

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/72/322 para 118

Full recommendation:

The Special Rapporteur urges the authorities to recognise that dialogue and the inclusive participation of all the 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. She further encourages authorities to ensure that the rights of the members of the most vulnerable communities of the Islamic Republic of Iran are protected and respected.

Assessment using Impact Iran human rights indicators¹

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 Article 19 of the Constitution protects the equal rights of any “ethnic group or tribe” regardless of “colour, race, language, and the like”.³ Additionally, 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”. There is no clear definition of what constitutes Islamic criteria under Iranian law.

However, Arabs, Azerbaijani Turks, Balochis and Kurds, Turkemen, among other groups, face targeted discrimination and marginalisation on the basis of their identity and are generally sidelined from economic, social and cultural life in Iran.

Article 15 of the Iranian Constitution⁴ sets Persian as the only official language in the country but also provides that “the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian.” However, the article effectively restricts the use of languages other than Persian to the press and mass media, and to literature in schools. The law does not guarantee that children who belong to linguistic minorities will have access to education in their mother tongue.

¹ CCPR.18.1.S.1; CCPR.18.2.S.1; CCPR.18.3.S.1; CCPR.18.4.S.1; 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.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.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 Ibid.

⁴ The Constitution of the Islamic Republic of Iran: <http://www.iranchamber.com/government/laws/constitution.php>

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 tongue.^{5 6} These concerns were echoed by the U.N Secretary General,^{7 8 9} who noted that reports indicated 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.¹⁰ The reported state-imposed ban on Azeri-Turkish being taught in school would go some way in explaining such a struggle.¹¹ 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.¹² Furthermore, Kurdish language teachers have been facing harassment and persecution.^{13 14} Education in some minority languages like Kurdish is available only through private classes, reducing the accessibility and affordability of Kurdish education. Furthermore, private teachers are required to obtain a license from the state to teach Kurdish, which places an additional barrier to private practice.

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.¹⁵ In 2019, Rezvan Hakim Zadeh, deputy of the regime's elementary education department, 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. 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 Ahwazi Arabs, Turks, Kurds and Balochis, who will be directed to an intensive training in the Farsi language.^{16 17}

The lack of access to mother tongue education in primary and secondary schools remains a major challenge in the Islamic Republic of Iran. This access to the language at a young age is critical

⁵ 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

⁶ 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

⁷ IRNA News, www.irna.ir/news/83404283/ (in Farsi).

⁸ 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

⁹ Ibid.

¹⁰ Report of the U.N. Secretary General, August 2019, <https://undocs.org/en/A/74/273>

¹¹ 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/>

¹² Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.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 Radio Zamaneh: <https://www.radiozamaneh.com/519191>

¹⁵ UNPO, <https://unpo.org/article/19590>

¹⁶ ISNA News <https://www.isna.ir/news/99031005237/>

¹⁷ Dur Untash Studies Center, <https://www.dusc.org/en/drasat/3966/>

both to preserve minorities' distinct cultural identity, as well as to promote equality of opportunities. A lack of teaching children in their mother tongue has reportedly been causing high school dropout and illiteracy rates, notably among Azeri¹⁸ and Ahwazi Arab children.¹⁹

At the university level, the teaching in and of minority languages was nonexistent until 2015. In August 2016, however, participants were able for the first time to choose Kurdish and Turkish languages as majors at the bachelor level.²⁰ Nonetheless, in practice, there has been no elementary, middle school or high school in both the public and private education systems in Iran teaching minority languages such as Turkish, Balochi or Kurdish. As a consequence, opportunities for individuals who wish to access those majors are limited, as the teaching of minority languages at school is inexistant. Reports documented a lawsuit, that had been initiated in March 2018 against the Ministry of Education, for which the Court of Administrative Justice in March 2020 ruled that the State is required to produce and prepare textbooks for teaching literature in ethnic languages until the end of secondary school in Iranian schools.²¹ It is not clear whether the Ministry of Education has decided to appeal the ruling or whether it will implement the judgement.²²

Further, ethnic and linguistic minorities face additional restrictions and intersectional discrimination due to their ethnicity and religion. Indeed, many elements of the Iranian domestic legal framework discriminate between *Shia* Muslims, Muslim and non-Muslim minorities, including also recognised minorities.²³ 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), Zorostrian, Jewish and Christian Iranians are recognised under the Constitution.²⁴ Although Article 19 of the Constitution protects the equal rights of “ethnic group or tribe” regardless or “colour, race, language, and the like” it omits an explicit provision recognising religion or belief as a protected characteristic against discrimination.²⁵ Because there are no laws safeguarding the right of religious minorities to worship, maintain places of worship or

¹⁸ 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

¹⁹ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2013/10/khuzestan-teachers/>

²⁰ Radio Farda: <https://www.radiofarda.com/a/f7-students-able-to-select-azari-and-kurdi-for-university/27919663.html>

²¹ Tasnim News Agency: <https://tn.ai/2229748>

²² Following an electoral promise of President Rouhani during his 2013 election campaign, the government announced in 2015 that a university program on Kurdish language and literature would be introduced at the University of Kurdistan in Sanandaj, which has been implemented now. A similar program for “Azerbaijani Turkish language” was also announced for 2016 by the government, which is now launched. The government also announced in 2015 that Baluchi language courses would be introduced at the university of Sistan & Baluchistan, which has not been implemented yet. See: University of Kurdistan <https://uok.ac.ir/fa/faculties/literature/departments/kurdish.aspx> Tasnim News Agency: <https://tn.ai/1670519> Daneshjoo News Agency: <https://snn.ir/001kvb>

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 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>

²⁵ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

assembly, the structural exclusion of other religious minorities leaves them without legal protection to manifest and practice their religion or belief.²⁶ This effectively puts these communities, including children, at greater risk of discrimination, violence and persecution.²⁷ Additionally, while Article 14 of the Constitution states that the government and Muslims are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.”²⁹, it adds that “This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”³⁰, a charge that is often levelled against individuals from linguistic and ethnic minorities when peacefully practicing their religion or other activities.³¹ This exclusion and the condition of “conformity” with the Islamic criteria results with the legal discrimination and persecution of religious minorities, as well as members of linguistic and ethnic groups, including children.^{32 33}

Members of the Baloch minority, estimated to be between 2 and 3 million,³⁵ speak the Baluchi language with a majority being Sunni Muslim. Arabs in Iran represent up to 5 million individuals in Iran,³⁶ a significant minority being Sunni Muslim. Similarly, Kurds, estimated between 8 and 10 million³⁷ have a majority Sunni Muslim and include a minority Yarsanis.³⁸ As a consequence, these communities face intersectional discrimination, based on their ethnicity and language as well as religion.

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

²⁶ The Constitution of the Islamic Republic of Iran, General Principles (Chapter I, Articles 1, 2 and 12):

<http://www.iranchamber.com/government/laws/constitution.php>

²⁷ 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

²⁸ 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>

²⁹ The Constitution of the Islamic Republic of Iran, General Principles (Chapter I, Article 14):

<http://www.iranchamber.com/government/laws/constitution.php>

³⁰ Ibid.

³¹ 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

³² Ibid.

³³ Report of the Special Rapporteur on the situation of human rights in 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

³⁴ 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>

³⁵ Taheri, A., The Baloch in Post Islamic Revolution Iran: A Political Study, University of Pune 2012, p. 24.

³⁶ Human Rights Watch, <https://www.hrw.org/news/2015/04/29/iran-sweeping-arrests-ahwazi-arab-activists>

³⁷ UNPO, <https://unpo.org/members/7882>

³⁸ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

sects”.³⁹ 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.⁴⁰ 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.”⁴¹

The authorities frequently resort to provisions under the Islamic Penal Code, which restrict the rights to freedom of expression, assembly and association,^{42 43} in order to intimidate, arrest and prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly. These provisions have also been used against journalists and media workers, trade unionists, and lawyers.^{44 45 46 47} NGOs have reported that these violations disproportionately target members of minority or marginalised groups, who attempt to exercise their rights to freedom of expression, association and assembly.^{48 49 50 51 52 53} For example, non-Persian speakers face arrests and prosecution for advocating for education and cultural activities carried in minority languages.⁵⁴

³⁹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/pdf?symbol=en/A/74/188>

⁴⁰ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

⁴¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://undocs.org/pdf?symbol=en/A/74/188>

⁴² Articles 262, 286, 498, 500, 513, 610, 639, 700, Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/> and <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁴³ See more: ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_IJS_IRN_42315_E.pdf

⁴⁴ Ibid.

⁴⁵ See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

⁴⁶ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

⁴⁷ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

⁴⁸ See more: Association for the human rights of the Azerbaijani people in Iran, <http://www.ahraz.org/association-for-the-human-rights-of-the-azerbaijani-people-in-iran-ahrazs-repot-regarding-the-current-situation-of-the-azerbaijani-arrestees-that-are-arrested-during-the-recent-protests-nove/>

⁴⁹ See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

⁵⁰ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

⁵¹ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

⁵² 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

⁵³ “Iran arrests 29 linked to protests against compulsory hijab laws”, New York Times, 2 February 2018. <https://www.nytimes.com/2018/02/02/world/middleeast/iran-hijab-protests-arrests.html>

⁵⁴ For more, see , The Association of Human Rights in Kurdistan-Geneva’s (KMMK-G) : <https://kmmk-ge.org/sd/> and Association for the Human Rights of the Azerbaijani people in Iran (AHRAZ): <https://t.me/AhrazHumanRights>

In 2018, prison data shows that at least three quarters of Iran's political prisoners are from ethnic minorities.⁵⁵ 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. Reportedly, 22 Ahwazi men were executed in secret in 2018.⁵⁶ Executions targeting members of ethnic minorities continue, notably against Kurdish dissidents.⁵⁷ Between mid-December 2020 and early February 2021, at least 21 Balochi prisoners were executed in Iran.⁵⁸

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Parliament's Article 90 Commission (established under Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints submitted before these bodies are independently reviewed and investigated.⁵⁹ ⁶⁰ Additionally, opportunities to seek justice, for the aforementioned restrictions permitted under Iranian law on otherwise protected activities under international law, are particularly limited.

In light of the above, Iranian authorities did not recognise that dialogue and the inclusive participation of all the citizens in a diverse society, can form the basis of enduring initiatives that address poverty and development. These same initiatives can also serve to strengthen the protection of the rights of all ethnic minorities in the country.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁵⁵ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁵⁶ Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

⁵⁷ 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/>

⁵⁸ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E>

⁵⁹ 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

⁶⁰ 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%2fCS%2fIRN%2f42313&Lang=en