

**Mandates of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
the Special Rapporteur on the promotion and protection of the right to freedom of opinion and
expression; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of
religion or belief**

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 40/18, 34/18, 34/6 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **discrimination on the grounds of religion in the application process for national identity cards in the Islamic Republic of Iran**.

According to the information received:

Since 2015, the National Organization for Civil Registration of the Islamic Republic of Iran has been issuing new biometric national identity cards and replacing the old cards with these new cards.

Until last year, any Iranian citizen over 15 years old could apply for a national identity card. While applicants had to disclose in the application form information about his or her own religion, they could either choose one of the four constitutionally recognized religions (Islam, Christianity, Judaism, Zoroastrianism), or the option "other".

It has been reported that members of religious minorities not officially recognized by the Constitution of the Islamic Republic of Iran, such as the Bahá'ís, Yarsanis, and Sabea–Mandaeans, among others, as well as non-believers, often chose the "other" option in their applications in order to obtain the national identity card.

However, since the end of 2019, the "other" option has been reportedly removed from the application form, and applicants are obliged to choose only among the four constitutionally recognized religions in order to receive these new national identity cards, which are necessary for any interaction with public services and financial institutions.

This significant change in the procedure has reportedly taken place as a result of political pressure from some members of the Iranian Consultative Assembly (Majles), who have publicly criticized the Government for maintaining the

“other” option in the application form, and thus recognizing and giving legitimacy to religious beliefs not recognized by the Constitution.

Since the change of the procedure, there have been reported cases of applicants who are members of unrecognized religious minorities, and in particular Bahá'ís, who have received messages from the National Organization for Civil Registration indicating that their religion is not recognized and that they should submit their application by respecting the currently applied requirements.

Without prejudging the accuracy of the received information, we express our serious concern at the reported challenges faced by members of religious minorities in Iran, in particular followers of religions or beliefs which do not enjoy constitutional recognition, in accessing identification documents. We deeply regret that instead of improving the previous application procedure for national identity cards – which was already discriminating against religious minorities as well as non-believers by placing them in the application category “other” – Iranian authorities chose to remove the “other” option, thus obliging applicants who are members of those unrecognized religious minorities to choose one of the four constitutionally recognized religions. We are deeply concerned at the fact that access to official documentation in Iran, which is a crucial element for the enjoyment of one's rights and freedoms, is conditioned upon the disclosure of information about religion or belief. We are also concerned at the discriminatory and adverse effects that such policies and practices may have on the legal status and the right to a nationality of members of non-recognized religious minorities, who may face the risk of statelessness. The current application process appears to violate the constitutional provisions on religious freedoms and non-discrimination based on religion or belief. It also violates Iran's international human rights obligations, including with regard to non-discrimination, the right to freedom of expression, and the promotion and protection of the rights of religious minorities.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please indicate how the reported changes in the application procedure for obtaining a national identity card complies with Iran's national legal framework and its obligations under international human rights law.
3. Please provide information on the measures undertaken to mitigate the negative effects of this amended administrative procedure and of other relevant policies on the legal status, the rights to freedom of religion or

belief, freedom of expression and the right to a nationality of members of religious minorities in Iran, and particularly of followers of religions or beliefs which are not recognized constitutionally.

4. Please provide information on any investigation or inquiry undertaken in relation to cases of discrimination in accessing identification documents targeting persons belonging to religious minorities, and on their outcomes. If no inquiries have taken place, or if they have been inconclusive, please explain the reasons.
5. Please indicate the measures undertaken to ensure that minorities, regardless of their constitutional status, are not discriminated against in any civil registration process, and that they are protected against statelessness.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Javaid Rehman
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Fernand de Varennes
Special Rapporteur on minority issues

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to recall that the right to a nationality is recognized and protected under international law. The Universal Declaration on Human Rights, under article 15, recognizes the right to a nationality and protects against its arbitrary denial and deprivation. This fundamental right is also enshrined in article 24 of the International Covenant on Civil and Political Rights (ICCPR), articles 7 and 8 of the Convention on the Rights of the Child (CRC), and article 5 (d) (iii) of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). The Islamic Republic of Iran is state party to all of these international treaties. It ratified the ICCPR on 24 June 1975, CRC on 13 July 1994 and CERD on 29 August 1968.

We would also like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities. In particular, article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, "to enjoy their own culture, to profess and practice their own religion, or to use their own language". We also refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.

Furthermore, we wish to refer to articles 18 and 19 of the ICCPR, which guarantee the right of everyone to freedom of thought, conscience and religion, and to freedom of expression. Article 18 includes the freedom of everyone to have or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. In addition, both article 18 and 19 of the ICCPR protect against any interference and/or coercion in the exercise of these rights. These rights are also protected through articles 18 and 19 of the Universal Declaration of Human Rights (UDHR), whereas the right of every child to freedom of expression is also guaranteed through article 13 of the CRC.

In his 2019 report to the General Assembly on the human rights of minorities in Iran, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed his concerns at the absence of constitutional and legal recognition of a number of religious minorities in the country, such as the Bahá'ís, Christian converts,

Yarsanis, Sabean-Mandaeans and Sufis, including the Gonabadi order, and at the persistence of discriminatory legislation and practices in the area of employment, education, administration of justice and vital events among others. He also noted the absence of religion as prohibited grounds for discrimination in article 19 of the Constitution, and the existence of several other constitutional provisions that maintain a highly restrictive interpretation of rights and freedoms, based on criteria of “compliance with Islam” (A/74/188).

Finally, we would like to draw your Excellency’s Government attention to the recommendations of the Special Rapporteur on minority issues in his report to the General Assembly “Statelessness: A minority issue” (A/73/205), in particular his conclusions and recommendations in which he recalls that “States must not arbitrarily or discriminatorily deny or deprive minorities of citizenship” and notes that “State requirements for the granting of citizenship, including in relation to any preference in terms of linguistic, religious or ethnic characteristics, must be reasonable and justified in order not to constitute a form of discrimination prohibited under international law” (paragraphs 50 and 56).