

Bahá'í International Community

United Nations Office

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

as concerns human rights violations against Iran's Bahá'ís

(September 2011)

When the Islamic Republic of Iran undertook its UPR in February 2010, 28 States denounced human rights violations against Bahá'ís in this country. The Iranian authorities accepted 123 UPR recommendations. In the following document we will examine the State's implementation, to date, of eight accepted recommendations that explicitly mention and/or directly apply to Iranian citizens who are members of the Bahá'í community.

Iran has repeatedly stipulated that it uses the term "religious minorities" to mean only the three recognized in its own Constitution (Jews, Christians and Zoroastrians). We have therefore decided not to include recommendations that use this term. However, we do consider those that cite "freedom of religion or belief" and/or Article 18 of the ICCPR, because its definition in international human rights law includes all adherents to the Bahá'í Faith, as can be confirmed from the text:

Article 18, ICCPR

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

The UPR recommendations that we will be addressing were made by eight different States: Poland (recommendation # 9), Germany (# 48), Denmark (# 49), Romania (# 50), Chile (# 103), Australia (# 117), New Zealand (# 118), and Luxembourg (# 119). The text of each one, quoted in the sections below, can be found in the UPR Working Group report on Iran (A/HRC/WG.6/7/L.11) under the following heading:

90. The recommendations listed below enjoy the support of Iran, out of which recommendations 102 to 123 Iran considers as already implemented or are in the process of implementation:

In addition, we noted in the Working Group's report:

91. The following recommendations will be examined by the Islamic Republic of Iran, which will provide its responses in due course (...):

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

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

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

The Bahá'í International Community formally contests this statement. Discrimination against Bahá'ís – solely based on religious affiliation – has long been official policy in Iran, as stated by UN Special Procedures in reports to the former Commission and to the Council (supporting documentation is provided in the attached background document). Specifically targeted discrimination has continued since Iran's UPR, as detailed in the relevant sections below. Nonetheless, we note that Iran rejected recommendation 19. Therefore, in accordance with UPR procedures, we will not include it in the following report.

1. Recommendations of general application

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

- 9. Ensure that its legislation and practice conform fully with requirements of article 18 of ICCPR and with its other obligations under international human rights law (Poland)
- 48. Respect the freedom of religion (Germany)
- 103. Guarantee, in compliance with its obligations under ICCPR, the effective independence of the procedures and administration of justice, restricted emergency legislation, adequate protection for human rights defenders and political opposition members, and the effective guarantee of freedom of expression and opinion and freedom of religion and belief (Chile)

Iran has taken no measures (neither before nor since its UPR) to implement these recommendations with regard to the Bahá'ís. 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”.¹ Both before and since Iran's UPR, the authorities have used this allegation to arrest, arbitrarily detain, charge and bring to trial many members of the Bahá'í community on purely religious grounds.

Article 19 of the Constitution says that the people of Iran “belonging to whatever ethnic or tribal group shall enjoy equal rights and the complexion, race, language and the like shall not be considered as a privilege”. Gender and religion are not mentioned in this context (together with ethnicity, language, race and colour), as in Article 26 of the ICCPR. Iran's

¹ 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.”

Constitution does *not* explicitly prohibit **discrimination** based on religious affiliation. In practice, Bahá'ís do not enjoy equal rights. They have been subjected to unfair, discriminatory treatment – both before and since Iran's UPR – regarding access to higher education, business, employment, public services, cemeteries and places of worship.

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

2. Recommendations involving specific cases

Three of the accepted recommendations refer to court cases involving Bahá'ís. Two of them mention the case of the seven members of the former leadership group serving the community in Iran, who were still on trial at the time of Iran's UPR. The Yárán ("Friends" in Persian) was the name given to this group.²

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

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

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

2.1 The case of the former leadership group

Iran has made no attempt at any time, before or since its UPR, 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.

In a report to the General Assembly last year, the UN Secretary-General reiterated the position of the High Commissioner that:

31. (...) ... in the absence of any independent observers, these trials did not meet due process and fair trial requirements. The High Commissioner voiced grave concern that the criminal charges brought against the above-mentioned individuals appeared to constitute a violation of the Islamic Republic of Iran's obligations under the International Covenant on Civil and Political Rights, in particular those of freedom of religion and belief and freedom of expression and association.

[A/65/370, 15 September 2010]

After repeated requests, the judiciary had declared the trial to be open and public but still excluded observers, including representatives of diplomatic missions and journalists – while allowing intelligence officials and government camera crews to be present and to film all the proceedings. The authorities also committed other gross irregularities in handling this case.³ There was no basis in fact to any of the accusations against the former leaders, but in August

² The Bahá'í International Community addressed an open letter on 4 March 2009 to the then Prosecutor General of Iran, Ayatollah Qorban-Ali Dorri-Najafabadi, describing the background and context in which the group known as the Yárán had been constituted in Iran. A copy of this letter can be found at: <http://bic.org/areas-of-work/persecution/prosecutor-general-iran-en.pdf>.

³ Our office issued an open letter in December 2010 to Ayatollah Mohammad Sadeq Larijani, Head of Iran's Judiciary, presenting these irregularities, see: <http://news.bahai.org/story/801>

2010 the court nonetheless convicted them on six charges and imposed the maximum penalty, 20 years in prison. One month later, the appeals court revoked three of the charges and reduced the sentences to 10 years. In March 2011, however, the prisoners were informed that their original 20-year sentences had been reinstated.

It should be recalled that they were detained in Evin prison in Tehran for well over two years, where they suffered ill-treatment while in solitary confinement and endured conditions that had a detrimental effect on their health. While the case was on appeal, they were illegally transferred to Gohardasht (also known as Rajaishahr) prison, notorious for its filth, disease and quarters so cramped that it is difficult to lie down. The five men are still there, under close scrutiny in a wing reserved for political prisoners; the two women have since been transferred twice and are currently back in Evin prison.

No written copies have been issued by the courts, neither of the original verdict, nor of the decision on appeal. As a result, the defence lawyers are not able to take steps required to obtain release on bail (pending further appeal) or temporary leave that can be granted to sentenced prisoners in Iran for compassionate reasons. In other words, due process is again being denied during the post-trial period.

In the Addendum to his latest report to the Human Rights Council (for its session in March 2011), the Special Rapporteur on freedom of religion or belief recalled:

194. With regard to the judgement of 7 August 2010 against Ms. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mr. Vahid Tizfahm and Ms. Mahvash Sabet, he would like to remind that their case has been the subject of previous communications sent jointly by several Special Procedures mandate-holders (see summaries of the communications and the government's reply in A/HRC/10/8/Add.1, paras. 93-94 and paras. 101-112; A/HRC/13/40/Add.1, paras. 130- 135). Furthermore, the Working Group on Arbitrary Detention issued Opinion No. 34/2008 (A/HRC/13/30/Add.1, pages 142-145) stating that the detention of the individuals in this case was arbitrary and contrary to articles 9, 10 and 18 of the Universal Declaration of Human Rights and 9, 14 and 18 of the International Covenant and Civil and Political Rights, to which the Islamic Republic of Iran is a State party. The Working Group on Arbitrary Detention also held that this case fell within category II of the categories applicable to the consideration of the cases submitted to the Working Group and called for the immediate and unconditional release of the above-mentioned persons.

[A/HRC/16/53/Add.1, 14 February 2011]

2.2 Other cases involving arbitrary arrest and imprisonment

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

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

To put recent persecution in context, we would recall that five Bahá'ís were in Iranian prisons in 2001, four in 2002-2003, and only two were arrested in 2004. Since late 2004, there have been over 470 arrests, and many hundreds more have been summoned and interrogated without officially being taken into custody.

Since Iran's UPR, over 170 Bahá'ís have been arrested and arbitrarily detained.

About 100 Bahá'ís are currently in Iranian prisons: a list is provided in attachment, with the basic details about each case. We will mention here only a few illustrative examples.

Arrests related to the Bahá'í Institute for Higher Education

On 22 May 2011, Iran's intelligence services raided the homes of numerous members of the Bahá'í community involved in providing university-level courses to other Bahá'ís in Iran, in the privacy of their own homes, as part of an initiative called the Bahá'í Institute for Higher Education (BIHE). The intelligence officers acted simultaneously in cities throughout the country. Forty households were subjected to extensive searches, with personal belongings and computers confiscated. Eighteen Bahá'ís were arrested immediately or during the following week, and one more in June. Many others were interrogated and then allowed to go, either that day or during the days and weeks that followed.

Among those taken into custody, twelve had been released by the end of July. The names of those who remain incarcerated (to date) can be found in the list of Bahá'ís currently in prison, provided in attachment to this document.

Official action against the BIHE continued through July and into August; so far, ± 80 Bahá'ís have been interrogated in this context. Some were young members of the community taking BIHE courses because this was the only way they could secure access to higher education, after having been identified as Bahá'ís and barred or expelled from universities in Iran. We will deal with denial of access to higher education in section 3.2, below.

Ms. Raha Sabet

This young Bahá'í woman was among 53 from Shiraz arrested in 2006 while tutoring underprivileged children. Together with two others, she was sentenced to four years in prison based on false accusations. She has been serving her sentence under very harsh conditions in the local detention centre of the Intelligence Ministry, despite the fact that the Ministry does not have the right under Iranian law to incarcerate sentenced prisoners but only to detain people for interrogation. Family members repeatedly tried to obtain early release, commonly granted in Iran to prisoners of good behaviour. In May/June 2010, officials recommended that all three of the Bahá'ís convicted in this case be considered for pardon for the remainder of their sentence, and the two others were pardoned in December 2010. Ms. Sabet, however, remains imprisoned.

Mr. Navid Khanjani

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

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

Before his arrest, Mr. Khanjani had been working as a human rights defender. In January 2011 he was sentenced to 12 years of imprisonment, specifically: five years for “engaging in human rights activities”; five years for “illegal assembly” (in support of university students deprived of higher education, including hundreds of Bahá'ís); and two years for “disturbance of the general public's opinion”.

Recently, more of those arrested throughout the country have been transferred to Tehran, far from home and family, to be arbitrarily detained or incarcerated (after sentencing) in Evin prison. This is currently the case for 15 Bahá'ís whose homes are in Bouyer Ahmad, Eyvaz in Lar, Isfahan, Karaj, Semnan, Shiraz or Yasouj. In addition, two Bahá'ís who live in Isfahan are imprisoned in Mashhad, and one from Yazd was transferred to Khash. Forcing relatives to travel long distances for each family visit adds pressure and burden to suffering when a husband, wife, parent or child is unjustly imprisoned.

In these and many other cases since Iran's UPR, Bahá'ís have continued to be singled out for treatment inconsistent not only with international law but also with legal standards normally applied to Iranian citizens. The Bahá'ís are not alone in this: it is well documented that other Iranian citizens are also being 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 the report already cited above (submitted to the Council for its March 2011 session), the Special Rapporteur on freedom of religion or belief detailed an urgent appeal he had transmitted to Iran jointly with the Chair-Rapporteur of the Working Group on Arbitrary Detention and the Independent Expert on minority issues. It concerned "recent cases involving members of the Bahá'í community" in Iran, and he stated:

193. The Special Rapporteur regrets that he has so far not received a reply from the Government of the Islamic Republic of Iran concerning the above mentioned allegations. He is very concerned by the arrest and detention of members of the Bahá'í community and the continued violations of their freedom of religion or belief.

[A/HRC/16/53/Add.1, 14 February 2011]

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

3. Recommendation with reference to discrimination

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

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

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

3.1 Confiscation of property, eviction and displacement

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

Forced evictions and displacement

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

Religious minorities

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

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

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

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

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

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

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

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

Also related to both housing and employment: a cruel form of punishment is applied to some of the Bahá'ís convicted on religious grounds. After having served a prison sentence, they are banished from their homes and forced into internal exile, far from their family and community. In these mandated places of residence, they are kept under strict surveillance, not permitted to interact with local people, and face targeted discrimination, making it very difficult for them to earn a living and find adequate housing.

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

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

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

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

The most recent case concerns:

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

We would add, with reference to the Special Rapporteur's report cited above, that since Iran's UPR vandals have continued to attack Bahá'í cemeteries with total impunity, destroying graves and causing extensive damage in 2010 in Gilavand, Mashhad, Isfahan, Boroujerd and Jiroft. In July 2010, the Bahá'ís in Semnan were officially forbidden to use their cemetery, which has been vandalized and partially destroyed several times. In 2011, there have been at least three more attacks: in Marvdasht, part of the cemetery was destroyed; in Isfahan, 70 trees were uprooted and taken away; and in Sangsar, vandals piled dirt on graves, uprooted trees, destroyed the two small rooms built by local Bahá'ís, and buried the items they kept there.

Moreover, Bahá'ís in some localities are being forced to repeatedly request permission or pay excessively high fees for burials, and some have not been able to obtain burial permits at all. On 8 August 2011, the authorities in charge of the cemetery of the city of Tabriz refused to allow the family of the late Mrs. Fatemeh-Soltan Zaeri to bury her according to Bahá'í law. The cemetery has always been accessible to local adherents of all religions to bury their dead as they wished, but the family of Mrs. Zaeri was told that the body had to be buried

according to Muslim customs. The family protested, saying that she was a Bahá'í and should be buried according to Bahá'í burial law, but the authorities demanded that she be interred without a coffin. They kept the body and gave the family 48 hours to make a decision. When family members contacted the cemetery officials again, at first they denied that they had kept the body. After much pleading, the family was finally informed that the authorities would bury the body on 11 August in a Muslim ceremony, without a coffin, and that they would allow only one witness to be present (her husband). But nothing happened on that day. Instead, on 16 August, without the family's knowledge, the local office of the Intelligence Ministry arranged for Mrs. Zaeri's remains to be transferred to a Bahá'í cemetery in Miandoab (West Azerbaijan Province). Her body was delivered to the cemetery on 17 August 2011. Mrs. Zaeri's family is taking legal action.

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

3.2 *Other discriminatory practices*

Housing and property are far from the only domains in which Iran's Bahá'ís face discrimination. In the UN Secretary-General's 2010 report on Iran to the General Assembly, one section highlighted a wide range of discriminatory practices:

30. Members of unrecognized religions, in particular the Baha'i, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education. Some members of the Baha'i community have faced arbitrary detention or the confiscation and destruction of their property. In February 2009, the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues noted with concern the deliberate damage to properties belonging to members of the Baha'i community. Fires had been deliberately set to partially or totally destroy homes and vehicles, and a cemetery in Marvdasht had been vandalized. The incident was allegedly reported to a number of Government agencies, but no official action has been taken... The authorities state that while Baha'i is not recognized as an official religion, its followers enjoy equal social, civil and citizens' rights.

[A/65/370, 15 September 2010]

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

We have been documenting for many years **denial of access to higher education** for Iranian citizens identified as Bahá'ís. Every year, hundreds of qualified young Bahá'ís are prevented from entering public and private universities and vocational training institutes in Iran. Nearly all those who register for and pass the entrance exams are blocked during the enrolment phase or expelled later, when it becomes known that they are members of the Bahá'í community. All the expelled students who have appealed to relevant authorities, and/or through the courts, have had their cases rejected. Not a single university expulsion case has been decided in favour of a Bahá'í.

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

- 2006-2007: over 800 Bahá'ís took the exam; 480 passed; 289 were admitted. Well over half have since been identified as Bahá'ís and expelled, some during their final semester, just before graduation. The latest case concerns a young physics student expelled on 30 May 2011, after completing eight semesters on the honour roll and gaining admission to study for a Master's degree.
- 2007-2008: >1,000 Bahá'ís took the exam, ± 800 were informed that their papers would not be graded (reason given: "incomplete file" – none who followed up on this false classification obtained recourse); 121 admitted, with over 40 since expelled.
- 2008-2009: entrance exam results were available on only one website, where all those previously identified as Bahá'ís (at school or elsewhere) were transferred to – note the final letters : http://82.99.202.139/karsarasari/87/index.php?msg=error_bah – a page with the message: "Error: 'Incomplete File....'" None of them were able to enrol. And very few Bahá'ís have been admitted since (exact number not known).

We reported in section 2.2, above, the arrests, house searches, confiscations and interrogations affecting, since May 2011, those involved in the Bahá'í Institute for Higher Education (BIHE). It should be recalled that, shortly after the 1979 Islamic Revolution, all Bahá'í students were expelled from university, and Bahá'í professors and lecturers were summarily dismissed. In the late 1980s, the community made informal arrangements to begin offering university-level courses to Bahá'í students, through distance learning and in the privacy of their homes, using the volunteer services of Bahá'í professors who had been fired. The Iranian authorities repeatedly attempted to stop this quiet, peaceful, purely educational initiative, most notably in 1998, 2001 and 2003. In its renewed, wide-ranging attack on the BIHE in cities throughout the country this year, Iran's intelligence services also warned students, potential students, their parents, and other Bahá'ís against attending or being involved in any way in BIHE classes, and they repeatedly expressed the government's determination to bring the initiative to a complete stop. This provides clear evidence of the official policy denying higher education – in any form, from any source – to members of the unrecognized Bahá'í religious minority in Iran.

More detailed information about this issue can be found in our background document, in attachment (see also: <http://denial.bahai.org/index.php>), and recent cases were documented by the International Campaign for Human Rights in Iran in December 2010, available at: <http://www.iranhumanrights.org/2010/12/punishing-stars-dec2010/>. We will only add here a few translated extracts from an article that appeared in *Shargh*, a daily newspaper in Iran, on 12 June 2010, four months after Iran's UPR. It indicates that this information was also issued by Fars News, an agency backed by the government:

Members of unofficial religious minorities are banned from studying at the universities

"Students who are members of fabricated religions or illegal religious minorities in the country do not have the right to study at universities", said the director of the Secretariat of the Central Student Eligibility Evaluation Committee, also reported by *Fars News* yesterday. At the summit of the education deputies of the universities, which was held at Kurdistan University, Morteza Nurbakhsh presented further details regarding the decision made by officials at the Ministry of Sciences and explained that members of fabricated religions and unofficial minorities do not have the right to study at universities in the country and, should they be currently studying at university, their files must be submitted to the Central Student Eligibility Evaluation Committee for approval. (...)

... Nurollah Haydari Dastana'i, a member of the *Majlis* Commission for Education and Investigation, said that the recognized religions have been identified in the Constitution, and any sect or religion other than the religions recognized in the Constitution must be dealt with according to the regulations.

Students who follow sects that are not recognized in the Constitution will not be permitted to continue their education should their beliefs, teaching, and propagation activities be proven.

Additionally, he said that devil-worshipping, Sufism, Buddhism and Bahá'ism are among those fabricated and unofficial sects. These groups, he emphasized, are not recognized by the Constitution and since we are taking steps towards creating Islamic monotheistic universities, we must confront these people through legal means, regardless of what level they may be at in their studies.

According to Haydari the religious minorities are divided into two groups: "Those who conceal their beliefs or those who belong to one of the monotheistic religious minorities can continue with their university education, on the condition that they will not teach or promote their religion, but the followers of fabricated religions will be banned from studying at the universities. (...)

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

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

... this Committee and the Conference Committee have on a number of occasions highlighted the seriousness of the situation of unrecognized religious minorities, in particular the Baha'i, and the urgency of taking decisive action to combat discrimination against them. The Committee notes that the information provided by the Government is again limited to providing examples of companies owned by Baha'i, some cases addressed by the Human Rights Commission, and one specific case regarding the land rights of a Baha'i community. The Committee also notes that EI has expressed concern regarding the religious-based discrimination against the Baha'i in terms of access to education, universities, and to particular occupations in the public sector. With respect to the practice of *gozinesh*, a selection procedure requiring prospective state officials and employees to demonstrate allegiance to the state religion, the Government states that two positions have been put forward regarding the Selection Law based on Religious and Ethical Standards, 1995: one group proposed that it be abolished, with selection decisions being solely based on qualifications; the second group proposed the amendment of some of the provisions of the Law. Both proposals were rejected, the first by a majority of members of Parliament, and the second by the Guardian Council. The Government states that the Law recognizes not only Islam but also the religions officially recognized in the Constitution. The Committee notes, however, that unrecognized religious minorities remain subject to the practice of *gozinesh*. ***The Committee notes with deep regret that the Government has not taken action along the lines called for by this Committee and the Conference Committee over a number of years to address the very serious situation of discrimination against religious minorities, in particular the Baha'i. The Committee, therefore, urges the Government to take decisive action to combat discrimination and stereotypical attitudes, through actively promoting respect and tolerance for religious minorities, including the Baha'i, to repeal all discriminatory legal provisions, including regarding gozinesh, and withdraw all discriminatory circulars and other government communications. The Government should also ensure that authorities and the public are informed that discrimination against religious minorities, in particular the Baha'i, is unacceptable, including in education, training, employment and occupation, and provide specific information on the concrete measures taken in this respect.***⁴

⁴ 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

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

When action was taken in 2009 and early 2010 against Bahá'í opticians, some Health and Hygiene Network officers in Khomein said that all optical stores owned by Baha'is would gradually be closed. In June 2010, a list of Baha'i opticians in Kashan, Aran, Ardistan and Bidgol was widely distributed in Kashan, accompanied by a long list of fatwas issued by six Grand Ayatollahs against the Bahá'í Faith – including the designation of Bahá'ís as “unclean”, which means that Muslims should avoid all contact with them. Since Iran's UPR, officials have refused to renew yet more licenses and forced the closing of other optical shops owned by Bahá'ís, including at least three in Tehran and two in Rafsanjan.

Two other businesses run by Bahá'ís in Rafsanjan were recently sealed by government order (an appliance repair shop and an alarm system shop). Even more ominously, there have been over a dozen attacks on Bahá'í shops and small businesses in Rafsanjan since October 2010. Fires were started in a stationery shop and in two appliance sales and repair shops, causing damage that exceeded tens of thousands of US dollars. One of the shopkeepers rented a neighbouring property to continue working, and installed a security door there. A month later, vandals made a hole in the roof and forced an explosive substance through it, generating a blast that blew the door of this shop five meters into the air and shattered windows. On 2 January 2011, a different repair shop was set ablaze using a hose to pump flammable liquid past metal sheets that the Bahá'í owner had installed for protection. A newsletter published by a Muslim cultural foundation said the attacks occurred because certain trades had allegedly been "monopolized" by Bahá'ís in Rafsanjan. When that newsletter mistakenly identified a Muslim-owned coffee shop as a Bahá'í business, arsonists attacked it, as well.

Members of the community asked local authorities to investigate, but nothing has been done. On the contrary, the Bahá'ís were accused of starting the fires themselves under instructions from foreign governments. Moreover, about 20 Bahá'í homes and businesses in Rafsanjan received an anonymous letter addressed to "members of the misguided Bahaist sect." It demanded that Bahá'ís sign an undertaking to "refrain from forming contacts or friendships with Muslims", "using or hiring Muslim trainees", and "teaching" their Faith, including on the Internet. Should these conditions be accepted, the authors said, "we will guarantee not to wage any attack on your life and properties."

Other cases since Iran's UPR include the following from April 2010 through mid-2011:

- Shops belonging to Bahá'ís were sealed in Tonekabon, Birjand and Karaj.
- An owner of a store selling shoes and handbags in Ghohardasht was told that, as long as he indicates he is a Bahá'í, no business licence will be issued to him.
- Directives were given in a mosque in a suburb of Tehran, stating that no one should go to a local supermarket run by a Bahá'í, and as a result he had to close his business.
- The Intelligence Ministry in Kermanshah repeatedly pressured a shop assistant to resign and customers to stop going to a shop, because the owner is a Bahá'í.

- Intelligence Ministry agents told the employer of a Bahá'í receptionist in Yazd to fire her and not to disclose the source of its order.
- The employer of a distinguished accountant of a firm in Rafsanjan was pressured to fire her because she is a Bahá'í.
- In Kerman, a shop owner fired his Bahá'í assistant following threats from the Intelligence Ministry, and an intelligence officer approached the customers of a shop owned by another Bahá'í, warning them that “trade with Bahá'ís is forbidden on religious grounds.”
- In Isfahan, the Intelligence Ministry issued a confidential order to various institutions and companies, instructing them to stop signing business contracts with Achilan Door, a company that belongs to a Bahá'í from Shahinshahr. The order states that due to security considerations, any form of contract with the company or its subsidiaries (which also belong to Bahá'ís) is not advisable and must be avoided.

4. Recommendation about incitement to hatred

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

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

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

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

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

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

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

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

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

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

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

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

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

More information on all these issues can be found at:
http://bic.org/areas-of-work/persecution_bahai_community
 and: <http://news.bahai.org/human-rights/iran/iran-update/>
