



**Alternative Report submitted to the
UN Committee on the Civil and Political Rights
at the 103rd Session during the consideration of the 3rd Periodic Report of the
Islamic Republic of Iran**

**Unrepresented Nations and Peoples Organization
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Section A: Introduction to the Report

Organization

This alternative report submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 103rd Session of the United Nations Committee on Civil and Political Rights (henceforth, “the Committee”) during which the third Periodic Report of the Islamic Republic of Iran (henceforth, “Iran” or “the state”) will be considered.

The Unrepresented Nations and Peoples Organization is a democratic, international membership organization. Its Members are indigenous peoples, occupied nations, minorities and independent states or territories who have joined to protect their human and cultural rights, preserve their environments and find non-violent solutions to conflicts that affect them.

Methodology

The framework of this report will comment upon the articles of the International Covenant on Civil and Political Rights sequentially and the priorities as proposed in the List of Issues to be taken up in connection with the consideration of the third periodic report of Iran (CCPR/C/IRN/3). This report will also aim to raise other important issues regarding civil and political rights that disproportionately affect regional ethnicities in Iran which were not addressed in the List of Issues. The final section raises questions that should be posed and recommendations regarding concerns which are intended to inform the discussions taking place within the International Convention on Civil and Political Rights (henceforth, “CCPR” or “the Convention”) and between the Committee and the Iranian delegation at the 103rd Session.

This alternative report will focus on the situation of the four ethnic groups located in the peripheries of Iran: Ahwazi Arabs, Azeris, Kurds and Baloch. Article 19 of the Iranian Constitution states that “all people of Iran whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege.” Despite provisions made in Iran’s constitution, these four groups suffer political marginalization and endure cultural, linguistic and religious discrimination, while their plight remains largely unknown at the international level. Therefore, UNPO aims to promote awareness and accountability for these violations.

For the purposes of this report, the Ahwazi Arabs, Azeris, Baloch and Kurds will be discussed as ethnic groups. Even though they are for the most part adherents to the Sunni branch of Islam, which qualifies them as religious minorities within Iran, they tend to express their identity in ethnic terms rather than in religious terms. It is important to note that these ethnic groups do not form a minority in their respective regions within Iran. Therefore, this report shall use the terms ‘regional ethnicities’, ‘regional language rights’ and ‘non-Persian groups’.

Historical Context

Ahwazi-Arabs

The Ahwazi Arabs are indigenous to the Al-Ahwaz province, also known as Arabistan or Khuzestan, located in the southwestern part of Iran. According to Iranian historians, Ahwazi Arabs have lived in Khuzestan since

the Parthian era, 4,000 years ago. The region had repeatedly been acknowledged as autonomous and independent, such as by Iranian king Nasser al-Din Shah in the 19th century. During the Pahlavi dynasty, new policies designed at denying the Arab identity of the region were introduced. Immediately after the Islamic Revolution, episodes of systematic human rights breaches led to the death of hundreds of Ahwazi Arabs. Despite their conscription and service to Iran during the Iran-Iraq war, discriminatory practices such as ‘gozinesh’ continue to repress Ahwazi Arabs. Gozinesh, an ideological test to measure allegiance to Shia Islam and the Islamic Republic of Iran, disfavors the Ahwazi Arabs who generally adhere to Sunni Islam.

Iranian Kurdistan

Indigenous to the western areas of Iran, the Kurdish people are traditionally nomadic. They have faced policies specifically engineered to marginalize and make the Kurds a minority in their region, starting as far back as the 15th century. During the Pahlavi Dynasty, the Kurdish people experienced further exploitation and discrimination and revolted in 1979. Ayatollah Khomeini declared jihad on the Kurds, which was followed by the denial of governmental representation and mass violence towards Kurds because the concept of an ethnic minority was contrary to the Islamic Revolution’s doctrine.¹ The Kurds being mostly Sunni Muslims continue to experience systematic discrimination in predominately Shia Iran.

Southern Azerbaijan

The Medes tribe, believed to be the ancestors to today’s Azerbaijanis, settled today’s northwestern Iran before the arrival of Persian tribes in the 6th century BC. During the 11th and 12th centuries, Turkish rule subsequently contributed much to the culture and identity of the region. After Russia’s rise and control of the Southern Caucasus in the 18th century, the Azerbaijani people were effectively split between the Russian territory of Northern Azerbaijan, later the Republic of Azerbaijan, and Southern Azerbaijan in Iran. Southern Azerbaijan has briefly experienced independence, most recently after World War 2. However, after Iran’s bloody battles with the Soviet Union for control of the state, the Iranian government gathered Turkish publications published during their independence and publicly burned them. All supporters of the formation of the independent state were persecuted, forcing the movement for Azeri rights underground.

West Balochistan

Balochistan, in the southeast region of Iran bordering Pakistan and Afghanistan, is the location of some of the earliest human civilizations. After Arab invasions during the 7th century AD, the ancient civilization known as Mehrgar established semi-independent tribal confederacies which were frequently threatened by larger powers. The indigenous Baloch people were increasingly marginalized after imperialist powers separated the nation into spheres of influence. The centralized Iranian state under the Pahlavi dynasty gave the Persian language and Shia religion prominence, leaving Baloch people struggling to defend their rights. Since 1979, the Baloch people are subjected to persecution, imprisonment, torture, executions and assassinations under the Iranian Islamic republic, which prohibits the Baloch’s right to self-determination through policies outlawing political organization and the dissemination of the Baloch culture and identity.

The Hague, July 2011

¹ The 1979 radio address by Ayatollah Khomeini also stated that ethnicities create problems that prohibit the uniting of Muslim countries and therefore exist to destroy Islam and the Islamic philosophy. See Menashri, D. (1988). *Khomeini’s Policy Toward Ethnic and Religious Minorities*. In M. Esman & I. Rabinovich (Eds.), *Ethnicity, Pluralism and the State in the Middle East*.

Section B: Compliance with ICCPR

Article 1.1 – Self Determination

Article 1.1 states that “[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Article 56 of the Iranian constitution states “[a]bsolute sovereignty over the world and man belongs to God, and it is He who has made man master of his own social destiny. No one can deprive man of this divine right, nor subordinate it to the vested interests of a particular individual or group.” Article 3 provides for the protection of “political and social freedoms within the framework of the law, to promote participation of the entire people in determining their political, economic, social, and cultural destiny.”

Self-determination denotes the extent to which all people can fully participate in decisions regarding the political, economic and cultural set of laws by which their society operates. Yet, attempts by regional ethnicities to practice their own culture or religion or to create local institutions by which to govern themselves are repeatedly blocked by measures that the Iranian government justifies as necessary to address what it perceives as separatism or to combat illegal trafficking. Despite the fact that many indigenous Ahwazi-Arabs fought and died for Iran during the Iran-Iraq war, they have been repeatedly referred to as terrorists and enemies to the Iranian state due to their calls for self-determination.

Peaceful organizations and movements dedicated to protecting human rights and campaigning for their right to self-determination are portrayed through state control media as ‘terrorists’ aiming to destabilize national security and stability. The Iranian government justifies its harsh responses by falsely labeling such organizations and movements as ‘separatists’. In May 2011, the Ahwaz Solidarity Network reported that “conspiracy theories were being concocted” by Iran’s English language media wing, Press TV.² The state media group falsely claimed that the United States was organizing Ahwaz Arab separatist groups, namely peaceful human rights activists, and conducting bomb-making and assassination lessons.³

The Iranian government also refuses to recognize the Ahwaz Arabs, Southern Azerbaijanis, West Baloch and Iranian Kurds as indigenous peoples. Instead, Iran refers to these peoples as minorities, though most of them constitute majorities in their respective regions. Collectively, non-Persian groups comprise nearly half of the Iranian population.⁴ Furthermore, the Iranian government is inconsistent with its terminology and application of rights regarding regional ethnicities. One example of this inconsistency is in paragraph 176 of Iran’s Third Periodic Report to the Convention, where the State refers to the right of women to adhere to “indigenous customs.” Overall, the Iranian government generalizes ethnic and religious minorities within Iran without acknowledging their historical legacies.

² Ahwaz Solidarity Network, (2011). *Iran Concocts Conspiracy Theory Against Ahwaz Arabs*. Retrieved from <http://ahwazsolidarity.org/1/post/2011/05/iran-concocts-conspiracy-theory-against-ahwazi-arabs.html>

³ Press TV, (2011, May 12). *US training Iran separatists in Iraq*. Retrieved from <http://www.presstv.ir/detail/179600.html>

⁴ Minority Rights Group International, (2011). *State of the world’s minorities and indigenous peoples 2011 –Iran*

Recommendation: Formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation: Formally recognize the Ahwazi Arabs, South Azerbaijani, Baloch and Kurds as indigenous people, and respect the distinct rights to self-governance afforded to them by the United Nations Declaration on the Rights of Indigenous Peoples.

Article 1.2 – Economic Rights

Article 1.2 mandates that “[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”

Al-Ahwaz is rich in oil and, according to the government, ranks third in Iran’s provinces in terms of GDP. Despite this wealth generated in Al-Ahwaz, the Ahwazi Arabs experience one of the highest poverty rates in Iran. In this resource-rich area, almost a third of the Ahwazi Arab population lives in shantytowns that are cut off from non-Arab settlements by separation walls. These areas lack basic infrastructure and services, such as hospitals and schools.⁵ These are consequences of forced resettlement by the Iranian government as it appropriates oil fields and agriculturally rich lands indigenously inhabited by the Al-Ahwaz. Projects completed within the region, such as Iran’s diversion of the Karoun River for hydro-electricity, often disregard ecological consequences, such as the lack of clean drinking water, water salinity and pollution which directly affect the Ahwazi Arabs’ livelihoods.⁶

The Kurdistan province is plentiful with water resources and projects designed to harness it. According to Iran’s Ministry of the Interior, there are 15 dams within the region to facilitate irrigation, hydro-electricity and drinking water.⁷ Yet the Kurdish people are systematically excluded from many benefits of such development. The disproportionately poor housing and living conditions of the Iranian Kurds are consequence of forced settlement (due to the fact they were traditionally nomadic) and expropriation of rural land for large-scale agricultural plantation and petrochemical plants.⁸

Iran’s systemized discrimination towards non-Persian ethnicities thus results in wide socioeconomic gaps and uneven distributions of power, resources and socio-cultural status.⁹ This is evident when despite Iranian Balochistan’s richness in minerals, including gas, oil, gold and marine resources, the ethnic Baloch people live in dire poverty in one of the least developed regions in Iran since profits from resource extraction are not

⁵ Al-Ahwaz News, (2007, April 25). *Iran's dividing wall*. Retrieved from <http://www.unpo.org/article/6621>

⁶ Ghadiri, H. (2003). Salinization of Karun River in Iran by shallow groundwater and seawater encroachment. *Advances in Hydro-Science and Engineering*, VI, 1-9.

⁷ Islamic Republic of Iran Ministry of Interior. *Economic potentials of Kurdistan Province in the Fields of Water, Agriculture and Natural Resources*. Retrieved from <http://en.ostan-kd.ir/Default.aspx?TabId=62#p3-7>

⁸ Kothari, M. United Nations Commission on Human Rights, (2005). *Report of the special rapporteur on adequate housing as a component of the right to an adequate standard of living – Mission to the Islamic Republic of Iran* (E/CN.4/2006/41/Add.2)

⁹ Susman, K. (2010) Income Inequality and Poverty in Iran. *Human Rights & Human Welfare*

reinvested locally. According to the UN Common Country Assessment for Iran, Balochistan has the worst indicators among Iranian provinces for life expectancy, school enrollment, adult literacy, infant mortality and access to drinking water and sanitation.¹⁰ Mohammad Reza Sarawani, deputy of Social Affairs of Balochistan province announced that 76 percent of the Baloch people live under the poverty line, as against the national average figure of 11 percent.¹¹

Recommendation: Engage indigenous communities affected by resource extraction under the principles of free, prior and informed consent

Recommendation: Ensure that profits from natural resources gleaned from regions with high concentrations of indigenous communities are reinvested in their respective communities.

Article 2.1, 3, 26 – Non-Discrimination and Equality for All Men and Women

Article 2.1 requires that “[e]ach State Party to the present Covenant undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language religion, political or other opinion, national or social origin, property, birth or other status.”

(a) Gozinesh

Government practices, such as the use of Gozinesh that screens job applicants based on their adherence to Shia Islam and the Iranian state, have resulted in high rates of unemployment for regional ethnicities. This is demonstrated in the disproportional unemployment rates, such as within the Khuzestan province where the Persian majority city of Dezful has a 7% unemployment rate, while the rate in Arab majority cities rests between 30 and 50%.¹² The use of Gozinesh is contrary to Iran’s constitutional protection of religious freedom.

(b) Women

Women in Iran from marginalized ethnic groups face additional challenges.¹³ In Iran’s patriarchal communities where men frequently decide every aspect of their female relatives’ lives, literacy rates of women from belonging to regional ethnicities, especially in rural areas, are drastically low. For the same

¹⁰ United Nations Development Programme, (2003). *United Nations Common Country Assessment for the Republic of Iran* Retrieved from <http://www.undp.org.ir/DocCenter/reports/npd/CCA.pdf>

¹¹ Balochistan Peoples Party, (2008, January 14). *Appeal for International Help to Stop Executions in Baluchistan*. Retrieved from <http://www.unpo.org/content/view/7462/>

¹² British Ahwazi Friendship Society, (2007, July). *Human rights and Ahwazi Arabs*

¹³ “The Special Rapporteur also received information concerning women from minority groups, such as the Azeri, Baha’i, Kurdish and Ahwazi, who allegedly experience multiple forms of discrimination, including in their right to education and employment, and who are subject to discriminatory laws. Government officials denied any such discrimination.” See Erturk, Y. United Nations Commission on Human Rights, (2005). *Report of the special rapporteur on violence against women, its causes and consequences – Mission to the Islamic Republic of Iran* (E/CN.4/2006/61/Add.3) Para. 32

reasons, healthcare indices relating to women's health suggest very high mortality rates during pregnancies and childbirth.¹⁴

Kidnapping and trafficking of women and girls for temporary marriage or sexual slavery in border towns, such as those found in the Baloch region bordering Pakistan and Afghanistan, disproportionately affects regional ethnicities. Despite legislation criminalizing human trafficking, Iran remains the origin, mediation ground in which traffickers arrange for the purchase and sale of women and girls, and a site of trafficking numerous young women and girls for sexual exploitation and demonstrates uncooperativeness by not providing any information on anti-trafficking efforts.^{15 16}

(c) Propaganda

In May 2006, a state-controlled newspaper published a derogatory cartoon depicting Azeris as cockroaches and encouraging Iranian children to use violence against 'cockroaches' and to support their extermination because they cannot speak 'human' [Farsi] language and thus mutual understanding and dialogue would be impossible. Furthermore, the cartoon provided 10 ways for children to exterminate the 'cockroaches'.¹⁷ Racist discourse is propagated daily by the Iranian state media, through demeaning stereotypes, and demonstrates a lack of respect for the identity and culture of ethnic communities.¹⁸ This also violates Article 2 of Iranian press law, which states that Iranian press must "endeavor to negate the drawing up of false and divisive lines, or, pitting different groups of the community against each other by practices such as dividing people by race, language, customs and local traditions."

Recommendation: Cease and desist the use of screening that denies equal employment opportunities to Iranian regional ethnicities and religious minorities.

Recommendation: Provide special education, employment and health programs targeting women from regional ethnic groups who suffer multiple forms of discrimination

Recommendation: Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

Recommendation: Ensure accountability of traffickers and provide compensation and services to victims

Recommendation: Condemn all instances of racial discrimination by state institutions and its counterparts.

Recommendation: Revise Article 19 of the Iranian Constitution, which does not explicitly prohibit racial and ethnic discrimination as prohibited by Iran's ratification of the International Covenant for the Elimination of Racial Discrimination.

¹⁴ Amnesty International, (2008) *Iran: Human Rights Abuses Against the Kurdish Minority*. p. 17

¹⁵ Shahrokhi, S. (2008). *When tragedy hits: a concise socio-cultural analysis of sex trafficking of young Iranian women*. In *Anti-Trafficking, Human Rights & Social Justice* (pp. 21-31). UC Berkeley.

¹⁶ CIA World Factbook, (2011). *Transnational Issues: Iran*. Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html>

¹⁷ Voice of Azerbaijan from Vancouver, (2010). *Interview: Fakhteh Zamani, Association for Defense of Azerbaijani Political Prisoners in Iran*. Retrieved from <http://radioazerbaijan.ca/?p=200>

¹⁸ Committee on the Elimination of Racial Discrimination, (2011). *Consideration of reports submitted by state parties under article 9 of the Convention* (CERD/CO/2011) para.10.

Recommendation: Enforce Paragraph 9 of Article 3 of the Iranian Constitution that abolishes “all forms undesirable discrimination and the provision of equitable opportunities for all, both in the material and the intellectual spheres as another duty of the government of the Islamic Republic of Iran.”

Article 6.1 – Right to Life

Article 6.1 explicitly states that, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his [or her] life.”

A 2006 United Nations mission to Iran determined the distribution of poor infrastructure was disproportionately affecting communities with large concentrations of non-Persian ethnicities and constituted discrimination. These areas have been found to be in violation of urban planning regulations, while a lack of potable water and poor sanitation leads to hazardous living conditions that endanger the residents’ health.¹⁹ The report cited that while conditions were overall satisfactory in regions with a large Persian population, specific areas, such as Ghal’e Channan, in Khuzestan and inhabited by Ahwazi Arabs, experienced a “complete lack of basic services impacting negatively on the populations’ health status, in addition to contributing to severe security problems. Most poor neighborhoods were unpaved, open-air sewage was sometimes observed and uncollected garbage blocked streets, obstructing traffic and access from the outside in case of emergencies.” Similar conditions were reported in the Ilam province, which has a large Kurdish population.²⁰

Recommendation: Fully implement Constitutional provisions prohibiting discrimination in providing adequate housing and equal access of development resources for all citizens.

Article 6, 7, 9, 10, 14 – Arbitrary Arrest, Torture, Lack of Judicial Procedure, Inhumane Treatment of Persons Deprived of Liberty and Execution

Moharebeh is interpreted to mean “corruption on Earth” or “being at war with God.” According to Articles 186 and 190-91 of Iranian Penal Code, taking up arms against the state or belonging to an organization of the same purpose is considered moharebeh, and is punishable by death. The moharebeh charge is broadly interpreted by the Iranian government to apply to peaceful protestors, political dissidents and critics of the Iranian government, in clear violation of the Convention. Having moharebeh also apply to “antirevolutionary behavior,” “moral corruption,” “siding with global arrogance” and “crimes against Islam” demonstrates the vagueness and politicization of criminal charges and their related institutions.²¹

Regional ethnicities who conduct peaceful campaigns, such as Southern Azerbaijanis who seek to promote their cultural identity and linguistic rights, are often charged with vaguely worded offenses such as “acting

¹⁹ Kothari, M. United Nations Commission on Human Rights, (2005). *Report of the special rapporteur on adequate housing as a component of the right to an adequate standard of living – Mission to the Islamic Republic of Iran* (E/CN.4/2006/41/Add.2)

²⁰ *ibid*

²¹ United States Department, Bureau of Democracy, Human Rights and Labor. (2010) *2010 Country Reports on Human Rights Practices – Iran*. Washington, DC. p. 18

against state security,” which accounts to moharebeh.²² The Committee has repeatedly stressed that states that retain the death penalty must restrict its use to the “most serious crimes.” Criminality of apostasy, whether against religion or a state, is a violation of the Covenant. It has been concluded and affirmed by the Committee that apostasy and crimes that do not result in the loss of life are not serious crimes warranting the death penalty. The Iranian government confirms that death penalty and amputation sentences are still applicable to non-violent crimes.²³

Multiple human rights organizations cite the disproportionate number of non-Persian ethnicities being executed. Amnesty International reports that in 2010, at least 17 Iranian Kurds were on death row after being convicted as moharebeh. A notable case in 2007 found Adnan Hassanpour guilty of moharebeh due to false charges of espionage and active armed resistance against the state after it was found he had a phone conversation with a staff member of Voice of America.²⁴ In the same year, 11 Baloch were executed after being charged as moharebeh for an alleged connection to a violent organization despite a local judicial official insisting on the men’s innocence.²⁵ In August 2007, almost a third of the executions that had taken place in Iran that year, 50 out of 166, were of Baloch citizens, even though they comprise a mere 4% of the population.²⁶ Ahwaz Arabs are approximately 13 times more likely to be executed than the global average, and 30% more likely than Persians.²⁷ In June 2006, 2 Ahwazi Arabs were sentenced to death despite the fact that they were serving prison sentences since 2000 at the time of their supposed crimes.²⁸ The lawyer for one of the men, who was not allowed to prepare a defense for his client, told Reuters, “An execution with this speed and rush has only one explanation... the government is trying to prevent the expansion of the current [opposition] movement through the spread of fear and intimidation.”²⁹

When trials are conducted, defendants are not granted the right to confront their accusers or see the evidence against them. These courts also allow judges to issue verdicts in the absence of conclusive evidence based on “elm-e ghazi” or divine knowledge of the judge. Secret or summary trials of five minutes which are specifically designed to extract false confessions are common.³⁰

Roya Toloui, a Kurdish activist, was sentenced to two years imprisonment in 2007 *in absentia* for her participation in peaceful demonstrations protesting extrajudicial killings. She had been arrested in 2005 on

²² Association for Defense of Azerbaijani Political Prisoners in Iran, “Azerbaijanis Arrested in Lake Protests,” 5 April 2011 <http://www.amnesty.org/en/library/info/MDE13/038/2011/en>

²³ Committee on Civil and Political Rights, (2009). *Third Periodic Report of the Islamic Republic of Iran on the International Covenant on Civil and Political Rights (CCPR/C/IRN/3)*. para. 200.

²⁴ Amnesty International, (2008). *Adnan Hassanpour, Manour Tayfour and a new name: Adbolwahed Butimar*. Retrieved from <http://www.amnestyinternational.be/doc/actions-en-cours/les-actions-urgentes/Les-actions-urgentes-en-anglais/article/iran-adnan-hassanpour-mansour>

²⁵ Amnesty International, (2011). *Death Sentences and Executions 2010*. p. 11.

²⁶ Unrepresented Nations and Peoples Organization, (2010) *Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 7th Session of the UPR Working Group*.

²⁷ British Ahwazi Friendship Society, (2007). *Human Rights and the Ahwazi Arabs*. p. 26.

²⁸ The Khuzestan Revolutionary Court charged Nazem Bureihi and Abdolreza Nawaseri as mohareb for having been involved in bomb attacks that took place while already imprisoned. See: Human Rights Watch, (2006). *Iran: Halt Execution of Ethnic Arabs After Secret Trial*. Retrieved from <http://www.hrw.org/en/news/2006/11/10/iran-halt-execution-ethnic-arabs-after-secret-trial>

²⁹ Andrew Roche, (2010). *Iran hangs two in wake of election unrest*. Reuters. Retrieved from: <http://www.reuters.com/article/2010/01/28/us-iran-idUSTRE60Q5MV20100128>

³⁰ United States Department, Bureau of Democracy, Human Rights and Labor. (2010) *2010 Country Reports on Human Rights Practices – Iran*. Washington, DC p. 18

charges of endangering national security. Toloui was held in prison for 66 days and was released on bail. She described her experience to researchers from Amnesty International:

“During the night of 6 August [2005], [an official] personally tortured me in the most brutal ways and subjected me to such behaviors that cannot be expressed... They were forcing me to confess. I wrote that I will speak only in the presence of my lawyer and they laughed at me. I wrote that this is against human rights and that I had the right to see my lawyer. They lost their patience and they ordered that my children should be brought in and they threatened me and said that they will burn my children alive in front of my eyes.”³¹

Prisons and detention centers in Iran are frequently unsanitary, lack basic provisions and deny prisoners food and medical care as a way to extract confessions. Prison authorities have repeatedly denied medical access to prisoners with severe health issues, even when recommended by prison doctors.³²

Recommendation: Properly implement Article 37 of the Iranian Constitution, which states that all people are to be presumed innocent of a crime and if arrested, must be formally charged and according to Article 32, must have their case brought to the attention of competent court within 24 hours.

Recommendation: Conform categories of crimes punishable by the death penalty to the standards of the Committee regarding.

Recommendation: Decriminalize apostasy of religion and towards the Iranian state.

Article 18, 19, 25 – Freedom of Religion, Belief and Discrimination Therein

Article 23 of the Iranian constitution explicitly underlines freedom of religion: “The investigation of individuals’ beliefs is forbidden, and no one may be harassed or taken to task simply for holding a certain belief.” Despite the clarification this does not guarantee the freedom to propagate or the public practice of a belief, while Articles 12 through 14 specify that followers of other Islamic schools are “free to perform their religious rites and in regard to affairs of personal status may act in accordance with their religious teachings.”³³

The gozinesh ideological test requiring individuals to demonstrate allegiance to Shia Islam and the Islamic Republic of Iran specifically includes the Shia concept of Vilayat-e Faghih (governance of a religious jurist). Article 12 of the constitution states that “the official religion of Iran is Islam and the Twelve Ja’fari School of Thought and [that] this principle shall remain eternally immutable.” This unequivocal endorsement of the Shia school of Islam alienates not only the Baha’i, Jewish and Christian communities as is often and rightly documented but also the Baloch, and many Kurdish and Ahwazi Arab peoples who practice Sunni Islam. This explicit discrimination on religious grounds not only contravenes international human rights standards but since ethnicity is so often intertwined with religion, it contradicts the aforementioned article of Iran’s own constitution that states ethnicity is not a marker of privilege.

³¹ Amnesty International, (2008). *Iran: Human Rights Abuses Against the Kurdish Minority*. p. 26-27.

³² Reporters Without Borders, (2010, July 16). *Health of Prisoners of Conscience at Iranian Government’s Mercy*. Retrieved from: <http://en.rsf.org/iran-health-of-prisoners-of-conscience-16-07-2010,37962.html>

³³ Committee on Civil and Political Rights, (2009). *Third Periodic Report of the Islamic Republic of Iran on the International Covenant on Civil and Political Rights* (CCPR/C/IRN/3). para. 454-457

Gozinesh is applicable to, “the totality of ministries, state organizations, firms and companies; the national companies for oil and gas and petrochemicals; the Organization for the Propagation and Rebuilding of Industry; the Red Crescent Society; municipalities; the social security organization; [...] firms and companies for which all or a portion of their budget is secured by public [state] funds.”³⁴ This religious discrimination is a source of the economic marginalization of these regional ethnicities.

Furthermore, during the 2009 presidential elections, regional ethnicities were not accorded the opportunity for equal representation because the Iranian government arbitrarily removed or blocked candidates preferred by ethnicities from respective regions. Article 115 of the Iranian constitution prohibits non-Shias from holding the office of the Presidency of the Republic, which is an explicit case of religious discrimination.

Recommendation: Discontinue the use of ‘gozinesh’ and other methods of discriminating against citizens engaging in their right to their religious freedom

Recommendation: Implement Iranian Constitution Article 14 which states “the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims [and Muslims practicing other tenants of Islam] in conformity with ethical norms and principles of Islamic justice and equity, and to respect their human rights.”

Article 27 – Minority Rights

Article 27 states that “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their culture, to profess and practice their own religion, or to use their own language.”

Regional ethnicities uphold the principle of education in the mother tongue as central to intellectual, emotional, spiritual and educational development of students. As the Ahwazi Arabs, Azeris, Baloch and Kurds’ native language is not Persian, they ultimately face poor foundations in education and social mobility. After the Persian language was imposed upon all ethnic groups in 1925, people peacefully advocating for their right to use their native language have been persecuted.³⁵ This is in direct conflict with Article 51 of the Iranian constitution under which “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.”

In 2009, 5 ethnic Azeris were sentenced to 5 years imprisonment for advocating Azeri-language schools in Iran, and 5 Azeri students were sentenced to one year prison terms for running a blog supporting Azeri language rights.³⁶ Currently, there are no opportunities to study the Azeri-Turkish language in Iranian

³⁴ International Labor Organization, (2003) *Amnesty International’s concerns relevant to the 91st session of the International Labor Conference, 3 to 9 June 2003*. p.14.

³⁵ Article 51 of the Iranian constitution states that, “the official language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts, as well as text-books, must be in this language and script. However, 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.”

³⁶ Voice of America, (2010, February 18). *Azeri-Iranians Under Pressure*. Retrieved from: <http://www.voanews.com/uspolicy/2009-02-13-voa5.cfm>

schools.³⁷ The Iranian government does report that there are publications in ethnic languages, including 15 in Arabic, 3 Azeri and 1 in Kurdish.³⁸ Members of the Azeri community however, report that these publications have been shut down by the Iranian government, despite the fact that they adhered to guidelines mandating that most of the text be in Persian and used Persian script.³⁹

Recommendation: Implement Article 51 of the Iranian constitution protecting the use of non-Persian languages in media and schools.

³⁷ Djavadi, A. (2010, July) *Iran's Ethnic Azeris And the Language Question*. RFERL. Retrieved from: http://www.rferl.org/content/Irans_Ethnic_Azeris_And_The_Language_Question/2103609.html

³⁸ Committee on Civil and Political Rights, (2009). *Third Periodic Report of the Islamic Republic of Iran on the International Covenant on Civil and Political Rights* (CCPR/C/IRN/3). para 726

³⁹ Association for the Defense of Azerbaijani Political Prisoners in Iran (2009) *Azeris in Iran: A Human Rights Approach*.

Section D: Summary of Questions and Recommendations

Article 1.1 – Self-Determination

Recommendation: Formally endorse and ratify the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation: Formally recognize the Ahwazi Arabs, South Azerbaijani, Baloch and Kurds as indigenous people, and respect the distinct rights to self-governance afforded to them by the United Nations Declaration on the Rights of Indigenous Peoples.

Article 1.2 – Economic Rights

Recommendation: Engage indigenous communities affected by resource extraction under the principles of free, prior and informed consent

Recommendation: Ensure that profits from natural resources gleaned from regions with high concentrations of indigenous communities are reinvested in their respective communities.

Article 2.1, 3, 26 – Non-Discrimination and Equality for All Men and Women

Recommendation: Cease and desist the use of screening that denies equal employment opportunities to Iranian regional ethnicities and religious minorities.

Recommendation: Provide special education, employment and health programs targeting women from regional ethnic groups who suffer multiple forms of discrimination

Recommendation: Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

Recommendation: Ensure accountability of traffickers and provide compensation and services to victims

Recommendation: Condemn all instances of racial discrimination by state institutions and its counterparts.

Recommendation: Revise Article 19 of the Iranian Constitution, which does not explicitly prohibit racial and ethnic discrimination as prohibited by Iran's ratification of the International Covenant for the Elimination of Racial Discrimination.

Recommendation: Enforce Paragraph 9 of Article 3 of the Iranian Constitution that abolishes "all forms undesirable discrimination and the provision of equitable opportunities for all, both in the material and the intellectual spheres as another duty of the government of the Islamic Republic of Iran."

Article 6.1 – Right to Life

Recommendation: Fully implement Constitutional provisions prohibiting discrimination in providing adequate housing and equal access of development resources for all citizens.

Article 6, 7, 9, 10, 14 – Arbitrary Arrest, Torture, Lack of Judicial Procedure, Inhumane Treatment of Persons Deprived of Liberty and Execution

Recommendation: Properly implement Article 37 of the Iranian Constitution, which states that all people are to be presumed innocent of a crime and if arrested, must be formally charged and according to Article 32, must have their case brought to the attention of competent court within 24 hours.

Recommendation: Conform categories of crimes punishable by the death penalty to the standards of the Committee regarding.

Recommendation: Decriminalize apostasy of religion and towards the Iranian state.

Article 18, 19, 25 – Freedom of Religion, Belief and Discrimination Therein

Recommendation: Discontinue the use of ‘gozinesh’ and other methods of discriminating against citizens engaging in their right to their religious freedom

Recommendation: Implement Iranian Constitution Article 14 which states “the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims [and Muslims practicing other tenants of Islam] in conformity with ethical norms and principles of Islamic justice and equity, and to respect their human rights.”

Article 27 – Minority Rights

Recommendation: Implement Article 51 of the Iranian constitution protecting the use of non-Persian languages in media and schools.