

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/43/61 para 68(h)

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament: Protect the rights of all persons belonging to religious and ethnic minorities, address all forms of discrimination against them and release all those imprisoned for having exercised their right to freedom of religion or belief.

Assessment using Impact Iran human rights indicators¹

Article 14 of the Constitution stipulates 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, Article 19 of the Constitution omits an explicit provision recognizing 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”.⁵

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.⁶ Because there are no laws safeguarding the right of religious minorities to worship, maintain places of worship or assemble, 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

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://irandaportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

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

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

⁵ Article 14, The Constitution of the Islamic Republic of Iran, English translation, <https://irandaportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁶ Articles 12 and 13 of the Constitution of the Islamic Republic of Iran, English translation, <https://irandaportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

proclaimed in January 2020, will only allow citizens to register as one of the country's recognized religions to the state-issued National Identity Card—which is required for almost all government and other transactions.⁷ A bill currently under review of the Iranian Parliament as of November 2020 would criminalize “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”. However, 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.⁸ Additionally, such bill may well disproportionately impact individuals belonging to unrecognized religious minorities, such as *Baha'is*, numbering 350,000 in Iran,⁹ often arrested and detained on the basis of their religious beliefs notably on the charge of proselytizing the *Baha'i* faith.¹⁰

Many elements of Iran's domestic legal framework discriminate between *Shia* Muslims, Muslim and non-Muslim minorities, including recognized minorities. According to the Constitution of the Islamic Republic of Iran, candidates for the presidency, members of the Assembly of Experts, the Guardian Council, or the Expediency Council all must follow the official religion of the State, excluding Muslim and non-Muslim minorities from holding high governmental positions.¹¹ Further, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims. The Islamic Penal Code (2013) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes.

The lack of legal safeguards enables Iranian authorities to restrict the rights of members belonging to religious minorities and 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, 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 and discriminatory practices, and denial of employment and restrictions on access to education and other basic services.¹²

⁷ 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/>

⁸ 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>

⁹ 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>

¹⁰ ARTICLE19, <https://www.article19.org/resources/iran-lawmakers-must-urgently-drop-the-bill-that-criminalises-fundamental-rights-and-freedoms/>

¹¹ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹² 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>

Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “color, race, language, and the like, do not bestow any privilege”.¹³ 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”. Yet, Arabs, Azerbaijani Turks, Baluchis 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.

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 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) individuals lacking access to education in their mother tongues.^{14 15} These concerns were echoed by the U.N Secretary General,^{16 17 18} noting 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.¹⁹ The reported state-imposed ban on teaching Azeri-Turkish in school would explain such struggles.²⁰ 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.²¹ Furthermore, Kurdish language teachers have faced harassment and persecution.²² Additionally, ethnic minorities are widely underrepresented 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 Azerbaidjan, are run by a person belonging to that

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

¹⁴ 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

¹⁵ 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

¹⁶ IRNA News, www.irna.ir/news/83404283/ (in Farsi).

¹⁷ 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

¹⁸ 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

¹⁹ Report of the U.N. Secretary General, August 2019, <https://undocs.org/en/A/74/273>

²⁰ 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/>

²¹ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

²² 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

minority.²³ 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 Baluchis, are generally underdeveloped with a significant part of their population living under the poverty line.²⁴

NGOs have reported a pattern of arrests, detention and prosecution targeting disproportionately members of minority or marginalized groups attempting to exercise their rights to freedom of expression, association and assembly.^{25 26 27 28 29 30}

In 2018, prison data showed that at least three quarters of Iran's political prisoners are from ethnic minorities.³¹ 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. Executions targeting members of ethnic minorities continue, notably against Kurdish dissidents.³² Between mid-December 2020 and early February 2021, at least 21 Balochi prisoners have been executed in Iran.³³ There have also been serious concerns over the secret executions of

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

²⁵ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2021/03/deaths-rising-in-sistan-and-baluchistan-as-unrest-continues-amid-internet-shutdown/>

²⁶ 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/>

²⁷ See more: Kurdistan Human Rights Geneva, <https://kmmk-ge.org/sd/annual-report-2020/>

²⁸ See more: United For Iran, <https://ipa.united4iran.org/en/prisoner/>

²⁹ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/10/more-bahais-begin-serving-prison-sentences-in-iran-simply-for-their-beliefs/>

³⁰ 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

³¹ Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

³² 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/>

³³ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E>

Ahwazi Arab prisoners in 2018, as Ahwazi Arab activists have reported that 22 men were executed in secret in 2018.³⁴

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.³⁵ Dozens remained imprisoned on charges including “gathering and colluding to commit crimes against national security”.³⁶ 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”.³⁷ 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”.³⁸

Members of the Baloch minority, estimated to be between 2 and 3 million,³⁹ speak the Baluchi language with a majority being Sunni Muslim. Arabs in Iran represent up to 5 million individuals in Iran,⁴⁰ a significant minority being Sunni Muslim. Similarly, Kurds, estimated between 8 and 10 million⁴¹ have a majority Sunni Muslim and include a minority Yarsanis.⁴² As a consequence, these communities face intersectional discrimination, based on their ethnicity and language as well as religion.

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.⁴³ Hate crimes, such as motivated

³⁴ Amnesty International, <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

³⁵ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/living-under-suppression-the-situation-of-gonabadi-dervishes-in-iran/>

³⁶ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1318292020ENGLISH.PDF>

³⁷ EN-HRANA, <https://www.en-hrana.org/a-report-on-fateme-mary-mohammadi>

³⁸ 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>

³⁹ Taheri, A., *The Baloch in Post Islamic Revolution Iran: A Political Study*, University of Pune 2012, p. 24.

⁴⁰ Human Rights Watch, <https://www.hrw.org/news/2015/04/29/iran-sweeping-arrests-ahwazi-arab-activists>

⁴¹ UNPO, <https://unpo.org/members/7882>

⁴² Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

⁴³ 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

killings and desecration of cemeteries, particularly against *Baha'is*, have not been investigated by the Iranian authorities.^{44 45}

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”.⁴⁶ 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.⁴⁷ 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.”⁴⁸

In light of the above, the Government of the Islamic Republic of Iran does not fully respect the rights of religious and ethnic minorities and does not ensure that all those who reside in the country have equal protection before the law, regardless of ethnicity, religion or belief.⁴⁹ All prisoners detained for having exercised their right to freedom of religion or belief have not been released.⁵⁰

Recommendation Status:

This recommendation has **NOT** been implemented.

⁴⁴ 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

⁴⁵ 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>

⁴⁶ 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>

⁴⁷ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019,

<https://undocs.org/A/HRC/43/12>

⁴⁸ 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>

⁴⁹ See more : Small Media, <https://smallmedia.org.uk/work/national-fabric-irans-ethnic-minorities> and

<https://smallmedia.org.uk/work/heretics-irans-religious-minorities>

KMMK-G, <https://kmmk-ge.org/sd/annual-report-2020/>

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