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Human rights situations that require the Council's attention

Written statement* submitted by the Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Human rights situation in the Kurdish area of the Islamic Republic of Iran**

Iran is a land of variety of, cultures, languages, religions, and diverse people; recognizing this diversity and embracing the essence of modern cultural and political pluralism in the heart of this multi-cultural homeland, can be the fostering ground for the spread of democracy and equality in the country.

The Iranian authorities, have not only ignored this diversity of cultures as an asset to institute stability and democracy, but also, have regarded it as an on-going threat to preserve and continue its authority.

The Iranian Constitution formally provides for the fair treatment of its minorities: The Article (14) provides for *equality of all before the law*. Article 15 permits the use of *local and ethnic languages 'and the teaching of 'ethnic literature' in schools*, while establishing Persian as the official language. Article 19 states: *'All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights, and colour, race, language, and the like do not bestow any privilege¹'*.

The rights that apply to persons recognized as belonging to minorities include those stated in Article 27 of the International Covenant on Civil and Political Rights, which Iran is signatory since, in 1975, so there is a legal obligation to ensure the enjoyment of these rights by persons belonging to such minorities.

However, to date, the national and religious minorities are marginalized politically, culturally and economically. The clear denial of even low-level minority demands for some linguistic, publishing and educational freedoms have combined with heavy-handed and outright economic and political repression to make Iranian national and religious minorities disproportionately vulnerable to human rights abuses. One should also note that the treatment suffered by Iran's national minorities not only contrasts sharply with Iran's international human rights commitments, but also with its own legal provisions.

Having asserted their fundamental socio-cultural rights, the 12 millions Kurdish people in Iran were always treated with mistrust, marginalized and discriminated against. Even more, Iran's government is failing in its duty to prevent discrimination and human rights abuses against Kurds living in Iran.

The UN Special Rapporteur on the Right of Adequate Housing refers to "regions historically occupied by Kurds..., seem to suffer from disproportional inadequacy of services as water, electricity and unsatisfactory reconstruction efforts.¹

These disparities could lead to a recruiting ground for extremists in Kurdistan. Frustration and despair among youth group has created a breathing ground for use of drugs which is becoming a social epidemic in Kurdistan. Some Kurds believe that the government is deliberately contributing to this epidemic; one opposition group calls this tragic situation "Enfal-e Spi" or white Enfal-- meaning annihilation of Kurds through drugs.²

Despite signing the International Convention on the Elimination of All Forms of Racial Discrimination there is strong evidence that the Iranian authorities encourage land

** The Centre Zagros pour les droits de l'homme, an NGO without consultative status, also shares the views expressed in this statement.

¹ Iran Students News Agency ISNA, 3 September 2005.

² Source : KurdishMedia.com - By Kajal Rahmani, PhD Demographic Status and its impacts on Kurdish nationalism, 19/05/2011

confiscation, forced migration of ethnic groups and the resettlement of Persians in the ethnic regions.

According to Kajal Rahmani³ the government of Islamic Republic of Iran uses deliberate methods to modify the ethnic composition of the population in the Kurdish area - one of such technique is to buy lands in Senah, and other Kurdish cities that are 90 % Kurds. Based on local sources, Iranian Revolutionary Guard has bought lands in Senah city and settled non-Kurdish families from cities like Tehran and Shiraz. Different local source say that another form of modification of the composition is to reduce Kurdish population, this by using different method of contraception for women in Kurdish rural communities. Many of these women end up with sterilization of women at a very young age.

Cultural discrimination

Despite Article 15 of the Iranian constitution and Article 27 of the ICCPR, the Ahwaz, Baloch, Kurds and Southern Azerbaijanis face difficulties in exercising their rights to use their own languages, in private and in public. All state-schooling in these regions is conducted exclusively in Persian. They don't receive proper education facilities and are not equipped with knowledge to enter in the Iranian Universities.

Minority cultural activists have had journals and publications banned, often for reasons of state security. Cultural organizations are closed down, and those involved subject to imprisonment and execution. Advocates for broader linguistic and cultural rights for minorities are detained arbitrarily.

On the cultural discrimination, the Kurdish parents are not allowed to give their children certain names, including for Khabat (struggle), Rizgar (Free); and for girls Ajin (equal) and Âla (flag) and Fermisk (tear). A birth certificate is not issued unless the family consents to using an authorized name⁴. Article 15 of the Iranian Constitution (1979) allows non-Persian populations of the country to use their tongue in public. This article, however, has never been implemented and teaching Kurdish in school is still forbidden.

Religious and economic discriminations

Article 12 of the Constitution states: "the official religion of Iran is Islam and the Twelve Ja'fari School of Thought and this principle shall remain eternally immutable". This explicit endorsement of a school of Shia Islam alienates the Kurds, Turkmen, Baloch, and Ahwaz, who practice Sunni Islam. Tehran has a population of 1 million Sunni Muslims, but planning permission for a Sunni mosque has yet to be granted. Article 115 excludes non-Shias from holding the office of the Presidency of the Republic.

A widely used practice which discriminates against regional ethnic Sunnis is Gozinesh, meaning "selection". Gozinesh is an ideological test requiring candidates for some government jobs to demonstrate allegiance to Shia Islam and the Islamic Republic of Iran including the concept of Vilayat-e Faghih (Governance of Religious Jurist), a concept not adhered to by Sunnis. The adherence to this practice effectively excludes Ahwaz, Baloch, Turkmen and Kurds from employment in the government and, in some cases, within the private sector.

³ Ibid

⁴ Ibid

In the employment market Kurdish young men faces other obstructions which are a combination of language, culture and religion, they are excluded, simply, because they are Kurd. Most of young men are forced to leave Kurdistan to go to other Iranian big cities. Kurds in Iran feel and experience that they are living in an apartheid system.

According to The Kurdish MP, Mr. Mohammad Ali Pertewi (2011) over 60% Kurdish people in East of Kurdistan lives in poverty. Mr. Pertewi believed that poverty in East Kurdistan is the direct result of the wrong policies of the Iranian authorities as well as the misconduct of the officials in the region.

The Kurdish activists and prisoners are widely discriminated

In a letter from prison, the Kurdish teacher and poet, Farzad Kamangar, who was executed on May 9, 2010, revealed that ,“Must of the Kurds continue to bear the label of ethnic minority even in prison, they receive severe punishment, undergo the isolation and exclusion”. According to human right groups, lawyers and members of parliament, some Iranian prisons, like Urmia prison, have become overpopulated with Kurdish inmates. Many of whom were arrested for political reasons and have been sentenced to death.

The Kurdish human rights activists; Mohammad Sadiq Kabudvand was sentenced to 11 years’ for “acting against state security by establishing the Human Rights Organization of Kurdistan”. In spite of his sickness is still at prison, held solely on account of the peaceful exercise of his rights to freedom of expression and association. Such rights are expressly recognized in the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a State party.

Regarding the repression against judges and lawyers, M. Mohammed Salih Nikbakht, a Kurdish lawyer in Sina, says that the lawyers are afraid to get into trouble, so they rarely accept political cases. Last year, Khalil Bahramian, this eminent legal representative to several Iranian political prisoners, was sentenced to 18 months in prison and also banned from practicing law for 10 years. Bahramian was the legal representative for Farzad Kamangar and his four inmates’ political prisoners who were hanged in Evin Prison last May amidst fierce protest in Kurdish area.

The scope of capital sentences in Iran is broad. According to different sources, at least 13 other Kurdish men and one woman are believed to be on death row in connection with their alleged membership of and activities for Kurdish proscribed organisation. They are Sami Hosseini, Jamal Mohammadi, Rashid Akhkandi, Rostam Arkia, Anvar Rostami, Mostafa Salimi, Mohammad Amin Abdollahi, Ghader (or Aziz) Mohammadzadeh, Hasan Talai, Habibollah Golparipour, Abdollah Sorouri, Loghman (or Loqman) Moradi, Zaniar Moradi, (who was only 17 when arrested), and Zayneb Jalaian.

Recommendations

- halt arbitrary detentions of ethnic and religious minority activists and cease torture and forced confessions as guaranteed in the Universal Declaration of Human Rights;
- investigate cases of torture and human rights abuses based on ethnicity or religion and eradicate impunity for such acts;
- allow all detainees access to legal advice;
- honour Article 15 of the Constitution and recognize the right to use regional languages, especially in primary education facilities;
- end the ‘securitization’ and persecution of ethnic cultural organizations;

- allow the use of regional languages in print, audio and online media, as guaranteed by Article 15 of the Iranian Constitution.
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