

# **The Constitution of the Islamic Republic of Iran:**

## **Suppression and Discrimination**

Presented to European Union Delegation on Relation with Iran

Honorable members of the European Parliament,

Ladies and gentlemen,

On behalf of the Federal-Democratic Movement of Azerbaijan and as a member of the Congress of Nationalities for a Federal Iran, I wish to express my appreciations to Ms. Lochbihler and the organisers of this program, who give us an opportunity to highlight and discuss the discriminations faced by religious minorities, non-Persian nationalities and women in Iran.

For more than 30 years, Iran has been governed by so-called theocratic leaders. The constitution of the Islamic Republic of Iran mandates that the official religion of Iran is Islam with clear preference given to the Shia. It rejects equal civil rights of the Iranians, classifies them as first and second class citizens. This constitution neglects non-Persian nationalities, I mean Azerbaijani Turks, Kurds, Arabs, Balochs and Turkmens, women and religious minorities.

In order to fully understand the roots of these discriminations, it is important to be acquainted with the basic principles of the Islamic Republic of Iran.

The first principle is that “divine law is the unique source of legitimacy and political authority”.

The second one is that, “while waiting for the reappearance of the Twelfth Imam, the interpreter of divine law is the Spiritual Leader” (article 5 and 94).

Together, these two principles form the concept of “*Velayate Faghih*” or “spiritual leadership” - the cornerstone of the Islamic Republic of Iran.

Article 110 of the constitution lists all the duties and responsibilities of the Spiritual Leader appointed for an unlimited duration. The Spiritual Leader has control over the President, the parliament, the state institutions, the judiciary, the army, the police, TV and even the radio.

Since the constitution of Iran declares that the "official religion of Iran is Islam and the doctrine followed is that of "Jafari (Twelver) Shiism, it systematically marginalises the Iranians who belong to other religions and other sects of Islam.

Article 12 of the Constitution of the Islamic Republic of Iran states:

“The official religion of Iran is Islam of the Jafari 12 Imam sect and this article is inalterable in perpetuity.”

Sunni Muslims comprise the largest religious minority in the country. A majority of Kurds, virtually all Balochis and Turkmens, and a minority of Arabs are Sunnis, as are small communities of Persians in southern Iran and Khorasan. In any event, Sunnis face difficulty to have high positions in the executive and Judiciary. For example, the authorities oppose the construction of their mosques in Tehran and other big cities, frequently prohibit the free practice their religious ceremonies.

Article 13 of the Constitution states three religious minorities as “recognized religious minorities” and states:

“Iranian Zoroastrian, Jews, and Christians are the only recognized religious groups which are free to perform their religious ceremonies within Islamic Law.”

These three recognized religious minorities are discriminated against by a number of legal provisions and since they are only free to perform their religion “within the limits of the Islamic law”, the authorities have imposed important restrictions to their right to exercise their religion.

It must be added that the conversion from Islam to one of these recognized religions (apostasy) is punishable by death. And the conversion from Shia to Sunni is punishable severely.

The Bahá'ís are a “non-recognized” religious minority which have no right to legal existence. They are not even granted the theoretical right to perform their religious rituals and are subject to systematic discrimination on the basis of their religious beliefs. Some of them were accused of spying for Israel and were sentenced to severe punishment.

Only Shia Muslims are able to take part in the Government of the Islamic Republic of Iran and to conduct public affairs at a high level. According to the constitution, Sunnis and non-Muslims cannot hold the following key decision-making positions:

- President of the Islamic Republic of Iran, who must be a Shia Muslim (Article 115)
- Commanders in the Islamic Army (Article 144)
- High Commissioner of the Judiciary (Article 163)

The non-Persian nationalities have also been severely discriminated against by Islamic regime.

The Islamic Republic of Iran has continued to practice the Pahlavi tradition of assimilating non-Persian nationalities, which had forbidden the usage of their language and practice of their cultural tradition by the beginning of the twentieth century. The oppressive Islamic regime not only continued, but strengthened the Shah's assimilation policies. By this means it aimed to guarantee the monopolisation of power, knowledge and domination by the ruling authorities and to curtail and weaken the development of the non-Persian nationalities and marginalise their role in the Iranian society.

It has been proven that the first five years of life are very important in the cognitive development of a child. Cognitive development and language development are in reciprocal relationship. In the first five years, children acquire 80 percent of the information they would learn through their life, naturally in their mother tongue. It is extremely important that the educational basis is provided in their first language if they are to reach their full potential.

Ladies and gentlemen,

Can you guess what happens when the education is not provided in the mother tongue?

This is the case for children of the Azerbaijani Turks, Kurds, Arabs, Balochs and Turkmens in Iran.

Since they do not understand the language taught in school, they cannot ask questions or offer any challenges, their position cannot be other than to receive passive knowledge from their educators. This means education exclusively in Farsi restricts curiosity, the inquisitive spirit and creativity of the non-Persian children. In this way it has been aimed to develop a culture of silence and submission among these nationalities. Another important result of the education of non-Persian children in Farsi is the phenomenon called semi-lingualism.

In Iran, only Persians have the possibility and chance to succeed in the educational system. The way to recreate/rewrite/reinvent and interpret the world is open for them, because they have more access to science and technology. This policy privileges Persians and discriminates against non-Persians, causing their social marginalisation. Therefore, this linguistic policy has deepened social class differences in Iran.

On the other hand, speaking the mother language supports the development and preservation of an “us” identity and the feeling of belonging to a broad community. To reject a child’s language at school is to reject the child itself. With the message to non-Persian children being “leave your language and culture at home”, these children leave behind an important part of their identities. Rejecting their identity causes spiritual colonisation of children and this process has negative consequences regarding their sense of self-respect, self-confidence and self-assertion.

Article 15 of the constitution of the Islamic Republic of Iran states:

“The official and common language and script of the people of Iran is Persian. All official correspondence, documents, texts must be in this language and script.” However, the use of tribal or local dialects is allowed along with the Persian language in publications, mass media and the instruction of their literature in school.

By proclaiming “Persian” as the common and official language of the country, this language and those who speak it have been declared as superior and privileged, as other languages and those native languages have been discredited in the Iranian society.

The prohibition of using the mother languages of the non-Persian nationalities in Iran is a political and ideological strategy, decided upon by the Iranian government and implying a series of economical, political and social problems for these nationalities. The high rate of illiteracy among the non-Farsi nationalities is the worst manifestation of social and economical inequality in Iran. Since the non-Persian children do not understand the language, many prematurely drop out of school. Furthermore, the rate of success among those who continue to go to school is lower than that of Persian children. This means, hundreds of thousands of non-Persian children are systematically excluded from education because of ethnic discrimination with the most affected being girls.

The highest rate of literacy in Iran is seen in ten Persian provinces, where the education is in the mother tongue of the children.

95% of the students, who do not attend school, belong to non-Persian nationalities.

Only 10% of those who have a doctorate degree are from non-Persian nationalities.

The lowest rate of literacy is seen in Azerbaijan, Kurdistan, Balochistan and Khuzestan, where education is not provided in the children's mother tongue.

The economic development of non-Persian regions in Iran has also been negatively influenced by this policy. For example, during the eight years of presidency of Rafsanjani, the rate of investment in mines in Kerman province has been about 300 times higher than that in Azerbaijan.

Mr. Boladai will speak about the present suppression and discrimination faced by non-Persian nationalities in detail. I will only briefly point to the situation of Azerbaijani Turks, the largest nation in Iran. Azerbaijanis have always had the leading role in national-liberation movements in Iran. These movements started with the establishment of Azerbaijan's national parliament along with the local-provincial associations during the 1906 Constitutional Revolution. They culminated in the establishment of Azadistan Government in 1920 and the founding of Azerbaijan's Autonomous National Government under the leadership of Seyyid Ja'far Pischevari in 1945. The most significant positive changes within Iranian history took place during this period. For the first time, women were given the right to vote, and Azerbaijani Turkish became the province's official language. Azerbaijan's Autonomous National Government can be regarded as the first model of federalism in Iran. The national liberation movement continued in various forms, throughout and after the 1978-79 Revolution. The first movement opposing "velayete feqih" took place in Azerbaijan. This movement has acquired new impetus in recent times.

Azerbaijan is the founder of the modern educational system and schooling in the country. The second university in Iran as well as the first newspaper was originated in that province. However, at the moment the rate of the literacy has dropped to the 20<sup>th</sup> place in the country.

And now, ladies and gentlemen, I would like to speak about the severe discriminations faced by women, who make up half of the Iranian society.

Since the establishment of the Islamic Republic in January 1979, there exists sexual apartheid in Iran. The Iranian constitution considers women as second class citizens. The issues I will mention here only exemplify the discriminatory laws which deny equal rights to women.

In the laws derived from the Iranian constitution, women have no standing as independent persons and a woman's life is considered to be worth half of a man's. In court, the testimonies of two women are equal to that of one man.

According to the article 1133 of the civil code "A man can divorce his wife whenever he desires and without being asked for satisfactory reasons". Meanwhile a woman's request for divorce will hit so many obstacles, that requesting divorce becomes nearly impossible for women.

Article 1043 of the civil code states "The marriage of a girl of any age and any social or educational standing is dependent on the permission of her father or her parental grandfather".

Article 1117 of the civil code pertains to the right of men to have multiple wives; it means a man can have 4 Aghdi (permanently married) wives and an infinite number of Sighehi (temporarily married) wives. This law is said to follow Sharia's guidelines.

According to the penal code and article 1210 of the civil code, "The age of maturity and criminal responsibility for girls is nine lunar years (eight years and nine months) and for boys fifteen lunar years (fourteen years and six months). Thus, if a nine year old girl commits a crime, she will be treated like an adult and all the penalty laws (even execution) will be applicable to her.

The civil code clearly states that "All women, regardless of the religion practiced, are required to follow a strict Islamic dress code".

In article 115 of the constitution, "Rajal-e siyasi" (interpreted as "men of politics") appears in the conditions for becoming president. This means that a woman cannot become the country's president.

According to Iran's penal code, stoning is the frightening punishment faced by those who commit adultery. The details have been stated in articles 102-104 of the penal code.

According to Islamic law and as stated in article 1105 of the civil code, a family has a 'head' and the head of the family is a man (husband), making men the legal heads of households. This means that women are unable to choose places of residence, that they are not free to continue their education, that they are unable to choose jobs and that they are prevented from leaving the country when they desire

Now I would like to speak about the situation of the non-Persian women, who not only face the problems of patriarchy and gender discrimination shared with Persian women, but also suffer from ethnic discrimination and racism in social, political, cultural and economical areas. In the hierarchical classification of the Iranian society, non-Persian women are considered as the forth-class citizens; it makes them the most disadvantaged group in the Iranian society.

Due to the fact that non-Persian nationalities are deprived of the right to educate in their mother tongue, a large number of their female population, especially those living in rural areas, are illiterate. As a result, they suffer from economic and social problems.

I will try to clarify the situation of non-Persian women by propounding the case of Sakineh Mohammadi Ashtiani which is familiar to all of us. On May 2006, Sakineh Mohammadi Ashtiani was convicted of having an illicit relationship with two men and was sentenced to 99 lashes. In September 2006, she was accused of murdering her husband, then she was once again accused of committing adultery and she was sentenced to death by stoning.

Sakineh Mohammadi is of Azerbaijani descent and her mother language is Azerbaijani. Even though she could not understand, speak or read Persian, her trial was conducted in Persian and she has been coerced into signing a confession that she could not read. She represents only one example of non-Persian women who are affected the most by double discrimination.

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