

**Islamic Republic of Iran:
non-implementation of accepted UPR recommendations**

as concerns human rights violations against Iran's Bahá'ís
(January 2012)

When Iran undertook its UPR in February 2010, 28 States denounced human rights violations against Bahá'ís in this country. The Iranian authorities accepted 123 UPR recommendations. In this document we will examine the State's implementation, during the past two years, of eight accepted recommendations that directly apply to Iranian citizens who are members of the Bahá'í community.

Iran has repeatedly stipulated that it uses the term "religious minorities" to mean only the three recognized in its own Constitution (Jews, Christians and Zoroastrians). We therefore do not include recommendations that use this term. We consider those that cite "freedom of religion or belief" and/or Article 18 of the ICCPR, because its definition in international human rights law includes all individuals:

Article 18, ICCPR

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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.

The accepted recommendations that we will examine were made by eight different States. The text of each one, quoted in sections below, can be found in the UPR Working Group report on Iran (A/HRC/WG.6/7/L.11). Iran delayed its response to one additional relevant recommendation:

19. Extend the rights guaranteed in Iranian legislation to all religious groups, including the Baha'i community (Brazil)

In an Addendum submitted to the Human Rights Council in June 2010, Iran stated:

3. *Recommendation 19*: The Constitution and the ordinary laws of the country guarantee citizens' rights of all nationals of Iran regardless of their religious affiliations. The government is making all its efforts to this end. Elimination of discrimination is a firm policy of the Islamic Republic of Iran and therefore the discrimination stated in the recommendation is not a factual judgment. [A/HRC/14/12/Add.1, 3 June 2010]

The Bahá'í International Community formally contests this statement. Discrimination against Bahá'ís – solely based on religious affiliation – has long been official policy in Iran, as often stated by UN human rights mechanisms (for supporting documentation, see the

attached background document). Nonetheless, Iran rejected recommendation 19 and therefore, in accordance with UPR procedures, we will not include it in the following report.

1. Recommendations of general application

We will begin with three recommendations of wide-ranging application:

9. Ensure that its legislation and practice conform fully with requirements of article 18 of ICCPR and with its other obligations under international human rights law (Poland)

48. Respect the freedom of religion (Germany)

103. Guarantee, in compliance with its obligations under ICCPR, the effective independence of the procedures and administration of justice, restricted emergency legislation, adequate protection for human rights defenders and political opposition members, and the effective guarantee of freedom of expression and opinion and freedom of religion and belief (Chile)

Iran has taken no measures (neither before nor since its UPR) to implement these recommendations with regard to the Bahá'ís.

At a press conference in New York in October 2011 during the UN General Assembly, the Special Rapporteur on freedom of religion or belief stated that Iran's persecution of Bahá'ís is among the most "extreme manifestations of religious intolerance and persecution" in the world today. "The Iranian government has a policy of systematic persecution..." he said, "with the view of even destroying that religion worldwide... It's a very clear, clearly articulated policy of extreme hostility." Asked whether he had received any response from Iran to his statements on the issue, the Special Rapporteur replied, "The typical response is the following: Bahá'ism is not a religion, it's a cult, it's an evil cult." He explained further: "They distinguish...between genuine religions – in their understanding, the divinely revealed religions Judaism, Christianity and, of course, Islam – and the rest. (...) I mean they really excommunicate, systematically, the Bahá'ís from the application of freedom of religion or belief by simply denying their faith to have the status of a religion. And this is something States *cannot* do."

On 17-18 October 2011, the Human Rights Committee criticized Iran's non-compliance with the ICCPR, and this issue was one of many raised by the Experts. They emphasized that as religion and belief have the same status in the ICCPR, Iran must allow Bahá'ís to manifest their beliefs individually and in community with others, even if the authorities do not consider the Bahá'í Faith to be a religion.

The Committee's *Concluding Observations* expressed deep concern about a wide range of human rights violations in Iran. The section devoted to the Bahá'ís read as follows:

24. The Committee is concerned that members of the Baha'i community continue to be denied their right to freedom to have or adopt a religion or belief. It is also concerned that members of the Baha'i community continue to be subjected to a range of violations of their rights, including arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education (articles 18, 19, 20, 27).

The State party should ensure full respect for the freedom of everyone, including members of the Baha’i community, to have or to adopt a religion or belief of his or her choice, and the freedom, either individually or in community with others and in public or private, to manifest this religion or belief in worship, observance, practice and teaching. The State party should take immediate steps to ensure that members of the Baha’i community are protected against discrimination in every field, that violations of their rights are immediately investigated, that those found responsible are prosecuted and that they are provided with effective remedies. .¹

For this to occur, fundamental issues must be addressed both in Iran’s legislation and in practice, as briefly recalled below.

In Article 12, the Constitution of the Islamic Republic of Iran establishes an official religion, Islam, an official Shi’i denomination, and the Muslim denominations “granted full respect”. In Article 13, the Constitution states: “Zoroastrian, Jewish and Christian Iranians are the only recognized religious minorities, who within the limits of the law, are free to perform their religious rites and ceremonies, and act according to their own canon in matters of personal affairs and religious education”. Restricting freedom of religious practice to recognized religions only, the Constitution strips other religions of this freedom and legitimizes **persecution** against those who practice other faiths. It does not allow Bahá’ís, “in community with others and in public or private”, to manifest their religion “in worship, observance, practice and teaching”, as stipulated in Article 18 of the ICCPR.

Article 14 of the Constitution would normally guarantee justice and respect for the human rights of non-Muslims. In practice, however, the rights of Bahá’ís are treated with contemptuous disregard by Iranian officials, who avoid applying Article 14 by falsely accusing them of activities “against Islam and the Islamic Republic”.² Both before and since Iran’s UPR, the authorities have used this allegation to arrest, arbitrarily detain, charge and bring to trial many members of the Bahá’í community on purely religious grounds.

Article 19 of the Constitution says that the people of Iran “belonging to whatever ethnic or tribal group shall enjoy equal rights and the complexion, race, language and the like shall not be considered as a privilege”. Gender and religion are not mentioned in this context (together with ethnicity, language, race and colour), as in Article 26 of the ICCPR. Iran’s Constitution does *not* explicitly prohibit **discrimination** based on religious affiliation. In practice, Bahá’ís do not enjoy equal rights. They have been subjected to unfair, discriminatory treatment – both before and since Iran’s UPR – regarding access to higher education, business, employment, public services, cemeteries and places of worship.

¹ All of the documentation related to the session can be accessed at <http://www2.ohchr.org/english/bodies/hrc/hrcs103.htm>

² Article 14 of Iran’s Constitution reads as follows:

“In accordance with the sacred verse “*God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes*” [60:8], the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.”

Iran's law on the rights of citizenship should include Bahá'í citizens and extend civil rights to them, but it has never been implemented for those identified as adherents to this religion.

2. Recommendations involving specific cases

Three of the accepted recommendations refer to court cases involving Bahá'ís. Two of them mention the case of the seven former leaders serving the Bahá'í community in Iran, who were still on trial at the time of Iran's UPR. The Yárán ("Friends") was the name given to this group³:

50. Respect freedom of religion, and assure a fair and transparent trial for members of the Baha'i faith, in full compliance with the commitments undertaken as a State party to the implementation of ICCPR and other human rights instruments (Romania)

117. Ensure the trials of seven Baha'is are fair and transparent and conducted in accordance with international standards, and that Iran amend all legislation that discriminates against minority groups (Australia)

118. Ensure that the trial of the Yarran is conducted in a fair and transparent manner, consistent with Iranian law, natural justice and due legal process (New Zealand)

2.1 The case of the former leadership group

Iran made no attempt at any time to ensure that the trial of the seven Bahá'ís was fair, transparent and consistent with due process, whether according to international legal standards or even its own laws and regulations. Moreover, since the UPR (and to this day), the judiciary has repeatedly violated due process of law during the post-trial period.

In his latest report to the General Assembly (A/66/361, 15 September 2011), the UN Secretary-General stated:

26. In August 2010, seven other Baha'i community leaders, who had been detained in May 2008 and produced for a trial in January 2010, were sentenced to 20 years in prison, which was subsequently reduced to 10 years. In March 2011, the court, however, reportedly reinstated the original prison sentence of 20 years. The High Commissioner for Human Rights has raised this case several times in letters to and meetings with the Iranian authorities, expressing deep concern that these trials did not meet the requirements of due process and fair trial. The authorities report that the seven were convicted on a combination of private complaints and national security charges and not in relation to their beliefs.

There was no basis in fact to any of the accusations against the former leaders.⁴ The appeals court ruling in September 2010 revoked the charges alleging "espionage", "collaboration with the State of Israel", and "provision of classified documents to foreign

³ The Bahá'í International Community addressed an open letter on 4 March 2009 to the then Prosecutor General of Iran, Ayatollah Qorban-Ali Dorri-Najafabadi, describing the background and context in which the group known as the Yárán had been constituted in Iran. A copy of this letter can be found at: <http://bic.org/areas-of-work/persecution/prosecutor-general-iran-en.pdf>.

⁴ Our office issued an open letter in December 2010 to Ayatollah Mohammad Sadeq Larijani, Head of Iran's Judiciary about the case, see: <http://news.bahai.org/story/801>

nationals with the intention of undermining State security” – but the court still presented as illegal the religious beliefs of the former leaders and their service to the Bahá’í community. It should be recalled that they were detained in Evin prison in Tehran for well over two years, where they suffered ill-treatment while in solitary confinement and endured conditions that had a detrimental effect on their health. While the case was on appeal, they were illegally transferred to Gohardasht (also known as Rajaishahr) prison, notorious for its filth, disease and quarters so cramped that it is difficult to lie down. The five men are still there, under close scrutiny in a wing reserved for political prisoners; the two women have since been transferred twice and are currently back in Evin prison.

The courts have issued no written copies of any of the rulings in this case. As a result, the defence lawyers are not able to take steps required to obtain release on bail (pending further appeal) or temporary leave that can be granted to sentenced prisoners for compassionate reasons. In other words, due process is again being denied during the post-trial period.

2.2 Other cases involving arbitrary arrest and imprisonment

In other Bahá’í cases, as well – both before and since the UPR – Iran’s intelligence services and its judiciary have failed to act in accordance with due process.

Officials cite Iran’s own laws and regulations to prove that their legal system is consistent with international standards, but many provisions of national legislation are ignored when intelligence officers arrest and detain Bahá’ís, and also when cases against adherents of this religion are brought to trial.

To put recent persecution in context, we would recall that five Bahá’ís were in Iranian prisons in 2001, four in 2002-2003, and only two were arrested in 2004. Since late 2004, there have been over 500 arrests, and many hundreds more have been summoned and interrogated without officially being taken into custody.

After Iran’s UPR in 2010, there were **more** arrests than in previous years. **In 2011, the number of Bahá’ís in Iranian prisons rose sharply – from 57 in January to 103 in June – and has remained around 100 ever since**, peaking in July (when 111 Bahá’ís were in prison) and again in September (112). A list of the Bahá’ís currently incarcerated is provided in attachment, with basic details about each case. We will mention here only a few illustrative examples.

Arrests related to the Bahá’í Institute for Higher Education

On 22 May 2011, Iran’s intelligence services raided the homes of numerous members of the Bahá’í community involved in providing university-level courses to other Bahá’ís in Iran, in the privacy of their own homes, as part of an initiative called the Bahá’í Institute for Higher Education (BIHE). The intelligence officers acted simultaneously in cities throughout the country. Forty households were subjected to extensive searches, with personal belongings

and computers confiscated. Eighteen Bahá'ís were arrested immediately or during the following week, and one more in June. Many others were interrogated that day or during the days and weeks that followed.

Among those taken into custody, 12 were released by the end of July, but seven remained in prison for five months before being tried and sentenced to four or five years of imprisonment (they are in the list of Bahá'ís currently in prison, annexed to this document). All seven were convicted of “membership of the deviant Bahaist sect, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country.” The judgements presented activities in support of the Bahá'í Institute for Higher Education as crimes and evidence of the purported aim to subvert the State. There is no foundation whatsoever to these charges.

The UN Secretary-General included the BIHE case in his latest report to the General Assembly on Iran (A/66/361). Details were provided as of the publication date of his report in September, as follows:

25. According to numerous reports, on 21 May 2011, security forces conducted raids on the homes of individuals involved in the activities of the Baha'i Institute for Higher Education and arrested 15 of its members in various cities, including Gohardasht, Isfahan, Karaj, Sari, Shiraz, Tehran and Zahedan. The whereabouts and status of the detainees remain unknown. The Institute has been subject to consistent raids since its establishment in 1980. On 4 June 2011, a State news agency quoted a statement from the Ministry of Science and Technology, declaring the activities of the Institute to be illegal and all diplomas and degrees issued by that institution to be lacking legal validity.

Official action against the BIHE has continued intermittently since the raids; well over 80 Bahá'ís have been interrogated in this context to date. Some were young members of the community taking BIHE courses because it was their only access to higher education, after they had been identified as Bahá'ís and barred or expelled from universities in Iran. We will deal with denial of access to higher education in section 3.2, below.

Mr. Navid Khanjani

Mr. Khanjani is among the many Bahá'ís in Iran who have been imprisoned far from their home and family. After intelligence officers arrested him in March 2010 at his home in Isfahan, he was transferred to Evin prison in Tehran. At the Head of the Judiciary's office, officials refused to accept a letter from family members – in fact, they stated: “Bahá'ís do not have the right to seek justice.”

Both before and since Iran's UPR, bail demands have been excessively high. Mr. Khanjani was released in May 2010 after providing collateral valued at 50 million tumans (±US\$50,000). In June, following his last session with the examining magistrate in Evin prison, his bail was doubled to 100 million tumans (±US\$100,000).

Before his arrest, Mr. Khanjani had been working as a human rights defender. In January 2011 he was sentenced to 12 years of imprisonment, specifically: five years for “engaging in human rights activities”; five years for “illegal assembly” (in support of university students

deprived of higher education, including hundreds of Bahá'ís); and two years for “disturbance of the general public’s opinion”.

Recently, more of those arrested throughout the country have been transferred to Tehran, far from home and family, to be arbitrarily detained or incarcerated (after sentencing) in Evin prison. In addition, two Bahá'ís who live in Isfahan were imprisoned in Mashhad, and one from Yazd was transferred to Khash. Forcing relatives to travel long distances for each family visit adds pressure and burden to suffering when a husband, wife, parent or child is unjustly imprisoned.

In these and many other cases since Iran’s UPR, Bahá'ís have continued to be singled out for treatment inconsistent not only with international law but also with legal standards normally applied to Iranian citizens. However, the Bahá'ís are not alone in this: it is well documented that other Iranians are also targeted by the intelligence services and denied due process by the judiciary, including students, journalists, trade unionists, participants in peaceful demonstrations, women’s activists and other human rights defenders.

In recent years, many Bahá'ís have been sentenced to prison terms on charges of “activity against national security” and “spreading propaganda against the regime”, when all they had done was practise and manifest their religious beliefs. According to several verdicts issued in 2011, Iran’s judiciary now considers as a criminal offense “membership in anti-regime groups (the misguided Bahaist sect)”, i.e. simply being a member of the Bahá'í community.

3. Recommendation with reference to discrimination

One accepted UPR recommendation concerns discriminatory policies targeting Bahá'ís:

49. Take all measures necessary to ensure the protection of religious minorities, including implementing the recommendations on adequate housing put forward by the Special Rapporteur after his visit in 2006 (Denmark)

[N.B.: We include this recommendation because the Special Rapporteur’s report contained explicit references to discrimination against the Bahá'ís, quoted below.]

3.1 Confiscation of property, eviction and displacement

The UN Special Rapporteur on adequate housing is one of only a few Special Procedures whose requests for a country visit to Iran have been granted in recent years. In the report on his visit, the following violations against Bahá'ís were highlighted:

Forced evictions and displacement

43. In some regions, these expropriations seem to have targeted disproportionately property and land of religious and ethnic minorities, such as Baha'i cemeteries, but also houses. (...)

Religious minorities

81. ... the Zoroastrian, Jewish and Christian minorities are the only recognized religious minorities (...) ...other religious minorities are generally denied these rights and often persecuted for their beliefs.

82. The impact of discriminatory laws and practices on the housing situation of religious minorities in Iran is especially evident in the legal provisions concerning inheritance rights and in the abusive use of property confiscation. Article 881 of the Civil Code, for example, states that if one of the heirs declares that he converted to Islam he is entitled to the entire inheritance in detriment of the remaining heirs who belong to another faith. These provisions apply even to housing units inhabited by any other heirs, and may lead to homelessness.

83. Property confiscation, as mentioned in the section on security of tenure above, is a serious concern and impacts different groups within society. However, testimonies and reports indicate that religious minorities may be particularly affected in this regard, including members of the Baha'i faith, which, although not constitutionally recognized, is the largest religious minority in the Islamic Republic of Iran. The Baha'i community reported several cases of land confiscation against its members, especially in Tehran and in the province of Azerbaijan. According to information received by the Special Rapporteur, property confiscation in rural areas was often accompanied by threats and physical violence before and during related forced evictions.

84. The Special Rapporteur received detailed documentation relating to the location, size, previous ownership, date of confiscation, and current State property management, of approximately 640 Baha'i properties confiscated since 1980. Reports affirm that there were numerous additional undocumented cases, especially in distant provinces where information cannot be easily collected. The properties listed included houses and agricultural land, but also Baha'i sacred places such as cemeteries and shrines.

85. The affected owners have allegedly not been given an opportunity to participate or receive prior information related to ongoing confiscation procedures. Normally, they receive a written convocation asking for their presence before the relevant authority, who will serve them with a final confiscation order. Many confiscation decisions with regard to Baha'i property are taken to the Revolutionary Courts. Some verdicts which the Special Rapporteur has been able to examine declare that the confiscation of the property of "the evil sect of the Baha'i" is legally and religiously justifiable. The Special Rapporteur is concerned at the clear evidence of discriminatory conduct with respect to Baha'i property, including housing. (...)

[E/CN.4/2006/41/Add.2, 21 March 2006]

Since Iran's UPR, confiscation and destruction of Bahá'í property has continued. Plainclothes agents and others have attacked Bahá'í homes and cemeteries with total impunity. (Attacks against businesses are covered in section 3.2., below).

In April 2010, for example, the Islamic Revolutionary Guards confiscated 5,000 square meters of land in Ghaemshahr that belonged to a Bahá'í and should have been inherited by his family; the confiscation was applied while his heirs were farming the land. In Ivel, Baha'is could not return to their homes without being attacked, but members of a previously large community still tended farmland and harvested crops. In June 2010, homes belonging to ±50 Baha'i families in Ivel were destroyed (for details, see: <http://news.bahai.org/story/780>). All the Bahá'í homes in Ivel were later razed and the land cleared to erase evidence.

Also related to both housing and employment: a cruel form of punishment is applied to some of the Bahá'ís convicted on religious grounds. After having served a prison sentence, they are banished from their homes and forced into internal exile, far from their family and

community. In these mandated places of residence, they are kept under strict surveillance, not permitted to interact with local people, and face targeted discrimination, making it very difficult for them to earn a living and find adequate housing.

Five Bahá'ís are serving terms of internal exile at this time:

1. Mr. Ali Ahmadi will not be able to return to Ghaemshahr, his home town, for one year.
2. Mr. Siamak Ebrahimi is being forced to live for two years in the town of Zabol, nearly 1200 km (over 700 miles) from his home in Tonekabon.
3. Mr. Mouzafar Ayyoubi, whose home and family are in Hamadan, has been banished for three years to Khash.
4. Mr. Foad Naeimi of Sari began his two-year additional term of exile early in 2010 in Eghlid, ±700 km (400 miles) away from his home and family. The local intelligence services kept him under surveillance but did not give him protection: he was violently assaulted in September 2010. (On the advice of the police chief, Mr. Naeimi temporarily joined his family in Sari while awaiting a judicial re-evaluation of his case.)
5. Mr. Mohammad Ismael Forouzan, who was working as a craftsman of musical instruments and living with his wife and two children in Abadeh, has been banished from his home and will have to live in internal exile for **ten years**.

Among Bahá'ís currently in prison, we know of at least five other cases where the sentences include additional periods of internal exile:

6. Mr. Hossein Shayegan, who is over 60 – when he completes his prison term, he will have to spend one year in Saravan, ±1500 kilometers (900 miles) from his wife, child, and home in Karaj.
7. Mr. Ali Ehsani, married with two children, a former shop owner in Semnan – his two years of imprisonment will be followed by two years of banishment to a different city.
8. Mrs. Sholeh Taef, a resident of Semnan – in January 2011, she was transferred to Evin prison in Tehran, so family members must travel ±150 kilometres (100 miles) to visit her, and her sentence includes two additional years of internal exile.
9. Mr. Mehran Bandi, married with two children and former owner of a computer company in Yazd – after completing a 3½-year prison term, he will be banished for three years to Shahre Babak in Kerman province.
10. Mr. Alibakhsh Bazrafkan, married with children – his sentence includes five years of internal exile far from his home and family in Yasouj.

The most recent case concerns:

11. Mr. Ramin Eidelkhani of Parsabad (Ardabil Province), who was sentenced on 4 July 2011 to one year in prison followed by five years of banishment to a different province. He is currently free on appeal.

We would add, with reference to the Special Rapporteur's report cited above, that since Iran's UPR vandals have continued to attack Bahá'í cemeteries with total impunity, destroying graves and causing extensive damage in 2010 in Gilavand, Mashhad, Isfahan, Boroujerd and Jiroft. In July 2010, the Bahá'ís in Semnan were officially forbidden to use their cemetery, which has been vandalized and partially destroyed several times. In 2011, there have been at least three more attacks: in Marvdasht, part of the cemetery was

destroyed; in Isfahan, 70 trees were uprooted and taken away; and in Sangsar, vandals piled dirt on graves, uprooted trees, destroyed the two small rooms built by local Bahá'ís, and buried the items they kept there.

Moreover, Bahá'ís in some localities are being forced to repeatedly request permission or pay excessively high fees for burials, and some have not been able to obtain burial permits at all. On 8 August 2011, the authorities in charge of the cemetery of the city of Tabriz (Azerbaijan Province) refused to allow the family of the late Mrs. Fatemeh-Soltan Zaeri to bury her according to Bahá'í law. The cemetery has always been accessible to local adherents of all religions to bury their dead as they wished, and the day after her passing, cemetery authorities notified the family of Mrs. Zaeri to proceed with burial. The family was not told until all had gathered for the funeral that a Bahá'í burial would not be permitted. No funeral took place that day. Mr. Iraj Charkhi, Mrs. Zarei's son, took the family's complaint to the mayor's office, the municipality, the governor's office, the governor general's office, the Islamic council in the city of Tabriz and the Friday prayer leader of Tabriz... but he was repeatedly told that the instructions would not be changed. The Friday prayer leader then sent a letter instructing cemetery officials to transfer the remains, should the family not do so. Thus the family was compelled to travel to Miandoab and inter her remains there in accordance with Bahá'í burial laws. Two days later, Mr. Charkhi was summoned to the local Intelligence Ministry office and asked if he had provided information to any websites of human rights organizations. He replied that he had never contacted any such organization.

On 25 October 2011, Mr. Khalil Nourmohammadi Shishvan passed away, also in Tabriz. Government officials informed the family that his burial must be performed according Muslim customs, which the family did not accept. The officials transferred the remains of the deceased to the Bahá'í cemetery in Miandoab where, in the absence of the family and without informing them, they pressured the Bahá'í caretaker to bury the body. The family is issuing a formal complaint.

Intelligence Ministry officials had previously interrogated two other Bahá'ís who live in Tabriz, Mr. Missaghi and his wife. Mr. Missaghi is the son of a Bahá'í arrested in 1980 (with eight other Bahá'í administrators) and executed in 1981 after refusing to recant his beliefs. Following the interrogation about the community's activities, the intelligence officials stated that placing flowers on the graves of Bahá'í martyrs is considered "teaching" the Bahá'í Faith (which is illegal). They told Mr. Missaghi to refrain from placing flowers on his father's grave and from tending the gravestone. Mr. Missaghi and his wife protested and made it clear that they would not comply with these demands.

Finally, we would add that the right to personal property is disregarded by intelligence agents and other officials when dealing with members of the Bahá'í community. Throughout Iran, Bahá'í homes are frequently searched and personal belongings seized. Nearly all of those arrested during the past five years have had their homes raided and numerous items confiscated, in particular computers, copying machines, and all books, photos, printed material or other possessions related in any way to Bahá'í activities.

3.2 Other discriminatory practices

Housing and property are far from the only domains in which Iran's Bahá'ís face discrimination. In the UN Secretary-General's 2011 report on Iran to the General Assembly (A/66/361, already mentioned above), one section highlighted other of discriminatory practices:

Rights of minorities

24. Restrictions on the overall enjoyment of human rights by unrecognized religious minorities, particularly the Baha'i community, remain of serious concern. In an addendum to his report to the Human Rights Council in February 2011 (A/HRC/16/53/Add.1), the Special Rapporteur on freedom of religion or belief expressed concern over the arrest and detention of members of the Baha'i community and the continued violations of their freedom of religion or belief. The ILO Committee of Experts on the Application of Conventions and Recommendations²¹ noted the seriousness of the situation of unrecognized religious minorities, in particular the Baha'i, and expressed concern regarding religion-based discrimination against them which limited their access to education, universities and particular occupations in the public sector. (...)

All the discriminatory practices that target Bahá'ís have continued during the two years since Iran's UPR. Confiscation and destruction of property has already been covered in the previous section. Illustrative examples involving other forms of discrimination are given below.

We have been documenting for many years **denial of access to higher education** for Iranian citizens identified as Bahá'ís. Every year, hundreds of qualified young Bahá'ís are prevented from entering public and private universities and vocational training institutes in Iran. In recent years, all those who registered for and passed the entrance exams were blocked during the enrolment phase or expelled later, when it became known that they are members of the Bahá'í community – some during their final semester, just before graduation. One physics student was expelled on 30 May 2011 after completing eight semesters on the honour roll and gaining admission to study for a Master's degree. All the expelled students who have appealed to relevant authorities, and/or through the courts, have had their cases rejected. Not a single university expulsion case has been decided in favour of a Bahá'í.

The token number admitted has decreased for each academic year, as well:

- *2006-2007*: over 800 Bahá'ís took the exam; 480 passed; 289 were admitted. Well over half have since been identified as Bahá'ís and expelled.
- *2007-2008*: >1,000 Bahá'ís took the exam, ± 800 were informed that their papers would not be graded, reason given: "incomplete file" (none who followed up on this false classification obtained recourse); 121 admitted, over 50 since expelled.
- *2008-2009*: entrance exam results were available on only one website, where all those previously identified as Bahá'ís (at school or elsewhere) were transferred to – note the final letters: http://82.99.202.139/karsarasari/87/index.php?msg=error_bah – a page

with the message: “Error: ‘Incomplete File...’” None of them were able to enrol. And very few Bahá’ís have been admitted in the years since (exact number not known).

We reported in section 2.2, above, the arrests, house searches, confiscations and interrogations that targeted this year those involved in the Bahá’í Institute for Higher Education (BIHE). It should be recalled that, shortly after the 1979 Islamic Revolution, all Bahá’í students were expelled from university, and Bahá’í professors and lecturers were summarily dismissed. In the late 1980s, the community made informal arrangements to begin offering university-level courses to Bahá’í students, through distance learning and in the privacy of their homes, using the volunteer services of Bahá’í professors who had been fired. The Iranian authorities repeatedly attempted to stop this quiet, peaceful, purely educational initiative, notably in 1998, 2001 and 2003. In its renewed, wide-ranging attack on the BIHE in cities throughout the country last year, Iran’s intelligence services also warned students, potential students, their parents, and other Bahá’ís against attending or being involved in any way in BIHE classes, and they repeatedly expressed the government’s determination to bring the initiative to a complete stop. This provides clear evidence of the official policy denying higher education – in any form, from any source – to members of the unrecognized Bahá’í religious minority in Iran.

Further evidence of the government’s policies appeared in a recent publication by *Sanjesh*, the national academic evaluation and measurement organization of Iran’s Ministry of Science, Research and Technology. Entitled *A guide to enrolling and participating in the National Entrance Examination for academic year 1391 [2012–2013]*,⁵ this 46-page publication presents detailed guidelines about the application process for students wishing to enter university in Iran, including criteria for admission. On page 5, a section sets out four eligibility requirements for participation in the national university entrance exam, and the first two are:

- a. "Belief in Islam or in one of the religions specified in the Constitution of the Islamic Republic of Iran (Judaism, Christianity, Zoroastrianism).
- b. Not having enmity towards the regime of the Islamic Republic of Iran.
Examples of enmity include:
 - 1) taking up arms against the regime of the Islamic Republic of Iran;
 - 2) involvement in organized small groups [*guruhak*]⁶ that are *Muharib*⁷;
 - 3) providing financial support to these *Muharib* groups, supporting their organizations and or membership in them; and
 - 4) propagating materialism and man-made religions.

Clearly, then, the first requirement states what we have been repeating for years: access to higher education in Iran is restricted to those who believe in Islam or in one of the three other recognized religions specified in Iran’s Constitution – thus excluding those who believe in the Bahá’í Faith.

⁵ available on the organization’s website at www.sanjesh.org

⁶ anti-revolutionary political organizations and other illegal groups

⁷ In Islamic law, an individual who commits the crime of *Muharaba*, taking up arms against the Islamic government or Islamic laws.

In addition, during the past few years the Bahá'í community has been categorized by various government officials as an “organized small group” of the kind referred to in the second requirement (cited above). When government representatives characterize the Bahá'í community as an “illegal association” and/or falsely identify its aims as political, they are in fact defining all Bahá'ís as belonging to the kind of “organized small group” whose members are denied access to university. Not to mention that the Bahá'í Faith has been called a “man-made religion” in the government-controlled and State-sanctioned media, so this false categorization could also be used to exclude Bahá'ís from higher education.

More detailed information about this issue can be found in our background document, in attachment (see also: <http://news.bahai.org/human-rights/iran/education/>), and recent cases were documented by the International Campaign for Human Rights in Iran in December 2010, available at: <http://www.iranhumanrights.org/2010/12/punishing-stars-dec2010/>.

Excluding Iran's Bahá'ís from higher education is only one aspect of the government's efforts to impoverish them. We have also reported to UN Special Procedures for years about official measures to ensure **denial of access to employment** for identified members of the community. Methods include harassment and intimidation, refusal to issue/renew business licences, confiscation of property, sealing of premises, orders for destruction of farmlands and livestock, threats against merchants and professionals to dissuade them from doing business with or awarding contracts to Baha'is, refusal of loans and other banking services, etc. These policies and practises have affected thousands of Bahá'ís in recent years.

The latest UN General Assembly resolution on human rights violations in Iran, adopted in December 2011 by a vote of 89 to 30 (with 64 abstentions), noted *inter alia* "escalating attacks on Baha'is and their defenders" and "a significant increase in the number of Baha'is arrested and detained", as well as "renewed measures to deny Baha'is employment in the public and private sectors" during the past year.⁸

The intergovernmental body most concerned with the right to employment is the International Labour Organization (ILO). Its Committee of Experts has repeatedly referred to Iran's Bahá'ís in its reports, and did so again in 2011, as follows:

... this Committee and the Conference Committee have on a number of occasions highlighted the seriousness of the situation of unrecognized religious minorities, in particular the Baha'i, and the urgency of taking decisive action to combat discrimination against them. The Committee notes that the information provided by the Government is again limited to providing examples of companies owned by Baha'i, some cases addressed by the Human Rights Commission, and one specific case regarding the land rights of a Baha'i community. The Committee also notes that EI has expressed concern regarding the religious-based discrimination against the Baha'i in terms of access to education, universities, and to particular occupations in the public sector. With respect to the practice of *gozinesh*, a selection procedure requiring prospective state officials and employees to demonstrate allegiance to the state religion, the Government states that two positions have been put

⁸ see <http://news.bahai.org/story/876>

forward regarding the Selection Law based on Religious and Ethical Standards, 1995: one group proposed that it be abolished, with selection decisions being solely based on qualifications; the second group proposed the amendment of some of the provisions of the Law. Both proposals were rejected, the first by a majority of members of Parliament, and the second by the Guardian Council. The Government states that the Law recognizes not only Islam but also the religions officially recognized in the Constitution. The Committee notes, however, that unrecognized religious minorities remain subject to the practice of *gozinesh*. ***The Committee notes with deep regret that the Government has not taken action along the lines called for by this Committee and the Conference Committee over a number of years to address the very serious situation of discrimination against religious minorities, in particular the Baha'i. The Committee, therefore, urges the Government to take decisive action to combat discrimination and stereotypical attitudes, through actively promoting respect and tolerance for religious minorities, including the Baha'i, to repeal all discriminatory legal provisions, including regarding gozinesh, and withdraw all discriminatory circulars and other government communications. The Government should also ensure that authorities and the public are informed that discrimination against religious minorities, in particular the Baha'i, is unacceptable, including in education, training, employment and occupation, and provide specific information on the concrete measures taken in this respect.***⁹

Since Iran's UPR, the government has taken no action along the lines called for by the ILO. On the contrary, officials continue to block access to the 25 trades from which Bahá'ís were banned in 2007, as specified by the Public Places Supervision Office (a government bureau in charge of morality in public places, including offices and all other locations where people work). The 25 trades include many independent businesses and shops that Bahá'ís throughout Iran have opened over the years because this was the only way they could earn a living. Members of the community have long been banned from employment in the public sector, and many have been refused or fired from private sector jobs once their religious affiliation became known.

In the most recent cases:

- Shops belonging to Bahá'ís were sealed in Tonekabon, Birjand and Karaj.
- An owner of a store selling shoes and handbags in Ghohardasht was told that, as long as he indicates he is a Bahá'í, no business licence will be issued to him.
- Directives were given in a mosque in a suburb of Tehran, stating that no one should go to a local supermarket run by a Bahá'í, and as a result he had to close his business.
- The Intelligence Ministry in Kermanshah repeatedly pressured a shop assistant to resign and customers to stop going to a shop, because the owner is a Bahá'í.
- Intelligence Ministry agents told the employer of a Bahá'í receptionist in Yazd to fire her and not to disclose the source of its order.
- The employer of a distinguished accountant of a firm in Rafsanjan was pressured to fire her because she is a Bahá'í.
- In Kerman: a shop owner fired his Bahá'í assistant following threats from the Intelligence Ministry; an intelligence officer approached the customers of a shop owned by another Bahá'í, warning them that "trade with Bahá'ís is forbidden on religious

⁹ Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 100th Session, 2011, full text available at: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_151556.pdf

grounds”; and officials revoked or refused to renew business licences for Bahá’ís engaged in computer sales and repair, commerce in iron alloys (steel) and metals, health and cosmetics products and services, and various trades related to food products, as well as for several working as real estate agents, goldsmiths and opticians.

- In Isfahan, the Intelligence Ministry issued a confidential order to various institutions and companies, instructing them to stop signing business contracts with Achilan Door, a company that belongs to a Bahá’í from Shahinshahr, its subsidiaries (which also belong to Bahá’ís).

4. Recommendation about incitement to hatred

Finally, we noted one accepted UPR recommendation requesting that the Iranian government:

119. Fully respect the rights of the adherents of the Baha’i faith and to judicially prosecute those inciting hatred against them in religious environments, the media and the Internet (Luxembourg)

This is important because the upsurge in human rights violations against Bahá’ís in Iran during the past seven years was preceded and has been accompanied by efforts to incite hatred against them.

Some Iranian officials and members of the clergy continue to openly advocate religious hatred and intolerance constituting incitement to hostility and discrimination against the Bahá’í Faith and its adherents, and they do so with total impunity.

National and provincial budgets include allocations for “educational” programmes to “confront” the Bahá’í Faith, and there are official organs dedicated to that purpose.

Articles, TV and radio programmes on State-run and government-affiliated media, and official or State-condoned pamphlets, posters and exhibitions continue to vilify the Bahá’ís and their religious beliefs.

In communications to the UN Secretary-General and to the Special Rapporteur on contemporary forms of racism, our office documented instances of incitement to hatred and intolerance against Iran’s Bahá’ís from January 2010 to May 2011 in:

- over 360 articles in a wide range of print/online media
- 58 seminars, conferences, workshops and symposia
- three documentary TV series, three TV programmes, three radio series
- two software data bases, available online or on CD
- at least two websites entirely dedicated to combating the Bahá’í Faith, and
- five official exhibitions.

Some of these contained false allegations that distort history, grossly malign Bahá’í moral principles and vilify both the Bahá’í Faith and its adherents, using malicious or vile language and innuendo. In others, Bahá’ís were falsely accused of espionage, conspiracy, instigating sedition and other illegal, anti-regime activities that threaten national security.

The media where such attacks appeared most frequently are all linked to the State. Hundreds of defamatory articles have been published since 2005 in *Kayhan* (a government-backed daily managed by a representative of the Supreme Leader at the Kayhan Institute). Extracts from these *Kayhan* articles were reissued by at least a dozen government-affiliated websites, as well as in published books. Others regularly attacking the Bahá'ís include official and government-affiliated news agencies such as IRNA, ISNA, IQNA, Fars News and Jahan News, as well as others affiliated with the Islamic Revolutionary Guard Corps or with clerics. Items published by these outlets have been picked up by dozens of State-controlled or government-affiliated media throughout the country.

The media campaign vilifying the Bahá'í Faith and its adherents has incited violence against them, as well as increased harassment and intimidation from officials and plainclothes agents. The worst cases involved death threats, physical assault or eviction from their homes. As reported above, Bahá'í cemeteries, homes, vehicles, farms, orchards, shops and workplaces were badly damaged or defaced with graffiti; some were totally destroyed. Incidents involving arson occurred in series targeting different Bahá'ís in the same town, and some communities have been affected for years: Karaj in 2008-2009, Rafsanjan in 2009-2011. In 2009-2010, repeated violence in Semnan (damaging homes, shops and vehicles belonging to members of the community there) was incited by incendiary sermons, anti-Bahá'í seminars and rallies. Similar recurrent, severe harassment has been directed against Bahá'ís in Mashhad and Ghaemshahr, and there have been signs of intent to drive Bahá'ís out of at least 10 other localities (Abadeh, Aligudarz, Bukan, Khorramabad, Laljin, Parsabad, Sari, Ravansar, and Asfin and Gaziran in the suburbs of Arak). All incidents were reported to the authorities, but the police always reply that they can do nothing. Those who attack Bahá'ís do so with impunity.

There have also been many hundreds of incidents where Bahá'í children and adolescents were subjected to abuse in school, perpetrated by their teachers and school administrators, based on the same false and malicious accusations appearing in the press and online. Bahá'ís throughout Iran regularly receive threatening telephone calls, text messages and anonymous letters, and these, too, contain the vilification published by media linked to the government. The local communities in Mazandaran province have been particularly hard-hit recently, but Bahá'ís are facing increased pressure everywhere in Iran. As it is forbidden for them to associate with Muslims, they cannot offer assistance to their friends and neighbours or even express good will without being accused of acting "against the regime".

Finally, it should be noted that Bahá'ís are prohibited from using any means of communication with the public, so they cannot counter the calumnies coming from those who provide the Iranian people with guidance in religious matters. And the government blocks all Bahá'í websites (originating from within or outside Iran) – yet another measure to ensure that members of this unrecognized religious minority have no means of providing their fellow Iranians with accurate information about the Bahá'í Faith.

More on this issue can be found at <http://news.bahai.org/story/861>.

5. Conclusion

We cite many recent UN reports in this document because they confirm the statements that we have made about violations against Iran's Bahá'ís. In conclusion, we will add an extract from the first report by the new UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, submitted to the latest session of the UN General Assembly (A/66/374, 23 September 2011). One section reads as follows:

Religious and ethnic minorities

59. The Special Rapporteur is also concerned by reports of targeted violence and discrimination against minority groups. Members of recognized and unrecognized religious and ethnic minorities such as Arabs, Azeris, Balochs, Kurds, Nematullahi Sufi Muslims, Sunnis, Baha'is and Christians are reportedly facing a wide range of human and civil rights violations. These include encroachment on their rights to freedom of assembly, association, expression, movement and liberty.

60. The Special Rapporteur is concerned about reports of violations against the Baha'i community, which, despite being the largest non-Muslim religious minority, does not enjoy recognition as such by the Government. Its members have historically suffered multifaceted discrimination, including denial of jobs, pensions and educational opportunities, as well as confiscation and destruction of property. According to information received by the Special Rapporteur, at least 100 members of the Baha'i community, including seven community leaders are currently imprisoned in the Islamic Republic of Iran. The majority of those detained allegedly face national security-related charges and have undergone judicial proceedings that lacked due process and fair trial standards.

Not only has the government not permitted a country visit by the newly appointed Special Rapporteur, Iranian officials have even questioned the legitimacy of his appointment.

At the UN Human Rights Committee session in October 2011, Mr. Abdelfattah Amor, Expert Member and former Special Rapporteur on freedom of religion or belief, recalled that in 1993, the Committee had expressed many of the same concerns about the Bahá'ís as it did again this past year. In 18 years, there has been no significant progress. And certainly (as detailed above), the Iranian government has taken no measures of any kind to implement the UPR recommendations that it accepted two years ago pertaining to the Bahá'ís. On the contrary: we have reached the half-way mark in Iran's UPR follow-up; and the situation of the Bahá'ís is now significantly worse than in 2010. Despite all its claims and outward show of cooperation with the UPR, Iran has shown no sign that it intends to cooperate with this – or any other – UN human rights mechanism.

More information on all these matters can be accessed at:

http://bic.org/areas-of-work/persecution_bahai_community

and: <http://news.bahai.org/human-rights/iran/iran-update/>
