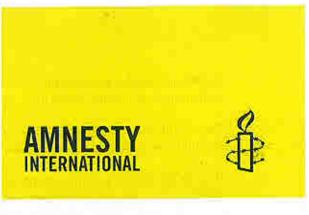
Ref: TIGO IOR 40/2010.113

Ms Gabriella Habtom Secretary Committee on the Elimination of Racial Discrimination Office of the High Commissioner for Human UNOG-OHCHR CH 1211 Geneva 10 Switzerland

25 June 2010

Dear Ms Habtom



AMNESTY INTERNATIONAL

INTERNATIONAL SECRETARIAT Peter Benenson House, 1 Easton Street London WC1X ODW, United Kingdom

T: +44 (0)20 7413 5500 E: amnestyis@amnesty.org

F: +44 (0)20 7956 1157 W: www.amnesty.org

77TH SESSION OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION -PRELIMINARY INFORMATION ON IRAN

In advance of the consideration of Iran's 18th and 20th periodic reports by the Committee on the Elimination of Racial Discrimination (the Committee) at its 77th session, Amnesty International would like to outline a number of issues of concern in relation to Iran's implementation of the International Convention on the Elimination of Racial Discrimination (the Convention), particularly in relation to Articles 1, 4 and 5. The concerns detailed below do not reflect the full extent of Amnesty International's concerns in relation to racial discrimination in Iran, but merely highlight a number of pressing issues.

Overview

Iran has a diverse population which includes many different ethnic minorities, among them Ahwazi and other Arabs, Armenians, Azerbaijanis, Baluchi, Kurds, nomadic groups of varying ethnicity, including the Qashqai, Turkmen and others.

There are also several religious minorities, many of whose members are also members of ethnic minorities. These include the Baha'i; Christians of various denominations, including converts to Christianity; Sunni Muslims, and other faith groups such as the Sabaeans (Mandaens), Yazidis, and the Ahl-e Haq (also known as Ali Illahis or Yaresan).

Iran is also host to over one million refugees, mostly from Afghanistan and Iraqi, and to hundreds, possibly thousands, of irregular migrants, mostly from Afghanistan.

Amnesty international has longstanding concerns about racial discrimination in Iran, which have been exacerbated by the increased repression of dissent that has occurred in the wake of the disputed presidential election in June 2009 and subsequent mass protests. The human rights violations of the past year have impacted particularly severely on minorities, not least because the authorities have sought to blame members of minority groups in Iran - notably Baha'is - for fomenting unrest and scapegoat them. As well, they have carried out executions of Kurdish political prisoners with the apparent intention of sending a chilling message to those considering further protest. Refugees and irregular migrants also face particular problems with regard to access to education, social and other public services and in the administration of justice which are not directly connected to the unrest of the past year.

Amnesty International's research, as outlined in the documents referred to in this letter and the appendix, has shown that despite Constitutional guarantees, specific legislation and practice in Iran is flawed and partial in respect to the protection of the countries minorities. At stated, this has been exacerbated during the intensified repression of the past year.

As a result, members of ethnic and religious minorities continue to face discrimination and are subject to violations of their economic, social and cultural rights as well as of their civil and political rights.

Despite the standing invitation that the Iranian government extended to all UN Special Procedures in 2002, in practice the government has yet to permit any mandate holders to visit Iran since 2005.

There are currently outstanding visit requests by several mandate holders, including the Independent Expert on minority issues and the Special Rapporteur on freedom of religion or belief.

Amnesty International's research, as outlined in the documents referred to in this letter and its appendix, indicates that while the legal framework in Iran would appear, on its face, to afford protection to members of minorities, in practice they are subject to discrimination by the authorities in many aspects of life and are unable to enjoy economic, social and cultural rights or their civil and political rights without discrimination, as provided by the Convention.

Dissemination of ideas based on racial superiority or hatred (Article 4)

Government spokespersons and leading Iranian political figures have made statements that are inconsistent with the state's obligations under this Article, and may amount to "dissemination of ideas based on racial superiority or hatred" or "incitement to racial discrimination" prohibited under Article 4(a) of the Convention.

In May 2009, Hossein Shariatmadari, the editor of the Tehran daily newspaper, Kayhan, and an advisor to Supreme Leader Ali Khamenei, wrote an article which criticized an advisor to then presidential candidate Mehdi Karroubi and contained derogatory references to Iran's Bahai community¹:

"In her recent propaganda trip to Arak, she [advisor to Mehdi Karroubi] has called the Zionist Party of Bahais 'Iranian citizens' and has said: 'As citizens of Iran, the Bahais have rights and the statesmen must respect those rights and recognize them.' We have really no expectations from Mrs. Kadivar and it is not her we are addressing. But is Mr. Karroubi unaware of the real identity of Bahaism which is not only a sect but also a political party connected with the Zionists? Have the thousand documents and hundreds of disclosed affairs about the nature of this party as Israel's fifth column with its espionage and terrorist activities been hidden from Mr. Karroubi's sight? One can certainly not expect of Mr. Karroubi as a cleric, and at that one with a record of Islamic struggle to be ignorant of the identity of this party. Therefore, why and with what motives does his entourage speak of realization of this Israeli and American party which is a recognition of this Zionist and terrorist party?"

Similarly, in June 2010, the Secretary General of Iran's High Council for Human Rights, Mohammad Javad Larijani, also equated the Bahai faith to a 'cult'. He stated during the session of the Human Rights Council in which Iran was considered under the Universal Periodic Review mechanism, that "Bahaism is not recognized as a religion either by other Islamic countries or OIC because of the content of their cult, sectarian character and violations of human rights by their leaders".²

President Mahmoud Ahmadinejad has also on several occasions since his election in 2005 made statements regarding the State of Israel which could encourage hatred and violence or attacks on civilians. For example, speaking on 25 October, 2005 at conference entitled 'The World Without Zionism', the then recently-elected president, Mahmoud Ahmadinejad delivered a speech in which he drew on a statement made by the former Supreme Leader of Iran, Ayatollah Khomeini. Referring to the

¹ See, in Persian: http://www.agahsazi.com/article.asp?id=3391&cat=4 accessed in June 2010.

² See, in Persian: http://balatarin.com/topic/2010/1/24/1004254, or http://www.eteraaz.com/news/736-kaka.html accessed in June 2010.

latter, he said that "The Imam said this regime occupying Jerusalem must vanish from the page of time". While not referring to Israel, the Israeli government or to Jews, this statement has widely been interpreted as showing enmity towards Jews.

In an interview given in January 2010, referred to above, Mohammad Javad Larijani, Secretary General of Iran's High Council for Human Rights, referred to US President Barak Obama as a 'kaka siyah', the Persian equivalent of "nigger".³

Derogatory articles and other media pieces about ethnic minorities are frequently published in state-run newspapers or broadcast by state-run television and radio stations.

Such practices are of particular concern with relation to the Baha'i community, and may be at least partially responsible for the increase in recent years of reported attacks Baha'i property, including cemeteries.

The Azerbaijani community has also been the subject of derogatory items in state-controlled national papers. For example, a cartoon which many members of the Azerbaijani community found offensive, was published in a state-run newspaper in May 2006. Hundreds of thousands of Azerbaijanis protested at the cartoon; the demonstrations were violently repressed, with some individuals killed and hundreds arbitrarily arrested.

Analysis of violations faced by specific ethnic minorities

Information concerning three particular ethnic minorities may be found in the following Amnesty International reports (these are also referred to in the appendix, attached below):

- Iran: Defending Minority Rights: The Ahwazi Arabs (16 May 2006, Index: MDE 13/056/2006, http://www.amnesty.org/en/library/info/MDE13/056/2006/en) and five associated documents referred to in the appendix. These concern violations of the right to life of members of the Ahwazi minority as well as "land-grabbing" and forced dispossession.
- Iran: Human Rights Abuses against the Baluchi Minority (17 September 2007, A Index: MDE 13/104/2007, http://www.amnestv.org/en/library/info/MDE13/104/2007/en) describes a range of human rights concerns affecting the Baluch minority.
- Iran: Human rights abuses against the Kurdish minority (30 July 2008, Index: MDE 13/088/2008, (http://www.ammestv.ors/en/library/info/MDE13/088/2008/en) which concerns violations of the economic, social and cultural rights of members of the Kurdish minority, as well as flaws in the administration of justice.

Administration of Justice (Article 5)

Amnesty International is concerned about racial discrimination within Iran's justice system.

In particular, it appears from Amnesty International's research that members of minorities feature disproportionately among those who face unfair trials; those who are on death row and those who are executed.

The organization's reports on, *inter alia*, the Kurds and Baluchis examine tens of cases of unfair trial faced by members of those communities, notably those who advocate equal rights for their respective ethnic communities. Similarly, information collated in respect to death penalty cases appears to suggest that Iran's ethnic minorities face the death penalty in greater numbers than non-Persian Iranians. For example, a "special" court in eastern Iran established in May 2006 to reduce the time between the crime and the punishment led to a marked rise in the number of Baluchis executed.⁴

³ See, in Persian: http://www.eteraaz.com/news/736-kaka.ntml accessed in June 2010.

⁴ An in-depth analysis of the implementation of the death penalty vis-a-vis the Baluchi community can be found in section 4.4 of Amnesty International *Iran: Human Rights Abuses against the Baluchi Minority*, A Index: MDE 13/104/2007, http://www.amnesty.orgen/library/info/MDE13/104/2007/en accessed 25 June 2010. High rates of

However, it is difficult to confirm this apparent pattern, or the extent of such discrimination, because the Iranian authorities do not provide statistics on the use of the death penalty or other detailed statistics which could be used to assess the extent of racial discrimination in the justice system and factors such as the provision made for non-Persian speakers to access justice in Iran, nor in respect to the outcome of proceedings in areas where Persian is not generally the spoken language.⁵

Access to public office and employment (Articles 5(c) and 5(e)(i))

Candidacy for election to public office and employment by the state are subjected to discriminatory selection criteria through the 'selection' or *gozinesh* process.⁶

Applicants to paid positions in the state sector, including, for example, teachers and administrators, are required to meet ideological selection standards – they must demonstrate, among other things, their allegiance to Islam and the Islamic Republic of Iran. In practice, such selection criteria have been used by unaccountable panels to exclude non-Shi'a Iranians from certain state positions, including employment as teachers, and from standing as parliamentary candidates and even for the presidency.

Access to further education may also be subject to ideological scrutiny and review, in specific instances, in the same way as for state employment.

These selection processes impact on the right of members of minorities to participate in public life and to enjoy equal access to employment and education opportunities.

Freedom of religion (Article 5(d))

As noted above, the only religions which enjoy official recognition in addition to Shi'a Islam are Christianity, Judaism and Zoroastrianism. In practice, Armenian and Assyrian Christians are free to practice any form of Christianity, provided it is in their 'own' languages.

Persian-language services held in churches belonging to the Armenian or Assyrian ethnic minorities do not appear to be tolerated and information received by Amnesty International suggests that such services are not permitted and have been halted.

Sunni communities, mainly the Kurds and Baluchis, often complain of discrimination and point, among other things, to the longstanding denial to establish a Sunni mosque in Tehran as evidence.

Other minorities such as the Baha'i and Ahl-e Haq are not officially recognized and do not have the right to practice their religions freely, and may be particularly at risk of discrimination in other fields as well, as illustrated by the official directives regarding education and freedom of religion. Examples of these directives are reproduced in Amnesty International's report, *Human Rights Violations against the Kurdish Minority (see full reference above)*, one directive is from Kermanshah Province and the other from the Province of Tehran.

The directive used by the Kermanshah provincial authorities in 2007, for example, instructed officials to prevent the Ahl-e Haq community from building prayer facilities. Further, a 1997 directive from the

executions against the Baluchi community are also cited in *Amnesty International Report 2008*, from which the statement above is taken. See: http://www.amnesty.org/en/report/2008 accessed 25 June 2010.

See Amnesty International report *Iran: End executions by stoning*, page 5, Al Index: MDE 13/001/2008
http://www.amnesty.org/en/report/campaigning-end-stoning-map-20080115 accessed 25 June

2010, which details a case of an Azerbaijani woman having been sentenced to death by stoning, despite her claims that as an Azerbaijani Turkic speaker who was not adequately literate, she had not understood key details of the case. The sentence was subsequently commuted to life imprisonment.

⁵ For further information about discriminatory *gozinesh* procedures, see Amnesty International's concerns relevant to the 91st International Labour Conference, Al Index: IOR 42/003/2003, http://www.amnesty.org/en/library/info/IOR42/003/2003/en accessed 25 June 2010.

province of Tehran's education department instructed school administrators to identify "students and staff from subversive sects (*feragh-e zalleh*), [such as] the Bahai, Ali-Ellahi, Ahl-e Haq etc. in [their] institution, [and requested that they] please report their details individually..." The same directive informs state officials that "any activity and propaganda by the above mentioned individuals is forbidden in [their] institute/school".

Access to education (Article 5(e)(v))

In addition to the concerns raised in relation to the *gozinesh* process, described above, Amnesty International is concerned that some members of minorities – particularly Baha'is - are excluded from higher education – and on occasion secondary education – on account of their identity. Other students are excluded from post-secondary education on grounds of their imputed beliefs.

In the Baluchi communities, although primary schooling from 6 to 11 is free and compulsory, school enrolment rates in the province are 71.5 per cent for girls and 81.8 per cent for boys, well below the national average. The primary reasons for families deciding to keep girls at home include the long distances between schools and the isolated Baluchi communities, a lack of female teachers, the relatively high level of poverty which leads to children being kept out of school to work, and cultural attitudes which place less value on education for a girl than for a boy.

Amnesty International's 2008 report concerning Iran's Kurdish minority noted that private pre-school childcare facilities had been closed by the authorities on the grounds that they were teaching a 'non-national language' despite Constitutional guarantees on the right to use regional languages in such institutions.⁸

A UNICEF report in 1998, referred to by Amnesty International in 2008, noted that the only secondary schools in rural Kordestan, at the time of that report, were located in Shi'a rather than Sunni towns.

Right to use minority languages

Amnesty International recognizes that international provisions on linguistic rights are weak. The European Court of Human Rights ruled that the state is "to provide for the possibility of pluralism in education". This provides for the right to establish educational institutions teaching in a manner that upholds minority culture and language, provided that all schools meet minimum standards of quality.

Persian is Iran's one official language and all matters relating to the state, whether in court, parliament or local administration and education are conducted in Persian. Nevertheless, Iranian laws do not forbid the use of minority languages, which are heard throughout minority areas and across Tehran.

Yet, it is a long-standing grievance of many communities, particularly the Azerbaijani and Kurdish communities, that they are not permitted to have at least primary level education conducted in their languages. Amnesty International's 2008 report on Kurds sets out examples of private sector initiatives to provide pre-school facilities in Kurdish which have been closed, ostensibly for providing education in a 'non-official language'.

Access to public funding and services (Article 5(e)(iv))

Amnesty International's research indicates that many minority communities – which are often largely based in rural areas away from the centre – receive a disproportionately small amount of public funding for essential services, including education, healthcare (especially maternal healthcare) and housing.

⁷ The national figures are 92 per cent for girls and 93.4 per cent for boys. UN Common Country Assessment for Iran, UN Common Country Assessment for Iran, page 45: http://www.undp.org.in/DecCenter/reports/ned/CCA.pdf accessed 18 June 2010.

⁸ Amnesty International *Iran: Human rights abuses against the Kurdish minorityl*, page 13, Al index MDE 13/088/2008, http://www.amnesty.org/en/library/info/MDE13/088/2008/en accessed 25 June.

Land confiscation and forced eviction (Article 5(e)(iii))

In areas traditionally populated by some minority communities, land expropriation has been so widespread that it appears to amount to an unstated but official policy aimed at disposing those minorities of their lands. This has been linked to measures such as zero-interest loans, not available to the members of the minority, which encourage or facilitate the relocation of Iranians of other ethnic identities to those areas. Many of those disposed of their lands have ended up living in overcrowded slum areas, without adequate access to sanitation or clean water. Such concerns, as they relate particularly to Iranian Arabs and Kurds, were also raised by the UN Special Rapporteur on adequate housing in his report following his visit to Iran in 2005. 9

Women: multiple forms of discrimination (Article 5)10

Amnesty International is concerned about the phenomenon of multiple forms of discrimination experienced by some sectors of society, particularly women and refugees and irregular migrants (discussed below). Kurdish women told Amnesty International in 2008 that they were 'doubly accused' in that they faced the denial of rights in the name of tradition and religion, in which strict social codes are used to hinder outsiders, including state officials, in dealing effectively with the denial of education to Kurdish girls; suicide by self-immolation and 'honour' killings. Amnesty International believes that the Iranian authorities have not exercised due diligence in eradicating violence against women in the home and community.

Exemplifying the challenges faced in this area, in 2006 an Iranian human rights group, the Human Rights Organization of Kurdistan (HROK), published the names of more than 150 Kurdish women and girls who had died by self-immolation. In 2007, Mohammad Sadigh Kabudvand, the head of the HROK, was arrested and later imprisoned. The HROK, constantly denied accreditation by the Iranian authorities, was forced to cease its human rights work in Iran as its members were harassed or imprisoned.

Women's rights defenders in Iran are under constant harassment and attack by the state authorities, and this is particularly the case for women's rights defenders from minority communities, as detailed in relevant Amnesty International reports.

Refugees and irregular migrants (Article 1)11

Amnesty International is concerned that refugees and irregular migrants face discrimination on account of their race, colour, descent, or national or ethnic origin. This involves particular problems with regard to access to education, social and other public services and in the administration of justice.

Please do not hesitate to contact me if you have any queries on the above.

Yours sincerely,

Yuval Ginbar Legal Adviser

⁹ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, Mission to the Islamic Republic of Iran 19-31 July 2005, Summary, E/CN.4/2006/41/Add.2, available at http://daccess-dds-

nv.un.org/doc/UNDOC/GEN/G05/119/30/PDF/G0511930.pdf?OpenEtement accessed 18 July 2010.

¹⁰ See Committee on the Elimination of Racial Discrimination, General Recommendation No. 25: Gender related dimensions of racial discrimination, 20 March 2000.

¹¹ See Committee on the Elimination of Racial Discrimination, General Recommendation No. 11: Non-citizens (Art. 1), 19 March 1993.

Sample reference material indicating Amnesty International's Concerns - IRAN

General material containing reference to violations against minority groups

Iran: Amnesty International's Comments on the National Report presented by the Islamic Republic of Iran for the Universal Periodic Review, Report, 12 February 2010, Index: MDE 13/021/2010 http://www.amnesty.org/en/library/info/MDE13/021/2010/en

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Iran: Ensure free presidential election, Public Statement, 15 May 2009(Index: MDE 13/046/2009). http://www.amnesty.org/en/library/info/MDE13/046/2009/en

Middle East and North Africa: Challenging Repression: Human Rights Defenders in the Middle East and North Africa, Report, 11 March 2009, Index Number: MDE 01/001/2009 http://www.amnesty.org/en/library/info/MDE01/001/2009/en

Iran: Human Rights in the spotlight on the 30th Anniversary of the Islamic Revolution, Report, 5 February 2009, Index: MDE 13/010/2009 http://www.amnesty.org/en/library/info/MDE13/010/2009/en

Iran: Worsening repression of dissent as election approaches, Report, 1 February 2009, Inde: MDE 13/012/2009

http://www.amnesty.org/en/library/info/MDE13/012/2009/en

Iran: End executions by stoning, Report, 15 January 2008 Index: MDE 13/001/2008 http://www.amnesty.org/en/library/info/MDE13/001/2008/en (This contains information concerning an Azerbaijani woman sentenced to stoning who was unable to understand the court proceedings)

Ahwazi Arabs

Iran: Further Information on Forcible return/Prisoners of conscience/Fear of torture or other ill-treatment, Urgent Action, 13 January 2009, Index: MDE 13/002/2009 http://www.amnesty.org/en/library/info/MDE13/002/2009/en

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Iran: Arbitrary arrests/ fear of torture or ill-treatment/ possible prisoners of conscience, Urgent Action, 3 January 2008, Index: MDE 13/002/2008 http://www.amnestv.org/en/library/info/MDE13/002/2008/en

Iran: Further information on fear of imminent execution, 4 Ahwazi Arab men, Urgent Action, 7 February 2008, Index: MDE 13/036/2008 http://www.amnesty.org/en/library/info/MDE13/036/2008/en

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http://www.amnesty.org/en/library/info/MDE13/123/2006/en

Iran: Fear of imminent execution, 9 Ahwazi Arab men, Urgent Action, 13 November 2006, Index: MDE 13/126/2006

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Iran: Death Sentences - Appeal Case: 11 Iranian Arab men facing death sentences, 16 May 2006,

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Iran: Appeal Case: Four Ahwazi Arab women and two children: Prisoners of conscience,16 May 2006,

Index: MDE 13/059/2006

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2006, Index: MDE 13/060/2006

http://www.amnesty.org/en/library/info/MDE13/060/2006/en

Baluchis

Iran: Further information on fear of torture/ possible prisoner of conscience/ unfair trial, four Baluch Youths, Urgent Action, 18 November 2008, Index: MDE 13/168/2008 http://www.amnesty.org/en/library/info/MDE13/168/2008/en

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Iran: Further information on death sentence/unfair trial/ torture: Ya'qoub Mehrnehad, Urgent Action, 8 August 2008, Index: MDE 13/110/2008

http://www.amnesty.org/en/library/info/MDE13/110/2008/en

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Iran: Further Information on UA 104/07: Fear of torture or ill-treatment/ Medical concern: Hasan Hikmet Demir, Urgent Action, 8 January 2008, Index: MDE 13/003/2008 http://www.amnesty.org/en/library/info/MDE13/003/2008/en

IRAN: Ronak Safarzadeh, Imprisoned women's rights activist http://www.amnesty.org.uk/uploads/documents/doc 19888.pdf

Kurdish women's rights activist released in Iran, Story, 27 February 2009 http://www.amnesty.org/en/news-and-updates/good-news/kurdish-womens-rights-activist-released-iran-20090227

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Azerbaijanis

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http://www.amnestv.org/en/library/info/MDE13/027/2007/en

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