

Human Rights of Religious and Ethnic Minorities in the Islamic Republic of Iran

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Abstract

Empirical evidence suggests that the elites and state officials of the Islamic Republic of Iran are engaged in gross violations of the fundamental rights of its religious and ethnic minority populations. Despite the anti-imperialist appearance of the Islamic Republic and its claim of having instituted constitutional provisions to respect fundamental human rights and the rights of its minorities, gross violations of the human rights of the Lor, Kurd, Azeri, Baloch, Talishi, Arab, and Turkman ethnic minorities, as well as of the Jewish, Baha'ee, Christian, and Zoroastrian religious minorities are observed in the policies of the state and in the behavior of its ruling elites. Human Rights Watch and Amnesty International, as early as the 1980s, began to report sectarian undertones, religious discrimination, and violations of political rights in the Islamic Republic. The deteriorating state of human rights in the Islamic Republic eventually compelled the United Nations to appoint special rapporteurs to monitor the state of human rights violations there. The socio-political and legal structure of the Iranian state, the political and sectarian human rights ideology of the Islamic Republic and its elites, and the Shi'ite principle of 'obligation to the state' are factors contributing to human rights violations in the Islamic Republic. Redressing the state of human rights violations would require

a more neutral, objective and universalistic approach to human rights, and an interpretation detached from Shi'ite sectarian Islam and doctrinal teachings – far-fetched objectives, indeed.

Keywords: The Islamic Republic of Iran, violation, human rights, ethnic & religious minorities, sectarian ideology

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Introduction

The constitution of the Islamic Republic of Iran provides safeguards for the protection and promotion of fundamental human rights. Yet, in practice, the religious establishment and political elites in the Islamic Republic of Iran do not recognize the rights of religious and ethnic minorities. The sectarian human rights political ideology of the Islamic Republic is based on the Shi'ite principle of 'obligation to the state,' not on individual rights. Religious and ethnic minorities are obliged to strictly subscribe to the official Shi'ite state ideology. The central government discriminated against religious and ethnic minorities before the 1979 revolution, has continued to do so since then, and has never tolerated their minorities' ethnic demands. It has rather strongly crushed them.¹ The Baha'ee religious sect is condemned as a deviant sect (*firqih e zallah*). The children of the Baha'ee religious sect are not only banned from enrolment in public schools and universities in the Islamic Republic, they are also not allowed to acquire education through any other means.² The rarely elected Sunnite minority religious representatives are required to take an oath to promote Shi'ite religious values. This paper discusses the state of human rights in the Islamic Republic of Iran. Structurally, it is composed of five parts. First, it discusses the International Bill of Human Rights (IBHR) as a common standard of civilized intercourse among nations. Second, it discusses the legal safeguards provided by the Constitution of the Islamic Republic for the protection of and respect for human rights. Third, it presents an empirical overview of the human rights situation in the Islamic Republic of Iran based on the IBHR standard. Fourth, it discusses the state of affairs regarding violations of the fundamental rights of ethnic and religious

1 Alam Saleh, *Ethnic Identity and the State in Iran* (New York: Palgrave Macmillan, 2013), p. 110.

2 *Human Rights Activists News Agency*, 2014, "Akhhār jāmi'ih Baha'ee dar Urdībihisht māh 1393 [Baha'ee community news April 2014], retrieved <https://www.hra-news.org/?p=34487> (Accessed on April 20, 2015); Nazila Ghanea, *Rights, the UN and the Bahais in Iran* (Oxford: George Ronald, 2002).

minority populations of the Islamic Republic. Finally, prior to the conclusion, sources of violations of human rights in the Islamic Republic are discussed.

Framework for Analysis: The International Bill of Human Rights

Human rights refers to the fundamental “rights one has as a human being.”³ They are the inherent rights of all human beings irrespective of religious denomination, ethnic origin, cultural and linguistic background and nationality or place of residence. Therefore, they are divine rights of men, and every human being is entitled to protection of his fundamental divine rights. All human beings are equally entitled to their fundamental rights without discrimination. Though it is believed that the issue of fundamental human rights is closely associated with the enlightenment era in the history of modern European civilization and reflects the enlightenment view of mankind, other civilized communities such as the early Islamic society have respected and have been promoting fundamental human rights since long before the rise of modern Europe.⁴

Even though human rights have been viewed as an expression of the enlightenment mindset, institutionalization of the fundamental rights of human beings began in the mid-20th century after the Second World War. Real work on the institutionalization of fundamental human rights began in 1946, which eventually resulted in the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 by the United Nations General Assembly through its Resolution 217 A (III) in Paris. The 1948 UDHR is the standard instrument for determining what can and cannot be considered to be human rights. It became the standard framework for the promulgation of international humanitarian laws and for institutions for the protection and promotion of fundamental human rights. The

3 Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 1989), p. 1.

4 Thomas Fleiner, *What are Human Rights?* (Sydney: The Federation Press, 1999), p.16.

UDHR's 30 Articles focus on four categories of human rights: (1) rights related to the sphere of a person's personal life, (2) rights related to the sphere of a person's political life and activity, (3) rights related to the sphere of a person's economic life, and (4) cultural rights of a person.

The UDHR inspired members of the international community to develop over 80 regional and international human rights treaties and declarations, as well as national human rights bills and commissions. These legally binding international human rights treaties and declarations addressed violations of the basic rights of men, injustices, fundamental freedoms, and peaceful coexistence. Examples of UDHR inspired human rights treaties are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The two Covenants together with the UDHR comprise what is known as the International Bill of Human Rights (IBHR). The IBHR deals with: (1) "everyday rights such as the right to life, equality before the law, freedom of expression, the rights to work, social security, and education ... , (2) the social groups identified as requiring protection ... [and] (3) concerns such as racial discrimination, torture, enforced disappearances, disabilities, and the rights of women, children, migrants, minorities, and indigenous peoples."⁵

Human Rights and the Legal Setup

The Constitution of the Islamic Republic provides strong safeguards for protection of human rights. Article 38 of the Constitution forbids all forms of torture implemented for the purpose of confession or acquiring information. It also forbids taking of oaths or extraction of confessions under duress. It states that a testimony or confession obtained under duress is devoid of value and credence. Anyone violating this Article is liable to punishment in accordance with the law. Article 39 emphasizes that "all affronts to the dignity and repute of persons arrested, detained, imprisoned, or

⁵ *The Universal Declaration of Human Rights 1948*, <http://www.un.org/en/documents/udhr/index.shtml#a9> (Accessed on April 6, 2015).

banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.” Article 168 of the Constitution of the Islamic Republic reads: “Political and press offenses will be tried openly and in the presence of a jury, in the courts of justice.” However, human rights activists and bodies argue that there are still gray areas in the Islamic Republic’s legal system that make it susceptible to abuse by law enforcement agencies and even the judiciary. For instance, human rights agencies argue that the legal system lacks a clear definition of political crime. Political prisoners are often treated as national security threats and therefore at times are extra-judicially tried without due process of law provided by Article 168 of the Constitution of the Islamic Republic.⁶ When former President Khatami publicly admitted for the first time that there were political prisoners in Iranian jails, Ayatollah Shahroodi, the Islamic Republic’s then Chief of Judiciary, strongly opposed Khatami’s statement and argued that there were no political prisoners in the Islamic Republic’s jails.⁷ Therefore, it may not be misplaced to argue that despite calls from some streams within the Islamic Republic’s political system for reforms of the legal system, strengthening human rights safeguards, enforcement of the laws, and greater respect for the rule of law, drafting a proper act related to political crime is an unfinished item on the agenda.

The State of Human Rights in the Islamic Republic of Iran

The 1979 revolution changed the political system in the Islamic Republic from an absolute monarchy to a Shi’ite theocracy. The state, however, has been

6 “Locked up in Karaj: Spotlight on Political Prisoners in One Iranian City”, *Human Rights Watch 2014*, http://www.hrw.org/sites/default/files/reports/iran0814_ForUpload_1.pdf, pp. 8-14 (Accessed on April 13, 2015); Ahmad Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, September 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/66/374, pp. 6-7 (Accessed on March 31, 2017); *Amnesty International, Annual Report 2014/15* (Section 3), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> (Accessed on April 11, 2015).

7 “Telism e ta’ crif e jurm e siāsi” [Dilemma of defining political crime], *Mardum Sālārī*, 14 (December 2013), p. 3.

constitutionally branded as the Islamic Republic. Academics argue that despite elections for president and the parliament, the political system of the Islamic Republic is categorized as theocratic because the ultimate decision making powers on all matters of the state and even on the selection of candidates for president and the parliament reside in the hands of religious authorities headed by their Supreme Leader and Shi'ite spiritual guide, Ayatollah Ruhollah Khomeini and his successor Ayatollah Ali Khamenei. The Supreme Leader, with absolute constitutional authority, controls the republican institutions, the Shi'ite clerics or religious authorities, and six Shi'ite and modern law specialists, all appointees of the Supreme Leader of the Islamic Republic (Constitution of the Islamic Republic of Iran). The real constitutional exercise of control by the Supreme Leader over the republican institutions, through the Guardian Council, prompts one to argue that these are by and large theocratic institutions rather than republican ones. The Supreme Leader's direct control of the affairs of the country is also significantly vast. He is the commander-in-chief of the armed forces, and he appoints the head of Iran's Broadcasting Corporation, the chief of the judiciary, and the Supreme Leader's 'Special Representatives' throughout the governmental and other state institutions.⁸

The late Ayatollah Rouhollah Khomeini, the founder of the Islamic Republic, promised all Iranians the creation of a 'just Islamic role model society.' Ayatollah Khomeini seemed very optimistic about Iran's ideology and structure of governance, believing that this ruling style and the anti-imperialist ideals of revolution would soon inspire many other Muslim societies to follow Iran's example.⁹ Khomeini's colleagues were also determined to pursue the goals and objectives of the Islamic Republic set by their Spiritual Leader. On October 5, 1981, Hussain Mosavi, the then Iranian Prime Minister, addressed the General Assembly of the United Nations and said, "We are determined to build a new

8 David E. Thaler et al, *Mullahs, Guards, and Bonyads: An Exploration of Iranian Leadership Dynamics* (Washington: Rand National Defense Research Institute, 2010), p. 25.

9 Farhang Rajaei, *Islamic Values and World View: Khumaini on Man, the State and International Politics* (Lanham MD: University Press of America, 1983), p. 83.

world based on the sublime teaching of Islam for the salvation of mankind, and to offer humanity that thirsts for justice a new framework of human values.”¹⁰

The Islamic Republic’s anti-West and anti-imperialist undertones drew the attention of the Muslim World and the West to the political developments in the Islamic Republic and to its policies formulated in pursuit of the ideals of the revolution. In the years immediately following the revolution, the masses in the Muslim World viewed the religious establishment as a beacon of hope and the solution to problems of tyranny, injustice, and poverty in the Muslim World. Its sectarian intentions were yet to become evident in the eyes of many public and official figures in the Muslim World. The West perceived the rhetoric of the ideologues of the Islamic revolution as a real threat to Western democracy, capitalism, and the market economy. The West used everything at its disposal to watch and observe the intentions, behavior, and relations of the Islamic Republic with groups and organizations in the Muslim World. The religious establishment in the Islamic Republic, like every modern state, wanted to consolidate its hold on power. The cooperation that Ayatollah Khomeini and his associates enjoyed from the leftists in the overthrow of King Riza Shah Pahlavi was short-lived. The state began to suppress its opponents. It is necessary to note that, at this stage, sectarian undertones and religious discrimination were yet to be observed in the policies of the state and ruling elites of the Islamic Republic.

Human Rights Watch and Amnesty International began to report violations of political rights in Iran. The United Nations (UN) appointed special rapporteurs – Andrés Aguilar from Venezuela (1984-1986), Reynaldo Galindo Pohl of El Salvador (1986-1995), and Maurice Copithorne of Canada (1995-2002) – to monitor the state of human rights in the Islamic Republic. However, according to the officials of the Islamic Republic, the UN rapporteurs were Western agents and political appointees and lacked understanding of Islamic values and principles and the socio-political conditions in Iran.¹¹ Given the nature of the uncomfortable

10 Robin W. Carlsen, *The Imam and His Islamic Revolution* (British Columbia, Victoria: The Snow Man Press, 1980), p. 119.

11 Reza Afshari, *Human Rights in Iran: The Abuse of Cultural Relativism* (Pennsylvania: University of Pennsylvania Press, 2001), p. xviii.

relationship between the Islamic Republic and the Western World, one may find a certain degree of truth in the Islamic Republic's claim. However, the UN, in an attempt to allay the Islamic Republic's concerns, on June 17, 2011, appointed Ahmad Shahid, the former Maldivian foreign minister, as special rapporteur to observe the state of human rights in the Islamic Republic.

It is reported that Ahmad Shahid was not able to have direct communication with political prisoners and opposing entities. Ahmad Shahid's all four reports – the first (report no. A/66/374) in October 2011 and the last in March 2014 – to the UN General Assembly on the state of violations of political rights in the Islamic Republic were mainly based on communications through email and other social media channels, interviews with Iranian expatriates and human rights activists; news monitoring; interactions with Iranian diplomats; reports by non-governmental organizations; and surveys of audio and video files. Ahmad Shahid's reports provided evidence of the systematic abuse of human dignity and denials of the rights of women, labor unions, political and human rights activists, journalists, students, ethno-religious minorities, and transgenders.¹² Interestingly, Ahmad Shahid argued that the state of affairs of human rights violations under the reformist-moderate President Hassan Rouhani had deteriorated.¹³ Ahmad Shahid's work was well received by human rights activists and organizations. In November 2016 Asma Jahangir, a well-known Pakistani human rights activist, replaced Ahmad Shahid as special rapporteur on the situation of human rights in Iran. Like her predecessor, she has also been reporting severe human rights violations in the Islamic Republic of Iran.¹⁴

12 Ahmad Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, September 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/66/374 (Accessed on March 31, 2017).

13 "Iran's Human Rights Situation Worsening, Says UN Special Rapporteur," *The Guardian*, March 16, 2015, <http://www.theguardian.com/world/2015/mar/16/un-rapporteur-human-rights-situation-in-iran-worsening> (Accessed on April 6, 2015).

14 See: "UN Human Rights Council Discusses Situations in DPRK, Iran, Myanmar and Burundi", *UN News Centre*, March 13, 2017, <http://www.un.org/apps/news/story.asp?NewsID=56346#.WOC5jzt97IV> (Accessed on April 1, 2017).

Her unexpected death on February 11, 2018, interrupted reporting on human rights violation in the Islamic Republic of Iran for few months. However, in June 2018, the UN appointed Javaid Rehman, a British-Pakistani professor of Law as new rapporteur on Iran. In his first report Javaid Rehman condemned Iran over human rights abuse.¹⁵

Officials of the Islamic Republic have not denied the execution of political criminals. They also have not denied the existence of the *Khavaran* Avenue Cemetery or what is known as 'the abode of cursed ones' (*lanatabad* in the local Persian Language) in Tehran where these so-called criminals were laid to rest. They argue that those executed and buried in the *Khvaran* Avenue Cemetery were spies and terrorists who in fact conspired against the Islamic Republic and its security and stability (United Nations, 1989). The prisoners executed mainly belonged to the *Todeh* (socialist) Party and other leftist opposition groups.

Human Rights and the Ethno-Religious Minorities

According to the IBHR, ethnic and cultural identities and religious freedoms of ethnic minorities are the fundamental human rights that must be respected by all civilized nations. All kinds of racial, religious, and linguistic discrimination against minorities are grave violations of human rights. Nations are obliged to respect ethnic minorities' rights related to the spheres of personal life, political life and activity, economic activity, and cultural identity. The IBHR has identified such social groups as requiring protection by international humanitarian law and the international community.

The Islamic Republic is a multi-ethnic state and home to several ethno-religious groups. Contrary to the dominant view which sees the Islamic Republic

¹⁵ UN Expert Slams Iran's Serious Abuses of Human Rights in Report to Geneva Council", Iran Human Rights Monitor, March 12, 2019. <https://iran-hrm.com/index.php/2019/03/12/un-expert-slams-irans-serious-abuses-of-human-rights-in-report-to-geneva-council/> (accessed on May 30, 2019).

as a homogeneous country, its local population comprises dozens of ethnic and religious groups with the Persian Ethnic as the dominant ethnic group and the Twelver (ithna ‘ashari) Shi’ite Sect as the dominant sect. Salzman notes that “in the case of (the Islamic Republic of) Iran, it would be a great error to think of the population as being homogeneous, for the people of (the Islamic Republic of) Iran are in fact quite diverse. There are ethnic, linguistic, organizational, and religious differences among Iranians.”¹⁶ In the predominantly Persian Shi’ite Islamic Republic, dozens of Sunnite ethnic minorities such as the Lor, the Kurd, the Baloch, the Talishi, etc., live alongside Jewish, Baha’ee, Christian, and Zoroastrian religious minorities. The Muslim population of the Islamic Republic is divided into the followers of Shi’ite and Sunnite Islam. Yet, the Persian Shi’ite population of the Islamic Republic is divided into many sub-sects, with the Twelver Shi’ite Sect as the dominant one. Therefore, the Islamic Republic is not a single-blood Shi’ite Persian nation as it is often portrayed by its leadership.

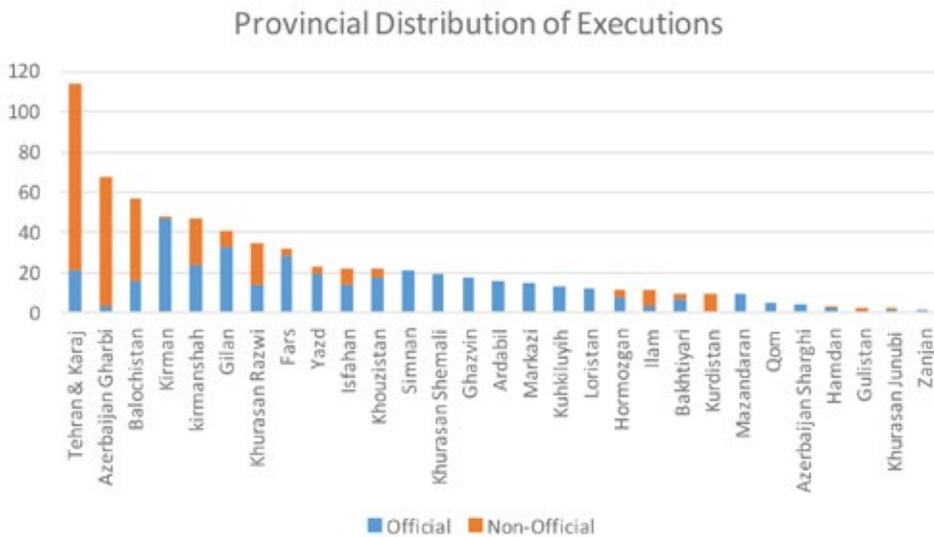
Salzman argues: “The cultural, linguistic, organizational, and religious diversity of (the Islamic Republic of) Iran is not, however, cause for celebration on the part of the rulers of the Islamic Republic and their agents.”¹⁷ The religious leaders of the Islamic Republic emphasize a majority syndrome in both religious and ethnic terms. As a result, the ethno-religious minorities in the Islamic Republic have been subject to violations of their fundamental human rights. In June 2014 the European Parliament passed a resolution criticizing the violation of the fundamental rights of ethno-religious minorities in the Islamic Republic.¹⁸ Ahamad Shaheed’s reports also provided information about the systematic

16 Philip Carl Salzman, “Persians and Others: Iran’s Minority Politics,” April 14, 2014, *John M. Olin Institute for Strategic Studies Harvard University*, <http://blogs.law.harvard.edu/mesh/2009/04/persians-and-others-irans-minority-politics> (Accessed on April 5, 2015).

17 Ibid.

18 *Situation of Ethnic Minorities in Iran*, <http://www.europarl.europa.eu/document/activities/cont/201206/20120628ATT47832/20120628ATT47832EN.pdf> (Accessed on April 7, 2015).

violation of human rights of ethno-religious minorities by the Islamic Republic.¹⁹ According to international human rights institutions, the majority of political execution cases reported are from non-Persian or non-Shi'ite majority provinces, as illustrated in the figure below.



Source: Iran Human Rights 2014, p. 29.

In the figure above, the blue part of each column indicates those execution cases which are officially announced, while the orange part indicates those cases which have taken place without any formal acknowledgement by the Islamic Republic's

¹⁹ Ahmad Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*. September 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/66/374 (Accessed on March 31, 2017); Shaheed, Ahmad, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, September 2012, http://www.un.org/ga/search/view_doc.asp?symbol=A%2F67%2F369&Submit=Search&Lang=E Accessed on March 31, 2017); Shaheed, Ahmed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, March 2015, http://www.un.org/ga/search/view_doc.asp?symbol=A%2FHRC%2F28%2F70&Submit=Search&Lang=E (Accessed on April 6, 2015).

judicial authorities. As shown in the figure, Tehran, the Islamic Republic's capital city, recorded the highest rate of execution. People from different ethnic groups reside in Tehran. Therefore, all the ethnic groups residing in Tehran have their due share in the execution cases. That is followed by Azerbaijan Gharbi with the Azeri ethnic group and Balochistan with the Baloch ethnic group. Kirman, the province with the fourth highest number of executions, has a mixed population of the Baloch and the Persian; and Kirmanshah, the province with the fifth highest number of executions, is home to Kurds.

One should also take into consideration the population ratio factor. For instance, the population of Tehran and Karaj together is around 18 million, while the population of Kirmanshah, the province with the fourth highest number of executions, is only two million. Similarly, Balochistan, the province with the third highest number of executions, has a population of around three million. According to a report by Minority Rights Group International in Balochistan, "human rights have been systematically violated in a way unseen in other parts of the country."²⁰

Moreover, the administration of justice with regard to ethno-religious groups or in non-Persian areas is quite different from that of Persian dominated regions. For instance, at dusk on Friday 25th October 2013, fourteen Iranian security border guards were killed in Balochistan in an ambush carried out by a militant group. On the very next morning, the Islamic Republic executed sixteen Baloch prisoners in retaliation. Mohammad Marzieh, the chief prosecutor of Balochistan province stated:

We had issued warnings previously that bandits and anti-Iran group members who commit acts causing damage to innocent people or security and military personnel will face reciprocal action by us.... This morning, in retaliation for the martyrdom of border guards at the town of Saravan,

20 Nazila Ghanea et al, "Seeking Justice and an end to Neglect: Iran's Minorities Today," *Minority Rights Group International*, February 2011, <http://www.minorityrights.org/download.php?id=939>, p. 4 (Accessed on April 7, 2015).

we hanged 16 members of these anti-Iran groups. The judiciary will absolutely not tolerate such actions by these groups.²¹

Ethnic minorities are denied the right to education in their vernacular languages. The official policy of the Islamic Republic requires that all children go to schools where the Persian Language is the medium of instruction. While government-run schools using vernacular languages of minorities as their medium of instruction do not exist, the government also does not allow private schools to use languages other than Persian as their medium of instruction. The school curriculum in the Islamic Republic is based on its official ideology, Shi'ism. The subject of history taught to children in the schools presents only Persian history, neglecting other ethno-religious groups' heritages. The ethnic minorities are strongly suppressed in the cultural sphere.

Human rights violations against the ethno-religious minorities take place on the developmental front as well. Most underdeveloped regions of the Islamic Republic are areas in which the ethno-religious minorities live. For instance, the Arab ethnic group in Iran is settled in the Khuzestan province. This province makes the largest contribution to the GNP after Tehran, as it is full of natural resources, particularly oil.²² With 960,000 students, Khuzestan has the third largest population of children attending school in the country. However, according to Taqizadeh, the head of the Education Department of Khuzestan, this province is ranked 31st in the Quality Education Index of the country out of 31 provinces. There are over 650,000 illiterate people in the province as well.²³

Similarly, Balochistan is one of the poorest provinces of the country,

21 Thomas Erdbrink, "Iran Executes 16 Sunni Insurgents in Retaliation for an Attack," *The New York Times*, October 23, 2013, http://www.nytimes.com/2013/10/27/world/middleeast/iran-executes-16-sunni-insurgents-in-retaliation-for-an-attack.html?_r=0 (Accessed on April 9, 2015).

22 "Sāyih-e mahrūmīyyat bar khāk e musta'idd e Khuzistan, [Shadow of deprivation over the fertile land of Khuzistan], *Iran*, February 18, 2006.

23 "Uft e kayfi e āmūzish da madāris e manāṭq e mahrūm" [Quality education fallout in deprived regions' school], *Jam-e Jam*, 30 June 2014, p. 15.

with the lowest quality of education.²⁴ According to the Governor General of Balochistan, 35 percent of the people in the provinces do not have access to clean drinking water.²⁵ On August 28, 2014, Zahra Abdullah, Director of Nutrition Improvement Department, Ministry of Health of the Islamic Republic, revealed that Balochistan, Khuzestan, and Kuh'kiluyih va Boyerahmad (Lor ethnic group majority provinces), as well as Hurmuzgan (Baloch, Arab, and other small ethnic groups province) are the five provinces where students' under-nutrition is at an alarming level.²⁶

Ethnic groups with Sunnite sectarian identities such as the Baloches and Kurds, along with Turkmans, are subject to restrictions on practicing their religious customs and rituals, and are kept out of administrative positions. Alam Saleh wrote that the Baloch, Kurd and Turkman

ethnic groups ... are ... deprived of the freedom to practice their religions customs openly. Sunni mosques in several cities, such as Mashhad, Salamas, and Shahinzadeh, have been destroyed, and other mosques in Shiraz, Orumieh, Sanandaj, Saqqez, and Miyandoab have been officially closed. Building Sunni mosques in Tehran is not permitted, leaving Tehran as one of the only capitals in the Islamic world without any Sunni mosques.²⁷

The Sunnite ethno-religious groups have no role in the administration of the country at all. Since the establishment of the Islamic Republic in 1979, no single Sunnite has been appointed to ministerial or deputy ministerial positions, or as head of any other national organization. Certain national institutions such as the Ministry of Foreign Affairs, Ministry of Intelligence, and Revolutionary Guards are Sunnite-

24 Ibid.

25 "Ustāndār: Sistan wa Balochistan tanhā ustān e mahrūm az gāz ast", [Sistan and Balochistan are the only provinces with no gas supply], *Kayhān*, February 26, 2014, p. 7.

26 "Muqābilih bā sū e taghzīyih dar panj ustān" [Countering under-nutrition in five provinces], *Jam-e Jam*, August 28, 2014, p. 15.

27 Saleh, *Ethnic Identity and the State in Iran*, p. 95.

free institutions and no-go areas for Sunnite ethno-religious groups. Sunnite ethno-religious groups cannot have any significant share in the top administration of their provinces, either. For instance, since 1979, sixteen Governors General have ruled over Balochistan province, and all but one have been non-Baloch. The exception was Ghulam Reza Danish Narooe, the first Governor of Balochistan. Narooe was appointed immediately after the 1979 revolution. He was not given the opportunity to consolidate his hold on power, and was in power less than six months. Besides, only four of 41 provincial ministerial institutions are headed by the Sunnite Baloch.

In addition to the Sunnite Muslim ethno-religious minorities, the Jewish, Christian, Zoroastrian, and Bahae minority religious denominations are also discriminated against. According to a report by the United States Commission on International Religious Freedom (USCIRF), since 2010 the authorities have arbitrarily arrested over 400 Christians and sentenced them without due process of law on the basis of the ambiguous charge of 'threat to national security.' The Jews are regularly persecuted due to the Islamic Republic's hostile relations with the State of Israel. The Bahae community is the most persecuted religious group, as the group is officially called 'heretics.' According to a USCIRF report, since 1979, over 10,000 Bahaees have been dismissed from government and university jobs based on their religion.²⁸ Bahae children are not allowed to receive higher education in public universities, despite their strong efforts and obtaining high scores on the National University Entry Test.

Sources of Human Rights Violations

Records of reputable human rights organizations and activists discussed above suggest that the Islamic Republic is guilty of violations of the fundamental rights of its ethnic and religious minorities. Ironically, not many academics and even

²⁸ United States Commission on International Religious Freedom, *Annual Report 2014* (Washington DC. 2014), pp. 59-60.

reports by these reputable international institutions have focused on the causes that undergird the Islamic Republic's violations of the fundamental rights of its religious and ethnic minority citizens. Perhaps that could be due to the fact that the 'effects' of social issues are often more visible than the 'causes.' Therefore, a closer look into the socio-political and legal structure of the Iranian state and society may answer questions as to how human rights violations take place and why the main causes of the Islamic Republic's human rights violations are often not discussed in mainstream academic writings and reports. Given the nature of the socio-political and legal structure of the Iranian state and society, human rights violations in the Islamic Republic occur for the following reasons.

First, human rights violations occur not due to ambiguity existing in the legal system of the Islamic Republic about violations of human rights, but most often due to what can be called lack of rule of law related to interrogation and investigation mechanisms. The state uses torture, forced confession, and sentencing without due procedure, all prohibited by the law.²⁹ Article 38 of the Islamic Republic's Constitution provides that "all forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violators of this Article are liable to punishment in accordance with the law. Article 39 of the Islamic Republic emphasizes that "all affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment." While the constitution prohibits torture and forced confessions, investigations by officers who are deliberately engaged in the forced acquisition of confessions and information from victims often go unnoticed. This is either due to lack of rule of law or lack of political will to take action. Constitutional provisions and legal

29 Ahmad Shaheed, *Report of the Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran*, September 2011, http://www.un.org/ga/search/view_doc.asp?symbol=A/66/374, pp. 6-7 (Accessed on 31 March 2017); *Amnesty International, Annual Report 2014/15*, Section 3, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iran/report-iran/> (Accessed on April 11, 2015).

procedures are often ignored; thus discrimination takes place in cases of violations of the rights of minorities.

Second, and perhaps more serious, is that the Islamic Republic's legal system is ambiguous and quite obscure regarding occurrences of violations of human rights, leaving the door wide open to misuse of the law by the judiciary, law enforcement agencies, and rogue elements within the system. Since the establishment of the Islamic Republic, thousands of political activists have been arrested, and hundreds of them are still behind bars. Article 168 of the Islamic Republic's Constitution reads that "political and press offenses will be tried openly and in the presence of a jury, in the courts of justice." However, after over 35 years, there is no clear cut definition of what constitutes a 'political crime.' The ruling establishment and political elites in the Islamic Republic never acknowledge the presence of any political prisoners behind bars. Rather, they consider political prisoners to be 'national security prisoners,' rendering Article 168 inapplicable to these political prisoners.³⁰ Yet, the Islamic Republic's former president, Khatami, did publicly admit – the first to do so – that there were political prisoners in Iranian jails. Ayatollah Shahroodi, the then Islamic Republic's chief of judiciary, strongly opposed Khatami's statement. He categorically denied the existence of political prisoners in Iranian jails.³¹ This category of human rights violations is controllable through positive scientific legislation, provided that there is the 'political will' to enact such legislation, which the Islamic Republic lacks. Despite attempts by some groups within the Iranian political system, drafting a proper act related to political crime remains an unfinished mission.

The third category of violations of the political rights of the Islamic Republic's minorities is closely related to the status of the official sectarian religious denomination of the Islamic Republic enshrined in its Constitution. Article 12 of

30 "Locked up in Karaj: Spotlight on Political Prisoners in One Iranian City," *Human Rights Watch Report 2014*, http://www.hrw.org/sites/default/files/reports/iran0814_ForUpload_1.pdf, pp. 8-14 (Accessed on April 13, 2015).

31 "Telism e ta'arīf e jurm e siāsī" [Dilemma of defining political crime], *Mardum Sālārī*, December 14, 2013, p. 3.

the Islamic Republic's Constitution states, "The official religion of Iran is [Shi'ite] Islam and the Twelver Ja'fari School, and this principle will remain eternally immutable." In tandem with Article 12 is Article 115, "The President [of the Islamic Republic] must be elected from among religious and political personalities ... [with] convinced belief in the fundamental principles of the Islamic Republic of Iran and the official *madhhab* [Shi'ite religious denomination] of the country." Based on this, the electoral laws of the Islamic Republic of Iran for presidential elections deliberately divide Iranians into (1) those who may contest the election and vote, and (2) those who may only vote. The second category includes non-Shi'ite Muslims and religious minorities, as well as women. Redressing this political imbalance on behalf of the minorities would require constitutional amendments – an unrealistic objective, indeed.

According to the Islamic Republic's Constitution, the entire state machinery, the president of the Islamic Republic (Art. 121), all members of the Islamic Consultative Assembly (Art. 67), or any other elected individual is obliged to protect, promote and uphold the official religion of the Islamic Republic, the accomplishments of the 1979 Islamic Revolution, the foundations of the Islamic Republic, and to assert their firm belief and practical attachment to the principle of *vilayat-e-faqih* (rule of jurist-consult), a core principle of the Shi'ite belief system. In this context, even a Sunnite citizen of the Islamic Republic, before assuming an official position, must affirm that he or she would protect the official Shi'ite religion of the Islamic Republic. Therefore, all non-Shi'ite citizens of the Islamic Republic, Sunnite Muslims, Zoroastrians, Jews, and Christians, despite the fact that they are recognized as religious minorities, are subject to these constitutional restrictions.

Hossein Raeesi, a human rights activist and an advocate who has served as lawyer for some minority prisoners, argues that 'all activities pertaining to any faith other than the official [Shi'ite] religion are strictly forbidden and suppressed.' In this regard he writes:

I have defended many cases involving religious minorities and my personal experiences point to the fact that there is obvious discrimination against

such individuals. For instance, revolutionary court judges and prosecutors defend sentences against religious minorities based on the charge of acting against national security in support of opposition groups which, according to Article 500 of the Islamic Republic Penal Code, is considered a crime. They do this by arguing that since the entire political order in Iran is based on Shia [sic] teachings, any type of activity pertaining to the promotion of other religions and faiths is considered as rejection of Shia [sic] Islam and therefore teaching activities are considered to be criminal acts against the state. This approach applies to all cases of ideological prisoners including Baha'is, Dervishes, Christian converts, Yaresan and Sunnis [sic].³²

Finally, it is essential to note that the issue of the observation or violation of the rights of religious and ethnic minorities in the Islamic Republic of Iran is closely connected to the political and sectarian ideology of the Islamic Republic and its elites. Therefore, improving the deteriorating state of the human rights of religious and ethnic minorities will require change in the philosophical foundation and structure of the Islamic Republic and in the mindsets of its religious establishment and political elites. The way human rights are understood, interpreted, and implemented in the Islamic Republic is deeply influenced by and reflects the ideological views of its religious establishment. A more neutral, objective, and universalistic interpretation and understanding of human rights as practiced in western states and societies is not at all intended in the Islamic Republic. The human rights the Islamic Republic subscribes to are defined and explained by the Shi'ite doctrinal teachings. Hence, the Islamic Republic does not believe that it is guilty of violating the rights of its religious and ethnic minorities when it imposes its beliefs and core values on non-Shi'ite citizens of the Islamic Republic, and imprisons, tortures, or forces them into confession.

32 Hossein Raeesi, "Discrimination against Religious and Ethnic Minorities in the Islamic Republic Constitution," *Iran Human Rights Review* 2014, http://www.ihrr.org/ihrr_article/violence-en_discrimination-against-religious-and-ethnic-minorities-in-the-islamic-republic-constitution/#idp59071520 (Accessed on April 13, 2015).

The Shi'ite doctrinal teachings emphasize 'obligations' to the state rather than 'rights' of citizens. According to Ayatollah Muhammad Taqi Misbah Yazdi, in a Shi'ite-based Islamic political system, people do not have 'rights.' They only have 'obligations' defined by the Supreme Leader of the Islamic Republic.³³ Such a view has narrowed the potential for a pluralistic society in the Islamic Republic. Philip Carl Salzman notes:

Diversity, plurality, and difference do not fit the vision, the duty, and the mandate of the Islamic Republic. Rather, the Islamic Republic has for its *raison d'être* the advancement, exclusively, of Shi'a [sic] Islam. This is believed to be God's mandate to the Islamic Republic. Consequently, "inclusion" is not a value in its own right, but is only possible within the parameters of Shi'a [sic] domination.³⁴

During the 11th presidential campaign in 2013, President Hassan Rouhani announced a Charter of Citizenship Rights, and promised the voters that he would institutionalize these rights should they elect him as president. Ayatollah Misbah Yazdi strongly reacted against the Charter, arguing that it was against the spirit of Shi'ite Islam.³⁵ He emphasized that 'human rights' or 'citizen rights' as perceived in the West were not compatible with the spirit of Ayatollah Khomeini's movement and Shi'ite Islam at all. Ayatollah Misbah Yazdi made specific reference to religious minorities and stated that equality between a Shi'ite Muslim and Baha'ee, or broadly speaking, non-Shi'ite including Sunnite Muslims, is incompatible with Shi'ite Islam, and that Shi'ite Islam never regards a Jew and a Shi'ite Muslim as equals. Although Islam considers certain rights for Jews and

33 'Allamah Ayatollah Muhammad Taqi Misbah Misbah Yazdi, "huquq-e shahr-vandī bih ma'nāy-e barābarī Baha'ee va Musalmān, khilaf e Islam va qānūn e asāsī ast" [Equal Citizenship Rights of Baha'ees and Muslims are against Islam and the Constitution], *Ayatollah Misbah Yazdi's Official Portal*, February 25, 2014, p. 8, <http://mesbahyazdi.ir/node/5030> (Accessed on April 16, 2015).

34 Carl, "Persians and Others: Iran's minority politics."

35 Yazdi, huquq e shahr-vandī bih ma'nāy-e barābarī Baha'ee va Musalmān."

other religious minorities, this does not mean that the minorities are equal to Shi'ite Muslims. Even though according to Article 12 of the Islamic Republic's Constitution, Armenians, Assyrians, Jews, and Zoroastrians are people legally under state protection (*ahl al-dhimma*) who have certain rights, in Gheissari's words they are subordinated collectives. According to him, the theocratic nature of the Islamic Republic excludes them from participating in decision making. In fact they are living in an environment where discrimination against religious minorities is institutionalized, especially with regard to the real organs of power and decision making.³⁶

Conclusion

This article discussed the human rights situation in the Islamic Republic of Iran with reference to its religious and ethnic minority populations. The study used the IBHR as the framework for assessing the state of the rights of ethnic and religious minority populations of the Islamic Republic of Iran. The Islamic Republic has strong legal and constitutional safeguards for the protection and promotion of human rights. However, violations of human rights in general and of the rights of ethnic and religious minorities are closely linked to the law enforcement agencies and the gray areas in the Constitution, the legal system of the Islamic Republic, and the political and sectarian ideologies of the Islamic Republic and its elites. It is the sovereign right of the Islamic Republic to constitutionally (Article 12) declare itself a Shi'ite Muslim State, subscribing to the Shi'ite Twelver Ja'farite school of thought. Its official Twelver Ja'farite religion could be justified on the grounds that the majority of the population are adherents of the Twelver Jafari Sect of Shi'ite Islam. However, this constitutional provision should not be used against the Sunnite minority and

³⁶ Ali Gheissari, *Contemporary Iran: Economy, Society, Politics: Economy, Society, Politics* (New York, Oxford University Press, 2008) p. 300.

other religious and ethnic minority populations of the Islamic Republic, or to deny them the right to practice their religious rituals and customs and to have their places of worship. Lack of rule of law, the existing ambiguity within the legal system of the Islamic Republic and Article 12 of its constitution, could be rationalized, and a more neutral, objective, and universalistic approach to human rights would be possible, only if the interpretation of human rights is separated from the interpretation of Shi'ite sectarian Islam and doctrinal teachings – an unrealistic objective, indeed. One could argue that the state of human rights in the Islamic Republic will remain unchanged, and that indeed the state of the Islamic Republic's religious and ethnic minorities will deteriorate. It is the duty and mandate of the international community and advanced western societies to go beyond annual reports, and to chart a plan of action that would force the Islamic Republic to reconcile its interpretations and practices of human rights with universal human rights standards.

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