

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

as concerns human rights violations against the Bahá'ís
(September 2012)

Under the Universal Periodic Review (UPR) in February 2010, Iran's authorities accepted 123 recommendations. In this document we examine the State's implementation, during the past two years, of eight accepted recommendations that clearly apply to Iranian citizens who are members of the Bahá'í community. Each section below cites the recommendations as they appear in Iran's Working Group report.¹

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)

The authorities eventually replied:

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 noted by UN human rights mechanisms.² Nonetheless, Iran rejected recommendation 19 and therefore (in accordance with UPR procedures) we will not include it in the following report.

¹ A/HRC/WG.6/7/L.11. As 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 do not include recommendations that use this term. We consider directly relevant 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.

² For supporting documentation, see our background document, attached (also available online at: <http://www.bic.org/persecution-baha%E2%80%99-iran-updates-and-reports>).

1. Legal structures “based on principles of Islam”³

We will begin with three accepted 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 members of the Bahá'í religious community.

In October last year, 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. 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: Bahaism is not a religion, it's a cult, it's an evil cult. (...) They distinguish ... between genuine religions – in their understanding, the divinely revealed religions Judaism, Christianity and, of course, Islam – and the rest. (...) ... 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.”

The same month, October 2011 – over a year and a half after Iran's UPR – the UN Human Rights Committee reviewed Iran's compliance with the ICCPR, and this issue was one of many raised by the Experts. The Committee 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 *Concluding Observations* stated:

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

³ In its national report for the UPR in 2010, the Islamic Republic of Iran declared:

130. Iran, like other Islamic countries, has faced certain problems in practicing some international standards of human rights. This matter needs to be duly understood by the international community that due to its legal structures which are based on principles of Islam, commitment of its authorities to these principles, and true demands by the people, Islamic Republic of Iran considers itself obliged to adhere to laws of Islamic Sharia. (...)

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.⁴

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".⁵ Both before and since Iran's UPR, the authorities have used this allegation to arrest, arbitrarily detain, charge and sentence 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". Religion (and gender) are not mentioned anywhere in this context, i.e. 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

⁴ All of the documentation related to the session can be accessed at:
<http://www2.ohchr.org/english/bodies/hrc/hrcs103.htm>

⁵ 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."

unfair, discriminatory treatment – both before and since Iran’s UPR – regarding access to higher education, business, employment, public services, cemeteries and places of worship.

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. Arrests, arbitrary detention, judicial issues

Three of the accepted recommendations refer to court cases involving Bahá’ís. Two of them mention 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 group:⁶

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 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.

This case was reviewed in last year’s report to the General Assembly by the UN Secretary-General, as follows:

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.⁷

⁶ The Bahá’í International Community issued an open letter in March 2009 about the case, see: <http://news.bahai.org/story/702>

⁷ A/66/361, 15 September 2011, see <http://news.bahai.org/story/858>

There was no basis in fact to any of the accusations against the former leaders.⁸ They were detained in Evin prison in Tehran for well over two years, where they suffered ill-treatment while in solitary confinement and were repeatedly denied release on bail. While the case was on appeal, they were illegally transferred to Gohardasht prison, notorious for its appalling conditions. 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 back in Evin prison. The courts have issued no written copies of any of the rulings. Due process is still being denied during the post-trial period.

We would also note that the UN mandate-holders on arbitrary detention, disappearances, freedom of religion, minority issues and torture included an expression of concern about the personal security of these seven imprisoned Bahá'ís in the joint report on communications submitted to the Human Rights Council in September 2011.⁹

2.2 Other arbitrary arrests and imprisonments

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 600 arrests, and well over 1,000 more have been summoned and interrogated without officially being taken into custody.

This situation has steadily worsened since Iran's UPR in 2010, with many 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. **The total has remained around 100 ever since**, peaking in July 2011 (when 111 were in prison), in September 2011 (112), and again recently: **116 members of the community were incarcerated as of early August 2012**. A list of the Bahá'ís currently in prison is provided in attachment, with basic details about each case.

⁸ For details, see <http://news.bahai.org/story/801>

⁹ The complete reference reads:

22/02/11 JUA, IRN 4/2011, Iran (Islamic Republic of)

Arbitrary detention; Disappearances; Freedom of religion; Minority issues; Torture

(...) Arrest and detention of members of the Bahá'í faith: (...) Concern was expressed about the personal security of seven detained Bahá'ís: Ms. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mr. Vahid Tizfahm and Ms. Mahvash Sabet. They were the subject of earlier communications (see A/HRC/10/8/Add.1, paras. 93-94 and paras. 101-112; A/HRC/13/40/Add.1, paras. 130-135; and A/HRC/16/53/Add.1, paras. 185-195).

Persecution of the Bahá'ís escalated throughout the country early this year. Other human rights NGOs reported an increase in severe repression of the Iranian people during the weeks leading up to the 2012 parliamentary elections. The heightened pressure on Bahá'ís continued thereafter, however, particularly in Mashhad, Shiraz and Semnan.

It is of great concern that officials who raid and search Bahá'í homes also heightened their use of violence this past year. For example, intelligence agents burst into one home, masked and waving guns, terrifying a 15-year-old until the parents returned and were arrested. This parallels violence perpetrated by plainclothes agents or other unknown individuals, who attempt to set Bahá'í homes on fire or break all the windows. Moreover, many Bahá'ís suffer ill-treatment while under interrogation. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment wrote this year:

76. The Special Rapporteur regrets that the Government of the Islamic Republic of Iran has not responded to this communication, thereby failing to cooperate with the mandate issued by the Human Rights Council. The communication referred to allegations of arrest, detention, and torture of members of religious minorities, in particular those belonging to the Christian and Bahá'í faiths. (...) The Special Rapporteur notes that paragraph 1 of Human Rights Council Resolution 16/23 “[c]ondemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation...” Moreover, paragraph 6 of General Comment No. 20 of the Human Rights Committee states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by... the International Covenant on Civil and Political Rights. (...) ¹⁰

The ever-increasing number of Bahá'í cases was noted in the first report to the UN Human Rights Council by the Special Rapporteur on human rights in Iran in the following terms:

60. Bahá'ís continue to be arbitrarily arrested and detained for their beliefs, in violation of the International Covenant on Civil and Political Rights. In a report submitted to the Special Rapporteur, it was alleged that 474 Bahá'ís had been arrested since August 2004. Of that number, 97 were currently imprisoned (see annex, table IV); 199 had been released on bail and were awaiting trial; 26 had been released without bail; 96 had been tried and sentenced, and free pending appeal or summons to begin serving their sentences; 34 had been tried and sentenced and had completed their prison terms and/or paid a fine; 14 sentences had been overturned on appeal; and 5 Bahá'ís had served their prison sentences and begun their terms of internal exile. An additional 35 arrests were reportedly made between August and November 2011. ¹¹

Table IV in the Special Rapporteur's report provided a list of the 97 Bahá'ís who were in prison in Iran as of 6 January 2012.

Some individual arrests nearly a year after Iran's UPR were referenced in the first joint report on communications by UN Special Procedures, mentioned above:

¹⁰ *Observations on Communications transmitted to Governments and replies received* (A/HRC/19/61/Add.4, 29 February 2012), JUA 22/02/2011 Case No. IRN 4/2011

¹¹ A/HRC/19/66, 6 March 2012, see http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66_en.pdf

(...) Arrest and detention of members of the Bahá'í faith: On 30 December 2010, four Intelligence Ministry officers allegedly came to Mr. Adib Haghpaouh's home in Shiraz, Fars province, confiscated all material related to his religion, and arrested him. On 28 December 2010, officers of the Intelligence Ministry reportedly searched the homes of Ms. Shiva Karimi, Ms. Homeyra Parvizi, Mr. Navid Marghi and Mr. Masrour Fazli in Oroumiyeh, West Azerbaijan province. Material related to the Bahá'í faith were confiscated. Ms. Karimi, Ms. Parvizi and Mr. Marghi were allegedly arrested. Mr. Fazli, Mr. Ehsan Amouzegar and Mr. Akbar Arsalani were arrested on 30 December 2010. On 20 December, Ms. Anisa Safarian was arrested at her home in Babolsar, Mazandaran province. Before taking her into custody, Intelligence Ministry agents reportedly searched the home and confiscated material related to the Bahá'í faith. On 8 December 2010, Intelligence Ministry officers came to the home of Mr. Omid Ghanbari in Sari, Mazandaran province and arrested him. Agents later arrested his wife, Ms. Fattaneh Nouri (Ghanbari), and his sister, Ms. Roya Ghanbari. (...) ¹²

More recent cases have targeted groups of Bahá'ís involved in community activities. We reported last year that Iran's intelligence services had raided the homes of numerous members of the community involved in providing university-level courses to other Bahá'ís in Iran, in their own homes or premises, as part of an informal initiative called the Bahá'í Institute for Higher Education (BIHE). The UN Special Procedures' second joint report on communications contained the following about the BIHE cases:

Alleged arrests and arbitrary detention of members of religious minorities, in particular those belonging to the Bahá'í faith. According to the information received, on 21 May 2011, raids were carried out in at least 30 homes of individuals involved in the activities of the Bahá'í Institute for Higher Education. These households were reportedly subjected to extensive searches which took place simultaneously in cities throughout the country, including Gohardasht, Isfahan, Karaj, Sari, Shiraz, Tehran and Zahedan, with 15 individuals being arrested. A further eight other members of the Bahá'í faith were reportedly interrogated by intelligence officers, and were released on the same day. These events reportedly form part of a continuous effort to deny access to education to members of the Bahá'í faith, who are reportedly being prevented from entering public and private universities and vocational training institutions in the Islamic Republic of Iran. ¹³

Nineteen had been arrested by the end of June; 12 were later released, but seven remained in prison for five months before facing trial. 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." One has since been freed, but the six others are now serving four or five year sentences (their names are in the list of Bahá'ís currently in prison, annexed to this document). And official action against the BIHE has continued intermittently since the raids. Well over 80 Bahá'ís have been interrogated, some of whom were young members of the community studying with the BIHE after having been identified as Bahá'ís and expelled from universities in Iran. We will address denial of access to higher education in section 3.2, below.

¹² *Communications report of Special Procedures*, 9 September 2011, see: http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A.HRC.18.51_en.pdf, 22/02/11 JUA, IRN 4/2011, Iran (Islamic Republic of)

¹³ A/HRC/19/44, 23 February 2012, 09/06/2011 JUA, IRN 8/2011, Iran (Islamic Republic of)

In these and many other cases since Iran's UPR, Bahá'ís continue to be singled out for treatment inconsistent not only with international law but also with legal standards normally applied to Iranian citizens. 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 2011-2012, Iran's judiciary now officially considers membership in "the misguided Bahaist sect" as a criminal offense: conviction on this charge carries a prison sentence.

3. Discriminatory policies

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, evictions, burial rights

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

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 (...) 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. (...) 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'í" 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. (...) ¹⁴

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, 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.¹⁵ All the Bahá'í homes in Ivel were later razed and the land cleared to erase evidence. No measures have been taken to reverse these decisions or to compensate any of those whose properties have been confiscated or destroyed.

A group of Bahá'í farmers were imprisoned this year because they had continued to cultivate their own land after repeated official attempts to seize their property. All of them come from the village of Kata on the outskirts of Yasuj, the capital of the south-western Iranian province of Kohgiluyeh and Boyer-Ahmad. Their ownership of the land is undeniable: their families have been farming it for generations. However, the Bahá'ís of Kata have been subjected to numerous attacks since the 1979 Islamic Revolution, and many left the village to settle in Isfahan. Authorities repeatedly attempted to confiscate their land on the grounds that the owners had left, and took measures to prevent them from returning, but some of the Bahá'ís continued to defend their rights. Mr. Hasanollah Davardan – an 82-year-old man in poor health – was sentenced to six days in prison in 2008 after his son built on land that he owned. Mr. Davardan spent one day behind bars, was released for medical treatment, and later died at home.

In June 2011, a group of Muslim residents began destroying the local Bahá'í cemetery and building on the property. When the Bahá'ís put in a complaint and police came to

¹⁴ E/CN.4/2006/41/Add.2, 21 March 2006

¹⁵ for details, see: <http://news.bahai.org/story/780>

investigate, a mob of about 60 people aggressively attacked two members of the Bahá'í community. A few days later, a clergyman, eight women belonging to the *Basij* volunteer militia and two men entered Kata and (together with some Muslim residents) began marching through the village at night chanting anti-Bahá'í insults and slogans.

Officials told five of the Bahá'ís to give up ownership of their land or be jailed. They chose to go to prison and face trial. The court convicted them of “forcible possession” of their own property, and they are serving six-month sentences on that charge. A total of 17 Bahá'í families in Kata have been officially informed that they must hand over their land, but they have all refused to do so and continue to appeal in court. In recent months, groups of local people escalated their intimidation efforts, making daily visits to the homes of Bahá'ís to recite anti-Bahá'í slogans. According to one account on an Iranian human rights website, some of those shouting slogans entered and looted Bahá'í homes, leaving some families without the basic means of subsistence.

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 were 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, and destroyed the two small rooms built by local Bahá'ís.

Moreover, Bahá'ís in some localities are forced to repeatedly request permission or pay excessively high fees for burials, and some have not been able to obtain burial permits at all. Last year we reported several cases in the city of Tabriz, where the authorities are refusing to allow families to bury their loved ones according to Bahá'í law. Local intelligence officials stated that placing flowers on the graves of Bahá'í martyrs is considered to be “teaching” the Bahá'í Faith (which is illegal). This year, several Bahá'í residents of Tabriz appealed cases to various government officials and offices. All of the authorities either divested themselves from any responsibility and referred the matter to another office, or initially showed some sympathy and promised to assist, but subsequently said they could do nothing because the orders had come from “above”.

Over 20 years ago, the Bahá'ís in Sanandaj were allocated a one-hectare parcel of barren land at the side of a road for use as a cemetery – a rocky mountainside, devoid of vegetation. After the first burial there in 1993, local Bahá'ís got together to landscape the site, dig out the rocks and replace the soil. They planted and watered by hand 250 cypress and fir saplings contributed by the Office of Agriculture, installed electricity, built a small room where bodies could be prepared for burial, and dug a well. Every step of the way, proper permits were obtained, and at every expiry date the permits were correctly renewed. Impressed by the transformation of the site, the Office of Natural Resources suggested that the Bahá'ís consider planting trees on public land adjacent to the cemetery, expanding the green zone. They did so, and the place became a symbol of the Bahá'í community's peaceful presence in the city. Last year, however, the area's beauty and greenery instigated a change in official attitudes: authorities want to reassert the State's

claim on the land, even though Bahá'ís had been granted the deeds. An order was issued for the land to be confiscated and for the buildings and graves to be destroyed. Complaints against this order were filed by local Bahá'ís, and shortly thereafter the community was targeted for harassment and intimidation. In December 2011, twelve homes belonging to Bahá'ís in Sanandaj were searched by intelligence agents. Two of the families resisted and were treated violently, and a number of arrests ensued.

To complete this section, 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 the Bahá'í Faith.

3.2 Other discriminatory practices

The March 2012 report by the Special Rapporteur on human rights in Iran included the following paragraph:

61. Bahá'ís are subjected to severe socio-economic pressure, in violation of the International Covenant on Economic, Social and Cultural Rights; in some cases, they have been deprived of property, employment and education. In recent months, for example, 10 shops and a well owned by Bahá'ís in two cities in Semnan Province were sealed by the authorities. Moreover, copies of several unsettling Government documents dating back to 1991 prescribe deprivation of education, the establishment of an office to counteract Bahá'í publications, the denial of “positions of influence” to them and the trades prohibited for them. One Bahá'í student reported in an interview that 800 Bahá'ís were denied university admission the year that his application was denied. In addition, several Bahá'ís recently arrested were affiliated with the Bahá'í Institute for Higher Education, which is a university designed to educate Iranian Bahá'ís that are excluded from education.¹⁶

The UN Secretary-General's reports on Iran have repeatedly dealt with these issues, as well. His 2011 report to the General Assembly recalled that:

24. (...) The ILO Committee of Experts on the Application of Conventions and Recommendations 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. (...)¹⁷

All the discriminatory practices that target Bahá'ís have continued during the two years since Iran's UPR. Illustrative examples are given below.

¹⁶ A/HRC/19/66, see http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-66_en.pdf

¹⁷ A/66/361, 15 September 2011, see <http://news.bahai.org/story/858>

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 the years since Iran's UPR, all those who registered for and passed the entrance exams have been 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.

Iranian students who have been identified as Bahá'ís (at school or elsewhere) can take the national university entrance exam, but when they try to obtain their results, they are notified that they have "*Incomplete Files*" and are therefore not allowed to apply for admission to university. Bahá'ís who have followed up, appealed, and/or went to court in such cases have never obtained recourse. Others who had obtained admission, were later identified as Bahá'ís and expelled from university, have also appealed to the relevant authorities and/or through the courts, but they had their cases rejected, as well. Not a single one of these cases has ever been decided in favour of a Bahá'í.

There may still be Bahá'ís in Iran who have not been officially identified as members of the community. For at least five years, however, the authorities have undertaken systematic efforts through the school system to identify Bahá'í pupils and students of all ages. A Ministry of Education directive in November 2011 not only called for all Bahá'í pupils to be identified, but explicitly included pre-schoolers: children in kindergarten. Forms circulated by Education Department Security Offices have to be completed for all students who are not Muslims in Iran. The entry for *Religion* on the form distributed in schools in Shiraz lists only four options: "Christian", "Jew", "Zoroastrian", and "Perverse Bahaist sect".

We reported in section 2.2, above, the arrests and interrogations targeting the Bahá'í Institute for Higher Education (BIHE) last year. 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 began informally offering university-level courses to Bahá'í students, through distance learning and in their homes or privately-owned premises, 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.

During its renewed, wide-ranging attack on the BIHE throughout the country last year, Iran's intelligence services repeatedly expressed the government's determination to bring the initiative to a complete stop. The agents subjected dozens of Bahá'ís to harsh treatment during interrogations, threatened all those linked to the BIHE with imprisonment, warned parents who host classes that their homes would be expropriated if classes continued, ordered students to stop taking BIHE courses, and told them that they will never be granted access to higher education in Iran as long as they do not abandon their faith and declare themselves to be Muslims. Their concerted actions demonstrated the official policy denying higher education in any form, from any source, to members of the Bahá'í religious community in Iran.

Further evidence appeared in a 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]*,¹⁸ this publication presents guidelines 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 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*]¹⁹ that are *Muharib*²⁰;
- 3) providing financial support to these *Muharib* groups, supporting their organizations and or membership in them; and
- 4) propagating materialism and man-made religions.

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 – excluding those who believe in the Bahá'í Faith. We might add that, 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 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 can also be used to exclude Bahá'ís from higher education.

More details about this issue can be found in our background document²¹ or online at: <http://news.bahai.org/human-rights/iran/education/>.

Barring members of the Bahá'í community from higher education is only one aspect of the government's efforts to exclude and impoverish them. We have also been reporting for years about all the official measures used to **deny access to employment** to 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

¹⁸ available on the organization's website at www.sanjesh.org

¹⁹ anti-revolutionary political organizations and other illegal groups

²⁰ in Islamic law, an individual who commits the crime of *Muharaba*, taking up arms against the Islamic government or Islamic laws

²¹ The latest edition of our background document is provided in attachment; see also the archive: <http://www.bic.org/persecution-baha%E2%80%99-iran-updates-and-reports>. Some cases were documented in a report by the International Campaign for Human Rights in Iran in December 2010, available at: <http://www.iranhumanrights.org/2010/12/punishing-stars-dec2010/>.

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 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. Its conclusion read as follows:

(...) 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.²²

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 (by the Public Places Supervision Office, a government bureau in charge of morality in public places, including all 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.

Official searches of Bahá'ís shops and workplaces greatly increased in 2012. The authorities seized personal belongings related in any way to the Bahá'í Faith and called it evidence of "propaganda", treating all the Bahá'ís with disrespect and threatening to revoke their professional trade or business licenses. Members of the community who have shops or other independent businesses in Isfahan were systematically targeted this year. Over 70% of Bahá'í owned businesses in Sari and Ghaemshahr, some in Gorgan and Gonbad, and at least four in Kermanshah – well over 50 shops in all – were searched to find evidence with which to arrest the Bahá'í owners. In one case in Gonbad, a Bahá'í woman was imprisoned for five days after her shop and home had been searched. She was tried on false charges of "inviting people to partake in corruption, prostitution and illicit relationships", and her business was sealed by the authorities, who later forced her to close it permanently. Officials also harassed Bahá'ís who used to own stores (shut down over two years ago) and searched their homes, the only place left for many of them to work.

²² 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

The situation has become particularly intolerable in the city of Semnan, where systematic harassment of Bahá'í shopkeepers and business owners is part of a concerted effort by local authorities to drive members of the Bahá'í community out of their city. On 28 May 2012, Intelligence Ministry agents raided and sealed premises in Semnan that were fully or partially owned by adherents of the Bahá'í Faith: a factory making vertical blinds, which had 51 employees: 15 Bahá'ís and 36 non-Bahá'ís; and a lens grinding factory that had eight employees: two Bahá'ís and six non-Bahá'ís. Apparently, the authorities are so determined to force the Bahá'ís to leave Semnan, they think nothing of causing dozens of other workers and their families (including Shia Muslims) to face economic hardship, as well.

During the past few years, at least 15 other Bahá'í-owned shops and manufacturing businesses in the city have been closed and sealed, depriving dozens of families of their income. Because so many members of this religious community have no access to employment, the loss of a job nearly always affects an entire family. The closure of these shops has thus created hardship for the families not only of the 15 former owners, but also of their 39 former employees. Farmers were targeted for attack, as well; one Bahá'í farm has been repeatedly vandalised.

Bahá'í business owners in Semnan who have not yet been forced to shut down are under constant surveillance and receive phone calls summoning them to appear. When they obey, officials tell them that the call came from another office, send them away, and then summon them again. Recently, some of them were barred from bringing merchandise from outside the province into Semnan for trade and sale, cutting off their means of earning a living. Shop owners were also accused of undermining the government because they close their stores on Bahá'í holy days – officials stated that this constitutes “creating a public disturbance” and threatened to shut down their businesses on these grounds.

Bahá'í shops and business-owners have also come under attack in other cities in recent years (in particular Rafsanjan), and some have recently reported a similar increase in surveillance, harassment and intimidation.

4. Incitement to hatred and violence

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 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.

The Special Rapporteur on human rights in Iran included a paragraph focusing on this matter in his March 2012 report to the Human Rights Council (referenced above):

59. The Special Rapporteur continues to be alarmed by communications that demonstrate the systemic and systematic persecution of members of unrecognized religious communities, particularly the Bahá'í community, in violation of international conventions. Moreover, the Government's tolerance of an intensive defamation campaign meant to incite discrimination and hate against Bahá'ís violates its obligations as set out in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. According to one report, 440 instances of slanderous speech against Bahá'ís were published or broadcasted in the past two years. One such article, posted by the Rasa news agency on 8 March 2011, accused the Bahá'í community of attempting to subvert Islam.

The media where such attacks appear 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), and extracts from these articles appeared on a dozen government-affiliated websites and 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 associated media throughout the country.

Some articles and broadcasts contained false allegations that distort history, grossly malign Bahá'í moral principles and calumniate 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 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. 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. We reported above the pressure that intensified this year in Semnan, a city where many Bahá'ís

have endured recurring attacks since 2009, damaging their homes, shops and vehicles – violence that was incited by incendiary sermons, anti-Bahá'í seminars and rallies. Similar 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.²³ 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, national radio/TV, 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. Bahá'ís are facing increased pressure of this kind 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. 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 on-going human rights abuses against the Bahá'ís of Iran. Both inside and outside the UN, international condemnation of the Iranian government's dismal human rights record – and in particular its oppression of the Bahá'ís – has greatly increased since Iran's UPR in 2010. For example, at the main session of the Human Rights Council in February/March 2012, concern about the persecution against the Bahá'ís of Iran was expressed in 27 oral statements by governments, as well as by international human rights NGOs in plenary and by panellists at seven different side events.

Violations against Iran's Bahá'ís have also been deplored by prominent people in countries throughout the world: Nobel Peace Prize winners, parliamentarians, religious leaders, theologians, academics, business and trade union representatives, lawyers, judges, writers, artists, filmmakers....²⁴ In a feature-length film entitled *Iranian Taboo* released in February

²³ Abadeh, Aligudarz, Bukan, Khorramabad, Laljin, Parsabad, Sari, Ravansar, and Asfin and Gaziran in the suburbs of Arak

²⁴ Many of these have been documented at: <http://news.bahai.org/human-rights/iran/iran-update/international-reaction.html>.

2012, renowned Dutch-Iranian filmmaker Mr. Reza Allamehzadeh independently examined violations that specifically target Bahá'ís in the Islamic Republic. A special screening of the film was presented at a side event during the June 2012 session of the UN Human Rights Council.²⁵

This report has documented the fact that **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 passed the half-way mark in Iran's UPR follow-up, but **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 truly intends to cooperate with this (or any other) UN human rights mechanism.

More information on all these matters is available at:

<http://www.bic.org/persecution-bahai-community>

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

²⁵ This event was held at the UN in Geneva on 3 July 2012. The film has been shown in cinemas in the United States, Canada, the Netherlands, Switzerland and other countries. For information about its content, see <http://www.iriantaboo.com/>.