Breaches of Article 28 of the Constitution in relation to Some Minorities

In the Name of God

Number 78-910
Date: 26 Mordad 1378 [17 August 1999]

To His Honour Hojjatol-Islam Mr. Khatami
Esteemed President
Greetings

As you are aware, Article 28 of the Constitution declares that “People are free to choose whatever profession they wish, as long as this profession is not against Islam, public interest, and the rights of others. In considering the needs of society for different occupations, the government is required to provide favourable circumstances for the equal employment of all persons.”

As you can see, this Article refers to three important principles:

1- The principle of freedom to work for all, namely, at least, all citizens of Iran, regardless of racial, ethnic, linguistic, or religious background.

2- The duty of the government to create equal work opportunities for all people, namely, regardless of racial, ethnic, linguistic, or religious background.

3- Legitimacy in exceptional cases of limiting freedom of choice in work where the job in question is against public interest or the rights of others.

Our Committee has been receiving complaints from some people and groups, particularly officially unrecognized religious minorities, which indicate that Article 28 of the Constitution may have been

---

breached. We hereby present two cases to Your Honour, which indicate egregious violations of this principle of the Constitution, and which Your Honour has the ability to resolve, particularly the first case:

1- An individual by the name of Dr. Jamshid Farsi, a veterinarian, has complained that the Department of Veterinary Medicine has refused to give him a work permit to engage in practicing veterinary medicine because he is a Baha’i. Upon investigation, it was discovered that the refusal by the Department of Veterinary Medicine to issue a licence to the above-mentioned individual was in accordance with Article 12 of the Executive Regulation [of] Article 10 of the Department of Veterinary Medicine Act, enacted by the Cabinet in 1373 [1994-1995], which conditions the issuance of a permit to engage in veterinary medicine upon being a believer in one of the official religions of the country. (A copy of the aforementioned article is attached.). Given that it does not seem that the engagement of a person who is not a believer in one of the official religions of the country would be against Islam or the public interest and the rights of others, this item in the aforementioned Executive Regulation appears to be against the Constitution. If Your Honour agrees with this assessment, the easiest route would be for you to order the legal assistant to the president to prepare an amendment to this Executive Regulation and get it approved by the cabinet, or to take necessary action in any other way you deem appropriate.

2- An individual by the name of Dianat Dehghani, from Abadeh, has complained that he was dismissed from the Department of Education in 1359 because of being a Baha’i. In order to make a living, he opened a welding shop. [That shop] was subsequently closed by the trade union, which did not give him a work permit. Given that we had other similar complaints, we asked the authorities of commercial affairs in Abadeh for an explanation. Finally, the secretary of the Trade Union of Abadeh stated to the Committee that an inquiry about religious law had been made from His Holiness the Imam (rest in peace) regarding work and earning a living by the perverse sect, and the Imam had responded:

“It is mandatory to avoid any kind of social relationship and trade with this perverse sect…..” And because giving a business permit to these individuals and their work in the commercial centre of the Muslims might result in people socializing and conducting business with them, those who issue such a permit would be participating in facilitating a prohibited business act; therefore, they have refrained from issuing a business permit. A copy of the letter of inquiry about religious law and the letter from the Secretary of Trade Union Affairs are enclosed. As you can see, the rest of the reply by His Holiness the Imam (RIP) to the inquiry states that, “Regarding the ordinances of the government, the government’s opinion must be upheld.”

Some people raise the possibility that the first part of the reply from His Holiness the Imam (RIP) regarding the prohibition of socializing and doing business refers to an individual’s personal duty, and the part that governs giving or rescinding a business licence is relegated to the official law of the government, which is developed and enforced in the interest of social order and the Constitution, and protecting the basic civil rights of individuals. However, in any case, because the issue has been dealt with according to the religious fatwa of the imam, this Committee deemed it best to inform Your Honour about it so that you would issue the necessary executive order upon getting the religious opinion of the esteemed leader, if needed.

Hosein Mehrpour

[Legal] Counsel to the President and Head of Committee for Investigation and Overseeing the Enforcement of the Constitution

IRANBAHAI PERSECUTION.BIC.ORG