

Islamic Republic of Iran: non-implementation of accepted UPR recommendations as concerns human rights violations against Iranian Bahá'ís

(August 2014)

The Universal Periodic Review (UPR) has been established with the understanding that member states would use its recommendations for the betterment of their countries. States that accept part or whole of the recommendation during the UPR process are then trusted by the international community to implement those recommendations that they have accepted. During Iran's UPR in 2010, Iran accepted a certain number of recommendations and specified that some others were either implemented or were in the process of implementation.

This report documents the "facts on the ground" since the Bahá'í International Community's January 2014 UPR implementation report as they relate to recommendations that have been accepted by the Islamic Republic of Iran under the UPR. In this report we have only selected those recommendations that unquestionably apply to Iranian citizens who are Bahá'ís. The analysis set forth below shows that since Iran's UPR four years ago, not a single recommendation that had been accepted by Iran with regards to the Iranian Bahá'ís has been implemented in the country. Sadly, by failing to abide by its commitments and assurances made to the international community, Iran has gravely undermined the whole UPR process.

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Since Iran's UPR in 2010, violations of civil, economic, social and cultural rights of Iranian Bahá'í citizens have severely intensified:

- The number of imprisoned Bahá'ís has steadily multiplied since Iran's UPR: from 37 in 2009 to 51 in 2010 to 106 in 2011, 116 in 2012, and 136 in 2013 to at least 120 in 2014, including the seven former leaders wrongfully convicted and sentenced to 20 years of imprisonment.
- BIHE administrators and educators continue to serve their four or five year prison terms merely for having helped young members of their religious community who were otherwise deprived of any form of higher education to educate themselves and fulfil their potential.
- Students identified as members of this community continued to be barred and expelled from universities and vocational training institutes. In January 2014 alone, 5 Bahá'í students were expelled when identified as Bahá'ís.
- Officials harshly intensified the measures they have long been applying to deny adherents of this faith the right to work and earn a decent living. There have been at least 42 employment related incidents from November 2013 to July 2014. Incidents varied from summary closure of all Bahá'í shops in a city, to denying business licenses to Bahá'ís, to employers being pressured to dismiss their Bahá'í employees and the intelligence ministry pressuring landlords of Bahá'í shop owners not to renew their leases.
- Officials failed even to respect the rights of the deceased Bahá'ís. Bahá'í cemeteries in several cities were either vandalized or demolished, and some Bahá'í families were barred from burying their deceased.

The situation of the Bahá'ís was included in the Secretary General's report to the Human Rights Council in March 2014:

There have been no improvements in the situation of religious and ethnic minorities, who continue to suffer severe restrictions in the enjoyment of their civil, political, economic, social and cultural rights. Religious minorities such as Baha'is and Christians face violations entrenched in law and in practice.¹

Unfortunately, facts on the ground and the Secretary General's report to the Human Rights Council clearly suggest that Iran has not only failed to respect the right of Iranian Bahá'ís to access higher education, to earn a decent living, and to bury their deceased, but that Iran also continues to show disrespect of their deceased.

I. Incitement to Hatred

Rec #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);

Luxembourg's two-prong recommendation to (i) fully respect the rights of the adherents of the Bahá'í Faith and (ii) to judicially prosecute those inciting hatred against them in religious

¹ Human Rights Council, 25th Session-agenda item 2, *Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran (A/HRC/25/26)* 7 April 2014, available at <http://www.ohchr.org/en/countries/asiaregion/pages/irindex.aspx> Web. 24 July 2014

environments, the media and the internet was not only accepted but also considered as already implemented or in the process of being implemented by Iran.²

On 17 October 2010, in a speech given in Iran's religious center, Qom, Iran's Supreme Leader, Ali Khamenei warned Iranians about the Bahá'í community. The Supreme Leader's speech was broadcast in its entirety on the Islamic Republic of Iran Broadcaster (IRIB), the national television service, and also reported by the Islamic Republic News Agency (IRNA), the government's official news agency. His speech led to a media frenzy of anti-Bahá'í articles, which accused Bahá'ís of perpetrating acts of sedition.³ Since then, Iran has not only continued these types of media attacks, in addition it has taken every opportunity to disseminate inaccurate information about the Bahá'í Faith in the media and elsewhere and warn people about the dangers of associating with Bahá'ís.

Since our report in January 2014, there has been an upsurge of media attacks against the Bahá'í Faith and Iranian Bahá'ís in Iran. From January to May 2014 there have been 871 articles (**over 650 anti-Bahá'í articles in April and May 2014 alone**) on government-sponsored and pro-government websites in Iran. In recent months, Iran has broadcast anti-Bahá'í programmes on radio and television on special occasions, such as the anniversary of the Iranian revolution or the commemoration of the birth of the Promised Qa'im; and they have used individuals who claim to have been "saved from Bahá'ism" as the main facilitators. As an example, on 7 February 2014, Fars News Agency published an 18-page document entitled "The Cooperation of 'Bahá'ism' with the Pahlavi Regime" disseminating inaccurate information about the Bahá'í Faith.⁴ The recommendation calls for the judicial prosecution of those who commit incitement to hatred against the Bahá'ís. However, as evidenced by the upsurge in the number of media sponsored attacks against the Bahá'ís, it is quite clear that Iran has not only continued to sanction such incitements, it has instigated them.

Moreover, the widespread vilification of Bahá'ís in the media and elsewhere has also increased their harassment and intimidation throughout Iran. The following represents incidents of persecution that have been reported to us since our January 2014 UPR implementation Report:

- In the city of Birjand, three Bahá'ís were stabbed in their home by an unidentified intruder. The attacker, who was wearing a mask, entered the home of Ghodratollah Moodi, a well-known and respected Bahá'í of the city and attacked him and his wife, Toubá Sabzehjou, with a knife or a sharp instrument. He also assaulted their daughter, Azam Moodi, before fleeing. All three were seriously injured. Ms. Moodi managed to summon help, and all three were taken to a local hospital in serious condition.⁵
- In the city of Yazd, flyers attacking Bahá'ís and signed by an anonymous group calling themselves "Hezbollah" were dropped at the homes of five Bahá'ís in the middle of the night.

² Human Rights Council, 14th Session, *Report of the Working Group on the Universal Periodic Review, Islamic Republic of Iran*, (A/HRC/14/12) 15 March 2010

³ For more detailed accounts of incitement against the Bahá'ís for the "implementation" period of the recommendations of the UPR see special report *Inciting Hatred: Iran's media campaign to demonize Bahá'ís*, available at http://www.bic.org/sites/default/files/pdf/inciting-hatred-book_0.pdf Web. 24 July 2014

⁴ <http://www.farsnews.com/newstext.php?nn=13921116001201> (in Farsi)

⁵ Baha'i International Community, *Three Baha'is stabbed in Iran, apparently a religious hate crime*, 7 February 2014, available at <https://www.bic.org/news/Three-Baha%E2%80%99stabbed-Iran-apparently-religious-hate-crime> Web. 25 July 2014.

- In a coordinated act in Gorgan, on the night of 28 November 2013, when Bahá'ís were commemorating the passing of 'Abdu'l-Bahá, one of the central figures of the Bahá'í Faith, highly derogatory flyers portraying Abdu'l-Bahá were attached to the doors of homes and shops of a large number of Bahá'ís. A number of letters were placed on the windows of some cars that were believed to be owned by Bahá'ís. The next day, the police went to a few shops owned by Bahá'ís and in two cases asked the owners to close their shops without presenting an official court order.
- In September 2013, a Bahá'í from Pars Abad Maghan, Ardebil who had finished a two-year sentence was called by the judicial prosecutor to serve 5 years in exile. He was told by the local authorities that they intended to “clean” their city from Bahá'ís and not to have even one Bahá'í resident in the city and offered him acquittal if he and his family were to leave Ardebil. Such statements made by government officials are particularly alarming in light of the government's ongoing campaign to identify all Bahá'ís throughout Iran.⁶ Such acts can potentially lead to more serious acts of violence against members of the Bahá'í community in smaller localities.

The UN Secretary General, in his January 2014 report to the Human Rights Council, reiterated that incitement to hatred is used by Iranian authorities to suppress the Bahá'í community.⁷

Thus, the government of Iran has not only failed to prosecute those who have incited violence against Bahá'ís, but it has sanctioned – and, in many cases, sponsored – such incitement against them. To this date, not a single individual has been judicially prosecuted for acts of violence against the Bahá'ís; and unfortunately violence against members of this community continues to be perpetrated with complete impunity.

II. Arbitrary Arrests, Detentions, and the Judicial Process

In the matter of arbitrary arrests, detentions and the judicial process, seven recommendations were made on: the arrest of the seven Bahá'í leaders, known as the Yaran, overall concern regarding the arrests and detention of the general Bahá'í community, freedom to practice one's faith without harassment, and torture and violent attacks of its members. Since our latest UPR implementation report in January 2014, eight Bahá'ís have begun serving their sentences: on 16 November 2013, six Bahá'ís from Mashhad who had been sentenced to six months imprisonment under *ta'zír* law were summoned to prison to serve their sentences; and on 28 April 2014, Mr. Shamim Naimi began serving his three-year prison sentence in Gawhardasht prison.

Below is an account by one of the Bahá'í prisoners of the appalling conditions of the Rajai Shahr Prison, where many Bahá'ís are currently serving their sentences:

Ward 12 of Rajai Shahr Prison is where most of the Bahá'í prisoners are kept. This prison was designed during the last regime to hold approximately 1500 people.

⁶ *Special rapporteur on freedom of religion or belief concerned about treatment of followers of Bahá'í faith in Iran*, OHCHR, 20 March 2006, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=3185&LangID=E> In 2006, a document was released by Ms. Asma Jahangir, the then United Nations Commission on Human Rights' Special Rapporteur on Freedom of Religion or Belief, about the instruction of Iran's Supreme Leader, Ayatollah Khamenei, issued through the Command Headquarters of the Armed Forces to different government agencies, “to collect any and all information about members of the Bahá'í Faith” in Iran

⁷ According to the Secretary General, “Harassment, home raids and incitement to hatred are reportedly commonly applied by the authorities to suppress the Baha'i community.”

However, currently around 4000-5000 prisoners are kept there. This large number, which holds more than the capacity of the prison, has made conditions even more difficult. The food in prison is extremely bad; some of the meals are inedible and the prisoners are therefore forced to buy food which is sold to them for a price several times more expensive than what is charged in stores outside of prison. Because the prison is so overcrowded, bathroom facilities become overfilled and prisoners are forced to drain and make them function themselves. There is no hot water in the showers. Previously, it was possible to use hot water in the showers during the early hours of the morning; however, that is also no longer possible and prisoners are forced to shower with cold water in the depth of winter. Under these circumstances, any small act of support towards others is highly noticeable. For example, in circumstances where an individual has three eggs, giving one of those eggs to another prisoner is considered very generous.

In addition to the poor prison conditions, families of the imprisoned Bahá'ís have been disrespected by prison authorities. In recent months, the mother of an imprisoned Bahá'í in Gowhardasht prison was insulted when she tried to submit a letter about the poor prison conditions to the prison authorities.

A. Arbitrary Arrest and the Judicial Process – the case of the Yaran

Rec # 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)

Rec # 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)

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

The above recommendations were not only accepted by Iran, but Recommendations 117 and 118 were pointed out by Iran as already implemented or in the process of being implemented.

As discussed in our previous reports, in dealing with the case of the Yaran, Iran violated a number of ICCPR provisions including Articles 9(2), 9(3) and 14.⁸ By keeping the Yaran in prison for some 20 months before informing them about the charges against them, Iran violated Article 9(2) which requires that the arrested individual be promptly informed, at the time of arrest, of the reason for the arrest and the charges against him⁹ and Article 9(3) of the ICCPR which requires that anyone who is arrested or detained on a criminal charge be promptly brought before a judge or other officer authorized by law to exercise judicial power and be entitled to trial within a reasonable time or be released. During their trial, the Yaran were provided with limited access to their attorney and the "evidence" that was used to prosecute them. As such, yet another international norm was violated,

⁸ Art 9 (2)ICCPR, Art 9(3) ICCPR and Art 14 ICCPR

⁹ Also see Art 32 Iran Constitution: no one may be arrested except by the order and in accordance with the procedure laid down by law. In case of arrest, charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. The violation of this article will be liable to punishment in accordance with the law.

namely Article 14 of the ICCPR which requires that the accused “have adequate time and facilities for the preparation of his defence and to communicate with counsel of his choosing.”¹⁰

In Recommendation 119, Luxembourg recommends that Iran ensures that the trial of the Yaran is conducted in a fair and transparent manner, consistent with Iranian law and due process. In his March 2014 report to the Human Rights Council, the Secretary General specified that the trial of the seven former leaders did not meet the guarantees of a fair trial established by international law:

The Secretary General renews his call on the Government to release the seven Baha'i community leaders, who are serving 20-year sentences for managing the religious and administrative affairs of their community, after trials which did not meet the guarantees for fair trial established by international law. The Secretary General also encourages the Government to remove limitations imposed on the ability of the Baha'is to worship and to allow them to practice their beliefs without hindrance and fear.¹¹

As set forth above, Iran has neither been transparent in the trial of the Yaran, nor has it complied with its commitment to the ICCPR, international norms, or their own legal procedures set forth in the Iranian Constitution. Surrounding facts show that Iran explicitly violated both the international standards of criminal procedure, as well as Iran's own Constitution in the trial of the Yaran. As such, it is quite surprising that Iran declares Recommendation 119 as already implemented or in the process of implementation.

Detailed information about the above case can be found in a report available at:

<http://news.bahai.org/human-rights/iran/yaran-special-report/>.

B. Arbitrary Arrests and Detentions of Members of the Bahá'í Community and Freedom of Speech, Assembly and Association

Rec # 123. Ensure that laws do not criminalize legitimate freedom of expression, association and assembly (Australia)

Rec # 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)

Rec # 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)

Rec # 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)

Rec # 48. Respect the freedom of religion (Germany)

Recommendation 123 proposed by Australia calls for implementation of laws that do not criminalize legitimate freedoms of expression, association and assembly. Iran considers this recommendation by Australia as either implemented or in the process of implementation. As it

¹⁰ Art 14 ICCPR

¹¹ A/HRC/25/26

will be discussed below, Iran relies on constitutional provisions to criminalize legitimate freedom of expression, association and assembly of members of the Bahá'í Faith.

Iranian constitutional provisions on freedom of expression, association and assembly are discriminatory toward members of the Bahá'í Faith. Article 13 of the Iranian Constitution stipulates that, Zoroastrian, Jewish, and Christian Iranians are the only recognized minorities who are free “within the limits of the law”, to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. Since religious practices are effectively limited to these three religions, other religious minorities are essentially stripped of the freedom to practice their religion, including the freedom of expression, association and assembly under the Iranian Constitution. As such, Bahá'ís are not allowed, “in community with others and in public or private”, to manifest their religion “in worship, observance, practice and teaching”, as required by Article 18 of the ICCPR.

Under Article 14 of the Iranian Constitution “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.”¹² This conditionality in Article 14 justifies persecution of non-Muslims who are judged to be engaged in conspiracy or activity against Islam. Since belief in the Bahá'í Faith is considered heresy, any involvement in the Faith is then considered as “engaging in conspiracy or activity against Islam.” The Iranian government has used the vague conditionality of Article 14 to bring conspiracy charges against members of the Bahá'í Faith. This is reflected in the charges that are brought against members of the Bahá'í community throughout Iran.

The following are only a few examples of the charges brought against members of the Bahá'í Faith since our January 2014 report:

- In December 2013, 20 Bahá'ís residing in different localities across Iran including Isfahan, Vilashahr, Najafabad, Shahinshahr, Yazd, Kerman, and Arak were charged with “propaganda against the sacred regime of the Islamic Republic of Iran”, and “assembly and collusion against national security”. Their attorneys were not informed at the time that the charges were handed down. All twenty were initially released on bail; they were summoned to the Revolutionary Court after six months and were issued a writ of non-prosecution and acquittal. Some time between August and September 2013, the twenty were convicted of 58 years of imprisonment in total. On 16 April 2014, it became apparent that their cases had been reviewed, and the sentences had not been reduced. Mr. Gholam-Hossein Haidari, inspector-general of the Justice Administration of the province of Yazd, reportedly stated that, “This is exactly what you deserved. In fact, we were too lenient. You do not even count to be considered for anything, let alone your citizenship rights. My conscience is absolutely clear. [Judge] Saeedi was not involved and my deputy, Mr. Bahmani and I have issued this correct and just order.” Judge Saeedi of Branch 1 of the Court of Appeals was in fact unaware of the charges against these 20 individuals. When Mr. Bahmani, deputy of the Justice Administration of Yazd province, was approached he reportedly stated, “In my opinion, the Bahá'ís have no right to exist;

¹² Art 14 The Constitution of the Islamic Republic of Iran states that “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.*”

let alone to be free. The government of the Islamic Republic has paid a hefty price to stand by you people.” On 30 April 2014, the court of appeals confirmed the lower court order concerning the 20 Bahá’ís sentenced by the court in Yazd. In seeking justice these individuals have met on several occasions with the head of the justice administration and the judges of the court of appeals in the province of Yazd.

- In January 2014, Mr. Sarang Ettehadí, a Bahá’í from Tehran, was charged with “propaganda against the regime and membership in Bahá’í institutions for the purpose of destroying national security” and sentenced to five years imprisonment under *ta’zír* law. Mr. Ettehadí has since appealed this decision.
- In November 2013, a Bahá’í from Mashhad was arrested, detained and charged with “propaganda against the Islamic Republic of Iran” and “activities against national security”.
- On 16 March 2014, a Bahá’í woman was arrested when agents of the Ministry of Intelligence raided her house with a warrant. The two women and four men present were videotaped, and the men were asked to state their religion on camera. Two of the agents then accompanied the other woman to her home, which they searched, confiscating all of her Bahá’í books and her computer, amongst other materials. Another group of agents went to the home of one of the men, who was later released. A little after midnight, the arrested hostess was transferred to the Ministry of Intelligence’s detention centre, along with the confiscated property. While at her home, the agents rudely made the following comments, “Now, you should go and file a complaint against us. The House of Justice has instructed you to plead for justice. We will show you the outcome of your pleas.” The Bahá’í hostess calmly responded that she would again file a complaint to the judiciary about their behaviour. She was charged with “holding a gathering with the intention of disturbing the security of the country”; “propaganda against the regime”; and “aggressive behaviour towards the agents when she was in detention”.

Thus, Iranian constitutional provisions on freedom of expression, association and assembly are discriminatory toward members of the Bahá’í Faith as clearly evident from the nature of the charges brought against members of the Bahá’í Faith.

The UN Secretary General in his March 2014 report to the Human Rights Council also reiterated that Iranian laws and policies against religious minorities, including members of the Bahá’í faith:

The United Nations human rights mechanisms have repeatedly expressed concerns about the discriminatory laws and policies that restrict religious minorities, including Baha’is, from forming religious institutions and accessing universities and public-sector employment. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran noted that members of the Baha’i community were increasingly subjected to arbitrary detention, torture and ill-treatment, restrictions on religious practice, denial of higher education, obstacles to State employment and abuses within schools.¹³

¹³ A/HRC/25/26

In his 2014 report to the Human Rights Council, the Secretary General also encouraged the Government to “remove limitations imposed on the ability of the Baha’is to worship and to allow them to practice their beliefs without hindrance and fear.”

Moreover, the Special Rapporteur on Iran stated the following in his 13 March 2014 statement to the Human Rights Council:

It appears that Baha’is are almost exclusively prosecuted for participation in their community affairs, including by facilitating educational services and publicly engaging in religious practices, such as attending devotional gatherings. The violations appear to be rooted in the unrecognized status of the faith, as well as a pervasive view held within the Government that Baha’is represent a heretical sect with ties to foreign enemies. They are typically charged with political and security crimes, such as espionage or “propaganda against the ruling system”¹⁴

Recommendation 50 is included under this section again as it appropriately applies to the general Bahá’í community. This recommendation by Romania requires fair and transparent trial for members of the Bahá’í Faith. In the case of Mr. Sarang Ettehadí, the original hearing date was set for 12 January 2014, which was later postponed to 15 January 2014. However, Mr. Ettehadí and his attorney were informed on 15 January 2014 that the Court hearing had already taken place on 12 January 2014, and a verdict had been issued in absentia. As evident from the manner that the 20 Bahá’ís were charged in the city of Yazd and also evident from the case of Mr. Sarang Ettehadí, Bahá’ís are not only prosecuted and sentenced on baseless grounds, but regrettably their trials are conducted in an unfair manner.

Moreover, during the past few years, officials throughout the country have instructed Bahá’ís to sign statements declaring that they would no longer take part in their religion’s group activities. Participating in community activities is not only a social and cultural right but also, and even more importantly for Bahá’ís, a foundational component of their faith and an intrinsic aspect of Bahá’í religious practice. This means that Iranian laws in fact criminalize any sort of freedom of expression, association and assembly by the members of the Bahá’í Faith; and Iran has not taken any measures to change that. Therefore, Iran’s practice has fallen short of ensuring that laws do not criminalize legitimate freedom of expression, association and assembly. Also, when officials try to force Bahá’ís to swear that they will no longer participate in these activities, the government is violating the right to religious practice enshrined in Article 18 of the ICCPR, which stipulates that: “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”.

Recommendation 103 by Chile calling for the effective guarantee of freedom of expression, opinion, religion and belief has not only been accepted by Iran, but Iran also considers it as already implemented or in the process of implementation. Since Iran’s UPR, Iranian Bahá’ís have been arrested and summoned and interrogated by government officials solely for their religious beliefs. Officials have also ransacked numerous homes without immediately taking the Bahá’í owners into custody. The following cases are only those that have been reported to us since our January 2014 UPR implementation report:

¹⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Human Rights Council, 25th session, item 4, A/HRC/25/61, 13 March 2014 available at <http://shaheedoniran.org/wp-content/uploads/2014/03/A-HRC-25-61-updated.pdf>

- On 27 November 2013, agents of the Ministry of Intelligence of Yazd raided homes of two Bahá'ís in the city of Yazd and confiscated their Bahá'í materials.
- During the same month, agents of the Ministry of Intelligence of Mashhad went to the homes of two Bahá'ís and confiscated their books and papers and detained one of the Bahá'ís. The other person was not detained because he was not home.
- On 19 February 2014, agents of the Ministry of Intelligence went to the homes of five Bahá'ís in Yazd and confiscated documents and computers.

In each case of these forms of harassment, Bahá'í documents and books are always confiscated, leading to the conclusion that these are religious based home raids. Thus, given that the common denominator among all these home raids is the confiscation of Bahá'í religious materials, which is based on a person's beliefs, leads one to conclude that Iran does in fact discriminate on the basis of a person's belief.

III. Discriminatory Policies

A. Protection of children and access to higher education

Rec # 22. Continue to implement measures aimed at further promoting and protecting children's rights, and intensify efforts to ensure further opportunities for access to higher education. (Qatar)

Rec #31. Redouble its efforts to prevent any form of discrimination (Nicaragua)

i. Rights of Children

The accepted recommendation by Qatar asks to continue to implement measures aimed at further promoting and protecting children's rights.

Among challenges Bahá'í pupils in middle school and high school face is discussion with teachers and fellow students about one of the classes entitled "The Bábí Upheaval", in which the history and the teachings of the Bahá'í Faith are grossly distorted. In some recent cases, Bahá'í pupils have been expelled from school when they tried to defend their beliefs in class. The harassment and vilification of Bahá'í pupils has continued since Iran's UPR; and, sadly, there has been no measure set forth by the government of Iran to protect these children.

ii. Higher Education

The recommendation also calls for intensifying efforts to further opportunities for access to higher education. Bahá'í youth continue to be denied access to higher education in any form, from any source in Iran; and those few who are granted access, are expelled from public and private universities and vocational training as soon as they are identified as Bahá'ís. According to a confidential memorandum dated 25 February 1991, drawn up by the Iranian Supreme Revolutionary Cultural Council (ISRCC) and signed by the Supreme Leader, "Baha'is must be expelled from universities, either in the admission process or during the course of their studies, once it becomes

known that they are Baha'is."¹⁵ To this day, this memorandum is referred to as a justification of dismissal of Bahá'í students from university. The few students admitted without their religious affiliation being known were later expelled from university when it was discovered that they were Bahá'ís. Many have appealed such cases. Unfortunately, to this day, all appeals to relevant authorities and/or through the courts have been rejected; not a single expulsion case has ever been decided in favour of a Bahá'í.

This past year there were more expulsion cases regarding the small number of Bahá'ís who entered university without their religion being identified. It has become clear that the authorities are trying to ensure that Bahá'í students, who began their studies during the few years that it was made possible, are not allowed to graduate with a degree. The following represents only those cases that have been reported to us since our last UPR implementation report in January 2014:

- In November 2013, a Bahá'í student studying architecture at the University of Chalous was expelled. In pursuing the matter, she was told by the director of the university that the instruction for her expulsion had been issued by the Ministry of Intelligence. Several university professors who were unhappy with the university's decision and began investigating the issue did not pursue the matter further, once they became aware that she was being expelled on account of her religion.
- In January 2014, a Bahá'í from Babol was expelled from the Behshahr University after finishing his second semester.
- A second-year Bahá'í student studying computer science at the Babol University was expelled.
- In January 2014 a Bahá'í student in Kermanshah University pursuing a materials engineering degree had her student card confiscated. She was then expelled a few weeks following her registration in the university. She was told by the security office of the university that the decision was based on an "enactment" of the Supreme Revolutionary Cultural Council. When she insisted on seeing the document, she was told she could find it online. The document cited likely referred to the confidential 1991 memorandum referenced above.¹⁶
- A Bahá'í student who had been accepted to the open university of Hamadan and who had completed his registration, was required to fill out a special form which had a section on religion. After indicating his Bahá'í Faith, he was asked to submit an agreement not to teach his religion in the university and not bring any Bahá'í literature or symbols to campus. This statement was dictated to him by the director of the university. After transcribing what was dictated to him, the student added a sentence to the document stating that this undertaking would only be binding within the confines of the University of Hamadan and would not apply elsewhere. A few days after submitting the document, he was called to the director's office

¹⁵ *Namiyyih Seyyed Mohammad Reza Hashemi Golpaygani, Dabir-i Shurayih A'liyyih Inqilab-i Farhangi* [Memorandum by Dr. Seyyed Mohammad Reza Hashemi Golpaygani, Secretary of the Supreme Council of the Cultural Revolution, dated 6/12/1369 (February 25, 1991)] [hereinafter SCCR Memorandum] (See English translation at http://news.bahai.org/documentlibrary/575/5_TheISRCCdocument_en.pdf, Web. July 29 2014). The memo summarizes the steps taken towards the development of a new government policy on "The Bahá'í Question" before enumerating the actual policy initiatives that resulted from the process. On Education it specifies "1. They [Baha'is] can be enrolled in schools provided they have not identified themselves as Bahá'ís. 2. Preferably, they should be enrolled in schools which have a strong and imposing religious ideology. 3. They must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahá'ís."

¹⁶ SCCR Memorandum

and verbally notified that he no longer had a right to pursue a university degree for adding the last sentence to the document. The university initially refused to even issue a refund to the Bahá'í student indicating that he had personally chosen to abandon his studies but later issued a refund after the student pursued the matter further.

- In January 2014, a Bahá'í postgraduate in civil engineering at the Seraj University of Tabriz was expelled.
- In January 2014 a Bahá'í resident of Ghaemshahr and second-year student in computer science at the Babol University was expelled from university.
- In April 2014 two Bahá'ís were expelled from Babolsar University. Those in charge of the university expressed their sympathy and regret.
- In April 2014 a Bahá'í student was expelled from Birjand University because of his membership in the Bahá'í community.
- In October 2013, a Bahá'í computer software engineering student who had been admitted to the Shams Non-Profit Institute for Higher Education was expelled before the end of the semester's final examination.

iii. Bahá'í Educators

Since May 2011, we have been documenting cases that concern educators and students arrested because of their participation in the work of the Bahá'í Institute for Higher Education (BIHE).

It should be recalled that the only objective of the BIHE is to meet the educational needs of young Bahá'ís who are denied access to university-level studies in Iran. At the time of the concerted attack against faculty and staff in 2011, nearly 300 people were serving the Institute, including international volunteer educators who teach through the Internet. About 1,000 BIHE students were studying at home and in inconspicuous laboratories in privately owned premises. This past year, more of those arrested in this context were convicted on false charges and sentenced. Twelve BIHE educators are currently serving prison terms ranging from four to five years, solely because they had been providing courses to young Bahá'ís with the capacity and deep desire to continue their studies beyond secondary school.

On 27 November 2013, agents of the Ministry of Intelligence raided one of the general science classes of the BIHE, which was being held in Karaj. While collecting their mobile phones and laptops, the agents filmed and took photographs of each one of the students and distributed forms in which the students were required to provide personal biographical information. Students were asked to sign an agreement not to attend similar classes. They were also asked for the names of the lecturers, which the students did not provide. Students were told that they would later be contacted and summoned for interrogation.

In the case of the Bahá'ís, rather than intensifying opportunities for access to higher education as was recommended, Iran has intensified its efforts to deny higher education to students and considers the act of educating young people a criminal offence.

B. Right to Employment

31. Redouble its efforts to prevent any form of discrimination (Nicaragua)

Barring Bahá'ís from higher education is only one aspect of the government's efforts to exclude and impoverish them. In recent months, Iranian authorities have intensified their discriminatory policies and practices to deny members of the Bahá'í community the right to work and earn a decent living. In most cases, officials are implementing a 2007 government policy memo promulgated by the Public Intelligence and Security Force (NAJA) instructing the enforcement of the exclusion of Bahá'ís from 25 specified trades and any work that could provide them with more than a minimum wage.¹⁷

Since the inception of the Islamic Republic of Iran, members of the Bahá'í community have been banned from work in the public sector. Not satisfied with this, the government has also reached into the private sector through harassment and intimidation of business owners and shopkeepers, refusal to issue or renew business licences, the 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 Bahá'ís, refusal of loans and other banking services, and following forced closure of a business, the seizure and sale of all merchandise by government officials.

Since our report in January 2014, officials throughout the country continue to use harassment, intimidation and false accusations to shut down or impede the activities of tens of Bahá'í-owned businesses. Bahá'ís throughout Iran are denied access to their own, rightfully earned pensions. In cases taken to court during the past ten years, the judgements have always gone against them. Several court decisions explicitly stated: "payment of pension to those individuals connected with the Bahá'í sect is illegal" [or an "unlawful act"].

Below are the work-related incidents that we have received since our January 2014 report:

- As mentioned above, in November 2013, on the day of the commemoration of the passing of 'Abdu'l-Bahá, the police went to the shop of a few of the Bahá'í business owners and asked them to close down their shops.
- 16 shops belonging to Bahá'ís were closed down in the city of Tonekabon by the Public Places Supervision Office in November 2013:
 - On 28 October 2013, an agent of the Trade Union Association of Tonekabon privately informed a Bahá'í that a letter had been sent to the Department of Commerce instructing that department that the shops of three Bahá'ís in the city had to be shut down. Agents from the Public Places Supervision Office went to the shops of these three Bahá'ís on 30 October 2013 and warned them that their businesses were to be closed. All three shops were sealed on 11 November 2013. When the three shop owners visited the Department of Commerce and the Public Places Supervision Office inquiring about the closure of their shops, each office blamed the other and denied responsibility for this act. One of these officials informed a Bahá'í that the authorities were planning on closing down all Bahá'í shops in the city. On 22 November, an additional six shops owned by Bahá'ís were closed down. Near the end of November, seven other Bahá'í owned shops in Tonekabon were closed after they were given warning about the closure. None of the shops had had any problem with the union. Some of the shops were closed down within an hour after the warning about the closure was received. Some were asked to sign an agreement not to close their places of work without coordination with

¹⁷ Bahá'í International Community, *The Bahá'í Question – Cultural Cleansing in Iran*, September 2008, (pgs 86-87) available at <http://news.bahai.org/human-rights/iran/the-bahai-question.html> Web 2 January 2014)

the appropriate unions. The shops of some of the Bahá'ís in the city were reopened without having to sign an agreement. By February 2014, all 16 shops were reopened.

- In February 2014, officials in the city of Hamadan began summarily closing all Bahá'í-owned shops in the city and warned their friends and colleagues not to hire Bahá'ís. The following incidents have been reported to us since our UPR implementation report in January 2014:
 - A Bahá'í father and son owned an automotive workshop. When their shop was closed down, the father began working in front of his shop. His car was seized, and his friends and colleagues were threatened against employing him. He was also summoned to the local headquarters of the Ministry of Intelligence and threatened.
 - A Bahá'í whose husband's shop was closed down by the Ministry of Intelligence began working as a hairdresser out of her own home for friends and clients but was forced to stop her work following threats and warnings by the Ministry of Intelligence.
 - On a Bahá'í holy day, agents of the Ministry of Intelligence went to the shops of Bahá'ís that had been previously sealed and began videotaping them and inquired from the neighbours how the Bahá'ís were making a living. A neighbour of a Bahá'í shop owner had given permission to the Bahá'í shop owner to use his shop after the Bahá'í's shop was sealed. The neighbour was warned by an agent of the Ministry of Intelligence against cooperating with the Bahá'ís.
 - The director of an institute was instructed to dismiss a Bahá'í teacher who taught there once a week. The director initially did not give in to the request but was subsequently forced to dismiss the Bahá'í employee following threats from officials to close down the institute.
 - A Bahá'í in Hamadan whose heavy-duty motor repair shop was closed last year by the authorities, was working in a shop leased by one of his former apprentices. Sometime in November 2013, individuals from the Public Places Supervision Office visited this shop and asked whether they held a business license. The aforementioned apprentice said that he did not, that he was in the process of obtaining one. It should be noted that this repair shop is part of a group of heavy-duty motor repair shops, most of which have been operating for a number of years, and none of which hold business licenses. It is thus unusual for the Public Places Supervision Office to have made such a query of this particular shop. The officer from the Public Places Supervision Office asked about the number of people working at the shop and inquired about the work of the Bahá'í who was working for him. The apprentice responded that since the concerned Bahá'í is their mentor, he sometimes assisted them with the work. The agents then said that the concerned Bahá'í had been under surveillance and it was thus known that he was working at the shop full time. The shop was then closed on 25 November 2013.
- In February 2014, agents of the Ministry of Intelligence visited shops of Bahá'ís in Kalaleh Gonbad Kavous, telling them that upon the expiration of their business licenses they were to look for other jobs, as their licences were not going to be renewed. One Bahá'í whose business license had previously expired has been unsuccessfully attempting to renew his business license for over a year.
- A Bahá'í resident of Tabriz whose shop was closed by the Opticians' Trade Union, discovered, after visiting the trade union, the Office of Amakin (the general directorate for supervising public

premises), the Ministry of Industries and Mines, and the Trade Union Association that his shop had been closed by order of the Office of Amakin under the pretext of “market saturation”.

- In March 2014, the expired licenses of some of the optical shops of the Bahá'ís in Tabriz had not been renewed on the grounds of “market saturation”. However, non-Bahá'í individuals in the same location experienced no difficulties renewing their business licenses. One Bahá'í who has been working as an optician for over 22 years visited the relevant bureau to renew his business licence. His request was denied by the officials and an order was issued to close his shop.
- Another Bahá'í in the city of Tabriz, whose shop had been closed, began working at a shop owned by one of his Muslim friends. The friend was summoned to the Public Places Supervision Office and warned that if he was to continue to employ his Bahá'í friend, his shop would be closed. The Bahá'í employee left his job in order not to cause further problems for his Muslim friend.
- A grinding workshop belonging to a Bahá'í and a drapery factory owned by Bahá'ís were both closed down in Semnan. After consulting an attorney, one of the shop owners, who was fined 100 million túman (approximately US\$39,000), decided to contest the fine by filing an official complaint. In response to his complaint, the central headquarters of *Tazirat* [Financial Crimes Department] placed a stop on the execution of the order. However, *Tazirat* of the city of Semnan placed his equipment on sale and sold it to an unknown person for the amount of 86 million túman (US\$33,000).
- On 8 April 2014, the optical shop of a Bahá'í was sealed.
- In April 2014, the shop of another Bahá'í in Semnan was sealed.
- Sometime between 20 and 25 April 2014, seven optometrists in Arak sent a letter of complaint to Ayatollah Safi Golpaygani, expressing discontent that the Bahá'ís are “taking over the majority of the optometrist jobs in Iran”. The Ayatollah’s office forwarded the letter to the Ministry of Health, ordering that Bahá'ís be dismissed from the trade union. At the same time, many limitations were imposed on Bahá'í opticians across Iran; they were deprived of attending exhibits in Tehran and other cities; several shops were sealed, and their business permits were cancelled.
- In February 2014, a Bahá'í truck driver who had been travelling abroad frequently as a transit truck driver visited the passport agency to renew his passport. His passport was confiscated and he was told that he could not travel abroad because he is a Bahá'í.
- In May 2014, authorities in Isfahan visited more than ten shops owned by Bahá'ís and threatened to seal the shops if they were closed on Bahá'í holy days.

Sadly, there has been no attempt to prevent the employment discrimination against members of the Bahá'í Faith; and, as clearly demonstrated, the government has been promoting discrimination against the Bahá'ís and in some cases pressuring Iranian citizens to do so against their will.

C. Confiscation of Property, eviction and burial rights

Rec # 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)

Rec # 19. Extend the rights guaranteed in Iranian legislation to all religious groups, including the Bahá'í community (Brazil)

The UN Special Rapporteur on adequate housing is one of only a few Special Rapporteurs who was permitted to visit Iran during the past 10 years. His report highlighted the violation of property rights of the Bahá'ís such as forced evictions and abusive confiscations:

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. (...)

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 (...) 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. (...) property confiscation in rural areas was often accompanied by threats and physical violence before and during related forced evictions.

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'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. (...)¹⁸

Since Iran's UPR, confiscation and destruction of Bahá'í property has continued. Plainclothes agents and others have also continued to attack Bahá'í homes and cemeteries with total impunity.

In previous reports, we detailed the confiscation of farmland and the destruction of many Bahá'í homes in 2010, attacks against Bahá'ís in 2011 that were directly related to disputes over confiscated land, and recent confiscations involving farmland in several different provinces, including a group of Bahá'í farmers in Kata imprisoned in 2012 because they continued to cultivate their own land after repeated official attempts to seize their property. At their trial, the court convicted them of "forcible possession" of their own farmland.

¹⁸ Economic and Social Council-Commission on Human Rights, 62nd session-Item 10 of the provisional agenda, *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Addendum, MISSION TO THE ISLAMIC REPUBLIC OF IRAN (E/CN.4/2006/41/Add.2)* 21 March 2006

The right to property is also totally disregarded by intelligence agents who search Bahá'í homes and/or workplaces. They seize everything related in any way to the Bahá'í Faith; i.e., books, music, photos, documents, CDs, and computers, amongst other things.

Bahá'í cemeteries

Since Iran's UPR, Bahá'í cemeteries have been demolished in several cities throughout Iran; and in at least one case Bahá'ís have been prevented from burying their deceased. This act is contrary to Iran's own laws, which requires that the destruction of a cemetery only be carried out upon an order.¹⁹

In recent months, the Revolutionary Guards started the demolition of the old Bahá'í cemetery in the city of Shiraz, where approximately 950 Bahá'ís are buried. Among those buried in this cemetery are the ten women who were cruelly hanged in 1983 for belonging to the Bahá'í Faith. The 10,000 square-metre piece of land on which this Bahá'í cemetery is situated had been in the ownership of the Bahá'í community of that city since the 1920s. In 1983, the cemetery was confiscated by the authorities, and its ownership changed on several occasions until three years ago, when the Islamic Revolutionary Guards in the Province of Fars announced itself to be the official owner. No development had taken place on the land until the beginning of April 2014. Numerous appeals have been made, either through the submission of letters or repeated visits, to the commander in chief of the Revolutionary Guards, the municipality of Shiraz, the Friday-prayer Imam, the governor of the city, Iran's Prosecutor General, and the Head of the Judiciary. Bahá'ís have asked that the excavation be done on the land where the former hall was located and that the place where the graves lie be turned into a green space. To this date, all the organizations have denied responsibility and referred the decision-making to the headquarters of the provincial Revolutionary Guard.

On 12 December 2013, the walls, the morgue, where bodies are washed, the prayer room and other areas in the cemetery including chairs, coffins, and a water tank of the cemetery, were destroyed in the city of Sanandaj. Reports from Iran suggest that at least 10 cars belonging to the law enforcement agencies, as well as several unmarked cars, which apparently belonged to the Intelligence Ministry were present during this vandalism.

In January 2014, the grave of a Bahá'í buried in the city of Sabzevar was destroyed by a bulldozer. Bahá'ís of the city had to purchase new land in order to rebury the deceased Bahá'í.

In March 2014, the Bahá'í cemetery of Ahvaz's metal door was welded shut, and a wall was built in front of it. The cemetery is 3600 square metres and is adjacent to the Zoroastrian cemetery but no attacks were made against the Zoroastrian cemetery.

In the city of Sangesar, the word "ascension" has been removed from the tombstones of Bahá'ís; and the Bahá'ís of that city have been asked to fill out forms confirming that they would refrain from planting any trees in the cemetery or from expanding its mortuary and landscape. Bahá'ís in Sangesar were ordered to only inscribe the date of birth and the date of death of the deceased on their tombstones.

All the attacks against the cemeteries were perpetrated by government or plain clothes agents who acted with complete impunity.

¹⁹ Municipality Article Commission 9. [*Commission e Madeye 9*]

Serving the same end, in some localities officials have refused to issue burial permits to Bahá'í families. In February 2014, cemetery officials denied permits for burial with Bahá'í rites to two families. In both cases, officials transferred the remains of the deceased to the Bahá'í cemetery in Miandoab in the neighbouring province (over 160 kilometres away) without informing the families; and they buried the bodies without a casket, according to Muslim rites, without any family member present. This has become a recurrent problem in Tabriz, where local authorities seem determined to impose Muslim burial rites on Bahá'í residents. In fact, from August 2013 to March 2014, 15 deceased Bahá'ís from Tabriz have been buried by the local authorities in the Miandoab cemetery, which is at least 2 hours from Tabriz. In several cases, the families of the deceased were informed only after the fact that the burials had taken place. The Bahá'ís have followed up the cases with the authorities, having thus far made 400 contacts in this regard, without success.

IV. Conclusion

The above documents only those incidents that have been reported to us since our January 2014 UPR report, and clearly demonstrates that the Iranian government has taken no measures of any kind to implement the recommendations that it accepted, pertaining to the Bahá'ís. On the contrary: during the past four and a half years, the situation of the Bahá'ís has steadily deteriorated, and the violations against them are now much more intense and severe than in 2010. Despite all its claims, Iran has shown no sign that it intends to cooperate with this or any other UN human rights mechanism.