

Concluding Observation Committee on Economic, Social and Cultural Rights E/C.12/IRN/CO/2 para 30

Full recommendation:

The Committee recommends that the State party take steps to ensure the full and unrestricted enjoyment by ethnic minorities, including Kurds, Arabs, Azeris and Baluch, to their right to take part in cultural life, including through the protection of publications and newspapers in minority languages from imposed closure. The Committee also recommends that the State party take measures to protect cultural diversity, promote awareness of the cultural heritage of national and ethnic minorities, and ensure favourable conditions for members of those minorities to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs in line with the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.

Assessment using Impact Iran human rights indicators¹

- A. The Committee recommends that the Islamic Republic of Iran take steps to ensure the full and unrestricted enjoyment by ethnic minorities, including Kurds, Arabs, Azeris and Baluch, to their right to take part in cultural life, including through the protection of publications and newspapers in minority languages from imposed closure**

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”.² 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 recognising Persian (Farsi) as the official language of the country, Article 15 of the Iranian Constitution allows “the use of regional and tribal languages in the press and mass media, as well as for the teaching of their literature in schools”. Currently, in addition to Persian (which must be chosen), other languages can be selected when filling out an application form requesting a publication license, including Kurdish, Azeri, Baluchi, Arabic, Turkish and "other languages".

¹ ESCR.15.1.1.S.1 ; ESCR.15.1.1.S.3 ; ESCR.15.1.1.P.3 ; ESCR.15.1.1.O.6

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

In this regard,³ Iran does not explicitly prohibit the issuance of licenses for publications written in languages other than Persian and a number of publications have been authorised, including in Kurdish, Turkish and Arabic.⁴

However, the terms and conditions stipulated in order to request a publishing license are restricted. For example: the applicant must "lack of a reputation for corruption and should not have a criminal conviction".⁵ Iranian authorities, including security organisations, have been repressing minority languages publications and cultural associations.^{6 7 8} Consequently, due to the vague wording of the restrictions to obtain a licence, and in the light of the Iranian authorities' hostility towards minority language publications, members of ethnic minorities may face difficulties to obtain publication licences.

The Islamic Republic of Iran has not taken steps to ensure the full and unrestricted enjoyment by ethnic minorities, including Kurds, Arabs, Azeris and Baluch, to their right to take part in cultural life, including through the protection of publications and newspapers in minority languages from imposed closure.

B. The Committee also recommends that the Islamic Republic of Iran take measures to protect cultural diversity, promote awareness of the cultural heritage of national and ethnic minorities, and ensure favourable conditions for members of those minorities to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs in line with the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.

Arabs, Azerbaijani Turks, Balochis and Kurds face targeted discriminations on the basis of their identity and are generally side-lined from general public services, including education and health care.⁹

For instance, the use of minority languages is effectively restricted under the Constitution, notably in school where the teaching in a minority language is only permitted for literature classes.¹⁰ The Ministry of Education has reportedly circulated reminders to teachers and school

³ <https://press.farhang.gov.ir/fa/rules/laws2>

⁴ <http://www.tabnakilam.ir/fa/print/709752>

⁵ www.khabaronline.ir/news/360380

⁶ AHRAZ, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19735_E.pdf

⁷ Centre for the Supporters of Human Rights, <https://en.cshr.org.uk/2017/06/27/human-rights-2/>

⁸ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁹ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁰ Article 15, The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-engliash-1368.pdf>

administrators that the use of Kurdish and Turkish languages inside public schools is forbidden.¹¹ Furthermore, Kurdish language teachers have been facing harassment and persecution.¹²

Additionally, ethnic minorities are widely under-represented in public affairs. For instance, no province governor belongs to an ethnic minority. 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.¹³ Furthermore, provinces in Iran that are predominantly inhabited by ethnic minorities, such as Khuzestan with a majority of Awhazi Arabs, or Sistan-Baluchestan with a majority of Balochis, are generally undeveloped with a significant part of their population living under the poverty line.¹⁴

Members of ethnic minorities campaigning for greater linguistic and cultural freedom have faced arrests, detentions and executions.¹⁵ ¹⁶ In 2018, prison data shows that at least three quarters of Iran's political prisoners are from ethnic minorities.¹⁷ Ethnic minorities, especially Kurds and Balochis, 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 Balochis and over one-tenth Arabs. Executions targeting members of ethnic minorities continue, notably against Kurdish dissidents.¹⁸ Between mid-December 2020 and early February 2021, at least 21 Balochi prisoners have been executed in Iran.¹⁹ There have also been serious concerns over the secret

¹¹ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹² 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

¹³ 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

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

¹⁵ Article 19 and Access Now, <https://www.article19.org/wp-content/uploads/2019/04/IRAN-UPR-ARTICLE-19-Access-Iran-FINAL-English.pdf>

¹⁶ Amnesty International, <https://www.amnesty.org/en/documents/mde13/6446/2017/en/>

¹⁷ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁸ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-two-kurds-executed-amid-increasing-use-of-death-penalty-as-weapon-of-repression/>

¹⁹ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E>

executions of Ahwazi Arab prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.²⁰

While it is technically possible to submit discrimination complaints before the Court of Administrative Justice, 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.²¹

In light of the above, the Islamic Republic of Iran did not take measures to protect cultural diversity, promote awareness of the cultural heritage of national and ethnic minorities, and ensure favourable conditions for members of those minorities to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs in line with the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life.²²

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁰ Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

²¹ 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

²² UN Committee on Economic, Social and Cultural Rights (CESCR), General comment no. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights), 21 December 2009, E/C.12/GC/21, available at: <https://www.refworld.org/docid/4ed35bae2.html>