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Impact Iran represents a coalition of non-governmental organizations that draw attention to the situation of human rights in Iran, and encourage the Iranian government to address concerns expressed by the international community and international human rights bodies. Impact Iran promotes Iranian civil society efforts to engage with the wider UN human rights system, alongside various intergovernmental processes aimed at strengthening rights protections in Iran.



Abdorrahman Boroumand Center https://www.iranrights.org



The Association for Human Rights in Kurdistan of Iran-Geneva (KMMK-G) http://kmmk-ge.org/sd/

All Human Rights for All in Iran

http://www.iranhrc.org



Association for the Human Rights of the Azerbaijani People (AHRAZ) http://www.ahraz.org



ECPM (Ensemble contre la peine de mort) http://www.ecpm.org/en/



Iran Human Rights (IHR) https://www.iranhr.net/en/



Iran Human Rights Documentation Center https://iranhrdc.org



Siamak Pourzand Foundation http://pourzandfoundation.org



Outright Action International https://www.outrightinternational.org



Small Media https://smallmedia.org.uk



United for Iran https://united4iran.org/en/

Human Rights of Ethnic Minorities in Iran- March 2019

1. This submission provides an assessment of the progress made by the Islamic Republic of Iran (IRI/Iran) in implementing recommendations that broadly and/or specifically addressed the rights of ethnic minorities at the outcome of the 2014 cycle of the UPR.

Overview

Ethnic Minorities in Iran

2. Large segments of the Iranian population belong to ethnic groups. This includes Kurds, Arabs, Azerbaijani, Turks, Baloches, and Turkemen, among other groups. These populations are geographically concentrated in peripheral regions where they form the majority of the population, like the Kurds in Kurdistan, Baloches in Sistan-and-Balochistan and Arabs in Ahwaz, and they can also be found in the main cities and in different parts of the country. Historically ethnic minorities have been discriminated against in Iran, and have been suffering from exclusion, neglect and marginalization, preventing them from participating in the political, social, cultural and economic life of the country, and impairing their equal enjoyment of their rights. Large numbers of some of the ethnic groups such as Kurds and Baloches belong to the Sunni Islam religious minority, thereby facing an additional layer of discrimination and harassment.

Iran's 2014 Universal Periodic Review (UPR)

- 3. In the 2014 Iran's last Universal Periodic Review (UPR) Iran received 32 recommendations were regarding ethnic minorities and freedom of religion or belief, 24 of which generally and/or specifically addressed the situation of ethnic minorities.
- 4. Since the 2014 UPR, Iran's record of discrimination, harassment and frequent arrests of persons belonging to ethnic and linguistic minorities has remained poor. Iran has continued to largely deny its ethnic minorities with access to political and cultural activities, as well as job opportunities. i
- 5. When voicing grievances and advocating for civil, political and cultural rights, members of Iran's ethnic groups frequently face prosecution under national security crimes, bearing heavy punitive measure, including death penalty.² Additionally, the deteriorating socio-economic conditions of the country, environmental challenges and the emergence of natural disasters mismanaged by IRI have influenced the already strenuous lives of ethnic minorities in provinces such as Kermanshah, Sistan-and-Balochistan, Western Azerbaijan, Khuzestan and Golestan.
- 6. The challenges of ethnic groups in today's Iran include a long list, unfolding each requires an in-depth assessment that falls outside the scope of this submission. This report addresses only a few of the major challenges that the members of ethnic groups face on a

daily basis in the Islamic Republic of Iran categorized broadly as: (1) legal framework, (2) civil and political rights, and (3) socio-economic rights.

Legal Framework

International Treaties Ratified by Iran

6. Iran is a signatory to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Rights of Persons with Disabilities (CRPD). The International Covenant on Civil and Political Rights (ICCPR), ratified by Iran in 1975, entails a number of provisions regarding the rights of minorities. Article 2 of the ICCPR requires that all states accord with the rights provided for in the Covenant to *all* individuals "without distinction of any kind"; the principle of non-discrimination is also echoed in Article 2(2) of the International Covenant on Economic, Social and Cultural Rights, that Iran also ratified in 1975.

The Constitution of the Islamic Republic of Iran (IRI)

- 7. The Constitution of IRI includes a chapter called "The Rights of the People", in which it claims to ensure the protection of the rights of all people, including religious minorities. Some of the articles of the Constitution, addressed later in this section, appear to partially ensure the protection of human rights at first glance. However, there are two key challenges in these constitutional principles: (a) The articles are conditional, allowing for discrimination on such bases as religion and belief, and (b) The law is implemented in conformity with Islamic criteria, creating a legislative grey area, according to which certain actions might be considered crimes.
- 8. Article 19 of the Constitution of IRI, which guarantees that all people in Iran enjoy equal rights, conspicuously omits religion as a protected demographic. Additionally, Article 14 of the Constitution states that the government and Muslims are "duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights." This exclusion and the conditionality of "conformity" allow for legal discrimination and persecution against religious minorities, as well as the members of ethnic groups many of whom also belong to the Sunni religious minority.
- 9. The Constitution of the Islamic Republic of Iran establishes in its articles 1, 2, and 12⁹ Shia as the official religion of the people of Iran. While recognizing Persian/Farsi as the official language of the country, Article 15 allows "the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in

schools." ¹⁰ The "one religion, one language" foundation not only results in the most important and severe forms of discrimination against religious minorities and ethnic groups, it also implies that in order to enjoy full rights and freedoms, one must follow the official religion and language. Preferential treatment and prioritized rights for a specific school of thought, while ignoring others, especially those who follow the Bahai Faith, Sunni Islam, Sufism, and other religions not mentioned in Article 13¹¹, makes any religious activity other than those related to Shia Islam very difficult.

10. Despite these constitutional guarantees, even if vague and conditional in nature, members of ethnic minorities—including Ahwazi Arabs, Azerbaijani Turks, Baloch, Kurds and Turkmen—face a range of discriminatory laws and practices in matters of employment, adequate housing, political office, right to life, access to mother tongue education, and their exercise of cultural, civil and political rights. Moreover, when it comes to the administration of justice, revolutionary court judges and prosecutors defend sentences against religious and ethnic minorities based on the charge of acting against national security in support of opposition groups which, according to Article 500 of the Islamic Republic Penal Code, ¹² is considered a crime. ¹³

Civil and Political Rights

11. The Islamic Republic of Iran (IRI) limits the human rights of all citizens. Yet, in such a restrictive environment ethnic groups face exacerbated discrimination in relation to their civil and political rights, evident in IRI's record of human rights violations in areas such as, but not limited to, right to life, arbitrary detention of political prisoners, access to mother tongue education and r freedom of religion or belief, among other aspects of civil and political rights. ¹⁴ This section briefly addresses the challenges of ethnic minorities in the areas mentioned above, while acknowledging that the depth and the count of various forms of violations of civil and political rights of ethnic groups in Iran go beyond only the issues addressed in this section.

Right to Life

12. Iran's rate of executions remain alarming, with approximately 207 executions reported from January to October 2018. The number of executions dropped by approximately one half in 2018, primarily due to an amendment to the IRI's drug trafficking law in November 2017¹⁶ which brought down the number of drug-related executions. While the drug law amendment is a positive step taken by Iran, there remain serious concerns over the continuation of death penalty as a practice, often targeting marginalized groups and in particular minorities. Furthermore, lack of access to a fair trial, the condition of prisoners especially those put on the death row, as well as the general lack of transparency surrounding these cases are also matters of serious concern. As stated in the March 2018 report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran (IRI), the persons belonging to ethnic and religious minority groups

constitute a disproportionately large percentage of persons executed or imprisoned in 2018.¹⁷ Examples of members of ethnic minorities executed since Iran's last UPR review (2014) include Kurds Hossein Ramin Panahi¹⁸ and Loqman¹⁹ and Zaniar Moradi²⁰, abruptly executed in September 2018 without prior notification of their lawyers or families; Kurd Shahram Ahmadi, executed in August 2016 along with 24 other prisoners²¹; and Baluch Khaled Kordi, executed for drug charges in January 2016.²²

- 13. According to reports received from on-the-ground, 2018 saw an increase in the number of executions of Kurdish political prisoners. According to data received, the number of executions related to belief and political opinion were 10 in 2017 while this number was reported as 29 in the first ten months of 2018.²³ There have also been serious concerns over the secret executions of Ahwazi Arab prisoners in recent months. According to Amnesty International, Ahwazi Arab activists outside Iran²⁴ have reported that 22 men, including civil society activist Mohammad Momeni Timas, were executed in secret in the final months of 2017.²⁵ Within a short span of time, Iran reportedly detained up to 600 Ahwazi Arabs, following a deadly armed attack that took place in Ahvaz in Khuzestan province in September 2017.²⁶ The situation and whereabouts of many of those detainees remain unknown. The aforementioned serve as examples of recent trends related to the execution of ethnic minorities, while many others remain on the death row. Furthermore, there are reports that between the months of October 2018 till February 2019, 18 prisoners were sentenced to life imprisonment and executed from and in the Azerbaijani region of Iran.²⁷
- 14. Ethnic minorities face other forms of violation of their right to life in Iran, as well. For instance, border couriers, known as kulbars or kulbaran, who reside in economically marginalized provinces such as Kurdistan, Kermanshah, Sistan-and-Balochistan and Western Azerbaijan face the threat of extrajudicial killings by the border authorities of IRI. The kulbars transport goods on their back, on foot, horses or mules, under difficult conditions. Often not in possession of work permits, numerous kulbars are shot at by the border authorities of IRI along the way. Moreover, Kulbars, especially those working in Kurdistan of Iran between the border of Iran and Iraq, often have to take routes littered with landmines. As such, they also face injuries and/or death due to landmine explosions. In October 2018, Mansour Moradi, a member of parliament from Kurdistan Province asked President Hassan Rouhani and his cabinet to "end violence against Kulbaran"²⁹; rhetoric that are not yet backed by state action. Reports received from Kurdistan of Iran alone indicate that in the first ten months of 2018, 75 kulbars were shot at by Iranian border authorities and killed, with another 177 Kulbars injured primarily due to border shootings and landmine explosions.³⁰

Political Prisoners

15. According to the March 2018 report of the UN Secretary General on the situation of human rights in IRI, members of religious and ethnic minorities are reported to constitute

the "majority of prisoners" in Iran.³¹ Rights groups continue to document routine and systematic targeting by IRI authorities of ethnic rights activists, human rights defenders, and journalists that belong to ethnic minorities. According to Amnesty International's 2017/2018 report, ethnic rights activists who spoke out against the discrimination of IRI against minorities face arbitrary arrest, torture and other ill-treatment, grossly unfair trials, imprisonment and the death penalty. Additionally, detained ethnic rights activists are often accused of supporting separatist agendas, facing heavy charges.³²

- 16. In 2018, the security forces of the Islamic Republic attacked at least two ethnic-cultural gatherings, held by Azerbaijani Turk activists. The confrontation resulted in the detention of a large number of Azerbaijani activists and gathering participants who had peacefully come together in celebration of their culture and identity.³³ Additionally, according to Ahwazi Arab human rights and civil rights activists, up to 600 Ahwazi Arab detainees, were arrested following the September 2018 deadly armed attack.³⁴ Furthermore, in the first ten months of 2018, 828 Kurdish citizens were reportedly detained, many of whom were sentenced to long years of imprisonment and were charged with crimes related to civic activism and membership of Kurdish political parties. Among these prisoners, there are individuals like workers, teachers, Kulbars (border couriers), artists, human rights and environmental activists, journalists, lawyers, students, photographers, cultural activists, and others alike.³⁵
- 17. Meanwhile, three Baloch political prisoners, serving time in West Azerbaijan province away from their home province of Sistan-and-Balochistan wrote an open letter from prison in 2018 to express grievances regarding the conditions of political prisoners who belong to religious and ethnic minorities, as well as the various forms of discriminations against the Baloch people.³⁶ One of the aforementioned prisoners who co-authored the open letter is Mohammad Saber Malek Raisi, one of Iran's youngest political prisoners, belongs to the Baloch ethnic group. He was arrested in 2009 at age 15, was reportedly tortured and sentenced to 15 years of imprisonment for "collaboration with opposition groups". A decade later, he still remains in prison today. His family insists on his innocence, stating that their son is being held hostage by the authorities in a pressure tactic against his brother, who is a political activist living in exile.^{37 38}

Mother Tongue Education

18. Even though people speak many languages in Iran such as Farsi (Persian), Azeri, Kurdish, Arabic, Baluchi among other languages, the Islamic Republic of Iran (IRI) only recognizes Farsi as its official language.³⁹ In August 2016, participants in the national entrance examinations for universities in Iran were allowed to choose Kurdish and Turkish languages as their majors at the bachelor level.⁴⁰ Nevertheless, there is still no access to mother tongue education in primary and secondary education. Currently non-Persian speakers are deprived of the right to education in their mother tongue, while also facing punishment and prosecution when advocating for education and cultural activities

in national languages other than Persian.⁴¹⁴² Depriving children from education in mother tongue has reportedly resulted in lower levels of learning among students in areas such as Azerbaijan, Kurdistan, Khuzestan, Turkmen Sahra and Baluchistan.⁴³

Religious Freedom

- 19. Sunnis, who number in the millions, have been prevented from establishing a mosque in the capital Tehran and are excluded from high-level governmental positions, including cabinet ministers or governors of provinces. A large number of Sunnis have been persecuted, imprisoned, and convicted, some as Sunni converts, 44 given that they were originally Shias. The majority of these arrests were done without adherence to the legal process and without the issuance of any formal summons. 45 These individuals are targeted solely because they professed their faith, such as taking part in religious seminars and distributing religious reading materials, which is considered by the government as to spread propaganda against the system, corruption on earth, and enmity against God; these last two vaguely worded national security offenses can carry the death penalty. 46
- 20. There are reports of the execution of 20 Sunnis on August 2, 2016,⁴⁷, including Shahram Ahmadi, who was sentenced to death due to his activism as a Sunni Muslim and a Kurd in an unfair trial that lasted only a few minutes.⁴⁸ These Sunni detainees were held in solitary confinement during their pretrial detention for several months without access to a lawyer. This is while The Criminal Procedure Code of the Islamic Republic calls for access of the detainee to an attorney.⁴⁹

Socio-Economic Rights

21. Ethnic minorities face various socio-economic, environmental and infrastructural challenges. Ethnic majority areas are often disproportionately underdeveloped, a situation that is the result of a historic pattern of neglect by the Islamic Republic of Iran (IRI). This section briefly addresses some of the key challenges of ethnic minorities in relation to socio-economic rights such as poverty, national identification documentation (i.e. birth certificate) and environmental challenges and natural disaster management. The section is presented with the disclaimer that the depth and the count of various forms of violations of social and economic rights of ethnic minorities in Iran go beyond only the issues addressed in this section.

Poverty

22. Ethnic majority areas of Iran struggle with marginalization and poverty, given the negligence of IRI in boosting the local economy, infrastructural development and job creation. Even though in 2014 President Hassan Rouhani declared poverty "the greatest evil in Iranian society", poverty remains a major challenge in many of the ethnic majority

areas. According to Aleem Yar Mohammad, a member of the national parliament (Islamic Consultative Assembly) from Sistan Baluchistan Province, as of May 2018, 75% of the people of this province face food insecurity. According to this MP, "The villagers of this province do not have access to drinking water and bread; they experience difficult circumstances in all aspects of livelihood." Unemployment also remains a key challenge as a contributing factor to poverty. In this context, in areas such as Kurdistan and Balochistan many take on the difficult job of serving as border couriers, known as Kulbars, risking their life while engaged in the laborious and perilous task of transporting heavy goods on their back, horse or mule across the border. 52

National Identification Documentation

23. As highlighted by the former Special Rapporteur on the Situation of Human Rights in Iran in March 2018, there are currently reportedly over 20,000 individuals with Baloch ethnic background that live without proof of citizenship in Sistan-and-Balochistan.⁵³ Not having a proof of citizenship can result in a variety of challenges such as exclusion from access to state services including, but not limited to, healthcare, social welfare and education. Even though some of these children have been able to attend school with the issuance of a special card, many others remain deprived of education.⁵⁴ Despite the promises and orders of IRI authorities in 2013 that reportedly resulted in the issuance of 24,000 birth certificates, the challenge still remains unaddressed in numerous cases. An additional challenge is that even when obtaining an ID is a possibility for this group of individuals deprived of proof of citizenship at birth, many stateless individuals have difficulty understanding the complex bureaucracy. Those who successfully apply for ID cards can end up waiting as long as 20 years⁵⁵ before receiving a clearance from bureaucrats and security officials.⁵⁶

Environmental Challenges and Natural Disaster Management

- 24. Environmental challenges have emerged a key alarming issue in Iran, having led to economic hardship, health problems, social disruption, and one of the main triggering points in recent nationwide protests. In fact, the growing environmental challenges have now reached crisis point in today's Iran, with water scarcity and air pollution, among other challenges, leading to ongoing unrests and grievances across the country. ⁵⁷ While climate change is considered a factor in the deterioration of the environment in Iran, IRI's mismanagement of natural resources is also a key contributing factor. ⁵⁸ Environmental challenges, and resulting grievances, are particularly notable in the ethnic majority areas of the country. ⁵⁹ For example, 22 incidents of reported gatherings and protest took place in the first ten months of 2018 regarding the right to usable water across the country, at least 12 of which emerged in Khuzestan Province, home to Ahwazi Arabs, where a number of protesters were reportedly detained. ^{60 61}
- 25. Mismanagement of natural resources may have also contributed to the magnitude of natural disasters⁶² in terms of emergency management, inclusive of prevention,

mitigation, preparedness, response, and recovery, all of which are scientifically interconnected. ⁶³ In 2017-2018, Kermanshah, A Kurdish province, experienced a number of earthquakes. The survivors of the earthquake, many of whom already struggle with poverty, lost their homes and are left with neither adequate housing nor access to healthcare. ⁶⁴ In March 2019, many provinces of the country, including Golestan Province where the Turkemen ethnic minority group reside and Kermanshah which is a Kurdish province, are struggling with the deconstruction and human cost incurred due to severe flooding. ⁶⁵ The very Kurdish communities affected by the earthquake in Kermanshah (i.e. Sar-pol-Zahab) and were left without housing in their tents, are also among the populations impacted by the March 209 flood. ⁶⁶

Conclusion

- 26. Iran's engagement and implementation record on issues related to ethnic minority rights during its 2014 cycle review illustrate IRI's continued unwillingness to favorably and substantively engage with structural and procedural reforms that would address fundamental inequalities that affect a substantial portion of its population. Iran has not made any sort of progress towards improving the situation regarding the severe lack of freedom of religion and belief.
- 27. The problematic status of ethnic minorities in Iran before the 2014 UPR cycle has not registered any major change, as Iranian authorities continue to persecute members of minorities, and the Iranian state still discriminates against these individuals in most aspects of public life.
- 28. The small fraction of recommendations that IRI actually implemented were scored as such primarily because they contained weak/vague and required minimal action by Iran. For instance, a recommendation given to Iran at the outcome of 2014 UPR cycle that asked IRI to "continue its policies and initiatives aimed at the promotion of dialogue, cooperation and tolerance between different cultures and religions of the national minorities" can be assessed as "implemented", because the language of the recommendation is weak and vague, requiring Iran to take minimal action. Otherwise, Iran has largely failed in protecting the rights of its religious and ethnic minorities.⁶⁷
- 29. More importantly, Iran rejected outright a majority of recommendations it received from states which, if implemented, would have required the government to amend constitutional, civil and criminal provisions that explicitly discriminate against religious, ethnic and sexual minorities. States should encourage Iran to positively engage with the UPR process by accepting and implementing as many recommendations addressing minority concerns as possible, in addition to following up on recommendations the government accepted to ensure that they are doing what needs to be done to implement them.

Recommendations

- Reform laws that discriminate against persons on the basis of their language, ethnicity, religion or belief and gender, in line with international human rights Conventions to which Iran is a party;
- Prevent and punish acts of harassment, arbitrary arrests and torture of persons belonging to ethnic minorities.
- Take measures to ensure that persons belonging to ethnic and linguistic minorities have their right to a fair trial respected, including access to an interpreter, in line with the ICCPR;
- Cease the use of solitary confinement and other forms of physical and mental torture of all prisoners, especially those who belong to ethnic minorities;
- Ensure full access of all defendants, especially those that belong to ethnic groups, to a lawyer of their choice;
- Ensure rule of law, due process, fair trial and transparency of the judicial process at all stages of every case, including those involving persons belonging to ethnic minorities;
- Adopt a moratorium on the use of the death penalty, immediately halting plans to execute all prisoners on death row;
- Ensure greater transparency about death penalty statistics, including by making public the proportion of prisoners on death row belonging to minorities;
- Ensure access to mother tongue education for the members of the Kurdish, Arabs, Azerbaijani- Turks, Baloches, and Turkemen ethnic groups;
- Clear the Iran-Iraq border from landmines and remnants of the war efficiently and diligently, seeking the support of international organizations, in line with previously accepted recommendations;
- Prevent and punish the use of lethal force by law enforcement forces against border couriers in border areas such as Kurdistan and Sistan-and-Balochistan;
- Adopt, with the full participation of concerned communities and minority rights defenders, a
 comprehensive plan aiming at addressing the economic, social and cultural challenges faced
 by persons belonging to ethnic minorities in Iran, and at remedying their historical
 marginalization;
- Make sure that poverty alleviation and development plans address as a matter of priority the situation of groups that are the most marginalized, including persons belonging to ethnic minorities living in poverty, in line with the SDG principle of "leave no one behind";
- Ensure the effective and transparent management of environmental challenges and natural
 resources, including access to safe drinking water and food for all, especially in povertyridden and underdeveloped areas where ethnic groups reside; to that end, protect the work of
 environmental rights defenders and create an enabling environment for civil society actors to
 work on these issues free from harassment and intimidation; and

Take firm action to prevent and reduce statelessness in Iran, including by ensuring that
persons belonging to the Baloch ethnic minority can obtain as soon as possible appropriate
proofs of citizenship and a national identification card, that would allow them to study, work
and enjoy national welfare benefits.

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