities, incitement to hatred, forced closure of businesses, discriminatory practices and denial of employment, and restrictions to accessing education and other basic services.⁸ A new rule proclaimed in January 2020, will only allow citizens to register as belonging to one of the country’s recognised religions, in order to obtain the state-issued National Identity Card—which is required for almost all administrative and other procedures.⁹

Employment in the public sector is based on the practice of *gozinesh*, a mandatory screening process set forth in the Selection Law based on Religious and Ethical Standard of 1995.¹⁰ As described by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the process “involves investigations conducted by the Supreme Selection Council and the Ministry of Intelligence into the acceptability of an applicant’s beliefs, previous political opinions and affiliations” and is intended to ensure that applicants “adhere to and have knowledge of Islam, follow the theory of *Velayat-e-faqih* (rule of an Islamic jurist under Shi’ite Islam) and are loyal to the Islamic Republic of Iran.”¹¹ Not only does *gozinesh* contradict Article 23 of the Constitution, it also bars minorities, or anyone who is unable or unwilling to accept these requirements, from seeking employment in the public sector.¹² Members of religious and ethnic minorities have reportedly been the target of denial of employment in the Islamic Republic of Iran.¹³ For example, members of the Yarsan community reported that they were

⁵ Ibid.

⁶ Article 28, The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁷ Article 30, The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁸ 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>

⁹ 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/>

¹⁰ Amnesty International, 2012, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/A/74/188>

¹² Ibid.

¹³ Ibid.

denied professions in the public sector due to the requirements that stemmed from the *gozinesh*.¹⁴ Members of the *Baha'i* faith have been reportedly barred from employment in the public sector.¹⁵

The official policy of the Iranian government against *Bahá'í* citizens is summarized in a government memorandum¹⁷ obtained in 1993 by the UN Special Representative on the Human Rights Situation in the Islamic Republic of Iran. Produced in 1991 by Iran's Supreme Revolutionary Cultural Council and approved by the Supreme Leader, Ali Khamenei, this document, entitled 'The *Bahá'í* Question', sets forth specific guidelines for dealing with the *Bahá'ís*. It states that "[t]he government's dealings with [*Bahá'ís*] must be in such a way that their progress and development are blocked". It outlines a series of measures that effectively restrict the educational, economic, and cultural opportunities for Iranian *Bahá'ís*. Although the Government affirmed that the *Baha'is* had not been singled out for discrimination,¹⁸ the document remains in force today. On 29 August 1983, the Iranian Attorney General announced a legal ban on all *Bahá'í* administrative and community activities in Iran, making membership of *Bahá'í* administrative institutions a criminal offence.¹⁹ On 26 March 2018, the Supreme Leader Ali Khamenei issued, via his website, a new religious decree (*fatwa*) concerning "association and dealing with *Baha'is*". He stated that, "[y]ou should avoid any association and dealings with this perverse and misguided sect."²⁰

During its last Universal Periodic Review session, the government of the Islamic Republic of Iran affirmed that minorities were free to choose their schools.²¹ However, following a new initiative by the Ministry of Education entitled Project *Mehr*, the Minister of Education Mohsen Haji-Mirzaei announced on September 11th, 2019 that "If students say that they follow a faith other than the country's official religions and this is seen as proselytising, they cannot continue attending school".²² The project would give schools increased authority to deny education to students who belong to religious minorities. In July 2020, a school reportedly expelled a secondary school student after the student mentioned that he was a member of the *Baha'i* faith.²³

¹⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/A/74/188>

¹⁵ Center for Human Rights in Iran, www.iranhumanrights.org/2017/05/most-yarsani-religious-minority-candidates-disqualified-from-irans-2017-councils-elections/

¹⁶ Baha'i International Community, Submission to the Universal Periodic Review of Iran, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/3>

¹⁷ HRANA: <<https://www.en-hrana.org/category/religious-minorities>>

¹⁸ 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>

¹⁹ Baha'i International Community: <https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf>

²⁰ Baha'i International Community, https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

²¹ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

²² Iran Wire, 2019, <https://iranwire.com/en/features/6303>

²³ Center for Human Rights in Iran, 2020, <https://www.iranhumanrights.org/2020/07/bahai-youth-expelled-from-secondary-school-for-gifted-students-solely-due-to-his-faith/>

Such restrictions also apply at the university level, since students are required to be members of religious groups recognized by the State²⁴ in order to be able to enroll, consequentially excluding students from unofficial religious minorities.^{25 26}

There are no known policies in Iran that enable members of non-recognised religions to engage in their own cultural and religious practices. Members of religious minorities are reportedly persecuted for acts related to their cultural and religious beliefs and have seen their gathering places shut down by authorities.^{27 28 29}

In 2016, the Iranian High Council for Human Rights issued a booklet entitled “Some measures taken by the Islamic Republic of Iran on demands of ethnic groups, religious minorities and sects”.³⁰ The same year, President Hassan Rouhani issued a Charter on Citizens’ Rights, a government-endorsed declaration providing guidance for the implementation of the principles, norms and laws stipulated in the Constitution.³¹ In 2019, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, despite noting that measures have been taken to improve the situation of minorities, said that they “do not alter the fundamentally discriminatory nature of the Constitution, legislation and Islamic Penal Code of the Islamic Republic of Iran, in particular in relation to the country’s unrecognised minority communities.”³²

In light of the above, the Islamic Republic of Iran has not taken steps to ensure that people with beliefs, other than those of the religions recognised by the country, can fully enjoy all aspects of economic, social and cultural rights, without any discrimination.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁴ ‘Code of Ethical Selection for University Entrants,’ Ghavanin.ir, <http://www.ghavanin.ir/detail.asp?id=6918>

²⁵ Fars News, ‘Students of artificial religions do not have the right to study at universities in the country (Persian),’ 11 June 2010.

²⁶ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²⁷ <https://www.al-monitor.com/pulse/originals/2017/09/iran-tehran-sunni-mosque-prayer-space-pounak.html> and <https://www.hrw.org/news/2013/07/24/iran-sufi-activists-convicted-unfair-trials>

²⁸ Joint submission to the Human Rights Committee from The World Evangelical Alliance, Open Doors, Christian Solidarity Worldwide, Middle East Concern, Article 18, 29 May 2020 , https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport_Iran_HRCttee_ListOfIssues-dragged-1.pdf

²⁹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019 <https://undocs.org/A/74/188>

³⁰ Ibid.

³¹ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

³² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/A/74/188>