

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/71/418 para 86

Full recommendation

The Special Rapporteur continues to be disturbed by reports from members of ethnic minority communities regarding arbitrary arrests, detentions, torture and prosecution for protected activities that promote social, economic, cultural and linguistic rights. He urges the authorities to recognize that dialogue and the inclusive participation of all citizens in a diverse society can form the basis for enduring initiatives that address poverty and development and can also serve to strengthen protections for the rights of all ethnic minorities in the country. He encourages the authorities to ensure that the rights of the members of the country's most vulnerable communities are protected and respected.

Assessment using Impact Iran human rights indicators¹

Article 20 of the Constitution² 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”. Article 8 of the Charter of the Citizen’s rights, decreed by the President in 2016, stipulates that “The Government shall refrain from adopting any decision and taking any action that leads to the widening of the class divide, undue discrimination or deprivation of citizen’s rights”.³ However, the Charter of the Citizens’ rights is not legally binding and functions as an administrative mechanism providing guidance for the implementation of the principles, norms and laws stipulated in the Constitution.⁴

While the Government does consider the existence of ethnic minorities in Iran⁵, minorities, including Arabs, Azerbaijani Turks, Balochis and Kurds, face targeted discriminations on the basis of their identity and are generally side-lined from employment and general public services, including education and health care.^{6 7} For instance, the use of minority languages are effectively restricted under the Constitution, notably in schools where the teaching of a minority language is

¹ CCPR.27.1.S.1; CCPR.27.2.S.1; CCPR.27.1.P.1; CCPR.27.1.P.2; CCPR.27.2.P.1; CCPR.27.2.P.3; CCPR.27.1.O.1; CCPR.27.1.O.2; CCPR.27.2.O.2; CCPR.27.2.O.3

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

³ Charter of Citizen’s Rights English translation, December 2016, <http://president.ir/en/96865>

⁴ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

⁵ Article 19 of The Constitution of the Islamic Republic of Iran, English translation, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁶ See more : 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

⁷ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

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.⁸ Furthermore, Kurdish language teachers have experienced harassment and persecution.⁹

Additionally, ethnic minorities are widely underrepresented in public affairs. For instance, no province governor belongs to an ethnic minority. None of the provinces with populations of primarily minorities, like Kurdistan, Sistan-and-Baluchistan, Golestan, East and West Azerbaijan, are run by a person belonging to that minority.¹⁰ Furthermore, provinces in Iran that are predominantly inhabited by ethnic minorities, such as Khuzestan with a majority of Ahwazi Arabs, or Sistan-Baluchestan with a majority of Balochis, are generally undeveloped with a significant part of their population living below the poverty line.¹¹

In 2018, prison data showed that at least three quarters of Iran's political prisoners were from ethnic minorities.¹² 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 marginalized 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. There have also been serious concerns over the secret executions of Ahwazi Arab prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.¹³ Members of ethnic minorities frequently face violations of their right to fair trial and due process in legal proceedings, including the use of arbitrary detention and denial of legal assistance.^{14 15 16}

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

⁹ 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

¹⁰ 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

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

¹² Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹³ Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

¹⁴ HRANA <<https://www.en-hrana.org/political-prisoner-denied-access-to-an-attorney>>

¹⁵ HRANA <<https://www.en-hrana.org/uncertain-situation-of-seven-bahai-detainees-in-rajai-shahr-prison>>

¹⁶ UNPO <<https://unpo.org/article/21430>>

While it is technically possible to file discrimination complaints with the Administration of Justice Court, the Article 90 Commission in the Parliament, 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.¹⁷

Although the Iranian legal framework protects the rights of those belonging to ethnic minorities, the Islamic Republic of Iran has not recognized those protections in practice. The Iranian government has not facilitated the inclusive participation of all citizens, limiting its ability to form a diverse society capable of developing enduring initiatives that address poverty and strengthen the protection for the rights of all ethnic minorities in Iran. Restrictions on the full participation of all citizens in the society extends to religious minorities as well as women and girls in Iran.^{18 19 20} Iranian authorities have not ensured that the rights of the members of the country's most vulnerable communities, including ethnic minorities, are protected and respected.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹⁷ 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

¹⁸ 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

¹⁹ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²⁰ Minority Rights Group, <https://minorityrights.org/2019/09/17/beyond-the-veil-women-in-iran-continue-to-face-discrimination-in-all-areas-of-society-says-new-report/>