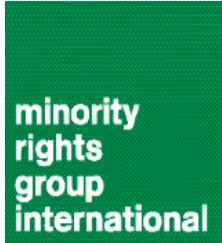


**UNIVERSAL PERIODIC REVIEW (UPR) STAKEHOLDER
SUBMISSIONS**

**MINORITY RIGHTS GROUP INTERNATIONAL (MRG), CEASEFIRE
CENTRE FOR CIVILIAN RIGHTS, AND CENTRE FOR SUPPORTERS OF
HUMAN RIGHTS (CSHR)**

Submission to the United Nations Universal Periodic Review of Iran

**34th Session of the Working Group on the UPR
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Minority Rights Group International is an NGO working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG works with over 150 partner organizations in nearly 50 countries. It has consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission on Human and Peoples' Rights (ACHPR).



The Ceasefire Centre for Civilian Rights is a new initiative to develop 'civilian-led monitoring' of violations of international humanitarian law or human rights, to pursue legal and political accountability for those responsible for such violations, and to develop the practice of civilian rights.



The Centre for Supporters of Human Rights is a non-governmental organization established in the UK in 2013. Dr. Shirin Ebadi, Nobel Peace Prize Laureate 2003, is one of its founders and the chair of the Centre. CSHR's main goal is to advance human rights in the Middle East, in particular Iran.

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I. BACKGROUND AND FRAMEWORK

A. Introduction

1. Iran's ethnic and religious minorities – including Arabs, Azerbaijani Turks, Baluchis, Kurds, Bahá'í, Christians, Jews, Zoroastrians and others – have diverse histories, but share in common long experiences of marginalization and denial of basic rights, which in many cases go back to the birth of the Iranian nation-state. Despite some limited gestures of conciliation since the election of Hassan Rouhani in 2013, the overall picture shows that the human rights situation of ethnic and religious minorities has not improved significantly, with some of the worst violations continuing unabated or even increasing, often in the context of security measures taken in the provinces of Kurdistan, Khuzestan and Balochistan and in border areas.

B. Scope of international obligations

2. Iran is party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (ICRPD). However, it has not accepted any of the individual complaints procedures or inquiry procedures associated with these treaties.
3. Iran has not signed the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture (CAT), or the Convention for the Protection of All Persons from Enforced Disappearance (CED).
4. Iran has denied access to the country to UN Special Procedures since 2005, despite a standing invitation extended in 2002. Ten Special Procedures, including the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, have unanswered visit requests. In recent years, Iran has extended invitations to the Special Rapporteurs on unilateral coercive measures, the right to food, and the right to health, but none of them have been able to find an agreement on the conditions of a visit.

C. Constitutional framework

5. The Iranian Constitution of 1979 (amended in 1989) declares the country as an Islamic Republic, and names the Twelver Ja'fari School of Shi'a Islam as the state religion. It sets out the framework for a theocratic system of governance based on the principle of *velayat-e-faqih* (guardianship of the jurist), in which the Supreme Leader holds ultimate authority. While the Constitution guarantees religious freedoms, it only extends these rights to Islam and three other recognized religions – Christianity, Judaism and Zoroastrianism – leaving practitioners of other faiths, including Bahá'í, Sabeen-Mandaeans and Yarsanis, with no guaranteed protections.
6. Article 15 of the Constitution identifies Persian as the official language but permits the use of 'regional and tribal languages in the press and mass media, as

well as for teaching of their literature in schools.’ The phrasing of this article in fact restricts the domains in which languages other than Persian can be used and does not guarantee the right of children from linguistic minorities to be educated in their mother tongue. Article 19 contains a guarantee of equality for all the people of Iran regardless of ethnic group or tribe, and states that ‘colour, race, language, and the like, do not bestow any privilege.’ Notably, the provision does not mention religion as a prohibited basis for unequal treatment. However, Article 23 forbids the investigation of individuals’ beliefs and states that ‘none may be molested or taken to task simply for holding a certain belief.’

II. HUMAN RIGHTS VIOLATIONS

D. Right to Equality and Non-Discrimination

Articles 2 and 7 UDHR; Articles 2 and 26 ICCPR; Article 2(2) ICESCR, Articles 2 and 5 ICERD; Article 2 CRC

2. Many elements of Iran’s domestic legal framework discriminate between Muslims and non-Muslims. For example, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims. However, if a non-Muslim leaves behind a Muslim heir, he or she is entitled to the entire inheritance including the shares of any non-Muslim heirs. The Islamic Penal Code (IPC) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes. For example, the *hadd* punishment for *lavat* (sodomy between two men) is death for the insertive/active party if committed *lavat* by force, coercion, or in cases where he meets the conditions for *ihsan*; otherwise, the sentence is one hundred lashes. According to Note 1 to the same article, if the insertive/active party is a non-Muslim and the receptive party is a Muslim, the punishment for the insertive/active party is the death penalty.¹ In the case of *tafkhez* (non-penetrative homosexual relations), the *hadd* punishment for the active and passive party is one hundred lashes, unless the active party is a non-Muslim and the passive party is a Muslim, in which case the active party receives the death penalty.²
3. In cases of murder, the IPC sanctions the practice of *qesas* (retaliation in kind), which allows the family of the murder victim to opt for the execution of the murderer. Not only is the practice itself widely condemned by human rights advocates, but it is also applied discriminatorily under the IPC on the basis of religion and belief. *Qesas* is an option when a Muslim or member of a recognized minority kills another Muslim or member of a recognized minority, or when a member of an unrecognized minority kills another member of an unrecognized minority. However, if a Muslim or recognized minority kills a follower of an unrecognized religion, the family of the victim has no resort to *qesas*.³

E. Right to Peaceful Assembly and Protest

Articles 2 and 20 UDHR; Article 21 ICCPR; Articles 4(c) and 5 (ix) ICERD; Articles 15, 17(d) and 30 CRC

¹ Islamic Penal Code, Article 234.

² Islamic Penal Code, Article 236.

³ Islamic Penal Code., Articles 201, 310, and 382.

2. At the last UPR of Iran in 2014, the Iranian government agreed to create an environment conducive to civil society activity and protect freedom of expression, the right to political activity and the right to assemble (recommendations 57, 58, 224, 235, 236).
3. Ethnic and religious minorities have been arbitrarily arrested and detained in connection with a range of peaceful activities such as advocating for linguistic freedom; organizing or taking part in protests; being affiliated with oppositional parties; or campaigning against environmental degradation in their areas. For minorities, the simplest forms of ethnic rights activism are often deliberately construed by the authorities as a threat to national security or falsely conflated with separatism.
4. The Iranian authorities arrested thousands of people following the eruption of large-scale protests on 28 December 2017. Although the protests began in Mashhad, they quickly spread to include dozens of cities across Iran, including cities in minority-populated provinces such as Khuzestan, Eastern Azerbaijan, Western Azerbaijan, Kermanshah, Kurdistan, Lorestan, Ilam and Sistan-Baluchistan. The organization Human Rights Activists in Iran (HRAI) documented the arrests of 2,455 protestors, although a member of parliament reportedly cited higher numbers (3,700).⁴
5. In February 2018, clashes in Tehran between protestors from the Gonabadi Sufi order and plainclothes security agents resulted in two members of the community being killed,⁵ 200 hospitalized, and between 320 and 500 detained.⁶ In the months after the arrests, over 200 Gonabadi dervishes were convicted on vaguely defined national security charges and sentenced to prison through unfair trials.⁷ Among the 60 women arrested in the protests, 10 were transferred to Shahr-e Rey prison (a former chicken farm), where they were arbitrarily detained in unsanitary conditions.⁸
6. In June 2018, in the midst of a heatwave in Khuzestan province, peaceful protests broke out in the Arab-majority city of Khorramshahr decrying the lack of access to safe drinking water.⁹ Authorities used excessive force against protesters, and dozens of people were arrested.¹⁰ There were also allegations that some demonstrators were killed, which was denied by the governor of Khorramshahr.¹¹ The following month, in July 2018, police carried out another crackdown on demonstrators in Khorramshahr who were protesting against utility cuts,

⁴ Department of Statistics and Publications of Human Rights Activists in Iran, *Seven Days of Protests in Iran*, 9 January 2018.

⁵ Ibid.

⁶ CSHR interview with Farhad Nouri, 28 February 2018.

⁷ <https://www.hrw.org/news/2018/08/29/iran-over-200-dervishes-convicted>

⁸ <https://www.amnesty.org/en/documents/mde13/8149/2018/en/>

⁹ <https://unpo.org/article/20944> and <http://www.bbc.com/persian/44672124>

¹⁰ <https://www.amnesty.org/download/Documents/MDE1387562018ENGLISH.PDF>

¹¹ Rahmat Ghasem Beyglou, □□□□□ □ □□□□□ □ □□□□□ □ □□□□ □ □□□□□□□□□
□□ □□□□□, Radio France Internationale - Farsi, 2 July 2018, <http://fa.rfi.fr/> اعتراضات علیه بی آبی در آبادان و خرمشهر به خشونت کشید 20180702/ایران

- socioeconomic marginalization and Iran's foreign policy.¹² Videos from the protests show the use of guns by security forces.¹³ Protestors were arrested and held on charges including separatism, militancy or being 'agents of Saudi Arabia.'¹⁴
7. In the aftermath of the 24 September 2018 terrorist attack on a military parade in the city of Ahwaz, Khuzestan Province, which left 24 dead and 60 injured,¹⁵ Iranian authorities carried out a wave of detentions in the province. Up to 600 Ahwazi Arabs were detained incommunicado, and community members claim at least 22 men were killed in secret.¹⁶ While authorities claim those arrested were suspected of criminal responsibility for the attack, human rights organizations maintain that those detained included students, writers, human rights defenders, and political activists.¹⁷
 8. In September 2018, at least 40 Kurdish shopkeepers were arrested in Sanandaj, Marivan, Piranshahr, Eshnavieh, Mahabad, and Paveh.¹⁸ The shopkeepers had been striking in protest to executions and in response to the 8 September Iranian missile attack on a base in northern Iraq belonging to the Democratic Party of Iranian Kurdistan, which killed at least 11 people and wounded 20-30 more.¹⁹

F. Right to a Fair Trial

Article 10 UDHR; Article 14 ICCPR; Article 5(a) ICERD

9. At the last UPR of Iran in 2014, the Iranian government agreed to ensure due process, fair trial, and judicial independence (recommendations 206 and 213).
10. Detained minority rights activists are usually presented with vaguely worded and extremely broad charges drawn from Iran's Penal Code. The most notorious of these charges include *moharebeh* ('waging war against God') and *efsad-e-fel-arz* (corruption on Earth), both of which can carry the death penalty. Other charges often used to prosecute activists include 'gathering and colluding to commit crimes against national security' (Article 610), 'membership of a group with the purpose of disrupting national security' (Article 499), and 'spreading propaganda against the system' (Article 500).²⁰

¹² <http://www.arabnews.com/node/1296206/middle-east>

¹³ <https://www.radiofarda.com/a/protest-in-khoramshahr/29329561.html>

¹⁴ <http://www.arabnews.com/node/1296206/middle-east>

¹⁵ <https://www.amnesty.org/en/latest/news/2018/11/iran-hundreds-arrested-in-vicious-crackdown-on-ahwazi-arabs/>

¹⁶ <https://www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/>

¹⁷ <https://www.amnesty.org/en/latest/news/2018/11/iran-hundreds-arrested-in-vicious-crackdown-on-ahwazi-arabs/>

¹⁸ یازداشت بیش از ۴۰ شهروند کرد در جریان اعتصاب سراسری بازاریان و کسبه کردستان, Iran Human Rights Monitor, 15 September 2018, <https://fa.iran-hrm.com/اع/۴۰-شهروند-کرد-در-جریان-اع>

¹⁹ <https://uk.reuters.com/article/uk-mideast-crisis-iraq-iran/iran-attacks-iranian-kurdish-opposition-group-base-in-iraq-idUKKCN1LO0L3> and <http://english.alarabiya.net/en/News/middle-east/2018/09/12/Iranian-Kurdish-shopkeepers-strike-against-executions-missile-attacks.html>

²⁰ Amnesty International, *Caught in a Web of Repression: Iran's Human Rights Defenders under Attack*, London, August 2017, p. 7.

11. Activists charged with national security crimes are usually tried in Revolutionary Courts, where proceedings are secretive in nature and rife with due process violations. Defendants are often denied the right to meet with a lawyer until shortly before trial, leaving insufficient time to prepare a defense.²¹ Those charged with *moharabeh* are regularly prevented from meeting a lawyer in private, sometimes even at the trial stage. Moreover, legal proceedings are conducted entirely in Persian with no interpretation available, disadvantaging ethnic minorities who do not speak Persian as a mother tongue.²² Trials themselves often last for only a few minutes, with judges relying on ‘confessions’ extracted through torture or televised prior to trial as the main evidence on which to base convictions.²³ For example, on 7 August 2018, detained Iranian Kurds Houshmand Alipour and Mohammad Ostadghader were forced to appear on state television and ‘confess’ to taking part in an armed attack against a security base in Saqqez. Family members claim the men were not involved in violent activity and only agreed to ‘confess’ to end the torture they were undergoing in detention.²⁴
12. There were at least 657 political prisoners detained in Iran as of 21 January 2018, of which at least 76 per cent were ethnic minorities.²⁵ Kurds alone represented at least 45% of known political prisoners, followed by Baluchis (19%) and Arabs (8%). In terms of religious identity, Sunnis made up at least 38% of political prisoners, although data on religious affiliation was incomplete. While it is unclear how many of the political prisoners included in the figures may actually be guilty of armed activity, their cases are nonetheless political detentions made arbitrary with fair trial violations.

G. Right to Life and Security of the Person

Article 3 UDHR; Articles 6 and 9 ICCPR; Article 5(b) ICERD

13. At the last UPR of Iran in 2014, the Iranian government agreed to guarantee fair trials in application of the death penalty and to address the problem of landmines (recommendations 182, 213).

Use of the Death Penalty

14. Iran has one of the highest rates of executions in the world. The Penal Code allows the use of the death penalty for more than 80 different offenses, many of which do not meet the threshold for ‘most serious’ crimes under international law, such as adultery, homosexual relations, drug possession and *moharebeh*. Furthermore, many of the offenses carrying the death penalty, such as drug-related offenses and *moharebeh*, are among the charges most commonly used to target and convict minorities. In the case of drug-related crimes, the overrepresentation of Baluchis and other minorities is linked to the impoverishment and

²¹ *Ibid.*, p. 18.

²² UNPO, ‘Situation of Iran’s Minorities Raised at 6th World Congress Against the Death Penalty,’ 27 June 2016.

²³ *Ibid.* and Amnesty International, August 2017, *op. cit.*, p. 18.

²⁴ <https://www.amnesty.org/en/documents/mde13/9054/2018/en/>

²⁵ <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

- marginalization of their areas, as in the case of Sistan-Baluchistan province, where the drug trade has flourished across the province's porous borders with Afghanistan. While an order by the head of the Iranian judiciary in January 2018 suspended death sentences for drug-related crimes until sentence reviews could be completed,²⁶ the death sentence for *moharebeh* remains in full force and is also more likely to be applied to minorities, especially Arabs, Baluchis and Kurds.²⁷
15. According to data published by the UN Special Rapporteurs on Iran, which is based on figures compiled by human rights monitoring groups, annual execution numbers increased every year except one between 2005 and 2015 (Figure 4).²⁸ Execution numbers for the first three years of Rouhani's administration were significantly higher than any of the preceding eight years. According to the Abdorrahman Boroumand Center, the Iranian government executed at least 530 people in 2016, and 507 people in 2017.²⁹ Executions for drug-related charges made up 44% of total executions reported in 2017.
 16. Death sentences themselves are also carried out in an arbitrary and degrading manner. Inmates on death row are sometimes not told ahead of time of the date of their execution, and sentences are often carried out without notifying the family. For example, on 2 August 2016, Iranian authorities carried out a mass execution of 25 Sunni Muslim men convicted of *moharebeh* – 22 of whom were Iranian Kurds – in Karaj with no prior notice to their families or lawyers.³⁰ All those executed were convicted on the basis of confessions allegedly obtained under torture and ill treatment.³¹ On 18 June 2018, Iranian authorities executed Gonabadi Sufi bus driver Mohammad Salas, who was arrested in connection with the February 2018 protests and clashes. He was convicted to death solely on the basis of a televised 'confession' allegedly made under torture, denied access to a lawyer, and buried in a location hundreds of kilometers away from his family.³²

Indiscriminate killings by Iranian border security

17. Minorities are often victims of indiscriminate killings by Iranian security forces, particularly in the border provinces, where many work in smuggling due to the lack of viable employment alternatives. For example, the Baloch Activists Campaign estimates that at least 100 people are killed every year in anti-

²⁶ Center for Human Rights in Iran, 'Iran Suspends Thousands of Drug-Related Death Sentences After Years of Domestic and International Campaigning,' 10 January 2018.

²⁷ Human Rights Watch, *Iran: UPR Submission*, March 2014, p. 2.

²⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, UN doc. A/71/418, 30 September 2016, p. 5. The execution counts are based on figures compiled by the Iran Human Rights Documentation Centre, cross-referenced with figures from the Abdorrahman Boroumand Centre and Iran Human Rights.

²⁹ Unpublished data from the Abdorrahman Boroumand Centre.

³⁰ Amnesty International, *Broadcasting Injustice, Boasting of Mass Killing: A Case Study of August 2016 Execution of 25 Sunni Men in Iran*, London, 17 November 2016, p. 4.

³¹ *Ibid.*, p. 8.

³² <https://www.amnesty.org/en/latest/news/2018/06/iran-sufi-bus-driver-executed/>

smuggling operations in Sistan-Baluchistan province, some of whom are innocent bystanders.³³

18. Similar tactics are used against *kulbaran*, who are couriers who transport goods on their backs or the backs of mules as part of the informal economy in the impoverished Kurdish-majority border areas. Efforts by Iranian officials to tighten border security have resulted in hundreds of deaths or injuries to *kulbaran* over the years, as border patrols have taken a ‘shoot first, ask questions later’ approach to enforcement. Rarely have these *kulbaran* been found to have been carrying illicit goods. According to a Kurdish human rights monitoring group, in 2016 border security forces killed 51 *kulbaran* and injured 71 others, with two victims being under the age of 18.³⁴ In the first 10 months of 2017, 57 *kulbaran* were killed and 120 injured.³⁵ In the same period in 2018, 63 *kulbaran* were killed and another 134 injured.³⁶

Landmine-related deaths

19. Landmines continue to pose a critical threat to the right to life of minorities in Iran.³⁷ An estimated 20 million landmines were placed in Iran during the 1980-1988 war with Iraq and in the course of internal armed conflicts between the Islamic Republic and Kurdish non-state combatants in the 1980s. Western border provinces including West Azerbaijan, Kurdistan, Kermanshah and Ilam, which have Kurdish majority populations, and Khuzestan, which has an Arab majority population, have continued to see the most deaths and serious injuries from landmine explosions.
20. According to the group Iran Without Landmines, Iran saw 61 cases of landmine and other explosive remnants of war related casualties between 21 March 2018-15 March 2019, including five children. Thirteen of these people died and 48 sustained serious injuries, including as loss of limbs. In 2017 there were at least 79 cases of landmine and other explosive remnants of war-related casualties, of which 17 resulted in deaths and 62 in injuries.³⁸
21. There have been many cases of major injuries and deaths from landmines over the last few years. For example, on 2 March 2019, a 15-year-old girl, Saideh Chonani, was killed in an explosion in Dasht Abad, Dehloran, Ilam province.³⁹ On 20 November 2018, 13-year-old Mohammad Amin went to play with five other children in the town of Shush, Khuzestan province. He touched an object near a barbed wire fence which turned out to be a landmine and exploded, injuring the

³³ Centre for Human Rights in Iran, ‘Innocent Bystanders Killed in Anti-Smuggling Operations in Iran’s Sistan and Baluchestan Province,’ 8 October 2017.

³⁴ *Ibid.*

³⁵ Written communication from Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G), November 2017.

³⁶ <http://kmmk-ge.org/sd/wp-content/uploads/2019/02/2018-Interim-Annual-Report-KMMK-G-1.pdf>

³⁷ <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

³⁸ Communications with Iran Without Landmines.

³⁹ Kurdpa News Agency, ‘Landmine explosion caused fatal injury for 15-year-old,’ 2 March 2019, <http://www.kurdpa.net/farsi/idame/76190>.

- boy's hands, abdomen and face. He died in hospital due to the severity of injuries.⁴⁰ De-mining experts later identified the mine as anti-personnel (Number 4), the same type used by the Iranian army to protect a radar site during the war. In May 2017, an explosion seriously injured two Kurdish laborers in the town of Sarpol-e-Zahab in Kermanshah Province when the shovel of their construction vehicle hit a landmine. Officials had declared this area 'free from landmines' in 2012 and the government even held a ceremony marking on the occasion.⁴¹
22. Rights groups point out that the government's approach to demining has been insufficient and mismanaged.⁴² Commander Mojtaba Shahbazian, in charge of mine-clearing operations, told state media in May 2017 that there was no guarantee that the areas which they announced clear were completely safe since flooding and other climate factors can move mines. Moreover, the military did not start using more accurate mechanical demining techniques till recently.⁴³ In October 2013, a parliamentarian stated that de-mining operations failed because authorities sub-contracted the task to companies that lacked competence and did not perform their jobs properly."⁴⁴ In January 2019, Shadmehr Kazemi, member of parliament for the mine-infested town of Dehlaran in Ilam Province, stated that 20 hectares of land in Ilam had not been demined. Further, he stated that Iranian demining efforts only reach a depth of 30 cm, but some landmines are planted deeper.⁴⁵
23. Government support and rehabilitation of landmines victims has also been insufficient. A 1994 law, amended in 2010, mandates payment of salaries to those who have become disabled as a result of coming into contact with explosive materials. However, the process for determining a right to benefits is complicated, and bureaucratic. Hearings and awards are conducted without the victims or their representatives being present. Decisions can take several months or even years. Even in the case of a favorable decision, the assistance provided is not retroactive. Costs incurred between the moment an accident takes place and the date of the decision are not reimbursed. The burdens imposed by this process often cause disabled victims to forego their claims or not apply for benefits at all.⁴⁶

⁴⁰Mehr news agency. "detail of landmine exposure:13 years old boy killed".<https://www.mehrnews.com/news/4464812/> (20 November, 2019).

⁴¹"Landmine Explosion Wounded Two Kurdish Citizens in Sar-e-Pol-Zahab," Kurdistan Human Rights Network, 23 April 2018, <http://kurdistanhumanrights.net/en/landmine-explosion-wounded-two-kurdish-citizens-in-sar-e-pol-zahab/> and 'Two casualties at Sar-Pole-e-Zahab because of mine explosion' Kayhan Newspaper, 22 April 2018,<http://kayhan.ir/fa/news/130546/%D8%A7%D9%86%D9%81%D8%AC%D8%A7%D8%B1-%D9%85%DB%8C%D9%86-%D8%AF%D8%B1-%D8%B3%D8%B1%D9%BE%D9%84-%D8%B0%D9%87%D8%A7%D8%A8>

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

⁴³'Iran is the second country with landmines, each mine is an enemy soldier,' - Interview with Army Commander Mojtaba Shahbazian in charge of mine-clearing operations,' Iran Online, 3 May 2017, <http://www.ion.ir/News/213288.html>.

⁴⁴ Impact Iran, *Children of Rights*. (Accessed on April, 27, 2018).

⁴⁵ <http://www.icana.ir/Fa/News/415443/>

⁴⁶ <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

H. Right to Freedom of Religion or Belief

Article 18 UDHR; Articles 18 and 27 ICCPR; Article 5(d)(vii) ICERD; Articles 14 and 30 CRC

24. At the last UPR of Iran in 2014, the Iranian government committed to protecting freedom of religion or belief and to strengthening measures aimed at the protection of religious minorities (recommendation 114, 219, 220, 221).
25. Sunni Muslims have reported restrictions on their ability to build mosques in Shi'a majority areas, including Tehran.⁴⁷ Authorities also periodically close Sunni mosques or prevent Sunnis from gathering for congregational prayers. For example, in July 2016, 18 members of parliament complained in a letter to the Ministry of Interior that a Sunni prayer hall had been closed in Eslamshahr and that Sunnis had been prevented from gathering for Eid-al-Fitr prayers in a number of other mosques and prayer rooms in Tehran.⁴⁸ In August 2017, security forces beat and detained 13 Arabs for performing a Sunni congregational prayer in public.⁴⁹ The authorities have also reportedly attempted to crack down on Shi'a Muslims who have converted to the Sunni branch of Islam, especially in Khuzestan. According to an advocacy group chronicling violations against Sunnis, in February 2014 more than 20 Sunni converts were arrested at a Qur'an and Arabic language study group in Ahwaz city, while in July 2014, 10 Sunni converts were arrested for either preaching Sunni teachings or holding congregational evening prayers during Ramadan.⁵⁰
26. While Christians, Jews and Zoroastrians benefit from constitutional recognition, official tolerance of religious minorities does not extend to converts or those engaged in missionary activities. The government has shut down churches offering services in Persian and prevented Iranians who are not Christians from entering churches.⁵¹ Between May and August 2016, Iranian authorities reportedly arrested 79 Christian converts across Iran.⁵² There have been periodic incidents of harassment of Christians during gatherings in private homes or 'house churches,' informal congregations comprised mostly of converts who are unable to attend formally recognized churches. In July 2017, a Revolutionary Court in Tehran sentenced four members of a house church network, including a pastor, to 10 years in prison each for participating in 'illegal gatherings' and other national security crimes stemming from their promotion of Christianity.⁵³ In January 2018, Shamiram Issavi, the pastor's wife, was sentenced to five years in

⁴⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, UN doc. A/71/418, 30 September 2016, para. 75.

⁴⁸ *Ibid.*

⁴⁹ Centre for Human Rights in Iran, 'Sunni Arabs beaten and arrested in Iran for praying in public,' 17 August 2017.

⁵⁰ *Ibid.*

⁵¹ International Campaign for Human Rights in Iran, *op. cit.*, p. 19.

⁵² Justice for Iran, '19 Human Rights Organizations Call to Protect the Rights of Christians in Iran', 29 November 2016.

⁵³ Mohabat News, 'Navid Nadrkhani and three other Christians sentenced to 40 years in prison (Persian),' 11 January 2017.

prison on charges of ‘acting against national security and the regime by organising small groups, attending a seminary abroad and training church leaders to act as spies.’⁵⁴

27. In the case of the Bahá’í community, which Iran considers to be a heretical sect and oppositional group, state policy amounts to outright persecution. Bahá’ís are prevented from attending religious and social gatherings⁵⁵ and their homes are regularly raided, with their religious books and items confiscated.⁵⁶ According to a report published by the Bahá’í International Community in January 2019, there had been 502 arrests of Bahá’ís since the election of President Rouhani in August 2013. As of August 2018, there were some 78 arbitrarily imprisoned Bahá’ís in Iran.⁵⁷

I. Right to Participate in Public Life

Article 21 UDHR; Article 25 ICCPR; Articles 2(2), 5(c), and 7 ICERD

28. Iran’s Constitution reserves five parliamentary seats for adherents of recognized religions (one seat for Zoroastrians, one for Jews, one for Chaldo-Assyrian Christians and two for Armenian Christians.) However, these seats are both a floor and ceiling, as members of recognized religious minorities are not allowed to run for other seats in parliament.
29. Minorities are underrepresented in high-level political positions in the Islamic Republic. According to the Constitution, candidates for president must be adherents of the official religion of the country, which excludes Sunnis and religious minorities from holding the post. Likewise, adherents of religions other than Shi’a Islam cannot serve as Supreme Leader or become members of the Assembly of Experts, the Guardian Council or the Expediency Council.⁵⁸ Many judicial positions are also out of bounds for non-Shi’a Iranians, as well as women.⁵⁹
30. There has not been a Sunni minister, deputy minister or governor general since the Islamic Revolution.⁶⁰ Despite high expectations from Sunnis in the aftermath of Rouhani’s re-election in May 2017 that he would change this pattern, Rouhani failed to include a single Sunni in his new cabinet.⁶¹ Rouhani also did not appoint any members of ethnic minorities to the posts of province governors.

⁵⁴ <https://articleeighteen.com/news/298/>

⁵⁵ Bahá’í International Community, *The Compliance of the Islamic Republic of Iran with the International Covenant on Economic, Social and Cultural Rights*, March 2012, p. 4.

⁵⁶ Bahá’í International Community, *Information on the Situation of Bahá’í Children in Iran: 71st Session of the Committee on the Rights of the Child*, December 2015, p. 3.

⁵⁷ https://www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf p.3.

⁵⁸ Iranian Constitution, Articles 5, 91, 109, 111, and 115.

⁵⁹ Amnesty International, *Iran: Submission to the UN Committee on Economic, Social and Cultural Rights*, May 2012, p. 5.

⁶⁰ FIDH and LDDHI, October 2010, *op. cit.*, p.22.

⁶¹ Centre for Human Rights in Iran, ‘Iranian Sunnis who supported Rouhani’s reelection feel snubbed by his cabinet picks,’ 11 August 2017.

31. Underrepresentation of minorities is also a problem at the provincial and local government levels. In September 2017, protests erupted in Ahwaz after the results of municipal elections showed that only three out of 13 seats on the municipal council had been won by Arab candidates, which many suspected was the result of fraud.⁶² The Baluchi, Kurdish and Turkmen minorities are also underrepresented in high- and medium-ranking political posts.⁶³ Ahead of local council elections in May 2017, the head of the Guardian Council declared that religious minorities could not run for election in Muslim-majority constituencies.⁶⁴ A Zoroastrian candidate who was re-elected to Yazd city council, Sepanta Niknam, received a court order suspending his membership after a complaint from an unsuccessful Muslim candidate.⁶⁵

J. Right to an Adequate Standard of Living

Article 25 UDHR; Article 11 ICESCR; Article 2(2) ICERD; Article 27 CRC

32. At the last UPR of Iran in 2014, the Iranian government committed to fighting poverty, especially in rural areas, and promoting the social empowerment of vulnerable groups (recommendations 252, 254, 256-258, 262-263).
33. Sistan-Baluchistan, where the Baluchi ethnic group forms the majority of the population, is Iran's poorest province, with the majority of the population living below the poverty line – 64 per cent and 77 per cent in urban and rural areas respectively (Figure 8). The province performs poorly on many key development indicators: as well as having the highest illiteracy and infant mortality rates in the country, an estimated two thirds of the province lacks access to clean drinking water.⁶⁶
34. Research by the Ahwaz Human Rights Organization found that in Khuzestan, the source of most of Iran's oil wealth, huge numbers of Arabs live in informal housing settlements, often as a result of displacement, lacking functioning sewage systems, electricity, clinics, schools and other basic services.⁶⁷ Like Sistan-Baluchistan, the province suffers from low literacy rates and high rates of infant mortality and child malnutrition.⁶⁸ In August 2017, an Ahwazi Arab man named

⁶² Al-Arabiya, 'Iran cracks down on mass protests in Ahwaz against municipal electoral fraud,' 23 May 2017 and Islamic Republic News Agency, 'Completion of Ahwaz City Council Election Count/Election Observation Mission (Persian),' 22 May 2017.

⁶³ FIDH and LDDHI, *Submission to the UN Committee on Economic, Social and Cultural Rights on the Second Periodic Report of the Islamic Republic of Iran*, April 2012.

⁶⁴ Far, T., 'Iran's Guardian Council tries to exclude non-Muslims from running,' Human Rights Watch, 19 April 2017.

⁶⁵ Centre for Human Rights in Iran, "'Suspended" Zoroastrian Member of Yazd City Council Facing Uncertain Future,' 14 October 2017.

⁶⁶ Iran Labour News Agency '70 percent of Sistan-Baluchistan people are living under poverty line (Persian),' 15 November 2015.

⁶⁷ UNPO, Alternative Report Submitted to the UN Committee on Economic, Social and Cultural Rights for the Consideration of the Second Report of the Islamic Republic of Iran during the 49th Pre-Sessional Working Group, March 2012, p. 10 and written correspondence with Ahwaz Human Rights Organization, February 2018.

⁶⁸ European Ahwazi Human Rights Organization, *Plight of Ahwazi Arabs: Submission to the UN Committee on Economic, Social and Cultural Rights*, 15 March 2013, p. 6.

Jassim Moramazi committed suicide by self-immolation because of the shame and frustration he felt due to his inability to provide for his wife and child. This was only one of several suicide cases involving Ahwazi Arab male breadwinners reported that month.⁶⁹

35. Minorities have criticized the government's response to the November 2017 earthquake in the Kurdish-inhabited province of Kermanshah. Ten months after the earthquake, victims were still suffering from basic health problems and lack of livelihoods.⁷⁰ There were claims, including from a member of the city council of Sar-e-pol-e-zahab, that the Red Crescent did not distribute humanitarian donations to victims from the Yarsan faith.⁷¹ Government aid provided in the form of loans was allegedly negligible and insufficient to allow families to rebuild destroyed housing.⁷² Similar allegations of mismanagement arose after the March 2019 flooding in Mazandaran and the Turkmen-inhabited province of Golestan, which affected over 56,000 people.⁷³ On 25 March, Iran's Deputy Attorney General announced that fundraising by celebrities to help victims of floods in Iran was 'banned' and warned that any bank account opened for this purpose would be closed.⁷⁴

K. Right to Education

Article 26 UDHR; Article 13 ICESCR; Article 5(d)(vii) ICERD; Articles 28 and 29 CRC

36. At the last UPR of Iran in 2014, the Iranian government committed to ensuring greater access to education, including in rural areas, and addressing dropout rates (recommendations 261, 270-274).
37. University entrance requirements prevent minorities from registering for higher education unless they claim to belong to one of the recognized religions.⁷⁵ Sabeian-Mandaean, Yarsan and other unrecognized minorities have had to declare themselves as Christian or Muslim on their applications forms in order to access higher education.⁷⁶ Minorities have been dismissed once their religious affiliation

⁶⁹ Hamid, R., 'Local groups warn suicide is on the rise among Iran's impoverished Arab Ahwazi community,' *Global Voices*, 4 September 2017.

⁷⁰ <https://fa.euronews.com/2018/08/17/iran-sarpol-e-zahab-resident-condition-9-month-after-earthquake->

⁷¹ <http://www.bbc.com/persian/blog-viewpoints-45678142>

⁷² Ibid.

⁷³ □□□□ □□ □□□□□□ □□□□ □□ □□ □□□□□□□□□□, Iranian Turkmen News Agency (Turkmensesi), 23 March 2019,

<http://www.turkmensesi.net/ترکمن 8497/مقالات/E2%80%8C خواب را مسئولین را آب برد، صحرا را آب برد، مسئولین را خواب.html>

⁷⁴ <https://en.radiofarda.com/a/iran-bans-celebrities-from-raising-money-for-flood-victims/29840302.html>

⁷⁵ 'Code of Ethical Selection for University Entrants,' Ghavanin.ir, retrieved 16 February 2018, <http://www.ghavanin.ir/detail.asp?id=6918>.

⁷⁶ Sanjesh, 'General and specific terms for registration and participation in graduate entrance exam (Bachelor's Degree Internship Courses) in 1396 and the twenty-second student Olympiad in the country,' 20 December 2016.

- becomes known. For example, in early 2017 the authorities prevented a lawyer from the Gonabadi Sufi order from continuing his university education.⁷⁷
38. Bahá'ís are the religious minority most severely affected by the denial of the right to education, in part because their religious code prohibits them from misrepresenting their faith. According to the Bahá'í International Community, up to now hundreds of Bahá'í students are prevented from accessing university education on a yearly basis. Despite meeting all entrance requirements, some receive automated messages stating that their files are incomplete, preventing them from completing the enrolment process. As of November 2018, the number of Bahá'í students who reported being excluded from higher education in the current school year on the basis of having an “incomplete file” was 109.⁷⁸
 39. In the case of Iran's ethnic minorities, especially Baluchis, Arabs and Kurds, challenges in accessing education are linked to the overall underdevelopment and impoverishment of their areas. Schools are few and far between in remote areas, and many families cannot afford the cost of transportation.⁷⁹ Moreover, many have no access to government offices in order to obtain official identification documents, which are required to register for schooling. According to a statement made by an MP from Sistan-Baluchistan in June 2017, official figures show that 25,000-30,000 children in the province did not receive an education that year, but actual figures could have been closer to 120,000.⁸⁰
 40. Girls are more likely to drop out of school than boys, a problem compounded by the lack of female teachers, distances to schools, early marriage, participation in agricultural labor, and cultural and religious prejudice.⁸¹ In a 2017 interview with Iranian state media, a Ministry of Education spokesperson said that only 40 to 50 per cent of girls complete their high school education in many border provinces.⁸² Lack of access to mother tongue education, particularly at the early primary level, has also been shown to be a factor in the relatively low academic performance and high dropout rates of ethnic minority students compared to Persian students.⁸³

L. Right to Employment

Articles 23 (1) UDHR, Article 6 ICESCR, Article 5(e)(i) ICERD

41. At the last UPR of Iran in 2014, the Iranian government pledged to promote equal opportunity with respect to employment (recommendations 88, 94, 101).
42. In Iran, discrimination in access to employment is institutionalized through the practice of *gozinesh*, a mandatory screening process that anyone seeking

⁷⁷ Centre for Supporters of Human Rights, ‘The elected president should start monitoring the performance of the Ministry of Intelligence,’ 21 May 2017.

⁷⁸ https://www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf

⁷⁹ UNPO, *Justice for Iran's Kurds*, Brussels, October 2015, p.17.

⁸⁰ Centre for Human Rights in Iran, ‘Impoverished children without identification documents deprived of education in Iran,’ 22 July 2017.

⁸¹ ‘Half The Girls Living In Border Areas Drop Out Of School,’ *Radio Farda*, 9 September 2017.

⁸² *Ibid.*

⁸³ Impact Iran, *op. cit.*, p. 48.

- employment in the public or para-statal sector must undergo.⁸⁴ *Gozinesh* involves assessing prospective employees' adherence to Islam and their loyalty to the Islamic Republic. Its basis is found in the 1995 Selection Law, Article 2. The *gozinesh* criteria not only bar adherents of non-recognized religions from seeking employment, but also disadvantage Sunnis and anyone who holds views contrary to the official values of the Islamic Republic.⁸⁵
43. According to government data, out of the top 20 Iranian cities with the highest unemployment rates, 18 are in Arab, Kurdish and Baluchi areas.⁸⁶ In March 2019, Iran's most influential Sunni leader denounced discrimination against Sunnis in distribution of jobs and posts during a visit to the Sistan Region of Sistan-Baluchistan province.⁸⁷ In Khuzestan, oil and gas companies overwhelmingly hire employees from outside of the Ahwaz area instead of from the local Arab population, despite repeated demands to impose a quota on foreign companies compelling them to hire local labour. As a result, many Arabs are forced to make a living by working in the informal sector.⁸⁸
44. In the case of the Bahá'í minority, exclusion from wide-ranging fields of employment is official state policy and part of a larger campaign of persecution targeted against the community. This policy finds its basis in a 1991 memorandum issued by the Supreme Council of the Cultural Revolution and signed by Supreme Leader Ali Khamenei, which states that 'employment shall be refused to persons identifying themselves as Bahá'ís.' According to one estimate, around 10,000 Bahá'í were fired from public sector jobs after 1979, not to mention all those prevented from being recruited in the state sector ever since.⁸⁹ The authorities also deploy a range of tactics to prevent Bahá'í from earning an income in the private sector, including refusal to issue commercial licenses, harassment of Bahá'í business owners and confiscation of land and merchandise.⁹⁰ Between June and November 2016 alone, the authorities shut down at least 150 Bahá'í-owned businesses.⁹¹

III. RECOMMENDATIONS

MRG, Ceasefire and CSHR urge the Working Group to recommend the following to the Islamic Republic of Iran:

⁸⁴ In addition to employment, *gozinesh* also applies to higher education and other forms of participation in civil life.

⁸⁵ Amnesty International, 2012, *op. cit.*, p. 4-5 and UNPO, 2012, *op. cit.*, p. 9.

⁸⁶ Ahwaz News, 'Poverty: Highest joblessness among Arabs, Baloch and Kurds,' *Ahwaz News*, 14 August 2013.

⁸⁷ <https://abdolhamid.net/english/2019/03/1453/>

⁸⁸ Ahwaz News, 'Iran's Interior Minister admits Ahwaz's social crisis', 8 June 2016.

⁸⁹ Christian Solidarity Worldwide, *Universal Periodic Review 20th Session CSW Stakeholder Submission*, March 2014.

⁹⁰ Bahá'í International Community, *Islamic Republic of Iran: Universal Periodic Review, second cycle, Contribution concerning human rights violations against the Bahá'ís*, 2014.

⁹¹ Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, UN doc. A/HRC/34/40, 30 March 2017, para. 71.

45. Amend all articles in the Islamic Penal Code which discriminate on the basis of religion or belief.
46. Release all minority activists imprisoned for their peaceful advocacy of human rights, and repeal or amend vaguely-worded articles in the Islamic Penal Code which allow for the conviction of minority rights defenders and other peaceful activists.
47. Protect the right of all defendants to a fair trial and respect due process standards, including by ensuring that the accused have access to a lawyer immediately after arrest and until trial, and access to an interpreter during court proceedings.
48. Ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the UN Convention on the Elimination of all Forms of Discrimination against Women.
49. End the use of the death penalty for crimes not meeting the 'most serious' threshold according to international standards.
50. Cease the indiscriminate killings of border couriers and take measures to regularize their work.
51. Join the Ottawa Convention on the banning of landmines and improve landmine clearance efforts in contaminated areas. Amend existing laws and ratify adequate legislations to guarantee rights and reparations for landmines survivors.
52. Introduce mother tongue education for minority languages at the primary school level.
53. Protect the freedom of religion or belief of all Iranians, including the freedom to change one's religion or belief.
54. Extend the constitutional and legal recognition afforded to Christians, Jews and Zoroastrians to include all religious minorities.
55. Take measures to increase the representation of minorities in high-ranking political positions, especially in areas in which they form the majority.
56. Allocate sufficient budgetary resources to alleviate poverty and improve infrastructure in peripheral provinces.
57. Reform the process of *gozinesh* and any other policies which condition access to employment on the basis of individual beliefs, in line with the Constitution.
58. Establish an independent, national human rights institution in line with the Paris Principles, responsible for receiving complaints of human rights violations.
59. Permit the UN Special Procedures, including the Special Rapporteur on the human rights situation in Iran, and the Special Rapporteur on freedom of religion or belief, to enter the country for monitoring visits.