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Islamic Republic of Iran: Universal Periodic Review, third cycle

Contribution concerning human rights violations against the Bahá'ís

1. Four years on from the last UPR cycle, the Islamic Republic of Iran has not taken any measures to implement the recommendations that it accepted concerning members of the Bahá'í religious community. The opposite is true, in fact, during the years after Iran's UPR in 2014, human rights violations against the Bahá'ís has continued to intensify throughout the country. A wide range of civil, political, economic, social, educational, and cultural rights have been systematically abused, as detailed below.

2. In this contribution to the third cycle of the UPR, we will address the recommendations noted by Iran at its second review that unquestionably apply to Iranian Bahá'ís. These recommendations were made by 19 different states (Appendix 1) and have been grouped into the following topics:

- Unlawful arrests, arbitrary detentions, home raids, and violations of due process
- Economic persecution
- Denial of the right to education
- Denial of the right to practice one's belief, including cultural rights, desecration and destruction of Bahá'í cemeteries, and violation of burial rights
- Incitement to hatred

3. A list of other recommendations specifically mentioning the Bahá'ís that were not supported by the Iranian government can be found in Appendix 2.

Unlawful arrests, arbitrary detentions, home raids, violations of due process

4. The following recommendations from the second cycle UPR on Iran, fully or partially supported by the government, have not been implemented as they apply to Bahá'ís:

- *138.25 Strengthen its national legislation in accordance with the international treaties that it has ratified. (Burkina Faso)*
- *138.28 Make all efforts to guarantee and to protect the rights and freedoms enshrined in the international instruments the country is a party to. (The former Yugoslav Republic of Macedonia)*
- *138.185 Ensure decent conditions of detention. (France)*
- *138.211 Ensure, in law and in practice, that all citizens are given fair trials based on the rule of law, as accepted in the 2010 UPR examination. (Norway)*
- *138.226 Guarantee the right to legitimate freedom of expression, association and assembly, and release political prisoners, including activists, lawyers and journalists, detained solely for exercising these rights. (Australia)*

5. Bahá'ís are not free to practice their religion without harassment. Arbitrary detentions and interrogations are continually carried out against adherents of the Bahá'í Faith, and the charges they are accused of reflect the absence of freedom of religion or belief for Bahá'ís in Iran.

6. Recommendations #138.25 and #138.28 call for application of international treaties, to which Iran is a party. Iran ratified the International Covenant on Civil and Political Rights (ICCPR) in 1975, yet Iranian Bahá'ís continue to be arrested, summoned, and interrogated by government officials solely for their religious beliefs. Such discrimination is in clear violation of Article 2 of the ICCPR concerning protection without discrimination; Article 18 concerning freedom of thought, conscience, and religion; and Article 27 concerning religious minorities.

7. Recommendation #138.226 calls for the release of those detained solely for exercising the right to freedom of expression, association, and assembly, and to ensure that their rights are guaranteed. Unfortunately, members of the Bahá'í community have been arrested in different localities throughout the country and have suffered ill-treatment at the hands of government officials. In nearly all cases, their homes and/or workplaces are searched and items, such as personal belongings, particularly books, photographs, computers, copying machines, and other supplies, as well as items related to the Bahá'í Faith, are confiscated. Many have been kept in solitary confinement for long periods and are often detained for weeks or months before being released on bail. The bail demands are exorbitantly high, requiring families to hand over deeds to their properties or business licenses.

8. Recommendations #138.185 and #138.211 call for fair trials and decent conditions of detention. However, Bahá'ís are mistreated throughout the judicial processes. The violations of a due judicial process are reflected in the nature of the charges levelled against them throughout Iran and they face disproportionately high sentences for the “crime” of simply exerting their freedom of religion.

9. In September 2016 Mr. Farhang Amiri, a Bahá'í from Yazd, was murdered outside his house. The perpetrators, two men, admitted that they were prompted to carry out this heinous act owing to statements made by clerics against Bahá'ís. The two men were sentenced to merely 11 and 5 years' imprisonment, because, according to the court, the accused and the victim were not equal for the general purpose of retributive justice, which only makes mention of *diya* and *qisas* for Muslims and adherents of the three constitutionally-recognized religious minorities (excluding Bahá'ís).¹ It thus legally deprives Bahá'ís of the right to seek justice, and, by implication, encourages violence against them with impunity. This case demonstrates the inherent discrimination and injustice at the heart of the Iranian Penal Code for victims of crime who happen to be Bahá'í.

10. Since August 2005, more than 1,234 Bahá'ís have been arrested in Iran solely because of their religious beliefs. Moreover, during the last 13 years, intelligence officers have summoned more than 463 Bahá'ís for interrogation without conducting official arrests. Sadly, the situation has not improved since the election of President Hassan Rouhani in August 2013. Since he came to power, we have documented at least 502 arrests of Bahá'ís. Some specific cases regarding unlawful arrests, arbitrary detentions, home raids, and violations of due process can be found in Appendix 3.

Economic persecution

11. The following recommendation from the second cycle UPR on Iran, fully supported by the government, has not been implemented as they apply to Bahá'ís:

- *138.88 Continue its national policy to promote equal opportunities and treatment with respect to employment. (Sri Lanka)*

12. Recommendation #138.88, which was supported by the Iranian government, has regretfully not been implemented since the last review. Following the establishment of the

¹ *Diya*: “Blood money”; *Qisas*: “Retributive justice”.

Islamic Republic of Iran, the government commenced a systematic campaign to deny Bahá'ís the right to work and employment. Bahá'ís face constant harassment in their professions and workplaces and have been barred from employment in the public sector. For the last several years, Iran has utilized a strategy of systematically sealing Bahá'í-owned businesses deemed to have acted illegally simply for temporarily closing to observe a Bahá'í holy day. Additionally, in some cases Bahá'ís have been denied access to their own rightfully earned pensions. The persecution also extends to non-Bahá'ís, who are threatened if they employ Bahá'ís as workers.

13. Since President Rouhani came to power in 2013, there have been at least **803** documented incidents of economic persecution or discrimination against Iranian Bahá'ís. This represents a minimum number, given the difficulty of obtaining accurate information about human rights violations in Iran. Incidents include arbitrary shop closures, unjust dismissals, the actual or threatened revocation of business licenses, and other actions to suppress the economic activity of Bahá'ís. Some specific cases of systematic economic persecution can be found in Appendix 4.

14. Official documents prove that these abuses are not isolated cases but are, in fact, a matter of established government policy. In particular, a letter from Tehran's *Amaken*², dated 9 April 2007 confirms orders to the commanders of police and heads of intelligence and security throughout its province that members of the “perverse Bahaist sect” must be prevented from engaging in certain occupations. The letter stipulates that Bahá'ís must be denied work permits and licenses for over 25 kinds of specifically-listed businesses and are barred from any other “high-earning businesses” (Appendix 5).

Denial of the right to education

15. The following recommendations from the second cycle UPR on Iran, fully or partially supported by the government, have not been implemented as they apply to Bahá'ís:

- *138.111 Adopt provisions to prevent all forms of discrimination against women and girls and, in particular, promote access to higher education for members of the Bahá'í community and other religious minorities. (Chile)*
- *138.271 Intensify and carry forward its efforts, particularly in the area of right to education. (Democratic People's Republic of Korea)*

16. Although recommendations #138.111 and #138.271 were partially and fully supported by Iran, it is an official policy of the government to expel individuals from universities and vocational training institutions as soon as they are identified as Bahá'ís. The 1991 government memorandum concerning “The Bahá'í Question”, produced by Iran's Supreme Revolutionary Cultural Council, specifically called for Iran's Bahá'ís to be treated such “that their progress and development shall be blocked.” The document indicated, for example, that the government aims to keep the Bahá'ís illiterate and uneducated, living only at a subsistence level. The section that defined the “educational and cultural status” of adherents to the Bahá'í Faith includes the instruction that “[t]hey must be expelled from universities, either in the admissions process or during the course of their studies, once it becomes known that they are Bahá'ís.” Some specific cases of Bahá'ís being denied the right to education can be found in Appendix 6.

² *Amaken* (Public Places Supervision Office): Is reportedly responsible for the enforcement of accepted moral codes in places of work and other offices.

Denial of the right to practice one's belief, including cultural rights, desecration and destruction of Bahá'í cemeteries, and violation of burial rights

17. The following recommendations from the second cycle UPR on Iran, fully or partially supported by the government, have not been implemented as they apply to Bahá'ís:

- *138.90 Reform laws that contain discriminatory provisions. (Bosnia and Herzegovina)*
- *138.118 Guarantee the full enjoyment by all minorities of all their social, cultural and political rights, especially their right to education. (Bahrain)*
- *138.119 Adopt policies and mechanisms to avoid that members of any religious minority suffer from any kind of discrimination or human rights violation for exerting their right to worship according to their faith. (Brazil)*
- *138.131 Review its legislation and policy so as to ensure freedom of religion of persons belonging to religious minorities, including Bahá'ís, as well as protection of their other human rights without any discrimination. (Czech Republic)*
- *138.219 Take measures to fully respect the freedom of religion and belief of its citizens. (Norway)*
- *138.220 Ensure respect, in law and in practice, of the freedom of religion and belief. (Poland)*
- *138.221 Ensure the freedom of religion and belief for all citizens of Iran. (Romania)*

18. These recommendations invited the government of Iran to ensure that all of its citizens, regardless of religious beliefs, would be free from discrimination, and asked the Iranian government to pay particular attention to the rights of religious minorities. It is lamentable that despite these recommendations, Iran has both failed to ensure the protection of all of its citizens in regard to religious freedom, but also continues to harass Bahá'ís based purely on their faith.

19. Article 13 of the Iranian Constitution stipulates that Zoroastrian, Jewish, and Christian Iranians are the only recognized minorities who are free “within the limits of the law” to perform their religious rites and ceremonies and to act according to their own canon in matters of personal affairs and religious education. Since religious practices are effectively limited to these three religions, other religious minorities are essentially stripped of the freedom to practice their faith. This includes restrictions imposed on the freedom of expression, association, and assembly under the Iranian Constitution.

20. Under Article 14 of the Iranian Constitution, “the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.” This conditionality in Article 14 justifies persecution of non-Muslims who are judged to be engaged in conspiracy or activity against Islam, and as belief in the Bahá'í Faith is considered heresy, any involvement in the Faith is then considered as

“engaging in conspiracy or activity against Islam.” The Iranian government has used the vague conditionality of Article 14 to bring conspiracy charges against members of the Bahá’í Faith.

21. One of the ways that the authorities have continued their systematic discrimination is by instituting policies that affect various aspects of Bahá’í belief and practice. This includes, but is not limited to the Bahá’í community’s holy places, cemeteries, and properties being confiscated, vandalized, or destroyed, and Bahá’ís being denied the right to observe burial practices.

22. The desecration and destruction of Bahá’í cemeteries began methodically during post-revolutionary Iran as a means to strip the Bahá’ís of their cultural identity and to erase any ties to the community as a whole. Although, in some cities, Bahá’ís have been given access to land for a modest cemetery, such initiatives on the part of the authorities are not acts of compassion, rather, it is a reflection of their deep-seated prejudice towards the Bahá’ís. Most alarming are their rationales that Bahá’ís should not be buried in Muslim cemeteries because they are considered *najis*, and they are not “people of the Book (Qur’an)”.³ When Bahá’ís are provided property to use as a cemetery, oftentimes officials fail to respect the rights of the deceased Bahá’ís to be buried according to Bahá’í laws.⁴ For example, many deceased Bahá’ís from Tabriz and Sanandaj are required to be buried in the Miandoab and Ghorveh Cemeteries respectively, which are at least 160 and 90 kilometres away, and take well over an hour to get to. In several cases, where the authorities have taken over the burial process, the families concerned were only informed after the burials had already taken place. Moreover, there have been at least **78** attacks against Bahá’í cemeteries in different localities throughout Iran since August 2005. Vandals have attacked Bahá’í cemeteries with total impunity, destroying graves and causing extensive damage. Some specific cases can be found in Appendix 7.

Incitement to hatred

23. The following recommendations from the second cycle UPR on Iran, fully or partially supported by the government, have not been implemented as they apply to Bahá’ís:

- *138.50 Continue its policies and initiatives aimed at the promotion of dialogue, cooperation and tolerance between different cultures and religions of the national minorities of Iran. (Armenia)*
- *138.53 Strengthen and expand interreligious and intercultural dialogue. (Lebanon)*
- *138.89 Adopt a general law against discrimination. (Benin)*
- *138.117 Take all necessary measures to protect ethnic and religious minorities from all forms of discrimination. (Bahrain)*

³ For example, in April 2017, the Bahá’ís in Tabriz visited the director of the *Vadiy-i-Rahmat* (“Valley of Mercy”, referring to a cemetery) in Tabriz to ask about the refusal to bury Bahá’ís in the cemetery. The Bahá’ís were told that instructions had been issued by higher authorities, and were advised to wait patiently for a response to a complaint filed earlier. A member of the Islamic Council in Tabriz wrote to the Mayor of Tabriz requesting him to make it possible for the Bahá’ís to bury their deceased in the city. However, in response, the authorities, determining the Bahá’ís to be *najis* (“unclean”) based on the fatwa of the religious jurists, stated that the people were opposed to the burial of the Bahá’ís in the public cemetery.

⁴ Bahá’í teachings require that the bodily remains of a deceased be buried in a location that is less than an hour’s journey from the city in which he or she died.

- *138.127 Take all appropriate measures to end discrimination and intimidation against persons belonging to ethnic and religious minorities. (Slovakia)*

24. These recommendations call on the Iranian government to cease engaging in a systematic campaign of discrimination, especially against the Bahá'ís. However, not only has the government failed to implement these recommendations, there has been an upsurge in human rights violations against the Bahá'ís that has been preceded and accompanied by efforts to incite hatred, distrust, intolerance, and even violence against them. Some officials have openly encouraged the persecution, and some members of the clergy have preached sermons against the Bahá'í Faith and its adherents. National and provincial budgets have included allocations for “educational” programmes to “confront” the Bahá'í Faith, and official organs have been established and dedicated to that purpose. This is institutionalised incitement to hatred.

25. The materials present a wide range of completely false allegations. Members of the Bahá'í community across Iran receive threatening telephone calls, text messages, and anonymous letters, and they encounter anti-Bahá'í pamphlets in shops, schools, and other public places. In many localities, graffiti is spray-painted in and on Bahá'í cemeteries, houses, shops, orchards, and vehicles. Without fail, these secondary sources of slander contain the very same malicious lies and incendiary language found in media affiliated with, and controlled and sanctioned by, the government.

26. Since January 2014, there have been more than **36,002** articles, videos, or web pages appearing in government-controlled or government-sponsored media featuring anti-Bahá'í propaganda. In all cases, the dissemination was sponsored and/or approved by the State. Since August 2016, hundreds of influential figures, including clerics, religious figures, academics, editors, and government representatives have publicly issued speeches, articles, or written declarations against the Bahá'ís. Such statements have been published on websites of various media organizations affiliated with the Iranian government that regularly attack the Bahá'ís. Some specific cases regarding the systematic incitement to hatred can be found in Appendix 8.

Conclusion

27. This document demonstrates that, to date, the Iranian government has taken no measures of any kind to implement the UPR recommendations that it accepted pertaining to the Bahá'ís. On the contrary, during the past four years, the situation of the Bahá'ís has steadily deteriorated, and the violations against them are now much more intense and severe than in 2014. International monitoring constitutes the only safeguard and the key factor in the protection of this community. Only when legal and administrative steps are taken to completely emancipate the Bahá'ís, will Iran be able to claim full compliance with its repeated declarations of its commitment to human rights.