

# fidh

**Fédération Internationale des Ligues des Droits de l'Homme**

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ET DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

INTERNATIONAL FEDERATION  
OF HUMAN RIGHTS

FEDERACION INTERNACIONAL  
DE LOS DERECHOS HUMANOS

الفدرالية الدولية لحقوق الانسان

## **Discrimination against religious minorities in IRAN**

Report presented by the FIDH and the  
Ligue de Défense des Droits de l'Homme en Iran

**63<sup>rd</sup> session**

**of the Committee on the Elimination of Racial Discrimination**

**August 2003**

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## **Preamble**

In its latest concluding observations concerning the Islamic Republic of Iran, the Committee on the Elimination of Racial Discrimination noted the following as one of its four subjects of concern<sup>1</sup>:

*“[...] several of the civil and political rights listed in article 5 (d) of the Convention, such as the freedom of thought, conscience and religion and the freedom of opinion and expression, are enjoyed subject to certain restrictions. The Committee needs more information in order to assess whether these restrictions are in conformity with the Convention.”*

Despite this explicit request, the sixteenth and seventeenth periodic reports of the Islamic Republic of Iran do not answer this request regarding the freedom of religion.

The FIDH and the “Ligue de défense des droits de l’Homme en Iran” (LDDHI) wish to take this opportunity to bring to the attention of the members of the Committee on the Elimination of Racial Discrimination the alarming situation of religious minorities in Iran, who are victims of discrimination on a daily basis both in law and in practice.

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<sup>1</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination: Iran (Islamic Republic of). 12/04/2001. CERD/C/304/Add.83. (Concluding Observations/Comments). Paragraph 11.

## INTRODUCTION

In order to fully understand the roots of the severe discriminations faced by religious minorities in Iran, it is important to be acquainted with the basic founding principles of the Islamic Republic of Iran.

The first principle is that divine law is the unique source of legitimacy and political authority. The second one is that, while waiting for the reappearance of the Twelfth Imam, the depository and unique interpreter of divine law is the Spiritual Leader<sup>2</sup>. Together, these two principles form what is known as the concept of “*Velayate Faqih*” or “spiritual leadership” - the cornerstone of the Islamic Republic of Iran - according to which religious jurisprudence, best expressed through the Spiritual Leader, is given control over all aspects of civil and political society.

The peculiarity of the Islamic Republic of Iran is not the mere fact that Islam is the religion of the State (other States share the same feature) but rather the fact that the State itself is conceived as an institution and instrument of the divine will. In this system, which can best be described as a clerical oligarchy, there is an identification between divine truth and clerical authority.

Article 110 of the Constitution lists all the powers granted to the Spiritual Leader, appointed by his peers for an unlimited duration. Among others, the Spiritual Leader exercises his control over the judiciary, the army, the police, the radio, the television, but also over the President and the Parliament, institutions elected by the people.

Article 91 of the Constitution establishes a body known as the “Guardian Council” whose function is to examine the compatibility of all legislation enacted by the Islamic Consultative Assembly with “*the criteria of Islam and the Constitution*”<sup>3</sup> and who can therefore veto any and all legislation. Half of the members of the Guardian Council are appointed by the Spiritual Leader and the other half are elected by the Islamic Consultative Assembly from among the Muslim jurists nominated by the Head of the Judicial Power (who is, himself, appointed by the Spiritual Leader). The Guardian council exercise a double control of any draft legislation, with two different procedures:

- *conformity with the Constitution*: all 12 elected members vote, a simple majority recognizes the constitutionality
- *conformity with Islam*: only the six religious leaders elected personally by the Spiritual leader vote, and a simple majority is required to declare the compatibility of a draft legislation with Islam.

Consequently, four religious leaders may block all draft legislation enacted by the Parliament. The Guardian Council and the Supreme Leader therefore and in practice centralize all powers in Iran.

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Article 12 of the Constitution of the Islamic Republic of Iran states:

*“The official religion of Iran is Islam and the Twelver Ja’fari school, and this principle will remain eternally immutable. Other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites. These schools enjoy*

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<sup>2</sup> See Article 5 of the Constitution.

<sup>3</sup> See Article 94 of the Constitution.

*official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. [...]*”

Although Sunni Muslims are accorded full respect by the Constitution, some Sunni groups have reported to be discriminated against by the government. Of particular concern is the refusal of the authorities to allow the construction of a mosque in Tehran for the Sunni Muslim community.

Article 13 of the Constitution gives a special status to three religious minorities named “recognized religious minorities”:

*“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 to act according to their own canon in matters of personal affairs and religious education.”*

Despite the existence of a specific status in the Constitution, these three recognized religious minorities face severe discrimination. First of all, they are being discriminated against by a number of legal provisions, which discriminate *per se* against all non-Muslims. These provisions will be exposed in detail in the first part of this report.

Secondly, since Zoroastrians, Jews and Christians are only free to perform their religion “*within the limits of the law*”, the authorities have imposed in practice important limits to their right to exercise their religion, a right that is being continuously restricted and interfered with. Conversion from Islam to one of the three recognized religions (apostasy) may still be punishable by death. The government has been particularly vigilant in recent years in curbing proselytising activities by evangelical Christians, whose services are conducted in Persian. Moreover, all three minorities complain of discrimination in the field of employment, report clear limitations imposed upon their upward mobility and complain of being treated like “second-class citizens”.

As a consequence of Articles 12 and 13 of the Constitution, citizens of the Islamic Republic of Iran are officially divided into four categories: Muslims, Zoroastrians, Jews and Christians.

Therefore, despite the fact that they constitute the largest religious minority in Iran, the Bahá’ís are a “non-recognized” religious minority without any legal existence, classified as “unprotected infidels” by the authorities. They are not even granted the theoretical right to perform their religion and are subject to systematic discrimination on the basis of their religious beliefs. The second part of this report will focus on the different types of discrimination faced by the Bahá’ís.

In the same manner, atheists do not have any recognized status. They must declare their faith in one of the four officially recognized religions in order to be able to claim a number of legal rights, such as the possibility to apply for the general examination to enter any university in Iran<sup>4</sup>.

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<sup>4</sup> See Appendix 1 and 2: Application form for the general university examination for the year 1382 [2003].

**I. LEGAL PROVISIONS WHICH DISCRIMINATE PER SE AGAINST ALL NON-MUSLIMS**

A number of legal provisions contained in the Constitution of the Islamic Republic of Iran<sup>5</sup>, its Penal Code as well as its Civil Code explicitly discriminate against all non-Muslim.

**A. Provisions of the Constitution**

1. Key official positions

Only Muslims are able to take part in the Government of the Islamic Republic of Iran and to conduct public affairs at a high level. According to the Constitution, non-Muslims cannot hold the following key decision-making positions:

- President of the Islamic Republic of Iran, who must be a Shi'a Muslim (Article 115<sup>6</sup>)
- Commanders in the Islamic Army (Article 144<sup>7</sup>)
- Judges, at any level (Article 163 and law of 1983 on the selection of judges<sup>8</sup>)

Moreover, non-Muslims are not eligible to become members of the Parliament (the Islamic Consultative Assembly) through the general elections. Christians, Jews and Zoroastrians can only run for the specific seats allocated to these minorities by Article 64 of the Constitution: one seat for Zoroastrians, one seat for Jews, one seat for Assyrian and Chaldean Christians, one seat for Armenian Christians in the North and one seat for Armenian Christian in the South. However, these minorities are unable to play a role in mainstream politics. As for the non-recognized religious minorities, they are totally excluded from any Parliamentary representation since they can neither vote nor be elected.

Finally, non-Muslims cannot become members of the very influential Guardian Council.

2. General limitation to non-Muslims' rights

According to Article 14 of the 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.*”

However, “*this principle applies*” only to those “*who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran*”.

<sup>5</sup> A comprehensive translation of the Constitution of the Islamic Republic of Iran can be found on the following Internet web page: <[http://www.oefre.unibe.ch/law/icl/ir00t\\_\\_\\_html](http://www.oefre.unibe.ch/law/icl/ir00t___html)>

<sup>6</sup> According to Article 115 of the Constitution: “*The President must be elected from among religious and political personalities possessing the following qualifications: [...] convinced belief in the fundamental principles of the Islamic Republic of Iran and the official madhhab of the country.*”

<sup>7</sup> According to Article 144 of the Constitution: “*The Army of the Islamic Republic of Iran must be an Islamic Army, i.e., committed to Islamic ideology and the people, and must recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of realizing its goals.*”

<sup>8</sup> According to Article 163 of the Constitution: “*The conditions and qualifications to be fulfilled by a judge will be determined by law, in accordance with religious criteria.*” The law on the selection of judges, adopted in 1983, stipulates that judges must be Muslim men.

This general limitation to the right of non-Muslims to be treated with justice and equity is very vague and subjective. In practice, it can be used by the authorities to justify all kinds of discriminations against non-Muslims<sup>9</sup>.

## **B. Provisions of the Penal Code**

A study of the Penal Code of the Islamic Republic of Iran reveals that, for a number of offences, the punishment differs in function of the religion of the victim and/or the religion of the offender. The fate of Muslim victims and offenders is systematically more favorable than that of non-Muslims, showing that the life and physical integrity of Muslims is given a much higher value than that of non-Muslims. This institutionalized discrimination is particularly blatant for the following crimes<sup>10</sup>:

### 1. Adultery

The sanctions for adultery vary widely according to the religion of both members of the couple. A Muslim man who commits adultery with a Muslim woman is punished by 100 lashes (Article 88<sup>11</sup>). However, a non-Muslim man who commits adultery with a Muslim woman is subject to the death penalty (Article 82-c<sup>12</sup>). If a Muslim man commits adultery with a non-Muslim woman, the Penal Code does not specify any penalty.

### 2. Homosexuality

Likewise, homosexuality “without consummation” between two Muslim men is punished by 100 lashes (Article 121<sup>13</sup>) but if the “active party” is non-Muslim and the other Muslim, the non-Muslim is subject to the death penalty.

### 3. Premeditated murder

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<sup>9</sup> In a recent public statement made by Ayatu'llah Yazdi (former head of the judiciary, former deputy speaker in Parliament and currently member of the Council of Guardians) urging for tolerance, fairness and equity toward religious minorities, it is emphatically specified that those guidelines are not applicable to those belonging to minority groups who “conspire, plot against and weaken the foundation of the Islamic government”, who “alter people’s opinion of it”, or who “spy on it in order to divulge its secrets to foreigners”. A transcription of this statement was published on the Iranian news (IRNA) website 4 October 2002.

<sup>10</sup> The translation of the articles of the Penal Code provided below is an unofficial translation found on the following Internet web page: <<http://www.flygtninge-i-fare.dk/lawchrim.htm>>

<sup>11</sup> Article 88 of the Penal Code: “*The penance for adultery of an unmarried woman or an unmarried man is one hundred lashes.*”

<sup>12</sup> Article 82 of the Penal Code: “*In the following circumstance the penance for adultery is execution and there is no difference between young and old or between adultery with a married or unmarried woman [...] c) adultery of a non-Muslim man with a Muslim woman. The adulterer will be executed.*”

<sup>13</sup> Article 121 of the Penal Code: “*The penance for foreplay of two men without consummation is one hundred lashes for each one. Note – If the active party is non-Muslim and the passive party is Muslim, the penance for the active party is execution.*”



Under Islamic law, the family or relatives of a murder victim can (i) claim “*diyyah*”, (ii) pardon the murderer, or (iii) allow the punishment, “*qisas*”, to be carried out.

“*Qisas*”, or retaliation, is the right of revenge belonging to the victim’s heir. It implies that the punishment be equivalent in nature and severity to the offence. In the case of a murder, such a punishment is the death penalty. “*Diyyah*”, or “blood money” compensation, is the possibility offered to the victim’s heir to forgo their right to “*qisas*” by accepting monetary compensation in exchange.

Articles 207<sup>14</sup> and 209<sup>15</sup> of the Penal Code provide that “*qisas*” is applicable when a Muslim is murdered. It is also applicable when the member of a recognized religious minority murders another member of a recognized religious minority (Article 210<sup>16</sup>). However, no provision of the Penal Code envisages the murder of a non-Muslim by a Muslim, the punishment of which is left to the discretion of the judges. Article 2 of the Penal Code states that “*Every action or omission of an action for which there is a punishment in law, will be regarded as an offence*”. On the contrary, in the absence of any punishment in law (like in the case of the murder of a non-Muslim by a Muslim) a judge can consider that no offence has taken place at all.

Article 297<sup>17</sup> sets forth the rules for the calculation of the “blood money” to be paid to the family when the victim is a Muslim man. Its exact value is set each year to a certain amount by the Judiciary. At the date of the publication of the present report, the “blood money” compensation for a non-Muslim male victim who is a member of a recognized religious minority, or of a female victim (Muslim or non-Muslim) remains half of the compensation offered to the family of a Muslim male victim. Claims by relatives of a victim who was a member of a non-recognized religious minority are purely dismissed.

In November 2002, the Parliament adopted a bill equalizing the “blood money” compensation for male victims members of recognized religious minorities with that of Muslim men. This bill was received as a significant advance by human rights activists worldwide. However, to take effect, any bill must first be approved by the Guardian Council. In this case, the Council has already rejected the bill twice, in January 2003 and April 2003, citing certain discrepancies with the Constitution and the Sharia of Islam. The difficulties encountered by the Parliament to enact a law which does nothing more than try to eliminate a blatant discrimination against recognized religious minorities illustrates the very long path which lies ahead before being able to attain true equality between Muslims and non-Muslims.

#### 4. Crimes against a deceased

<sup>14</sup> Article 207 of the Penal Code: “*If a Muslim is murdered, the murderer will be retaliated and the accessory to the murder will be sentenced to between three to fifteen years imprisonment.*”

<sup>15</sup> Article 209 of the Penal Code: “*If a Muslim man premeditatedly murders a Muslim woman, he will be sentenced to retaliation, but prior to retaliation the heir of the slain woman should pay half the mulct [blood money] of the man to him.*”

<sup>16</sup> Article 210 of the Penal Code: “*If an infidel premeditatedly murders another infidel [person who is not Muslim but believes in either Christianity, Judaism or Zoroastrianism] the murderer will be retaliated, even if they are followers of two different religions. If the murdered is a woman infidel, her heir should pay half the mulct [blood money] of an infidel man to him.*”

<sup>17</sup> Article 297 of the Penal Code: “*Mulct [or compensation] for a Muslim man is one of the following six mulcts and the murderer can choose whichever [he/she] wishes, [but] combining them is not permissible [...]*”

Article 494<sup>18</sup> stipulates penalties for crimes against a deceased Muslim but the Penal Code does not edict any penalties for the violation of the corpse of a non-Muslim.

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This list is not exhaustive and does not include minor discrepancies in punishments handed down to Muslims and non-Muslims by Iranian criminal law. For example, a verdict of “*ghavaf*” (a false accusation of sodomy or adultery) is punished by eighty lashes if the victim is a Muslim (Article 140 of the Penal Code<sup>19</sup>) and by seventy-four lashes if the person falsely accused is a non-Muslim (Article 147<sup>20</sup>).

### **C. Provisions of the Civil Code**

#### **1. Inheritance**

The provisions of the Civil Code concerning inheritance clearly discriminate against non-Muslims each time a Muslim is involved in the inheritance.

Article 881 of the Civil Code states that a non-Muslim is not allowed to inherit property from a Muslim. Moreover, the same article states that if one of the beneficiaries of a non-Muslim is Muslim, this individual (regardless of that person’s degree of relationship with the deceased) will collect the entire inheritance to the detriment of all other non-Muslim members of the family. In practice, this law not only discriminates against religious minorities but also encourages conversion to Islam through the lure of material retribution.

#### **2. Marriage**

Marriage between a Muslim woman and a non-Muslim man is forbidden by Article 1059 of the Civil Code. However, Muslim men are allowed to marry non-Muslim women.

This distinction is justified by the fact that the man is deemed to be the dominant partner in the couple. Therefore, if the man is Muslim, Islam is supposed to be dominant in the couple, whereas it would not be the case if the woman were Muslim and the man non-Muslim.

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<sup>18</sup> Article 494 of the Penal Code: “*The mulct for crimes against a deceased Muslim are as follows [...]*”

<sup>19</sup> Article 140 of the Penal Code: “*Penance for false accusation for a male or female accuser is eighty lashes.*”

<sup>20</sup> Article 147 of the Penal Code: “*If a mature and sane person falsely accuses a minor or a non-Muslim he/she will be sentenced to up to seventy four lashes.*”

## II. DISCRIMINATION AGAINST NON-RECOGNIZED RELIGIOUS MINORITIES: THE CASE OF THE BAHÁ'ÍS

Counting approximately 300,000 members, the Bahá'ís represent the largest religious minority in Iran. Nevertheless, they have been deliberately omitted from the list of the three recognized religious minorities mentioned in the Constitution and classified as “*unprotected infidels*” and “*heretics*” by the Islamic regime. Therefore, the Bahá'ís are considered as “non-persons” and have no legal rights or protection. Although the Bahá'í community poses no threat to the authorities, this minority has been continuously discriminated against and persecuted for the last 14 years. Its members have repeatedly been offered relief from persecution if they accepted to recant their Faith.

The peculiarity of the persecution faced by the Bahá'ís in Iran is its systematic and particularly organized nature, proven by the emergence in early 1993 of a secret official document giving precise instructions for the slow strangulation of the Bahá'í community. Drafted in 1991<sup>21</sup> by Iran's Supreme Revolutionary Cultural Council at the request of the Islamic Republic's Supreme Leader and approved by the latter, this memorandum came to light in the 1993 report by the Special Representative to the United Nations Commission on Human Rights<sup>22</sup>. It sets forth specific guidelines for dealing with “*the Bahá'í question*” so that Bahá'í “*progress and development [be] blocked*”<sup>23</sup>. The memorandum includes the following instructions:

- “*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.*”
- “*Deny them employment if they identify themselves as Bahá'ís.*”
- “*Deny them any position of influence, such as in the educational sector, etc.*”
- “*A plan must be devised to confront and destroy their cultural roots outside the country.*”

### A. Denial of the right to exist and function as a religious community

Since Article 13 of the Constitution states that “*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 to act according to their own canon in matters of personal affairs and religious education*”, Bahá'ís are not allowed, even in theory, to exercise freely their religion and to exist and function as an organized religious community.

#### 1. Denial of the right to assemble and to maintain administrative institutions

The Bahá'ís have been denied for two decades the right to freedom of peaceful assembly. Even those who worship or meet in small groups have been harassed by the authorities, who regularly disrupt such meetings.

The Bahá'í community has also been ordered to dissolve all its administrative institutions. This measure has been particularly trying for this religious minority because, in the absence of any form of clergy, the communal, spiritual and social activities of Bahá'ís revolve around these institutions.

<sup>21</sup> The document is dated 25 February 1991.

<sup>22</sup> UN Doc. E/CN.4/1993/41, Commission on Human Rights, 49<sup>th</sup> session, 28 January 1993, Final report on the situation of human rights in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, paragraph 310.

<sup>23</sup> A copy of the original memorandum, as well as a comprehensive translation, is provided in Appendix 3 and 4.

## 2. Denial of the right to possess or rent community property

Bahá'í cemeteries, holy places, historical sites, administrative centres and other assets were seized shortly after the 1979 revolution. The few properties that were not destroyed have not been returned.

After the destruction of Bahá'í cemeteries, members of this minority have only been given access to specifically designated areas of wasteland to bury their dead. They are forbidden to mark individual graves or to construct mortuary facilities. In 2001, a colonel of the Revolutionary Guard bulldozed a piece of land in Abadeh officially used by the Bahá'ís as a cemetery. Although the colonel was found guilty by the local court, he was acquitted on appeal.

Also of concern is the sentence issued on appeal in 2001 by a judge of the Supreme Office of Control and Review<sup>24</sup> following the confiscation of a property rented by Muslim owners to the Bahá'ís:

*“[...] seizure and confiscation of the properties belonging to the misguided sect of Baha'ism is legally and religiously justifiable”.*

## **B. Executions and imprisonment on religious grounds**

### 1. Executions

Since 1979, 201 Bahá'ís have been killed solely on the basis of their religious belief. 15 other members of the community have disappeared and are presumed dead.

The last person to be executed was hanged in 1998<sup>25</sup> for having presumably converted a woman to the Bahá'í Faith, an accusation that was consistently refuted by the woman. There is no evidence that the accused was accorded any legal process or access to a lawyer. His death sentence was not announced to him prior to his execution.

### 2. Imprisonment

#### *a) Long-term imprisonment*

During the past few years, there has been a shift away from long-term imprisonment. The Bahá'ís previously sentenced to death have either been released or had their sentences reduced.

However, as of July 2003, four Bahá'ís are still being detained because of their religious beliefs. Two of them are charged with “*Association with Bahá'í institutions*” and sentenced to 15 years of prison<sup>26</sup>. One of them is charged with “*Apostasy*” and sentenced to life imprisonment<sup>27</sup>. The most recent case is that of Mr. Manuchihr Khulusi. He was first arrested in 1999, released in 2000 and re-imprisoned on 27 March 2003. He is charged with “*Bahá'í activities*” and sentenced to four years of prison.

#### *b) Short-term imprisonment*

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<sup>24</sup> Sentence issued by a judge of the Supreme Office of Control and Review (Hamzih Khalili) on 15 September 2001.

<sup>25</sup> Mr. Ruhu'llah Rawhani was executed on 21 July 1998.

<sup>26</sup> Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, both of whom were arrested on 29 April 1989.

<sup>27</sup> Mr. Dhabihu'llah Mahrami, who was arrested on 6 September 1995.

Since 1998, arbitrary arrests and short-term detentions of Bahá'ís have increased and are being used by the authorities, instead of long-term imprisonment, as a new way of harassing and intimidating the Bahá'í community by creating a permanent sense of insecurity.

According to the United Nations Working Group on Arbitrary Detention, who visited the Islamic Republic of Iran in February 2003, 23 Bahá'ís were arbitrarily arrested and detained for short periods of time because of their religious beliefs during the first semester of 2003<sup>28</sup>. They were released only after humiliating interrogations concerning their faith.

### **C. Denial of the right to higher education**

Bahá'ís have been officially barred from attending legally recognized public and private institutions of higher education in Iran for over two decades.

In 1987, in response to this demoralizing situation, the Bahá'í community established its own program, the “Bahá'í Institute of Higher Education” (BIHE), created to address, to the extent of its resources, the needs of at least some of the community's young people. The government has been watching the BIHE's activities closely. Since 1998, the authorities have strived to intimidate those involved and to suppress the program. Faculty members have been arrested and pressured to sign statements attesting the end of the BIHE and their cooperation with it; materials, including textbooks, computers and documentary records have been seized.

On 19 July 2002, while the BIHE was holding its qualification examinations across the country, the Iranian Revolutionary Guards entered eight of the fourteen premises where examinations were being held in two cities. In Shiraz, they videotaped the proceedings, interviewed several of the students and confiscated the examination papers of 25 students. In Mashhad, the Revolutionary Guards confiscated all of the examination papers as well as Bahá'í books.

### **D. Denial of the economic rights of individuals**

The government has also been seeking to systematically weaken the economic base of individuals.

#### **1. Confiscation of individual properties**

Since the Islamic revolution, the authorities have violated the right of the Bahá'ís to own property as well as their right to housing. They have confiscated large numbers of private and professional properties belonging to Bahá'ís, a phenomenon that has increased in recent months in several cities.

The courts routinely uphold such confiscations. In such cases, some court decrees have justified the confiscations by the fact that the owner was an “*active member of the misguided Bahá'í sect*”. In a recent case, a Bahá'í appealed to the Islamic Revolutionary Court for the return of his confiscated property. The Court upheld the decision of a lower court on the grounds that the owner had held Bahá'í classes in this home and that many volumes of Bahá'í books had been found there.

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<sup>28</sup> UN Doc. E/CN.4/2004/3/Add.2, Working Group on Arbitrary Detention, 27 June 2003, Advanced edited version, paragraph 47: « *Des informations précises et concordantes, recueillies par le Groupe de travail, établissent par ailleurs que la communauté bahaïe est maintenue sous pression par la pratique d'arrestations tournantes de courte durée: le Groupe a ainsi dressé la liste de 23 personnes qui, au cours des six derniers mois, ont été arrêtées du fait de leur appartenance à la communauté bahaïe, puis interrogées sur la pratique de leur foi et finalement libérées.* »

2. Denial of the possibility to earn a living

a) *Denial of employment and unemployment benefits*

In the early 1980s, more than 10,000 Bahá'ís were dismissed from various positions, in particular in governmental and educational institutions. Some of them were even required to reimburse salaries received before their dismissal. Many remain unemployed and receive no unemployment benefits. Today, employment opportunities are still limited for Bahá'ís. In many cases, even when Bahá'ís manage to find employment in the private sector, the authorities force their employer to fire them. When Bahá'ís are able to start a private business, attempts are made to block their activities.

b) *Denial of pensions*

The Bahá'ís dismissed because of their religious beliefs were deprived of their pensions and some others were requested to pay back pensions previously granted.

In four recent cases<sup>29</sup> where Bahá'ís have been denied access to their rightfully earned pensions, documentary evidence prove that these benefits were denied solely on the basis of religious belief. Those documents explicitly state:

*“Payment of pension to those individuals connected with the bahá'í sect is illegal” [or an “unlawful act”].*

c) *Denial of the right to inherit*

The right of Bahá'ís to inherit is also denied. A recent court decision<sup>30</sup> dispossesses a Bahá'í from inheritance on the following ground:

*“...the religion of the deceased has been stated as Bahá'í. Since the religious minorities, according to the constitution of the Islamic Republic of Iran, are only Christian, Jewish and Zoroastrian, and Bahá'ism is a misguided sect and is not recognized as a religion or as a religious minority, the issue of the probate of the will as the sole beneficiary of the deceased is not religiously allowed, and is against the law.”*

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<sup>29</sup> The exact dates of these four cases are the following: (1) 30 July 2001, (2) 12 May 2002, (3) 20 August 2002 and (4) 12 November 2002.

<sup>30</sup> Judgment dated 9 June 2002, Branch 1152 of the Public Court of Justice of Tehran.

## **CONCLUSION**

Although the Islamic Republic of Iran has tried in recent years to demonstrate its willingness to move towards a more just and equitable society, very much remains to be done in order to transform Iran into a pluralistic society, respectful of every citizen's human rights.

Of particular concern is the status of religious minorities who are not able to freely exercise their religion, are treated like second-class citizens, and are being discriminated against both in law and in practice.

Deprived of any legal status, the non-recognized religious minorities, as far as they are concerned, see their basic rights constantly violated by the authorities in total impunity.

**The FIDH and the LDDHI therefore recommend to the Committee on the Elimination of Racial Discrimination to urge the Islamic Republic of Iran to:**

- **Suppress from the Constitution, the Penal Code and the Civil Code all provisions that discriminate *per se* against all non-Muslims;**
- **Take the necessary measures to ensure that the three recognized religious minorities (Zoroastrians, Jews and Christians) as well as Sunni Muslims are able to freely exercise their religion without any restriction;**
- **Take the necessary measures to ensure to the three recognized religious minorities as well as Sunni Muslims are not being discriminated against in practice because of their religious beliefs, especially in the field of employment;**
- **Add the Bahá'ís to the list of the three recognized religious minorities mentioned in Article 13 of the Constitution;**
- **Put an end to the systematic campaign of discrimination and harassment directed towards the Bahá'í minority.**

**Appendix 1**

**Application form for the general university examination for the year 1382 [2003]**

English translation of the upper right hand side of the document

شماره پرونده: [ ]  
 شماره پرونده: [ ]  
 سال کنکور: [ ]  
 نام: [ ]  
 نام خانوادگی: [ ]  
 نام پدر: [ ]  
 نام گروه آزمایشی: [ ]  
 شماره شناسنامه: [ ]  
 سن تولد: [ ]  
 نوع جنسیت: [ ]  
 دین:  اسلام  یهودی  مسیحی  زرتشتی

**6. Religion:**

1  Islam    2  Jewish    3  Christian    4  Zoroastrian



Appendix 2

Application form for the general university examination for the year 1382 [2003]

Copy of the original document

**تقاضا نامه ثبت نام آزمون سراسری سال ۱۳۸۲**

شماره پرونده: [ ]

شماره پرونده مندرج در تقاضا نامه آزمون سراسری سال ۱۳۸۲ (ماده ۸۱) به شرح ذیل می باشد.

۱- نام و نام خانوادگی: [ ]

۲- نام: [ ]

۳- نام پدر: [ ]

۴- جنسیت: [ ]

۵- گروه آزمایشی که امتحان خواهم داد: [ ]

۶- سن: [ ]

۷- شماره شناسنامه: [ ]

۸- سال تولد: [ ]

۹- رشته تحصیلی: [ ]

۱۰- سال اخذ مدرک پیش دانشگاهی یا دیپلم نظام فنی: [ ]

۱۱- منطقه آزمون در روز محل گرفتن مدرک پیش دانشگاهی یا دیپلم نظام فنی: [ ]

۱۲- نام محلی که دیپلم خود را گرفته و یا خواهم گرفت: [ ]

۱۳- نام محل اخذ مدرک تحصیلی سال ما قبل دیپلم: [ ]

۱۴- نام محل اخذ مدرک تحصیلی دو سال ما قبل دیپلم: [ ]

۱۵- محل تولد: [ ]

۱۶- مدت حضور در جنبه به نام: [ ]

۱۷- نام و نام خانوادگی: [ ]

۱۸- نام و نام خانوادگی: [ ]

۱۹- زبان مادری که امتحان خواهم داد: [ ]

۲۰- لایحه استناد از سهمیه پذیرش: [ ]

۲۱- سهمیه تحصیلی در چه بخش از گروه های مختلف: [ ]

۲۲- شماره اول: [ ]

۲۳- شماره دوم: [ ]

۲۴- شماره سوم: [ ]

۲۵- شرایط اعلام شده متقاضی شرکت درگزینش رشته های: [ ]

۲۶- آیا پیش دانشگاهی یا دیپلم مندرج در تقاضا نامه: [ ]

۲۷- حلاله مند به شرکت در گروه آزمایشی هنر نیز هستم. بلی [ ]

۲۸- در شرکت در گروه آزمایشی زبانهای خارجی نیز هستم. بلی [ ]

۲۹- دانش آموز یا فارغ التحصیلی دوره پیش دانشگاهی (نظام سالی واحدی) هستم. [ ]

۳۰- سالتر سوز با فارغ التحصیلی دوره پیش دانشگاهی (نظام ترمی واحدی) و یا نظام قدیم آموزش متوسطه هستم بلی [ ]

۳۱- محل اقامت (برای تعیین حوزه امتحانی): [ ]

۳۲- شماره کد ملی: [ ]

شماره تلفن: [ ]

آدرس محل سکونت: [ ]

شماره تلفن که بتوان در صورت ضرورت با شما تماس گرفت: [ ] شماره تلفن: [ ]

کد شهرستان: [ ] تاریخ تنظیم: [ ] امضاء: [ ]

کده (۱۰) ر می پستی (برای نوشتن این کد به توضیحات مندرج در دفترچه راهنما مراجعه نمایید) خود را در دستخطی مقابل بنویسید.

### **Appendix 3**

#### **1991 Memorandum from the Iranian Supreme Revolutionary Cultural Council on “the Bahá’í question”**

English translation

THE ISRCC DOCUMENT

[Translation from Persian]

[Text in square brackets added by translator]

In the Name of God!

The Islamic Republic of Iran

The Supreme Revolutionary Cultural Council

Number: 1327/....

Date: 6/12/69 [25 February 1991]

Enclosure: None

CONFIDENTIAL

Dr. Seyyed Mohammad Golpaygani

Head of the Office of the Esteemed Leader

[Khamenei]

Greetings!

After greetings, with reference to the letter #1/783 dated 10/10/69 [31 December 1990], concerning the instructions of the Esteemed Leader which had been conveyed to the Respected President regarding the Bahá’í question, we inform you that, since the respected President and the Head of the Supreme Revolutionary Cultural Council had referred this question to this Council for consideration and study, it was placed on the Council’s agenda of session #128 on 16/11/69 [5 February 1991] and session #119 of 2/11/69 [22 January 1991]. In addition to the above, and further to the [results of the] discussions held in this regard in session #112 of 2/5/66 [24 July 1987] presided over by the Esteemed Leader (head and member of the Supreme Council), the recent views and directives given by the Esteemed Leader regarding the Bahá’í question were conveyed to the Supreme Council. In consideration of the contents of the Constitution of the Islamic Republic of Iran, as well as the religious and civil laws and general policies of the country, these matters were carefully studied and decisions pronounced.

In arriving at the decisions and proposing reasonable ways to counter the above question, due consideration was given to the wishes of the Esteemed Leadership of the Islamic Republic of Iran [Khamenei], namely, that “in this regard a specific policy should be devised in such a way that everyone will understand what should or should not be done.” Consequently, the following proposals and recommendations resulted from these discussions.

The respected President of the Islamic Republic of Iran, as well as the Head of the Supreme Revolutionary Cultural Council, while approving these recommendations, instructed us to convey them to the Esteemed Leader [Khamenei] so that appropriate action may be taken according to his guidance.

## **SUMMARY OF THE RESULTS OF THE DISCUSSIONS AND RECOMMENDATION**

### **A. General status of the Bahá'ís within the country's system**

1. They will not be expelled from the country without reason.
2. They will not be arrested, imprisoned, or penalized without reason.
3. The Government's dealings with them must be in such a way that their progress and development are blocked.

### **B. Educational and cultural status**

1. They 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.
4. Their political (espionage) activities must be dealt with according to appropriate Government laws and policies, and their religious and propaganda activities should be answered by giving them religious and cultural responses, as well as propaganda.
5. Propaganda institutions (such as the Islamic Propaganda Organization) must establish an independent section to counter the propaganda and religious activities of the Bahá'ís.
6. A plan must be devised to confront and destroy their cultural roots outside the country.

### **C. Legal and social status**

1. Permit them a modest livelihood as is available to the general population.
2. To the extent that it does not encourage them to be Bahá'ís, it is permissible to provide them the means for ordinary living in accordance with the general rights given to every Iranian citizen, such as ration booklets, passports, burial certificates, work permits, etc.
3. Deny them employment if they identify themselves as Bahá'ís.
4. Deny them any position of influence, such as in the educational sector, etc.

Wishing you divine confirmations,

Secretary of the Supreme Revolutionary Cultural Council  
Dr. Seyyed Mohammad Golpaygani

[Signature]

[Note in the handwriting of Mr. Khamenei]  
In the Name of God!

The decision of the Supreme Revolutionary Cultural Council seems sufficient. I thank you gentlemen for your attention and efforts.

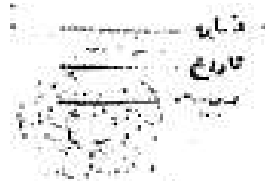
[Signed:] Ali Khamenei

Appendix 4

1991 memorandum from the Iranian Supreme Revolutionary Cultural Council on “the Bahá’í question”

Copy of the original document





سازمان حقوق بشر  
جمهوری اسلامی ایران



۳- در دانشگاهها چه در دوره و چه در مقطع تحصیلی از دانشکده معزوم شوند.  
۴- فعالیت سیاسی (جاسوسی) آنها با وضع قوانین و مقررات ذیلعن پاسخ داده نشده و فعالیتها و اعتقادها و عقاید آنها را با فعالیتها و عقاید دینی، ملی و فرهنگی پاسخ داده نشده است.  
۵- مؤسسات تبلیغاتی (مانند سازمان تبلیغات اسلامی) اقداماتی متعصبانه برای مکتب‌گرایان با فعالیتها و اعتقادها و عقاید آنها جهت تأسیس نمایندگی.  
۶- جهت مقابله و از بین بردن ریشه های فرهنگی آنان در خارج از کشور به سفارتها و کنسولها و مراکز مشابه خود

ج: جایگاه حقوق و آزادیها

۱- در اختیار گذاردن وسایل ممانعت در خدمت اطراف که در اختیار همه افراد ملت قرار داده می شود.  
۲- اینکه با وجود اینکه زندگان بصرکی و حقوق بشری مانند سایر کشورهای ایران از حقوق و آزادیها محرومند، کثرت آنها، جزا و شکنجه، اجاره کار و اطلاق اینها تا زمانی که در هیچ زمینه به فعالیت نهند.  
۳- در صورت آبراز بهائی بودن اجازه استخدام ندارند.  
۴- این پیشنهاد مطرح (مانند مجلس و...) به آنان داده نشده است.

با درود و تحلیفات الهی  
به سران و ایالتی انقلاب فرهنگی  
و در رتبه معصومانها نفس گویا با کائنات

*[Handwritten signature]*

برجلی

معهده شرابیه مستزم که نه تفریحی است  
نه زجر و محاربه است که در کشور ما