

THE HIDDEN SIDE OF IRAN

Discrimination against ethnic and religious minorities

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security



Cover: Iranian Kurds hold up pictures of four prisoners who were executed in May 2010. They are (from right to left): Farhad Vakili, Shirin Alam-Huli, Mehdi Eslamian (two pictures), Shirin Alam-Huli again and Farzad Kamangar (far left). Three of them belonged to the Kurdish minority.

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Ethnoreligious Distribution



Preamble

The Iranian government ratified the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1968, well before the Islamic revolution. Since then, the government has regularly submitted state reports to the independent body established by this Convention to monitor its respect by States parties: the UN Committee on the Elimination of Racial Discrimination (CERD). CERD examined the eighteenth and nineteenth periodic reports of the Islamic Republic of Iran in August 2010. In order to provide alternative information to the UN independent experts on the situation of ethnic and religious minorities in Iran, FIDH and its Iranian member organisation, the Iranian League for the Defence of Human Rights (LDDHI) submitted this report to the CERD. The examination by the CERD of the Iranian government's periodic report was followed by the adoption of a series of recommendations to the Iranian authorities in order to improve implementation of the Convention in Iran (see Annex).

The Iranian authorities do not allow FIDH to visit Iran. LDDHI operates in exile and the offices of DHRC, which is also a member organization of FIDH, were closed down by the Iranian regime in December 2008. This report is therefore based on documentary sources, and it has been impossible for FIDH and its member organisations to carry out a field visit in order to complete this documentary research.

In 2003, in its Concluding Observations concerning the Islamic Republic of Iran, the United Nations Committee on the Elimination of Racial Discrimination made several recommendations to the Islamic Republic for its next periodic report,¹ namely to:

- provide an estimate of the demographic composition of the population;
- consider reviewing the definition of racial discrimination contained in its domestic law (i.e. Article 19 of the Constitution) in order to bring it into full conformity with Article 1, paragraph 1, of the Convention;
- include more information in its next periodic report concerning the measures it has adopted to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction;
- ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with Article 5 (d) of the Convention;
- permit students of different origins to register in universities without being compelled to state their religion;
- consult with organisations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

However, the eighteenth and nineteenth periodic reports of the Islamic Republic of Iran (IRI) have either failed to address those issues or attempted to gloss over the stark realities.

The International Federation for Human Rights (FIDH) and the Iranian League for the Defence

1. CERD/C/63/CO/6, 10 December 2003.

of Human Rights (LDDHI) took the opportunity provided by the CERD's examination of the IRI's periodic reports to highlight the deteriorating state of discrimination against ethnic groups and religious minorities and to demonstrate that the Islamic Republic of Iran has not fulfilled any of the above recommendations. However, our report does not touch upon the last of the CERD's recommendations, as the IRI has not even claimed to consult independent civil society organisations.

Introduction

A general outline of principles of governance in the Islamic Republic of Iran is essential in order to fully understand the roots of the severe discriminations against ethnic communities and religious minorities in Iran.

The Islamic Republic of Iran is a fully fledged theocracy based on the theory that divine law is the unique source of legitimacy and political authority. Divine law in this sense, however, is even much more narrowly interpreted and is tantamount to the canonical beliefs of a very small group of clerics within the Twelver Ja'afari School of Shi'a that follows and adheres to the concept of "*Velayat-e Faqih*."²

This concept, formulated by the founder of the IRI Ayatollah Khomeini, contends that during the period of waiting for the reappearance of the Twelfth Imam of the Shi'a, one Shi'a canonist, in his capacity as the worldly representative of the Absent 12th imam has absolute power and is the sole authorised interpreter and enforcer of the divine law - the *Vali Faqih*.³ Thus, he exerts control over all aspects of civil and political society. The State itself is conceived as an institution and instrument of the divine will, which is applied through a clerical oligarchy. Hence, divine truth and clerical authority are identical.

Article 110 of the Constitution lists all the powers granted to the Supreme Leader, appointed by an assembly of clerics - the 'Assembly of Experts' - for an unlimited duration. The Supreme Leader exercises his control over the judiciary, the army, the police, the radio, and the television. Furthermore, he also controls the president and the parliament, i.e. all the institutions elected by the people. Under Article 91 of the Constitution, the Guardian Council has power of veto over all parliamentary legislation. The Guardian Council has 12 members: six clerical canonist members and six jurist members. It is the exclusive right of the six clerical members to determine the compatibility of the legislations with the Islamic *shari'a*. The Guardian Council as a whole checks and determines the compatibility of parliamentary legislation with the Constitution.⁴

2. Guardianship of the Islamic canonist.

3. Vali Faqih literally means the canonist guardian, who is currently Ayatollah Khamenei.

4. The Supreme Leader appoints the six clerical canonist members. The six jurist members are elected by Parliament from among nominees put forward by the head of the Judiciary, who is also appointed by the Supreme Leader.

Legalised Discrimination⁵

The Constitution

The Iranian authorities claim that there is no discrimination in Iran, as illustrated by their periodic reports to the CERD:

“(...) discriminatory approach has no effect on the laws, regulations or the current policy makings of the country and nowhere in the rules (including the Constitution or the laws of the Islamic Republic of Iran), can anybody find an example of treating different groups of people in the society based on their racial, ethnic or language differences.”⁶

However, this statement does not reflect the reality.

The Constitution of the Islamic Republic of Iran declares Islam and specifically the Twelver Ja’afari School of Shi’a as the official religion of the country (Articles 12). Sunni Muslims are officially given a higher status than other religious minorities. Article 12 accords ‘*full respect to other schools of Islam, including [five such schools]*’. The Constitution then stipulates that they are completely free to practise their religious rites and rituals and even recognises the primacy of their canon in courts in regard to inheritance and will, marriage, divorce and, in regions where they constitute the majority of the population, provides for the local regulations to be in line with their religion within the frameworks of law.

Contrary to conventional interpretation of Article 12, the Constitution has excluded a number of major Islamic schools, e.g. some of the significant Shi’a schools such as the Isma’ilis, and the Alevis.⁷

The Constitution stipulates: “*Zoroastrian, Jewish, and Christian Iranians are the only recognised religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies and to act according to their own rules in matters of personal affairs and religious education*” (Article 13).⁸ [Emphasis added]

The Constitution does not recognise a number of faiths, e.g. the Baha’i faith, and various branches of Sufis. Non-believers and atheists do not have the right to exist at all. This deliberate refusal to recognise other religions and beliefs is in stark contrast to Article 18 of the International Covenant on Civil and Political Rights to which Iran is a State party. It also contravenes Article 18 of the Universal Declaration of Human Rights.

Many rights that the Constitution seems to recognise for the Iranian citizens are extremely

5. This section does not claim to offer an exhaustive list of all the discriminatory laws or even all discriminatory provisions of the laws referred to here.

6. Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Para 2.

7. The English translation of Article 12 available on the website of the Ministry of Foreign Affairs (<http://www.mfa.gov.ir/cms/cms/Tehran/en/Tourism/Constitution.html>) has omitted the names of those five Islamic schools, giving the wrong impression that all Islamic schools are recognised. For another translation of Article 12, see: http://www.iranchamber.com/government/laws/constitution_ch01.php (Note: all links in this report have been accessed in July 2010)

8. Some government sources seem to think that provision is not clear enough and although they admit that other religions do exist, they adamantly emphasise the discrimination practised against their followers: “Of course followers of other religions are not free to propagate their religions.” See Home page of Commercial Attaché of the IRI Embassy in Kabul (<http://www.iranattache-afghan.ir/about-ir/#gf>)

restricted and qualified by adding the phrase ‘in compliance with Islam’s criteria.’⁹ These may be noted for instance in Articles 4, 10, 14, 20, 24, 26, 27, and 28 among others. One of the worst is perhaps Article 14 which expressly and emphatically denies human rights to those who ‘engage in conspiracy or activity against Islam and the Islamic Republic of Iran.’

The Committee on the Elimination of Racial Discrimination has already noted the inconsistency of Article 19 of the Constitution with the ICERD.¹⁰ Article 20 appears to guarantee equality before the law, but it is still restricted by the clause ‘in compliance with Islam’s criteria.’¹¹ In practice, discrimination between clerics and non-clerics through organisations such as the Special Court for Clergy¹², relegates non-clerics to second class citizens.

The same restriction appears in Article 26 of the Constitution on political parties and groups. While the eighteenth and nineteenth periodic reports of the IRI present Article 26 as an excellent provision,¹³ it is notable that it stipulates: “The formation of parties... as well as religious societies, whether Islamic or pertaining to one of the recognised religious minorities, is permitted.” Thus, no other associations are tolerated, except followers of Islam or one of the three recognised religions.

The Committee on the Elimination of Racial Discrimination wrote in 2003:

“13. While the Committee notes that, according to the State party, the teaching of minority languages and literature in schools is permitted, it requests that the State party include more information in its next periodic report concerning the measures it has adopted to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction.”¹⁴

It is to be noted, however, that the Ministry of Foreign Affairs of the IRI has provided the following translation for Article 15 of the Constitution:

“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.”¹⁵ (Emphasis added)

That plainly means that only teaching of literature in languages other than Persian is permitted and those languages can be used in the media. There is no discussion of “opportunities to learn their mother tongue and to have it used as a medium of instruction.” The Constitution does not allow education to be conducted in languages other than Persian in schools. In practice, the use of those languages is not readily permitted in the media either.

Last but not least, it is notable that the leader, the president, and head of the Judiciary can only be Shi’a Muslims. Judges can only be Muslims.¹⁶ Members of Parliament can only be Muslims. The three recognised religions are allocated five MPs: one Jewish, one Zoroastrian, one Assyrian and Chaldean Christian, one Armenian Christian from the north and one from the south. Members of the recognised minority religions cannot stand for election and be elected by other Iranians.

9. This is also the case with many ordinary laws.

10. Article 19: “Ethnic equality: All people of Iran, regardless of the ethnic group or tribe they belong to, enjoy equal rights; and color, race, language, and the like, do not bestow any privilege.”

11. Article 20: “Citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in compliance with Islam’s criteria.”

12. The court is an extra-Constitutional body.

13. Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Paragraphs 66, 77, 92 and 93

14. Concluding observations, CERD/C/63/CO/6, 10 December 2003; emphasis added.

15. <http://www.mfa.gov.ir/cms/cms/Tehran/en/Tourism/Constitution.html>

16. Article 163 of the Constitution and the 1982 Law for Selection of Judges (See <http://tarh.majlis.ir/?ShowRule&Rid=EF32C5EC-6BE5-4F51-B263-75DD656CD8B9>)

The Civil Code

Inheritance: The provisions of the Civil Code concerning inheritance clearly discriminate against non-Muslims in favour of beneficiary Muslims, if any. According to Article 881 of the Civil Code a non-Muslim cannot inherit property from a Muslim. Moreover, the same Article states that if one of the heirs of a non-Muslim is Muslim, the latter (regardless of that person's relationship with the deceased) will collect the entire inheritance to the detriment of all other non-Muslim heirs. In practice, this law not only discriminates against religious minorities but also encourages conversion to Islam for material gain.

Marriage: Marriage between a Muslim woman and a non-Muslim man is forbidden by Article 1059 of the Civil Code. However, Muslim men are allowed to marry non-Muslim women. This gender-based discrimination justifies the man's domination in the couple. Therefore, a Muslim woman should not be dominated by a non-Muslim man..

Islamic Penal Code (IPC)

Article 63 of the Islamic Penal Code (IPC) stipulates that in case of fornication, fornicators shall be lashed 100 times. However, if the male partner is not a Muslim, he shall be killed (Article 82).

Likewise, a non-Muslim man will be sentenced to death if he is the active party in same -sex relations not involving penetration (Article 121), whereas a Muslim man shall only be lashed for the same 'offence.'

Discrimination of similar nature prevails in regard to the crime of murder. "If a Muslim is killed, the murderer shall be subjected to *qesas* [retributive punishment]" (Article 207). But, similar provisions apply to non-Muslims only if the killer is also non-Muslim: "In the event that an infidel¹⁷ intentionally kills another infidel, s/he shall be subjected to retribution even if the two are followers of different religions..." (Article 210)¹⁸

Legalised religious discrimination against non-Muslims goes further. By definition, anybody who is not a Muslim or a follower of the three religions recognised by the Constitution is an apostate. The Press Law stipulates: "Anybody who insults Islam and its sanctities by means of the press, amounting to apostasy, shall receive the sentence for apostasy..." (Article 26). The applicable IPC does not define or include provisions on apostasy or heresy, which are 'offences' based on religious discrimination. However, Ayatollah Khomeini is quite clear on the issue: "*Nothing shall be accepted from others outside of those three groups [Jews, Christians and Zoroastrians] but Islam or death.*"¹⁹ And Article 167 of the Constitution has empowered judges to issue rulings based on authoritative Islamic sources in the absence of legislation.

Under chapter 2 of the Islamic Penal Code headed "Insulting religious sanctities and assassination attempt on domestic officials," anybody who insults ... Ayatollah Khomeini or the [incumbent] supreme leader shall be sentenced from six months to two years imprisonment" (Article 514). In contrast, insulting individuals is punishable by 74 lashes or a fine (Article 608).

17. In his famous catechism, which has formed the backbone of all penal codes since the 1979 revolution, Ayatollah Khomeini specifies three groups as such: Followers of Christianity, Judaism and Zoroastrianism, (Ayatollah Khomeini, Tahrir ul-Vassileh, Vol. IV, bilingual text, P 249, see <http://www.melliblog.blogfa.com/post-301.aspx>).

18. We are opposed to the death penalty and believe in its abolition. We have also called on the Iranian authorities to abolish the death penalty in our relevant reports in April 2009 and February 2010. It is therefore the discriminatory nature of the law with which we are concerned here.

19. Op. cit.

Selection Law

“According to Article 28 of the Constitution every person is entitled to choose the employment he/she wishes, so long as it is not contrary to Islam or the public interest or the rights of others. The Government is bound, with due regard for the needs of society for a variety of employment for all persons, to create the possibility of employment, and equal opportunities.”²⁰

The 1995 Law for the Selection of Teachers that was extended to employees of all ministries and other governmental organisations in 1996 contains the following provisions that discriminate specifically against non-Muslims, Muslims who do not believe in or adhere to the theory of *Velayat-e Faqih*,²¹ Muslims who do not practise the rulings, people who do not take part in Friday or mass prayers, and women who do not wear the full-body length veil:

Article 2: Some of the general criteria for moral, ideological and political selection [of employees] are as follows:

1. Belief in Islam or one of the religions stipulated by the Constitution
2. Practical adherence to Islam’s rulings
3. Belief in and adherence to *Velayat-e Faqih*, the Islamic Republic and the Constitution
4. Recognised religious minorities are governed by their own regulations, but they must not openly breach the Islamic rulings
5. Invalids of the war will be given priority, and in case of shortage of capacity, other priorities will be taken into consideration e.g. record of work for revolutionary organisations, record of participation in Friday and mass prayers, wearing of *chador* (full body-length veil) for women.

The discrimination outlined above has been further reinforced in Chapter Two of the Rules of Procedure for the same Law, enacted in 1998, headed “General criteria and criteria for selection of the best.’ Article 3 of those Rules defines ‘Practical adherence to Islam’s rulings’ of Article 2 of the Law in the following manner: 1) Practising the imperatives, e.g. prayers, fasting etc.; 2) Avoiding forbidden deeds (not committing cardinal sins).

Education and Employment Regulations

“In view of the principles of the Constitution of Iran (Article 30), which ensures equal access for all to education, all the decisions of the High Cultural Revolution Council as the highest policymaking authority of the country in the area of education are based on the principles of equality and justice.”²²

Education: The statement of the National Educational Evaluation Organisation²³ for the entrance examinations of the universities in 2010 sets the general conditions for candidates as follows:

“a) Not being hostile toward the Islamic Republic of Iran;

20. Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Para 82.

21. See Footnotes 2 and 3.

22. Eighteenth and nineteenth periodic reports of the Islamic Republic of Iran, Para 130. It is to be noted that contrary to the claim made in the eighteenth and nineteenth periodic reports, the said High Cultural Revolution Council is an extra-Constitutional body, which engages in cultural and academic policy making and is accountable to the Supreme Leader.

23. Sazeman-e Sanjesh-e Amuzesh-e Keshvar.

*Note: Hostility includes (1) armed struggle against the IRI; (2) organisational affiliation to combatant opposition groups; (3) giving financial assistance to, sympathising with or membership of those groups; (4) promoting materialism or man-made religions.*²⁴ (Emphasis added).

On the other hand, the head of the Secretariat of the Central Students Selection Board (CSSB) said on 11 June 2010:

*“Students following man-made religions and unofficial minorities do not have the right to study in the universities and if they are currently enrolled, they should be reported to the [CSSB].”*²⁵

Those provisions clearly contradict the claim made by the Iranian authorities in the eighteenth and nineteenth periodic reports about access to education for all, and education based on principles of equality and justice.

Employment: The general conditions for employment by the Ministry of Education,²⁶ announced in April 2010, have tightened the screws even further than the aforementioned Selection Law (See Article 2, 1-3 above) and require the applicants:

“To have belief in and practically adhere to the foundations of the Islamic Republic of Iran;

“To have belief in and practically adhere to Islam, the Constitution and the progressive principle of absolute Velayat-e Faqih;²⁷

*“To believe in Islam or one of the official religions stipulated by the Constitution.”*²⁸ (Emphasis added)

As another example, the general conditions for employment by the *Mostazafan* Foundation (Foundation for the Oppressed), one of the largest state-owned²⁹ and operated economic conglomerates, require the applicants to “believe in Islam or one of the official religions stipulated by the Constitution.”³⁰ It can only be concluded that followers of other religions, non-believers, Muslim critics of the principle of *Velayat-e Faqih*³¹, or even Muslims who do not “practically adhere to the foundations” of [the IRI] do not qualify for employment by the Ministry of Education or other state institutions.

24. <http://www.noet.ir/noet/FullStory.aspx?gid=1&id=240>

25. <http://www.farsnews.com/newstext.php?nn=8903210443>

26. The general conditions concern all applicants for employment, including teachers.

27. See Footnotes 2 and 3.

28. <http://www.tabnak.ir/fa/pages/?cid=95824> or <http://www.khabaronline.ir/news-58506.aspx>

29. The Foundation has not been foreseen in the Constitution. It is accountable only to the Supreme Leader and operates independent from the government and the parliament. Independent experts believe that the Foundation is a state within the state.

30. <http://foroshbiz.parsfa.com/post-53220.html>

31. See Footnotes 2 and 3.

Ethnic communities

There are a number of ethnic communities living in Iran, the largest of which are the Persians. Among the others, the most populous are the Azeri Turks, Kurds, Baluchis, Arabs and the Turkmens.

Table 1 in the eighteenth and nineteenth periodic reports of the Islamic Republic of Iran provides the regional location of various ethnic peoples. According to that table, Azeris live in East and West Azerbaijan, Ardabil, Kurdistan and Zanjan provinces; Kurds live in Kurdistan, West Azerbaijan, Kermanshah, Ilam and North Khorassan provinces; Turkmens live in the Golestan and North Khorassan provinces; Baluchis live in Baluchistan; Arabs live in Khuzestan and Lurs in five provinces.

The table has, however, totally ignored the Arabs living in Bushehr and Hormuzgan provinces. Secondly, there is no reference to ethnic peoples living in other parts of the country. For example, very large numbers of Azeris live in all the cities nationwide, in particular in Tehran and the large provincial capitals, Baluchis live in Khorassan and Kerman provinces, and Kurds live in Tehran and Hamedan provinces. Thirdly and most importantly, there is no information anywhere in the IRI periodic reports to indicate the population figures for each of those ethnic communities, despite the recommendations made by the CERD in 2003.³² The eighteenth and nineteenth periodic reports emphasise: *“It has to be explained that ethnical centralisation in the provinces above does not mean that there is no presence by other ethnic groups or Farsi-speaking people”* (Paragraph 8). This is in line with the Iranian authorities’ persistent policy of deliberate secrecy and refusal to provide exact details of ethnic population figures, even though they do collect the relevant information during the population censuses.

Arabs

The Iranian Arabs in Khuzestan are facing different problems in comparison with some other ethnic groups.

Around 15 April 2005, a controversial letter dated 1999 and attributed to Mr. Mohammad Ali Abtahi, advisor to then President Khatami, surfaced in Ahvaz. While the alleged writer denied its authenticity, the letter suggested policies for transfer of Arabs in other parts of Iran, the settling of non-Arabs in Khuzestan, and removing Arab names of places. The Arabs who peacefully demonstrated against the letter in Ahvaz were fired upon by the police and the security forces. Consequently, protests spread to many other cities in the province and in the resulting excessive use of force by the authorities, scores of people were reported to have died including at least two children; hundreds were injured and hundreds arrested, including women and children.

Iranian Arab activists have argued that, regardless of the authenticity of the letter, those policies aimed at changing the demographic composition of the Arab-inhabited regions have been gradually implemented over the years. They contend that several hundred thousand non-Arabs have been settled in Ahvaz from 1996-2006. This policy goes hand in hand with measures aimed at confiscation of land and displacing the local Arabic-speaking population as well as denying them their cultural rights. The above discriminatory practices were voiced by the former MP for Ahvaz (2000-2004) and leader of the *Lejnat al-Wafaq al-Eslami* (Islamic Unity Party; IUP), Jaseem Shadidzadeh Al-Tamimi, in an open letter to then President Khatami in late April 2005, a few days after the outbreak of the protests. Those concerns are summarised as follows:

32. CERD/C/63/CO/6, 10 December 2003.

- More than 15,000 people have been displaced to Mashhad because their lands have not been de-mined properly and the military forces are quartered there; Many refugees of the Iran-Iraq war are still living in other cities, 20 years since it ended;
- People's lands have been confiscated with no or negligible compensation, e.g. more than 120,000 hectares were expropriated for a cane sugar expansion project, more than 47,000 hectares for an agricultural project of the war veterans in the Jofeir region, more than 25,000 hectares for fishery construction, and more than 6,000 hectares for housing 'devout people' from northern and north-eastern Khuzestan province in areas bordering the city of Shoush; More than 50,000 were displaced in Shirinshahr residential estate for expansion of cane sugar project;
- More than 4,000 people were made homeless due to the demolition of the Sepidar housing complex in Ahvaz;
- Arabs were discriminated against by the denial of licence to the IUP, the refusal of publication licence for an Arabic-language newspaper and the refusal of permission to establish NGOs;
- Arabs are the most numerous prisoners in Khuzestan.³³

Mr. Shadidzadeh, having been disqualified from standing for parliamentary election in 2004, was detained and later released without charge. The IUP had engaged in lawful peaceful activities to represent the rights of the Arab population and its list of all-Arab candidates had won all the seats with the exception of one in the municipal council elections in Ahvaz in 2003. Nevertheless, the authorities outlawed the IUP in November 2006.

The UN Special Rapporteur on Adequate Housing, who visited Iran in July 2005, confirmed these concerns and added her own:

"The UN Special Rapporteur on adequate housing observed disproportionately poor living conditions that may point to a significant degree of neglect in relation to the housing necessities of ethnic minorities. Such groups seem to have been suffering from uneven distribution of development resources from the national authorities in Tehran.

"The living conditions in Khuzestan and Kermanshah in poor neighbourhoods mainly inhabited by Kurds, Arabs and Muslim Sufis were extremely unsatisfactory. Particularly serious conditions were observed in places like Ghal'e Channan and Akhar Asphalt in Ahvaz with, in some cases, 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...

"Information was also received suggesting that displacement caused by development projects and land confiscation disproportionately affected minority groups.

"In Khuzestan, the Special Rapporteur visited lands traditionally cultivated by Iranian Arabs, which were expropriated by the Government for remarkably low prices in order to provide space for development projects and plantations."³⁴

The rate of unemployment among the Arabs is reportedly much higher than the national average. There is a shortage of water, electricity and sanitation in Khuzestan. Despite the pressing water shortage in the province, there are reports that water is to be channeled from the Karun River in Khuzestan to Isfahan, Yazd and Rafsanjan in other provinces.

33. <http://www.iran-emrooz.net/index.php?/news/more/820/>

34. E/CN.4/2006/41Add.2, 21 March 2006, Summary.

Since the 2005 protests, there have been reports of high numbers of executions of Arabs every year.

Azeris³⁵

The main problems that the Iranian Azeri Turks face concern cultural discrimination. Many people believe that languages other than Persian should be promoted in Iran and their speakers be allowed access to education in their own language.

Azeris have also complained of disrespect for their culture and language. Some controversial cartoons in the government newspaper, daily Iran, depicted cockroaches speaking Azeri Turkic in May 2006, and caused uproar in many cities of the north-western Iranian provinces and parts of Tehran. Scores of demonstrators were arrested, some were injured and four were said to have died in Naqadeh, a city in the West Azerbaijan province of Iran.

Since then, the Iranian Azeri cultural activists commemorate what is known as the “cartoons anniversary” every year, which the authorities try to contain through a policy of detainment; 31 activists were arrested in May 2010.

At the start of every school year, on 23 September, many Iranian Azeri students boycott the schools to protest and draw attention to the denial of their right to be educated in Azeri Turkic. The authorities respond with arrests. In 2006, two young teenagers, Mohammad Reza Evezpoor, aged 14, and his brother Morteza, aged 16, were among at least 15 who were detained in Tabriz, the provincial capital of East Azerbaijan.

Azeri cultural activists have criticised the local radio and TV channels for not carrying enough Azeri-Turkic language programmes. Responding to such criticism in April 2010, head of the Zanjan Province Radio and TV revealed: *“We are not legally authorised to broadcast [programmes for children, adolescents and young people] in local language. Tehran must give authorisation for Turkish broadcasting of those programmes to enable us to do it... Based on their instructions, 50% of the programmes must be in Persian.”*³⁶

Azeri cultural activists point out that the authorities are pursuing a policy of blocking the spread of the Azeri Turkic by preventing children from watching programmes in their mother tongue.

Azeri cultural activists have faced problems for writing about or celebrating the Mother Tongue Day, and demanding education in their mother tongue. In June 2010, the appeal court of Azerbaijan sentenced Mr. Alireza Farshi and his wife Sima Didar to six months imprisonment for taking part in a demonstration in May 2009 in the Il Guli [People’s Lake] Park of Tabriz, where “Education in Turkish” was one of the slogans.

Detentions also occur frequently in July every year, when thousands of Iranian Azeris gather at Fort Babak (Qaleh Babak) near the town of Kalibar in East Azerbaijan province to mark the birthday of an Iranian leader by the name of Babak, who rebelled against the Arab Islamic rulers 1,200 years ago. In May 2010, according to Iranian Azeri sources, a court in Kalibar tried Ayat Mohammad Jafari and sentenced him to 91 days imprisonment for “disrupting public order” by taking part in the 2004 celebrations at Fort Babak.

The same sources allege that some military personnel have been expelled from the armed forces for taking part in Azeri Turkic cultural activities or celebrations in recent years. Firooz Yousefi, a non-commissioned officer, was said to have been expelled from the Army for pan-Turkism in March 2010 and later detained in June.

35. This is a general reference to the people originating from the north-western provinces of Iran including East Azerbaijan, West Azerbaijan, Ardabil and Zanjan provinces. Their mother tongue is Azeri Turkic.

36. <http://balatarin.com/permlink/2010/4/22/2021286>

Some of the Azeri Turkic publications that were banned in the past few years include Yarpaq, Dilmaj, Neday-e Azarabadegan, Varavi, Shams-e Tabriz, and Yashmaq.

- Sa'eed Matinpour, a journalist and cultural activist from the city of Zanjan, was arrested in 2007 and tried in a court behind closed doors, where his lawyer was not present. In June 2008, he was sentenced to 8 years imprisonment for “propaganda against the Islamic system,” and “relations with foreigners,” which he is currently serving. Matinpour is known for his writings protesting human rights violations by the Iranian authorities and calling for increased political, cultural and linguistic rights of the Azeri people in Iran, including the right to education and to publish in Azeri Turkic.

Baluchis

Much of the plight of the Baluchis has been outlined under the section dealing with Sunni Muslims and clerics (see below). However, there are other aspects specific to the Baluchi people as an ethnic community.

The Sistan-Baluchistan province, the main location of the Baluchi people, is the least developed region of the country. It is believed that the province has a rate of unemployment five times the national average and the highest proportion of illiteracy. The amount of investment in the province has been the lowest and the number of executions the highest in the last few years. Ninety per cent of the people are believed to be economically vulnerable and at least 45 per cent live under the poverty line. Drug smuggling and distribution is widespread. The State Welfare Organisation maintains that the province ranks first in drug addiction. It is the most insecure province.

Education in schools is conducted only in Persian. The state radio broadcasts a few programmes in Baluchi language, but the local state TV channel does not broadcast any Baluchi-language programmes. Baluchi publications are mainly imported from Pakistan, but they are not readily available.

The senior officials of the ethnically populated provinces, civilian and military, are usually appointed from among the non-natives and the Shi'a, and this policy has been pursued with special care in the Sistan and Baluchistan province. City governor is the highest position the Baluchis have been appointed to, and there have been only a handful of them. There have not been any Baluchi ministers, governors-general or ambassadors since the Islamic revolution. The armed forces do not appoint Baluchis even to lower ranks.

This policy has been reinforced by giving preference to the predominantly Shiite Zabulis, who constitute about 20 per cent of the province's population. Since the taking of office by President Ahmadinejad in 2005, this trend has been further reinforced. The 2005 appointment of a Zabuli governor-general, Mr. Habibollah Dehmardeh, reportedly led to the purge of the local government of Baluchis.

Even the selection system for the teachers training colleges was allegedly rigged in 2006 to purge the Baluchis and grant the quotas for the Baluchi towns to the Zabulis.

In addition, there appears to be a national policy of resettlement of non-Baluchis in Baluchistan in order to dilute the demographic make-up of the region. Baluchi sources maintain that hundreds of thousands of people are brought in from other provinces and resettled in Baluchistan in order to change the proportions of ethnic population in the province. Forced eviction and land confiscation complement this policy. For example, forced evictions are said to have taken place in rural areas of the city of Iranshahr in May 2005 and in the port city of Chabahar in June 2005, where the local people were forced out of their homes. The homes were demolished and the land was taken over to construct houses for security forces. The residents were not offered any alternative housing.

Following her July 2005 visit to Iran, the UN Special Rapporteur on Adequate Housing recommended to the Iranian government to “focus on historically marginalized provinces, such as Ilam, Khuzestan and Sistan-Baluchistan, with budget allocation aiming at ensuring the realization of human rights, including provision of civic services to people and communities in the region.”³⁷

The government’s response to the armed campaign by a group calling itself the People’s Resistance Movement of Iran (otherwise known as the *Jondollah*), has been especially deadly for Baluch civilians. For instance, after an incident at Tasuki in March 2006, where two dozen Iranian military and other officials were taken hostage and killed by the *Jondollah*, scores of Baluchis were reportedly hanged, often after summary trials and in public. It is believed that many were not perpetrators of the attacks but had family ties to those in the *Jondollah*. In March 2007, Mr. Shahriyari, the MP for Zahedan, said that 700 people were on death row in Sistan and Baluchistan province with sentences upheld by the Supreme Court.

- Yaqub Mehrnahad, head of the Voice of Justice Young People’s Society, a registered NGO, was arrested with some other members of the Society in Zahedan in May 2007. He was also representative of the daily Mardomsalary in the province. He spent over a year in detention during which he was sentenced to death and his sentence was upheld. He was finally executed on 4 August 2008. Mehrnahad had been accused of cooperation with the *Jondollah*. He had never taken up arms and was reportedly not given access to lawyers during his detention.³⁸

Kurds

The Kurds also suffer from discrimination for being both Sunni Muslims as well as an ethnic group. The plight of the Kurds has not improved since the 1979 revolution, but they have instead suffered harsh political oppression and casualties throughout their struggle for their rights.

Kurds have been denied, both before and after the 1979 revolution, their political, economic and cultural rights, including their right to use their own language. Since 1979, their right to freedom of religion has also been violated (See “Sunni Muslims”).

The Kurdish regions are extremely poor with little government investment. Dr. Bayazid Mardukhi, a former high ranking expert of the Plan and Budget Organisation, says the poverty index is 31.7 per cent in Kurdistan in comparison with 18 per cent nationally, and the rate of unemployment is rising especially among university graduates.

The denial of the right to learn and practise the mother tongue is prevalent also in the Kurdish regions. Before 2005, Kurdish MPs obtained former President Khatami’s approval to have the Kurdish language and literature taught in Kurdistan University. However, with the completion of the term of parliament as well as the ascent to power of President Ahmadinejad in 2005, the issue was shelved.

The Selection Law has been frequently used to deny employment to Kurds in particular in the state sector, including in the Education Ministry as teachers; whereas many Kurds do not conform to the obligatory “belief in and practical adherence” to the principle of *Velayat-e Faqih*, they are barred from standing for parliamentary elections.

The UN Special Rapporteur on Adequate Housing “observed disproportionately poor living conditions that may point to a significant degree of neglect in relation to the housing necessities of ethnic minorities,” and found that “the living conditions in Khuzestan and Kermanshah in

37. E/CN.4/2006/41Add.2, 21 March 2006, Summary.

38. For some other cases of persecution and execution of Baluchis, see “Persecution of Sunni clerics under Sunni Muslims below.

poor neighbourhoods mainly inhabited by Kurds, Arabs and Muslim Sufis were extremely unsatisfactory.” She wrote:

*“Testimonies received about the housing situation in Ilam province, with a large Kurdish population, were equally [as compared with Arabs] disturbing and indicated that post-war reconstruction efforts had been disproportionately slow and insufficient in this area.”*³⁹

Kurdish publications banned in the past few years:⁴⁰

- Licence of the biweekly *Rougehelat*, published in Kurdish and Persian, was revoked after four issues in January 2009.
- Licence of the biweekly *Havar*, published in Kurdish and Persian, was revoked after 45 issues in March 2008.
- Other outlawed publications include *Karaftoo*, *Payam-e Mardom*, *Ashti*, *Payam-e Kurdistan*, *Rassan*, and *Asso*.

Kurdish journalists and activists persecuted⁴¹

- Adnan Hassanpoor, a journalist and Kurdish cultural activist, was arrested in January 2007. His friend and cousin, Abdolwahed (Hiwa) Butimar, an environmentalist, was arrested in December 2006. They were both sentenced to death in June 2007 on charge of fighting God (*moharebeh*) after spending several months incommunicado. The two death sentences were commuted to 15 and 8 years of imprisonment, respectively⁴².
- Mohammad Sadiq Kabudvand, editor of the banned weekly *Payam-e mardom-e Kurdistan (Kurdistan People’s Message)* and Chair of the Kurdish Human Rights Organisation, was arrested in July 2007 and spent five months in solitary confinement. In June 2008, he was sentenced to 11 years in prison, which was upheld in October. In August 2005, he had been convicted of “disseminating tribal issues and publishing provocative articles” and handed down an 18-month suspended sentence and a five-year ban on working as a journalist. The weekly newspaper *Payam-e mardom-e Kurdistan*, published in Kurdish and Farsi, was banned in June 2004 after 13 issues for “disseminating separatist ideas and publishing false reports.” He is currently serving his 11-year sentence and suffering from health problems.
- Farzad Kamangar, a Kurdish teacher and cultural activist, arrested in June 2006, was subjected to torture for two years and then sentenced to death in February 2008. He was executed in May 2010, together with four other political prisoners, three of whom were Kurds.
- At least 20 Kurdish political prisoners are currently on death row.

39. E/CN.4/2006/41Add.2, 21 March 2006, Summary; see also Arabs.

40. This list is not exhaustive.

41. *Idem*.

42. See 2007 Annual Report of the Observatory for the Protection of Human Rights Defenders, a joint FIDH - OMCT programme, section Iran.

Religious minorities

The overwhelming majority of the population in Iran is Shi'a by birth, an estimated 80-90 per cent. Of the rest, 7-9 per cent (higher by some estimates) are said to be Sunnis, who constitute the majority of Muslims throughout the world. Officially, the remainder of the population is composed of followers of different branches of Christianity, Judaism and Zoroastrianism. However, followers of the unrecognised Baha'i faith are believed to constitute the largest religious minority.⁴³ Since the 1979 revolution, there has not been a single non-Shi'a minister of the Cabinet, nor a deputy minister, governor-general, ambassador or high level military or police commander.

Baha'is

Considered to be 'man-made' in comparison with 'divine' religions, the Baha'i faith is seen as the worst form of heresy by the Islamic Republic authorities. It originated in Iran in the 19th century and its founder claimed to be a messenger of God. Islam recognises Zoroastrianism, Judaism and Christianity as divine anterior religions, but Muslims believe Prophet Mohammad was the ultimate prophet of God and Islam the ultimate divine religion. Others, such as the Baha'i faith, are man-made religions and thus tantamount to apostasy. Its followers are considered to be apostates and frequently accused of spying for Israel, presumably because their founder is buried in Israel and their Centre is also located there. In early 2009, in a letter to the intelligence minister, then Prosecutor-General Ayatollah Dorri Najafabadi noted that the Baha'i World Centre is located in Israel and then emphasised: "[The Baha'is] have long-standing and solid relations with the Zionist regime and they engage in collecting information, infiltrating activities and demolishing the ideological foundations of the people."⁴⁴

Followers of the Baha'i faith, reportedly numbering around 300,000, have been treated particularly harshly since the Islamic Revolution of 1979. By estimates of the Baha'i International Community, more than 200 Baha'is are believed to have been killed since 1979, many by execution.

Although the waves of killings and executions have subsided since the early 1990s, pressure on the Baha'i community has increased since the incumbency of President Ahmadinejad in 2005.

Problems faced by the Baha'is may be listed under at least five categories:

1. Direct political persecution. Members of the Baha'i community are frequently arrested and spend long periods in detention or sentenced to imprisonment.

It is beyond the scope of this report to give full details of such persecution, but we provide a few non-exhaustive examples from 2010. Since the beginning of 2010, numerous Baha'is have been sentenced to imprisonment, e.g. two in Hamedan to one year each; five in Mashhad to five years each and four to two years each; one in Semnan to three years; one in Sari to one year and one to six months; one in Bonab to one year. Scores of others have been detained in Tehran, Shiraz, Yazd, Sari, Semnan and elsewhere.

43. It is to be noted that according to World Directory of Minorities and Indigenous Peoples, Sunnis constitute more than 10% of the population in Iran, Jews 0.04% (25,000), Christians 200,000-250,000, Zoroastrians 0.02% (10,000), Baha'is 0.5% (300,000) (see: <http://www.minorityrights.org/5092/iran/iran-overview.html>). Other sources have mentioned the number of Zoroastrians up to 32,000, Jews over 30,000, Christians more than 300,000 and Sunnis 9%.

44. <http://www.farsnews.com/newstext.php?nn=8711271271>

Seven Baha'is, who were responsible for coordinating the Baha'i community's affairs, were detained in March and May 2008 and have been held since. They appeared in court several times, the last being in June 2010, but it is still unclear what specific charges they are facing, except the recurring charge of espionage and the vaguely worded charges of "propaganda against the Islamic system," and "corruption on earth." In early August 2010, they were sentenced to 20 years imprisonment each and promptly sent to the remote Rajai-Shahr Prison outside the city of Karaj. In September 2010, the appeal court commuted their sentences to 10 years imprisonment each.

A total of 140 Baha'is were reportedly arrested during the post-election protests in 2009, of whom 40 are believed to remain in detention at the time of writing in July 2010.

2. Demolition of cemeteries and property. The cemeteries of Baha'is in various cities have been regularly attacked and demolished, completely or partially, by bulldozers, e.g. in Mashhad (June 2010); Damavand, west of Tehran (April 2010); Abadan and Khorramshahr, southern Iran (December 2009); Villashahr and Najafabad, central Iran (September 2009); northern city of Qaemshahr for the fourth time (January 2009); Isfahan (September 2008). Permission to bury the deceased Baha'is is frequently refused.

Houses and property have not been spared either. While there have been recurrent reports of attacks on property, the most recent case involves the demolition of 50 houses of Baha'is in a village near Sari, in the northern Mazandaran province in June 2010. The Baha'i community has also reported a number of cases of land and property confiscation.

3. Denial of education. The Baha'i students have regularly been deprived of entering the university. For many years, Baha'i students were denied the right to higher education by the requirement to declare their allegiance to Islam or one of the three officially recognised religions in application forms. The requirement was removed⁴⁵ in 2004, but Baha'i students who passed the university entrance examinations were still not able to enrol. They had been described as Muslims on university entrance examination result forms. They protested and were subsequently denied enrolment. Out of nearly 180 Baha'is who were admitted in 2006, most were expelled after the authorities established their religious allegiance, which the Baha'is refuse conscientiously to conceal. In 2007, at least 130 were expelled. In the current academic year, they are facing the restriction pronounced by the CSSB (See Employment and Education Regulations above).

Even Baha'i children in primary and secondary schools and their parents are insulted and face pressure from school authorities.

4. Denial of employment and business. A similar discrimination persists in employment by state institutions, which are legally bound not to employ the Baha'is. The state also refuses to issue business licences to followers of the faith or revokes the existing licences by refusing to extend them when they come up for renewal, unless they recant their belief.

5. Denial of social rights. Baha'is are not covered under the social security and pension system. They do not have the right to inheritance and do not qualify for financial compensation in case of physical harm or being killed. Marriage and divorce solemnised by the Baha'is are not recognised, and they cannot get married or divorced at the state-authorised notaries public, where couples are required to declare their religions in order to be stated in marriage or divorce documents. This is not possible for Baha'is, because under the Constitutional provisions, Iranians can be only Muslims or followers of one of the three recognised religions.

Christians

Generally speaking, there are two groups of Christians in Iran, who may be classified as ethnic and 'non-ethnic'. Ethnic Christians include the Armenians, Assyrians and Chaldeans. Many of

45. The state-run universities removed the requirement, but the quasi-private Islamic Azad (free) University still includes it.

them are followers of the Orthodox Church, but some are also Catholics or Protestants. ‘Non-ethnic’ Christians are mostly followers of the Protestant and Evangelical churches and many are converts from Islam.

The recognition of Christianity as one of the three non-Islamic religions accepted by the Constitution has given a safe margin to the ethnic Christians only. ‘Non-ethnic’ Christians, however, have faced great pressure because, unlike the ‘ethnic’ Christians, they are involved in proselytising.

Former Muslims who have converted from Islam are frequently persecuted, ill-treated and prosecuted for their beliefs. According to Islamic tenets, Prophet Mohammad was the last prophet of God and Islam the last and ultimate religion on earth. Any conversion from Islam to other religions is forbidden and considered as an act of apostasy. Even if a person was not a Muslim before conversion to Islam, but decided to give up Islam and convert back to his/her previous religion or another religion, s/he would be considered apostate.

The evangelical priests and missionaries are also persecuted for proselytising, i.e. attempting to convert Muslims to Christianity.

Some examples of the persecuted Christians in recent years⁴⁶ follow:

- Ghorban Dordi Tourani, pastor of House group Church, was killed with his throat cut outside his house in the northern city of Gonbad in November 2005.
- Mohammad Jaberi and Mohammad Ali Ja’afarzadeh, of the House group Church, were killed in May 2007.⁴⁷
- Abbas Amiri was killed by security forces in Isfahan in 2008. His wife reportedly also “died of injuries under torture”.⁴⁸

Other than those unlawful killings, newly converted Christians are regularly detained and held for long periods in detention. They are occasionally charged with apostasy, but in recent years most have either been released after a period in detention or received imprisonment sentences. There are frequent attacks on public celebrations of Christmas every year in various cities including Rasht and Karaj as well as Tehran.

Most recently, a number of followers of the Pentecostal Church were arrested in Tehran and Rasht in June 2010. They included Pastor Behrouz Sadeq Khanjani, who was arrested in Shiraz. Another priest of the Church, Yousef Nadarkhani, has been in detention in Rasht since October 2009, for objecting to the practice of forcing Christian school students to read the Quran. A house-church pastor, Behnam Irani, who had been detained in Karaj in April 2010, was released on bail in late June. All three pastors had been detained in previous years as well. Their lawyer said the main charge against them was apostasy, but they had also been charged with “acting against the national security,” “insulting Islam,” and “propaganda against the system.” He also said that the number of newly converted Christians charged with apostasy was on the rise and he represented about 10 of them.⁴⁹

Wilson Issawi, pastor of the Assyrian Pentecostal Church of Kermanshah, was arrested in February 2010 and released on bail in March. The authorities had earlier sealed his Church and banned him from returning to Kermanshah or reopening the Church. In 2009, two other Assyrian Pentecostal Church centres had been closed down in the Shahrara district of Tehran and the city of Urmiya in north-western Iran.

46. Numerous other cases of similar nature have occurred prior to the said time span (See <http://www.jesusmygod4.blogspot.com/>).

47. Other reports indicated that both were executed in Evin Prison, Tehran, in May 2007, Mohammad Jaberi for converting to Christianity and Mohammad Ali Ja’afarzadeh for claiming to be a prophet.

48. It is not clear if his wife was also a Christian.

49. <http://www.dw-world.de/dw/article/0,,5742972,00.html>

Books on Christianity are published in small print runs and they are not available in the provinces. Christians have to travel to Tehran to acquire religious books.

In early June 2010, Gerdab.ir, one of the websites of the Islamic Revolutionary Guards Corps, reported that hundreds of “distorted versions” of the Old and New Testament had been discovered at the border and burnt on the spot.

Sunni Muslims

Sunni Muslims are estimated to constitute about 10% of the total population. In fact, most Kurds, Baluchis, and Turkmens are Sunnis, further compounding the discrimination they face. They live in 16 of the 30 provinces of Iran. There is no official IRI policy that discriminates against Sunni Muslims, and the Constitution mandates that they freely practise their own social customs and religious rules (Article 12). That official policy, however, is far from reality.

In recent years, pressure on Sunni Muslims has increased throughout Iran. For instance, the authorities have removed a special annex for the Sunni Muslims from school textbooks taught in the Turkmen Sahra region. In the same region, the Sunni clerical teachers who teach religious subjects are forced to sign teaching contracts, that describe them as sport instructors. Furthermore, Sunni clerics are no longer allowed to take the entrance examination for the School of Theology of Tehran University that would enable them to seek employment after graduation. Sunni sources have reported that they are not given permission to publish their religious books.

In 2008, the High Cultural Revolution Council⁵⁰ passed the statute of the “State Council for Planning Curricula of Sunni Seminaries.” The measure has ever since provoked strong objections from the Sunni leaders, who have written to the president demanding its revocation.

As noted before, there has not been a single Sunni Muslim among ministers, deputy ministers or even governors-general since 1979. The Sunni Muslims are not allowed to construct mosques in large cities such as Tehran, Mashhad, and Isfahan. In other cities, where such mosques exist, they face great difficulties when repairs are needed and they are not given permission to build new mosques. The only Sunni mosque in Mashhad, Feyz Mosque, was demolished in 1993, resulting in strong protests from Sunni citizens.

Persecution of Sunni clerics

The following is a non-exhaustive list of detention, imprisonment and execution of Sunni religious leaders in recent years:

- 14 May 2006: Molawi Abdorrahman Rajabi, Baluchi Sunni *muezzin* of a mosque in Zahedan, was shot dead by members of the Basij paramilitary force.
- After the Imam Abu Hanifeh Sunni Mosque and Seminary in Azimabad of Zabul, in the south-eastern Sistan-Baluchistan province, was demolished overnight in late August 2008, scores of Sunni Muslims and a large number of clerics (known as Molawi in Baluchistan) have been detained for long periods and occasionally sentenced to imprisonment. In August and September 2008, Molawi Ahmad Narouie (substitute Friday imam of Zahedan and head of Sunni Online), Molawi Hafez Mohammad Ali, head of Imam Abu Hanifeh Theology School, Molawi Yousef Esmail-Zahi, Molawi Abdolmajid Salah-Zahi, Molawi Abdollah Brahuie, Molawi Zabihollah Brahuie, Dr Nour Mohammad Shahbaksh and his brother Abdorrahman Shahbaksh, Mohammad Omar Baluch, Abdolqader Narouie, and Molawi Ali Narouie were among the detainees.

50. See Footnote 22.

- Reports in January 2010 indicated that 19 Sunni clerics had been arrested for spreading Sunni teachings in Kurdistan, Kermanshah, Baluchistan, West Azerbaijan, Ahvaz (Khuzestan), Tavalesh (Gilan) and Khorassan provinces. Five of them were Baluchi clerics, who had studied in Pakistan and were detained after returning to Iran. These were Molawi Habib Hakimzadeh in Taybad, Molawis Sadiq Rashidi and Abdossattar Haydari in Torbat Jam, Molawis Nour-Ahmad Laqaie and Abdolkarim Gol in Khaaf.
- Molawi Abdolali Khayrshahi, a Baluchi Friday imam of Sunni Muslims in Mashhad, spent two years in detention and was then sentenced to 9 years imprisonment and internal exile.
- Sunni Kurdish clerical leaders, known as Mamusta or Mullah, have been victims of repression in the western provinces of Kermanshah, Kurdistan, and parts of West Azerbaijan. In 2008, the Special Court for Clergy⁵¹ of Kermanshah sentenced Mamusta Sayfollah Hosseini to 28 months of imprisonment and subsequent internal exile in Isfahan province. Mamusta Hossein Hosseini was sentenced to 10 months imprisonment and subsequent internal exile in Zanjan province. Both were mass prayer leaders in Javanrood and affiliates of the *Maktab-e Quran* (School of Quran) in Kurdistan. Mamusta Ayyub Ganji, a prayer leader in Sanandaj, the provincial capital of Kurdistan, has been sentenced to 10 years imprisonment. Ten members of *Maktab-e Quran* in Bukan were sentenced to 91 days of imprisonment each.
- In February 2009, two Baluchi Sunni clerics, Molawi Abdolmajid Salah-Zahi and Molawi Abed Gohram-Zahi, as well as other members of the Baluchi ethnic group, were sentenced to 22 years imprisonment for alleged affiliation to the *Jondollah*, a group engaged in armed struggle against the government in Baluchistan. Some others received the death sentence.
- In November 2009, Molawi Abdolghani Shahbakhsh, a substitute Friday imam of Zahedan and a Sunni Baluchi theology teacher, as well as a number of managers of Sunni seminaries, were arrested for having admitted Afghan and Tajik theology students in their seminaries and resisting the government's intended planning for Sunni seminaries.
- On 10 April 2008, two Baluchi Sunni clerics, Molawi Abdolghodus Mollazahi and Molawi Mohammad Yusof Sohrabi, were hanged in Zahedan. They had been arrested following an attack by the security forces on the Sunni seminary in the city in December 2007. A statement of the local Justice Department carried by the semi-official news agency, ISNA, referred to them as "disrupters of social security who intended to sow discord between the Shi'a and the Sunnis."
- On 4 March 2009, two more Baluchi Sunni clerics, Molawi Khalilollah Zare'i and Molawi Hafez Sallaheddin Seyyedi, were hanged in Zahedan prison. The Justice Department of Zahedan announced that they had been charged with "*moharebeh*" [fighting God] and "corruption on earth" through membership of terrorist groups," according to the daily Jomhuri Eslami, 5 March 2009.

Sufis

The various Sufi orders, including Nematollahi, Naqshbandi, Qaderi, Yazidi and others have been victims of repression, especially in recent years. The Nematollahi Gonabadi Order has recently been persecuted most severely.

The Nematollahi Gonabadi Order members consider themselves to be Shi'a Muslims. Their prayer centres are called *hosseinieh*, named after Hossein, the third imam of the Shi'a. Their

51. See Footnote 12.

leader Dr. Noorali Tabandeh celebrates the important religious events, in particular the days of *Tasua* and *Ashura*, that mark the martyrdom of the third Shi'a Imam Hossein. Nevertheless, their belief that anybody from any religion may find God and their practical rejection of the clerical hierarchy and dogma is anathema to the Islamic Republic authorities. The Nematollahi Gonabadi Order has faced harsher pressure than ever since the taking of office of Mr. Ahmadinejad in 2005, and in particular in the last couple of years. The support by their leader, Dr. Noorali Tabandeh, for Mehdi Karrubi, a reform-oriented presidential candidate in 2009, led to further repression of the Order.

The *hosseiniehs* of the Nematollahi Gonabadi Order were demolished in the city of Qom in February 2006, in the city of Borujerd in November 2007 and in Takhteh Fulad of Isfahan in February 2009. During the latter attack, the Tomb of Dervish Nasser Ali, a cultural heritage monument, was also demolished. Their prayer centre in a village in Isfahan, a private house, was demolished in July 2008. In Ahvaz and Omidiyeh, both in Khuzistan province, their *hosseiniehs* were attacked by people throwing Molotov Cocktails in June and October 2008 respectively. Ministry of Intelligence agents attacked the Order's *hosseinieh* in Karaj in June 2010.

Hundreds of dervishes of this Order have been detained and arrested or been subjected to other ill treatment on various occasions over the past few years. Others have been sentenced to fines or imprisonment, e.g. Mohammad Esmā'il Salahi in Maybod (Yazd), who was sentenced to one year in September 2008, Jamshid Lak in Dorood (Lorestan) sentenced to 74 lashes in January 2009, and Amin Dalvand, in Qom, sentenced to one year in October 2009.

In May 2010, 24 dervishes from the Nematollahi Gonabadi Order were sentenced to prison terms ranging from 91 days to five months, flogging, and internal exile for a demonstration outside the Governor's Office in Gonabad, eastern Iran, in July 2009. The demonstration had been prompted by the detention of Mr. Gholam-Abbas Zare-Haqiqi, the supervisor of the Dervishes cemetery, known as *Mazar-e Soltani*, in Bidokht, who had allowed a burial to take place there, despite a government directive banning such burials. Mr. Zare-Haqiqi has also been sentenced to four months imprisonment. He also faces an outstanding imprisonment sentence of seven months for a similar case in the past.

In other instances, various people have been expelled from work or lost their licences for their affiliation with the Nematollahi Gonabadi Order. For example, three female teachers, Lida Taban, Vida Taban and Faezeh Vahedi, were expelled from work in Karaj and Hashtgerd after seven years of teaching in July 2008. Three university professors, Dr. Nassir Ahmadi, Emad Mardani and Dr. Bijan Bidabadi, were also expelled in July 2008, while two lawyers, Mostafa Daneshju and Omid Behroozzi lost their licences for the same reason, also in July 2008. Another lawyer, Farshid Yadollahi, also lost his licence. All three had represented the cases of dervishes on various occasions.

Others

A number of other religious groups have been targets of repressive measures.

- **Ahl-e Haq:** This is an Alawite faith with several branches and some followers in the western Iranian provinces of Kurdistan and Azerbaijan. They consider themselves to be a sect of the Shi'a Islam. Their deep love of the first imam of the Shi'a, Ali, has given them the epithet of Ali-Allahi, i.e. people who believe Ali to be God.

Some Ahl-e Haq followers have been sentenced to death in the past. Sahandali Mohammadi, Bakhshali Mohammadi, Ebadollah Qassemzadeh, Yunes Aqayan and Mehdi Qassemzadeh, were arrested in 2004 in Miandoab, a city in West Azerbaijan

province of Iran, after clashes with the police forces, and sentenced to death. The sentences of the first three were commuted to 13 years imprisonment and the death sentences of the latter two were upheld. Mehdi Qassemzadeh was executed in February 2009.

- **Al-e Yassin** is, according to its members, a cultural association that started operating in 1996-97. Its leader is Mr. Payman Fattahi, and followers refer to him as Master Ilia M. Their self-proclaimed aim is “to raise the level of public awareness and develop ‘the culture of thinking.’” The authorities have closed down the group’s publications and detained some of its members. Mr. Fattahi was detained in May 2007, released in January 2008, and rearrested in January 2009. He was said to be accused of heresy, promoting Christianity and atheism, and acting against national security, among other things, and held by the Ministry of Intelligence in Section 209 of Evin Prison in Tehran. One of his brothers, Ramin Fattahi, spent 45 days in detention and died a few days after being released in January 2008.
- **Ayatollah Seyyed Hossein Kazemeyni Borujerdi**, a Shi’a cleric who believes in separation of religion from politics and is a critic of the *Velayat-e Faqih*⁵² theory, ran a *hosseinieh* (a prayer centre) which was attacked in October 2006. He and many of his followers were arrested, some of whom were sentenced to long term imprisonment. After initial reports of a death sentence, the ayatollah was sentenced to 11 years imprisonment and is currently serving his sentence.

52. See Footnotes 2 and 3.

Conclusion and Recommendations

Conclusion

The Islamic Republic of Iran is based on a theocratic theory that is very narrowly interpreted to favour a small group among the Shi'a Muslims and in particular one group of the Shi'a clergy. This theory serves to discriminate against other Shi'a and Sunni Muslims as well as believers of other religions and non-believers. The IRI system and structure of government is extremely discriminatory and excludes not only the non-Shi'a Muslims and other believers on religious grounds, but also ethnic peoples on ground of their origin. Further, the IRI denies the right to believe in or practice a religion or belief of one's choice and the right of ethnic groups to receive education, to write and publish freely in their own mother tongue and to celebrate their cultural events.

Discrimination based on ethnicity and religion is widespread in Iran, both in law and in practice, in the political, social, cultural and economic fields. The regime responds to peaceful demands for the respect of the rights of minorities and abolition of discrimination by further repression and terror: violence, arbitrary arrests, torture, summary trials and executions.

Recommendations

FIDH and LDDHI urge the Islamic Republic of Iran to:

- Amend the provisions of the Constitution, the Islamic Penal Code, the Civil Code and all relevant laws that discriminate against the non-Shi'a and non-Muslims and to bring them in conformity with the provisions of the ICERD as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
- Include specifically in those amendments the right of all people to freedom of thought, conscience and religion, which includes the right to adopt or change religious affiliation or belief the freedom to freely exercise one's religion or belief without any restriction, and the right to be agnostic or atheist;
- Stop in practice the discrimination and harassment of non-Muslims, the Sunni Muslims ethnic minorities and the systematic persecution of the Baha'i minority, in all fields;
- Take specific measures to ensure the right of all citizens to education, employment, public services and housing rights, regardless of their race, colour, descent, national or ethnic origin, language, religion or belief;
- Stop forced evictions and displacement of people belonging to ethnic minorities and the measures to change the demographic composition of the ethnically inhabited regions;

- Recognise and implement the right of people belonging to ethnic minorities to practise their culture, receive education in their mother tongue and have their own publications and media in conformity with the ICERD and ICCPR to which Iran is a State party;
- Provide public figures of the demographic composition of the population as a prerequisite for voluntary policies aimed at ensuring equal implementation of economic and social rights in all provinces, including those inhabited by people belonging to minorities;
- Fully implement the CERD Concluding Observations of August 2010 as well as the recommendations issued in the framework of the Human Rights Council Universal Periodic Review in 2010.

FIDH and LDDHI urge the international community:

- To raise the issue of discrimination against minorities in the framework of bilateral and multilateral relations and dialogues;
- To address the issues raised in this report in the resolution on the human rights situation in the Islamic Republic of Iran to be adopted by the UN General Assembly;
- To ensure that the ILO fully addresses the issue of systematic discrimination in the field of employment under the ILO Convention 111 on Discrimination (Employment and Occupation), ratified by Iran.

Annex

CERD/C/IRN/CO/18-19

ADVANCE UNEDITED VERSION Distr.: General

27 August 2010 - Original: English

Committee on the Elimination of Racial Discrimination

Seventy-seventh session

2 –27 August 2010

Consideration of reports submitted by States parties under article 9 of the convention

Concluding Observations of the UN Committee on the Elimination of Racial Discrimination (CERD), August 2010

Islamic Republic of Iran

1. The Committee considered the 18th and 19th periodic reports of the Islamic Republic of Iran, which were due on 2006 respectively, submitted in one document (CERD/C/IRN/18-19), at its 2014th and 2015th meetings (CERD/C/SR.2014 and 2015), held on 4 and 5 August 2010. At its 2042nd meeting (CERD/C/SR.2042), held on 23 August 2010, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party, in spite of its delay. The Committee is encouraged by the attendance of a high-ranking, diverse delegation, representing several institutions of the State party and expresses its appreciation for the opportunity to continue its dialogue with the State party.

3. While the Committee notes with satisfaction that the State party's report generally conforms to the reporting guidelines of the Committee, it regrets that the report contains insufficient information on the practical implementation of the Convention, particularly on economic and social indicators of the State Party's population disaggregated by ethnicity.

B. Positive aspects

4. The Committee welcomes the various developments which have taken place in the State party, including:

(a) The approval of the Law on Citizenry Rights in 2005;

(b) The ratification of amendment to article 8 of the Convention by the State party on 7 November 2005, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992, concerning the financing of the Committee;

(c) The update on the progress being made by the State party in the establishment of a National Human Rights Institution in accordance with the Paris Principles;

(d) The amendment of the 4th Development Plan which allows budget allocations and a percentage of oil and gas revenues for the development of less developed provinces, particularly inhabited by disadvantaged ethnic groups; and

(e) Iran's active engagement with the international community on human rights issues, such as its initiative on promoting a dialogue among civilizations.

5. The Committee commends the State Party's continued hosting of a large population of refugees from neighboring countries such as Afghanistan and Iraq.

C. Concerns and recommendations

6. The Committee takes note of the State party's views on the difficulties involved in determining the ethnic composition of the population beyond indicating the concentration of ethnic groups in different provinces of Iran, but also felt that the difficulties of Iran on this matter were not *sui generis*. While taking note of the recent population census in 2007, the Committee regrets that this opportunity was apparently not taken advantage of to acquire detailed information on the ethnic composition of the population by means of a self-identification question on ethnicity.

The Committee recommends that the State party make renewed efforts to update the information on its ethnic composition, relying on the principle of self-identification. It recommends that such a self-identification question be included in the next census carried out by the State party and requests that the results of the census be made public and this information be provided in the next State party report.

7. While noting the clarifications made by the State party on the incorporation of the Convention into domestic legislation, the Committee reiterates that the status of the Convention, when juxtaposed with certain divergent provisions of the Constitution and of domestic legislation, still remains unclear. It further notes that the Convention has never been invoked by domestic courts.

The Committee recommends that the State party undertake the necessary measures to harmonize its domestic legislation with the Convention. It also recommends that the State party take further steps for public dissemination of the provisions of the Convention and the possibilities for its invocation to combat racial discrimination, including in minority languages and that it provide its Government officials with education and training in this area.

8. The Committee notes the information furnished by the State party on the definition of racial discrimination in article 19 of the Iranian Constitution and reiterates its concern that this definition does not explicitly cover the forms of racial and ethnic discrimination prohibited under the Convention. (Art. 1)

The Committee again urges the State party to consider reviewing the definition of racial discrimination contained in its Constitution and domestic law in order to bring it into full conformity with article 1, paragraph 1, of the Convention.

9. While commending the efforts undertaken by the State party to empower women, the Committee is concerned that women of minority origin may be at risk of facing double discrimination. (Art. 2)

The Committee draws the State party's attention to its general recommendation No. 25 (2000) on Gender-related dimensions of racial discrimination and recommends that the State party continue its efforts to empower women and promote their rights, paying particular attention to women belonging to minorities.

10. The Committee notes the information furnished by the State party on the 1985 Press Act. The Committee also notes the efforts undertaken by the State party to combat racist discourse in the media by applying sanctions to newspapers whose publications have included racist discourse. However, the Committee is concerned at continued reports of racial discrimination, *inter alia* directed against Azeri communities in the media, including stereotyped and demeaning portrayals of those peoples and communities. The Committee is also concerned at the reports of racial discrimination

in everyday life and statements of racial discrimination and incitement to hatred by government officials. (Art. 4)

The Committee recommends that the State party take appropriate steps to combat manifestations in the media, as well as in everyday life, of racial prejudice that could lead to racial discrimination. The Committee also recommends that, in the area of information, the State party promote understanding, tolerance and friendship among the various racial and ethnic groups in the State party, especially on the part of public officials, and including through the adoption of a media code of ethics that would commit the media to showing respect for the identity and culture of all communities in the State party, taking into account the possible intersection of racial and religious discrimination. It reiterates its previous request that the State party submit information in its next periodic report on the application of this law to combat racial discrimination.

11. The Committee notes the information provided on the High Council for Human Rights and its work. It expresses concern however that its composition could impact on its independence. The Committee takes further note of the information provided that the High Council is currently working on a plan to establish a national human rights institution. (Art. 6)

The Committee urges the State party to speed up the process for the establishment of a national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134). It also urges the State party to ensure the independent functioning of this institution through provision of adequate financial and human resources.

12. While the Committee notes that, according to the State party, measures are being taken to promote minority languages, and the teaching of minority languages and literature in schools is permitted, it expresses concern over the lack of sufficient measures to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction. It would have appreciated more information on the literacy levels of ethnic minorities. (Art. 5)

The Committee recommends the State party continue its efforts to implement measures to enable persons belonging to minorities to have adequate opportunities to learn their mother tongue and to have it used as a medium of instruction. It requests the State party to provide more information on the literacy levels of ethnic minorities.

13. The Committee is further concerned that language barriers may create an obstacle in access to justice for ethnic minorities in the State party. The Committee also expresses its concern at reports of discriminatory treatment of foreign nationals in the Iranian justice system. (Art. 5, 6)

The Committee recommends the State party continue its efforts to ensure access to justice in these languages through the provision of translators and interpretation, as appropriate. The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The Committee recommends that the State party intensify its efforts to ensure due process and transparency for all persons in the justice system, including foreign nationals.

14. The Committee notes the lack of sufficient information on the implementation of article 6 of the Convention.

The Committee reiterates its view that the lack of any complaints is not proof of the absence of racial discrimination and may be the result of the victims' lack of awareness of their rights, the lack of confidence on the part of individuals in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The Committee recommends that the State Party undertake an effective public information campaign to increase awareness of the accessibility of this channel for receiving complaints of racial discrimination and providing redress. The Committee reiterates its previous request that the State party include in its next periodic report statistical information on complaints lodged, prosecutions launched and penalties imposed in cases of offences which relate to racial or ethnic discrimination, as well as examples of cases illustrating this statistical information.

15. The Committee expresses concern at the limited enjoyment of political, economic, social and cultural rights by, *inter alios*, Arab, Azeri, Balochi, Kurdish communities and some communities of non-citizens, in particular with regard to housing, education, freedom of expression and religion, health and employment, despite the economic growth in the State party. It notes information that the provinces where many of them live are the poorest in the country. (Art. 5)

The Committee recommends that the State party take the necessary steps to achieve effective protection from discrimination against *inter alia* Arab, Azeri, Balochi and Kurdish communities and some communities of non-citizens, in view of General recommendation No. 30 (2004), in various domains, in particular, employment, housing, health, education and freedom of expression and religion. The Committee also requests that the State party include information in its next report on the impact of programmes aimed at giving effect to the economic, social and cultural rights of the population, as well as statistical data on progress in this regard.

16. The Committee expresses concern over reports that the application of the “gozinesh” criterion, a selection procedure that requires prospective state officials and employees to demonstrate allegiance to the Islamic Republic of Iran and the State religion may limit employment opportunities and political participation for, *inter alios*, persons of Arab, Azeri, Balochi, Jewish, Armenian and Kurdish communities. (Art. 5)

The Committee would appreciate further information in the next report on the utilization of this criteria to better understand it and better advise the State party.

17. The Committee expresses concern at the low level of participation of persons from, Arab, Azeri, Balochi, Kurdish, Baha’i, and certain other communities in public life. This is reflected in, for example, the scant information provided about them in the national report, in the national census and in public policies. (Art. 5)

The Committee urges the State party to carry out a study of members of all such communities that would enable the State party to identify their particular needs and draw up effective plans of action, programmes and public policies to combat racial discrimination and disadvantage relating to all areas of the public life of these communities.

18. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the Convention on Elimination of Discrimination Against Women, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

19. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

20. The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

21. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

22. The Committee recommends that the State party’s reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

23. Noting that the State Party submitted its Core Document in July 1999, the Committee encourages the State Party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).

24. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraph 9 10 and 11 above.

25. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations at 6, 13, 15 and 17 and request the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

26. The Committee recommends that the State party submit its 20th, 21st and 22nd periodic reports in a single document, due on 4th January 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).



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LDDHI

جامعه دفاع از حقوق بشر در ایران

The LDDHI was founded in Paris in March 1983, following the closure of the Iranian Association for the Defence of Human Rights and Liberties in 1981, which had been established in 1977, and the departure of their leaders into exile.

Its aims are:

- to demonstrate and campaign against human rights violations in Iran.
- to propagate the culture of Human Rights among Iranians through the publication of books, magazines and articles in Farsi and in other languages for the Iranian communities abroad, as well as interviews in the international media;
- to organise talks and conferences in various countries, particularly on the abolition of the death penalty in Iran, women's rights, political prisoners and prisoners of conscience, and religious and ethnic minorities in particular.
- to hold conferences with international NGOs and UN agencies.

The Association became an affiliate of the FIDH in 1986.

Mr Abdol Karim LAHIDJI

Email : lddhi@wanadoo.fr

FIDH - International Federation for Human Rights

17, passage de la Main-d'Or - 75011 Paris - France

CCP Paris: 76 76 Z

Tel: (33-1) 43 55 25 18 / Fax: (33-1) 43 55 18 80

www.fidh.org

Director of the publication: Souhayr Belhassen

Editor: Antoine Bernard

Authors: Bijan Baharan

Design: Ballereau-Tetu Céline

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of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

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