

The Islamic Republic of Iran's Written responses & inputs to the Questionnaire to States on Anti-Muslim Hatred and Discrimination

A) General Comments

- “Islamophobia” may be defined as an inexplicable and illogical fear of Islam’s presence and expansion in pre-dominantly non-Muslim societies. As a concept, it may be traced back deep in the history (of real/imagined competitions and clashes between religions/civilizations). But as a contemporary social/cultural malady, it is an ongoing trend whose origin and genesis can be linked to the events of 11 September attacks and the twisted narratives propagated thereafter; This exaggerated fear of Islam is coupled with, and mutually reinforced by, hatred and hostility toward whoever is regarded to appear to be Muslim as well as Islamic symbols such as Hijab, Mosque, etc.; This mixed feeling of fear and hatred is perpetuated by negative stereotyping and stigmatization of Muslims and increasingly result in discrimination and exclusion of Muslims from socio-political and civic life and more alarmingly in verbal harassment and physical violence against them in the host communities;
- *Nevertheless*, we need to identify the underlying causes and drivers of anti-Muslim hatred if we were to check this challenge:

First: we should not lose sight of certain historical backgrounds that are still today invoked by radical anti-Islam circles to agitate and frighten the public in the West;

Second: some anti-Muslim sponsors imply a kind of “Functional purposes” for their discourse purporting to defend values such as freedom and unite “liberal democracy” against what they perceived to be Islamic fundamentalism and old-fashioned uncivil codes.

Third: the role of political leaders and intellectual elites is key. As Persian Scholar and Poet Moulana said, “fish begins to stink at the head, not the tail” (a fish rots from head down); negative stereotyping and stigmatization are produced and disseminated from top (political and cultural elites); one can hardly deny that the new surge in anti-Muslim hatred in the past 4 years have been principally promulgated, if not initiated, by political leaders. The least one can certainly is that the State policy has been revealingly encouraging of anti-Muslim stereotyping and stigmatization either by establishing travel bans for Muslim countries or by legally prohibiting Islamic symbols such as Hijab;

Fourth: there is a critical need for State driven policies to disprove anti-Muslim hatred, including through demonstration of political will by the people in position of authority. If the problem is initiated/fueled by the people in power, the solution must come from there. If a president can issue travel ban on Muslim nations, a president can undo it. If a president can contribute to anti-Muslim feelings by endorsing hatred-inducing cartoons as freedom of expression, he can take a more just and conciliatory stance towards their

Muslim community by clarifying that freedom of expression is not instituted to disrespect others' sanctities;

Fifth: legislative measures should be adopted to dispel and dissuade anti-Muslim hatred including by criminalizing at least certain manifestations of anti-Muslim hatred. Enact law and it will be a short cut for creating a culture of tolerance towards Muslims and rejection of anti-Muslim hatred. The reason that settler's violence is not labeled as Jewish terrorism is simply because you may immediately be accused of anti-Semitism under the law;

Sixth: the role of UN human rights mechanisms in generating international climate for defying anti-Muslim hatred is crucial. The UN Human Rights Council and special procedures mandate holders should take utmost care not to contribute to stigmatization, negative stereotyping and prejudices against Muslims and Islamic countries. Certain mandates (such as country specific resolutions) dictated (in pursuance of political purposes) by a limited number of States against Muslim countries have definitely been leveraged to add to Islamophobia and anti-Muslim hatred.

B) Inputs to the Questionnaire

1. Muslims within the State

What part of the population within your jurisdiction identify as Muslim? Are there multiple Muslim groups within your State?

According to the latest census, 99.59% of the population identify themselves as Muslim, including Shia, Sunnis and other Islamic branches.

2. The Right to Freedom of Thought, Conscience and Religion or Belief

a) Does the State recognize the right to freedom of thought, conscience and religion or belief of all persons regardless of one's race, ethnicity, gender, language, nationality, religion or belief? What steps does the State take to promote respect for the right of all persons, including Muslims, to the equal enjoyment of freedom of thought, conscience, religion or belief? What are the protections provided in law and practice against coercion in matters of faith and belief, including in the right to have, adopt or change one's religious or non-religious beliefs?

The Government of the Islamic Republic of Iran has, as envisaged in Articles 23, 24, 25 and 26 of the Constitution, recognised the right to freedom of thought, conscious and belief for citizens irrespective of race, sex, ethnicity, language and etc.

b) Does the State **restrict** the right of Muslims to manifest their freedom of religion or belief?

i. *worship or assembly in connection with a religion or belief in public or private, alone or in community with others;*

ii. *write, issue and disseminate publications offline and online material related to the rites, customs and teachings of Islam;*

- iii. *observe practices related to the religious slaughter of animals; import halal meat or observe dietary requirements mandated by religious beliefs;*
- iv. *display religious symbols, forms of dress and other personal representations of religious beliefs;*
- v. *establish and register religious organizations, charities or humanitarian institutions;*
- vi. *train and appoint clergy without intervention;*
- vii. *exercise parental liberties regarding religious education of Muslim children;*
- viii. *observe holidays or days of rest in accordance with Islamic faith;*
- ix. *establish and maintain free and peaceful contacts with other members of their frontiers with citizens of other States to whom they are related by religious ties;*
- x. *freedom of movement both within the country and across borders including for purposes of learning and pilgrimage.*

By the virtue of democracy and the will of the people of Iran who are predominantly Muslim, all the criteria mentioned are thoroughly respected. Moreover, every citizen is free to exercise his/her right to freedom of thought and conscious in the context of activities mentioned in section (b) unless such measures explicitly contravene with national solidarity, integrity, independence, Islamic values and the Constitution of the Islamic Republic of Iran.

c) Are there restrictions on the construction, maintenance and use of places of worship by Muslim in your State? Have there been any attacks on Muslim places of worship within your jurisdiction?

Muslims and followers of other religions are free to construct, maintain and use places of worship according to their beliefs on the basis that such practices are in line with corresponding laws and regulations.

d) Are there any Islamic cultural sites in your country? Does the State support the preservation of these sites?

e) Are there any places of Islamic education (madrasas, schools or universities) in your country? If so, are they accredited, recognized or funded by the State? Are Quran classes allowed in places of Muslim worship or other religious institutions?

d) and e): Islamic cultural as well as educational centers are free to operate and function within the framework of corresponding laws and regulations. Furthermore, the aforementioned legal framework allocates resources, funds and also tax exemptions to such institutions.

3. Equality and Non-Discrimination

a) Please provide information and data on the prevalence and types of inequality and discrimination, reportedly experienced by Muslims in your country, including from a gender perspective.

Report for the cases of alleged discrimination and inequality are referred to appeal courts. Additionally, another separate oversight mechanism is also created through Article 90 Parliamentary commission which is dedicated to investigations of complaints from the Judiciary. Furthermore, there has been no report of the discriminatory treatment of Muslims in relation to other faiths. The statement also

applies to all Iranian men and women, who are equal before the law and benefit from the same protection it offers.

b) please provide information on domestic laws (including relevant domestically implemented international law), policies and practices that protect against or respond to discrimination against Muslims. How do you ensure the deradicalization programme, counter-terrorism and/or preventing extremism measures or legislations do not target any specific religious or ethnic group, including Muslims?

According to Article 19 of the Constitution, each and every Iranian citizen is endowed with the same inalienable rights; and color, race, ethnicity and such shall not be grounds for superiority or inferiority. Specific measures and regulations related to counter terrorism and extremism are also compiled in accordance to this principle in order to prevent any discriminatory treatment.

c) Please provide information on specific gaps and challenges with regard to the elimination of discrimination against Muslims. Are there recent examples where the State has amended or rescinded legislation in order to combat discrimination against Muslims? Do laws in your country guarantee equal rights, regardless of religion or belief, in terms of access to education, healthcare, housing and employment?

Given the history of Iran and the prevalence of values which generate tolerance, there have been no recent examples of drafting, rescinding or amending a law which aims to eliminate discrimination against Muslims. Both in law and practice, Iranians, irrespective of their religion or faith, have access to education, healthcare services, housing and employment opportunities.

d) Are Muslims treated differently in their applications for asylum and citizenship?

e) How does the State protect Muslims in their potentially vulnerable situations such as (i) refugees and migrants (ii) children (iii) girls, women and LGBT+ persons (iv) persons with disabilities (v) members of recognized and unrecognized minority Muslim sects, Muslims perceived to be secular or Muslims who converted into other religions or become atheists and (vi) Muslims in the context of the COVID-19 pandemic.

The Islamic Republic of Iran is situated in a region with predominantly Muslim neighborhood. It is inevitable that a high percentage of millions of asylum seekers and migrants in Iran are believers of Islam. Concordantly, their populations - which comprise of men, women, children, elderly, persons with disabilities and adherents to different faiths - are protected from discrimination especially during the COVID-19 pandemic. Furthermore, it should also be added that according to Article 23 of the Constitution, inquisition of one's belief is strictly forbidden and, no one can be subjected to questioning and aggression for merely holding an opinion unless a specific judicial order has been issued.

*f) **Representation and participation in public life:** Are there Muslims in the Government and the judiciary? Are Muslims represented in other public affairs or institutions, including legislative and equality bodies such as National Human Rights Institutions?*

Based on the sheer percentage of Muslims in the country, the aspirations of people through democracy are manifested through electing mostly Muslim officials. To ensure that the voices of other faiths and beliefs in spite of lower

number of their constituents are also heard, several seats of the Parliament are reserved for non-Muslim representatives.

g) **Hate speech by politicians:** *Does the State have a parliamentary or legislative code of conduct to deter politicians from making anti-Muslim, anti-Semitic, xenophobic, racist, homophobic or other hateful remarks from the floor or in public appearances? Is there qualified or parliamentary immunity for hate speech?*

Articles 10, 33, 77, 97 and 110 of the Citizens' Rights Charter are dedicated to the rights of religious minorities and have elaborated measures to counter hate speech, discrimination in workplace, access to information and education while emphasizing the importance of cultural exchange between different populations. Furthermore, it is worth mentioning that the "Criminalization of insulting Iranian religions and ethnicities" bill was passed in May 2020 by the Parliament to reinforce legal measures for combating different forms of hate speech.

h) **Online hate speech:** *Does the State monitor and investigate incidents of anti-Muslim hatred and discrimination online, including perpetrators' tools and tactics (e.g. use of bots, doxing misinformation)? What data does the State have on how online hatred, harassment and political manipulation are affecting Muslims? Does the State have arrangements with private actors (e.g. social media companies) to access their data on the incidence or effect of anti-Muslim hatred and discrimination online on those targeted?*

i) **Incitement to hatred or violence:** *How is the prohibition of incitement to national, racial or religious hatred in international human rights law incorporated into domestic legislation? Are there specific offences in law regarding crimes of anti-Muslim hatred? Do the laws provide for imposition of enhanced penalties for crimes committed with anti-Muslim motivation? Is there a law on 'takfirism'?*

j) **Countering Violent Extremism:** *Are State strategies and practices to prevent/counter violent extremism grounded in human rights law? How does the State define 'violent extremism'? Are the impacts on women and ethnic and religious groups on rights-limiting measures assessed?*

As mentioned in the response to the section (g), the Parliament passed a bill to affix additional provisions to the Islamic Penal Code in order to legally criminalize hate speech targeting Iranian religions and ethnicities. The aforementioned law was ratified by Guardian Council in November 2020 to become Articles 499 bis and 500 bis of the Islamic Penal Code. As an example, Article 499 bis elaborates: "Anyone who insults Iranian ethnicities to cause discord, incite violence or tension in the society or with the knowledge of such consequences ..., is sentenced to a fifth or sixth category jail or fine". According to Note 2 of the aforementioned Article: "if cyberspace and related tools are used for dissemination of hate speech subject to this Article, the perpetrator is sentenced to one higher category of fines or jail time".

k) **Reporting, documenting and remedy:**

i. *Is there a specific State mechanism for reporting or recording incidents of anti-Muslim hatred or discrimination? Does the State take other measures to improve monitoring increase reporting and the documenting of such crimes? Is the number of such incidents rising or falling?*

ii. *Do you collect information on who the perpetrators of hate crimes are? If so, who are they and what are the common motives?*

iii. *If applicable, what percentage of prosecutions of hate crimes in which Muslim identity was an aggravating factor are successful? How does the State ensure that victims of anti-Muslim hate speech, crimes or discrimination are provided with effective access to justice and remedies, including Muslim women and girls (e.g. does the State fund programme to help victims)?*

iv. *Does the State provide security for Muslim schools or cultural sites (if so, please elaborate)? Are Muslims allowed to form community security groups? Are there cases of anti-Muslim violence, harassment or desecration targeting individuals or their property, educational facilities or Muslim cultural or religious sites (if so, please provide details)?*

As a quintessentially Muslim Country which boasts a long tradition of tolerance and amiable standing between followers of different faiths, in Islamic Republic of Iran, incidents and scenarios subject to subsections of Question (k) are not occurring in a frequency that requires such measures. Although there are recurring reports of hate crimes including Islamophobia, towards Iranian nationals in countries in which they live as religious minorities. Nevertheless, the aforementioned reports fall outside the jurisdiction of Islamic Republic of Iran.

4. State practices to promote tolerance and understanding, including with private and public actors

a) **Training / awareness raising**: What training on anti-Muslim hatred and discrimination issues does the State provide to (i) police (ii) security forces (iii) judiciary (iv) teachers and (v) local religious actors to support their role as key actors in preventing incitement to hatred or violence? What form does the training take?

One of the main guarantors of the rule of law is justness and also the fairness of those who are tasked to enforce it. That is why all Judiciary, military, law enforcement, security, health workers and pedagogical personnel are required to receive necessary education on the solidarity among religions and the importance of positive conduct, tolerance and fairness. Obligatory, periodic and specific guidelines are also distributed according to aforementioned principles and constitutional imperatives.

b) **Removing barriers**: *How does the State use public office to eliminate barriers between religious or belief communities and promote an inclusive society? Does such policies and practices include civil society and in particular, Muslims within those initiatives? Does the State have any initiatives (including non-legislative) in place to counter stigmatization and negative stereotyping of Muslims and incitement to religious hatred (e.g. facilitating exchange of information and resources on the 'Istanbul Process' and implementation of HRC Resolution 16/18, interfaith dialogues) and/or promote interfaith tolerance, understanding and public discussion?*

As previously mentioned, no consequential barrier exists between religious and belief-based societies in Iran. Nevertheless, initiatives to improve interconnectedness and cordial relations between people are continuously pursued. To that end, the appointment of a Presidential advisor in affairs appertaining to ethnicities and religious minorities is a contributor to the

elimination of possible bureaucratic inconvenience. Furthermore, the ratification of Citizens' Rights Charter in December 2016 was a renewed attempt to create additional legal basis in order to ensure that dignity and rights of Iranians are respected with no discrimination rooted in race, ethnicity, sex, religion, language, age and disability.

c) ***Tackling extremism:*** *Has the State identified whether sectors of their population are at risk of radicalization from extremist groups? What information is available on those groups' recruiting techniques and mechanisms for targeting alienated youth? Is extremism in the political system an issue for the State?*

d) ***Media:*** *Does the State require private or public media entities to have professional ethics and/or press codes that sanction anti-Muslim stereotyping, hatred and discrimination? Are there policies and regulations to promote pluralism and diversity of the media (including online) and which promote equal, universal and non-discriminatory access to and use of means of communication?*

e) ***Online platforms:*** *How does the State create an environment for open robust debate and dialogue, including through a free and open Internet, in line with the rights of freedom of thought, conscience and religion or belief, freedom of opinion and expression and non-discrimination? How does the State engage with social media companies to address online harassment of Muslims and coordinate efforts in response? Does the State regulate website-hosting companies that host hateful or harassing content?*

c), d) and e): In recent decades, new iterations of extremism such as neo-Nazism and Islamophobic ultra-right movements have found fertile grounds in some western societies but never managed to gain foothold in Iran courtesy of its social composition. Another noteworthy camp of extremism which rose to prominence in 21st Century, are the so-called Radical Islamic movements which have found many donors in the west, where some high ranking officials (such as the former U.S' Secretary of State) acknowledged funneling arms and resources to what became Al-Qaeda and ISIS.

As mentioned in previous sections, anti-discriminatory measures adopted by the government coupled with practices charted via the spirit of Islamic brotherhood have contributed to the societal inoculation against such influences. Initiatives such as the establishment of World Forum for Proximity of Islamic Schools of Thought were instrumental for reconciliation between different Islamic schools and branches to achieve lasting solidarity among Muslim populations within and abroad. Ethno-terrorism and other forms of terror-inspired movements have also been unable to further their agenda due to the comprehensive set of laws and regulations that are designed to counter organized crime.

With respect to cyberspace, its potential for proliferation of extremism has been a focus for Iranian lawmakers. As indicated before, hate crimes if not adequately opposed, will pave the way for extremist ideologies. Concordantly, Article 499 bis of the Islamic Penal Code create the distinction and also criteria for countering hate crimes in cyber sphere.

C) Further Note:

It is unfortunate that on a global scale, the turn of the 21st Century saw a rapid rise in Islamophobia which has yet to be ceased and reversed. Many geopolitical factors such as successive wars imposed on Islamic nations and funneling arms and resources to volatile actors have contributed to massive displacement of Muslim populations and the surge of refugees around the world. Consequently, Islamophobia began as a political project with defined security and economic objectives but ended up as a disrupting social phenomenon with lasting implications.

The Islamic Republic of Iran is of the view that the world cannot afford to sanction hate speech towards billions of its population; yet, we are witnessing a surge of Islamophobic comments propagated by some political figures, parliamentary members and even heads of States without being properly addressed by international institutions that are in fact charged with protection and promotion of global solidarity and elimination of racial discrimination.

Nevertheless, the compilation of a thematic report on Islamophobia is in many ways, a step in the right direction to put focus on the issue. It seems that the targeted nature of Islamophobia requires a more attuned framework rather than a generalized approach used for religious intolerance; it fails to grasp the nuances and caveats required for the endeavor. Given the sheer number of countries in which Muslims are considered to be minorities, and frequent media reports on Islamophobia, a higher rate of hate speech towards Muslims occurs and in turn, will be compounded by intersecting forms of discrimination. Therefore, to achieve a non-generalized and effective framework to counter Islamophobia, an integral criterion is defined by asking whether educational topics specifically tailored to debunk Islamophobia and stereotyping of Muslims is included in curriculums.

Moreover, given the frequency of reported keywords in cases of inciting violence or hatred towards Muslims, questions presented to States with Muslim communities can be drafted in a way that eventually yield more precise answers, such as:

1. Prospects of women with Hijab for employment and managerial positions in public and private sectors compared to other women;
2. Equal opportunity and representation for women with Hijab in higher education and STEM fields;
3. Measures to limit hate speech and effrontery towards Islamic values in major and local media outlets as well as political parties and statements made by senior officials;
4. Efforts to curb stereotyping of Muslims, Islamic behavior and appearances. Defining concrete steps to falsify narratives which correlate Islam with terrorism and extremism; and
5. Identifying measures to protect the property and places that are associated with Muslim communities from menace and vandalism.