

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 50

Full recommendation:

The Committee urges the State party to take measures to prevent and eliminate discrimination on the grounds of religion or belief and to ensure that members of religious minority groups, in particular persons of the Baha'i faith, are not persecuted, imprisoned or ill-treated on account of their religion. The Committee also recommends that the State party review its hijab laws and regulations and ensure that the right of girls to wear or not to wear the hijab is fully respected.

Assessment using Impact Iran indicators¹

A. Prevent and eliminate discrimination on the grounds of religion or belief and to ensure that members of religious minority groups, in particular persons of the Baha'i faith are not persecuted

Article 20 of the Iranian 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”. 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 belief.”² However, religion or belief is not a protected characteristic against discrimination in Iranian law.³

The lack of legal safeguards results in the instituting of discriminatory policies and practices, particularly targeting *Baha'is*. In 1991, the Government institutionalised a policy against *Baha'i* citizens in a memorandum entitled ‘The *Baha'i* Question’, produced by Iran’s Supreme Revolutionary Cultural Council and approved by the Supreme Leader. The document outlines a series of measures aiming to restrict Iranian *Baha'is* access to education, economic and cultural life. Although the Government affirmed that the *Baha'is* had not been singled out for discrimination,⁴ the document remains intact today. On 26 March 2018, the Supreme Leader Ali Khamenei issued, via his website, a new religious decree (*fatwa*) concerning “association and

¹ CCPR.18.1.S.1; CCPR.18.1.P.1; CCPR.18.O.4; CCPR.19.2.S.1; CCPR.18.1.P.6.

² The Constitution of the Islamic Republic of Iran, English translation, http://www.iranchamber.com/government/laws/constitution_ch03.php

³ Article 19 The Constitution of the Islamic Republic of Iran English translation http://www.iranchamber.com/government/laws/constitution_ch03.php

⁴ 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>

dealing with *Baha'is*". He stated that people "should avoid any association and dealings with this perverse and misguided sect."⁵

While Iranian law theoretically forbids the investigation of individual beliefs, discrimination in access to employment is institutionalised through the practice of *gozinesh*, a mandatory screening process that anyone seeking employment in the public sector must undergo.⁶ The *gozinesh* criteria not only bar adherents of non-recognised religions from seeking employment, but also disadvantage anyone who holds views contrary to the official values of the Islamic Republic. *Baha'is*, for instance, continue to be categorically barred from public sector employment, and they also face serious restrictions in the private sector. For example, authorities sometimes refuse to issue commercial licenses to *Baha'is* and have shut down scores of *Baha'i*-owned businesses for closing on *Baha'i* holy days.⁷ Since 2013 until 2019, there have been more than 803 incidents of violations of economic rights of the *Baha'is*, including arbitrary shop closures, unfair dismissal from employment and actual or threatened revocation of business licenses.⁸

In terms of access to education, the Iranian government continues to bar *Baha'is* from Iran's state-run university system. *Baha'is* are either not allowed to enroll or are expelled subsequent to registration. In fact, Iran's Court of Administrative Justice has ruled that the 1991 memorandum by the Supreme Council of Cultural Revolution prohibits admission of *Baha'is* to Iran's universities.⁹ In 2019, as of June 2019, 17 *Baha'i* students have been reportedly expelled from Iranian universities.¹⁰ In 2018, 50 *Baha'i* students were reportedly expelled.¹¹

While it is technically possible to file discrimination complaints with the Administration of Justice Court, 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

⁵ Baha'i International Community, https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

⁶ 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 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

⁸ Baha'i International Community, www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.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 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>

¹¹ Center for Human Rights in Iran, <https://iranhumanrights.org/2018/09/in-just-six-months-iranian-universities-expelled-50-bahai-students-for-their-religious-beliefs/>

that judicial actions are taken in response to complaints.¹² Hate crimes, such as motivated killings and desecration of cemeteries, particularly against Baha'is, have not been investigated by the Iranian authorities.^{13 14}

B. The Committee also recommends that the State party review its hijab laws and regulations and ensure that the right of girls to wear or not to wear the hijab is fully respected

In Iran, the hijab is a part of school uniforms and girls as young as 7 years of age are required to wear it in classrooms, regardless of their religious affiliation, which is in violation of the right to freedom of religion or belief, as well as the right to freedom of expression.¹⁵ Violators of the country's Hijab Law can be punished through Article 638 of the Islamic Penal Code¹⁶, which punishes this type of violation with imprisonment ranging between 10 days and two months, and fines of up to 500.000 rials. Due to the low minimum age of responsibility in Iran, girls as young as 9 years of age can be subject to punishments stemming from these pieces of legislation.

Despite the lack of recent data on this issue, human rights organisations report that in the Persian year 1392 (2013-2014) around 5,000 women were arrested due to their clothing options in Iran.¹⁷

Recommendation Status:

This recommendation has **NOT** been implemented.

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 Ibid.

¹⁴ 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>

¹⁵ Justice for Iran submission to the Committee of the Rights of the Child, 3rd and 4th Review of the Islamic Republic of Iran: https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19746_E.pdf

¹⁶ <https://shenasname.ir/laws/4475-ghanon-mojazat> >

¹⁷ Ibid.