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Home Office

Country Information and Guidance

Iran: Baha'is

November 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Iran as well as country of origin information (COI) about Iran. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Within this instruction, links to specific guidance are those on the Home Office’s internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Section 1: Guidance

Updated: 28 November 2014

1.1 Basis of Claim

- 1.1.1 Fear of harassment, arbitrary arrest, detention and harm by the Iranian authorities because the person is a follower of the Baha'i faith.

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1.2 Summary of Issues

- ▶ Is the person's account a credible one?
- ▶ Are Baha'is at risk of mistreatment or harm in Iran?
- ▶ Are those at risk able to seek effective protection?
- ▶ Are those at risk able to internally relocate within Iran?

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1.3 Consideration of Issues

Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the person's account of their membership of, and experiences as, a follower of the Baha'i faith are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account all mitigating reasons why a person is inconsistent or unable to provide details of material facts such as age; gender; mental or emotional trauma; fear and/or mistrust of authorities; education, feelings of shame; painful memories, particularly those of a sexual nature, and cultural implications.

See also the Asylum Instruction(s) on:

- [Considering Protection \(Asylum\) Claims and Assessing Credibility](#)

Are Baha'is at risk of mistreatment or harm in Iran?

- 1.3.2 The Iranian authorities severely restrict freedom of religion. The Iranian government considers Baha'is to be apostates, and defines the Baha'i faith as a 'political sect'. The government prohibits Baha'is from teaching and practicing their faith and subjects them to many forms of discrimination not faced by members of other minority religious groups. The Baha'i in Iran are subject to particularly severe restrictions on their ability to practice their religion.
- 1.3.3 The Baha'i experience religiously motivated violence and in August 2013, a Baha'i community leader was murdered for his faith. They are at risk of arbitrary arrests, including on political and national security charges and prolonged detention where they are at risk of being held incommunicado, subject to torture and lengthy solitary confinement.
- 1.3.4 The Country Guidance case of **SH (Baha'is) Iran CG [2006] UKAIT 00041** held that Iranian Baha'is are not at general risk of persecution in Iran, but a Baha'i will be able to demonstrate a well-founded fear of persecution if, on the facts of the case, he or she is reasonably likely to be targeted by the Iranian authorities (or their agents) for religious reasons. However SH was promulgated 8 years ago and since then, the country

situation in Iran has deteriorated for religious minorities in general, and for the Baha'i in particular. Decision makers should therefore no longer continue to follow the guidance contained in SH as Baha'is are now at general risk of ill-treatment.

- 1.3.5 Following President Ahmedinajad's re-election in 2010, a campaign of intimidation, physical attacks and imprisonment took place by security forces, paramilitary groups and ordinary citizens with impunity. The legal system, based on Sharia law, discriminates against religious minorities. Article 297 of the amended 1991 Islamic Punishments Act authorises the collection of blood money as restitution for the death of Muslims and non-Muslims. However, according to law, the blood of Baha'i people is considered 'mobah', meaning it can be spilled with impunity.
- 1.3.6 The systematic persecution of the Baha'i community and other religious minorities by the Iranian authorities has intensified since the June 2013 election of President Rouhani, with increasing reports of violent incidents targeting Baha'is, attacks on property, and the systematic closure of businesses. In November 2013, the government released a draft of a Citizens' Rights Charter, which included protections for recognised minorities, but excludes Baha'is from any legal protections.
- 1.3.7 The destruction and/or closure of religious sites, cemeteries and prayer centres continues to take place, and those who protest are subject to arbitrary arrest and detention. As of February 2014, at least 135 Baha'is, nearly twice the number than in 2011, are being held in prison solely because of their religious beliefs, including seven Baha'i community leaders.
- 1.3.8 In Iran, citizens are required to register their religious affiliation with the authorities. In cases where it is found that the person will be discreet about their religion on return, the reasons for such discretion needs to be considered in the light of **HJ** (Iran). A person should not be expected to conceal aspects of their religion, their conversion or their activities relating to the conversion of others if they are not willing to do so. However, if the person would choose to conceal aspects of his or her religion or religious activities for reasons other than for a fear of persecution then the person would have no basis for their claim for international protection.

- [See Section 2: Information](#)

2.2. Discrimination and Ill-treatment

Are those at risk able to seek effective protection?

- 1.3.9 As this category of claim concerns a person's fear of ill treatment by the Iranian state they cannot reasonably be expected to avail themselves of the protection of those authorities.

Are those at risk able to internally relocate within Iran?

- 1.3.10 As this category of claim concerns a fear of ill treatment by the state authorities, relocation to a different area of the country to escape this threat is not viable.

See also the Asylum Instruction on:

- [Internal Relocation](#)

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1.4 Policy Summary

- 1.4.1 **Members of the Baha'i faith are in general at real risk of being subjected by the Iranian authorities to severe religious freedom violations. They are prohibited**

from teaching and practising their faith. They may be subjected to intimidation, arbitrary arrest, custodial sentences, in-communicado detention, unfair trial and torture.

- 1.4.2 They also experience societal violence, including murder, discrimination and harassment in accessing education and employment, closure of businesses, arson, raids, confiscation of property, expulsions from schools and universities, and destruction and/or closure of religious sites and cemeteries.
- 1.4.3 Victims of such treatment are not able to access effective state protection or internally relocate to a different area of the country to escape this threat.
- 1.4.4 Each case should be considered on its individual merits, but persons who can demonstrate that they are Iranian members of the Baha'i faith will normally qualify for asylum on the grounds of their religion.
- 1.4.5 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

See also the Asylum Instruction(s) on:

- [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#)
- [Humanitarian Protection](#)
- [Discretionary Leave](#)

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Section 2: Information

2.1 Overview

- 2.1.1 The US Department of State International Religious Freedom Report for 2013 (Iran) stated that, since 1999, the United States has designated Iran as a 'Country of Particular Concern (CPC)' under the International Religious Freedom Act.¹
- 2.1.2 The United States Commission on International Religious Freedom (USCIRF) Report for 2014 (Iran) noted that despite the June 2013 election of a new and purportedly moderate president, religious freedoms in Iran which were already poor continued to deteriorate, particularly for religious minorities, especially Baha'is and Christian converts. The report stated that the Baha'i community has long been subject to particularly severe religious freedom violations. The USCIRF report again recommended in 2014 that Iran be designated a CPC.²
- 2.1.3 According to the United States International Commission on Religious Freedom, the Baha'i community is the largest non-Muslim religious minority in Iran. The government views Baha'is as 'heretics' and consequently they face repression on the grounds of apostasy. Since 1979, the authorities have killed or executed more than 200 Baha'i leaders, and more than 10,000 have been dismissed from government and university jobs.³

Demography

- 2.1.4 The US government estimated the population of Iran at 79.9 million in July 2013. Muslims constitute 99% of the population; 90% are Shia and 9% Sunni Muslim. Groups together constituting the remaining 1% of the population include Baha'is, Christians, Jews, Sabean-Mandeans and Zoroastrians. The two largest non-Muslim minorities are Baha'is and Christians. Baha'is number approximately 300,000, and are heavily concentrated in Tehran and Semnan.⁴

Legal and Constitutional Framework

- 2.1.5 According to the US Department of State International Religious Freedom Report for 2013 (Iran):

"The constitution states that all laws and regulations must be based on undefined 'Islamic criteria' but protects certain aspects of religious freedom for members of some but not all religious minorities. In practice, the government severely restricted religious freedom, and there were reports of imprisonment, harassment, intimidation and discrimination based on religious beliefs.... The constitution states that Ja'afari Shia Islam is the official state religion. It provides that 'other Islamic denominations are to be accorded full respect' but officially recognises only three non-Islamic religious groups: the Zoroastrians, the Christians and the Jews, as religious minorities. Although the constitution protects the rights of members of these three religions to practice freely, the

¹ United States Department of State International Religious Freedom Report for 2013: Iran - 28 July 2014 section: Executive Summary - accessed 2 September 2014

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289>

² United States Commission on International Religious Freedom Annual report for 2014: Iran - 30 April 2014
<http://www.uscifr.gov/sites/default/files/Iran%202014.pdf> accessed 3 September 2014

³ United States Commission on International Religious Freedom Annual report for 2014: Iran - 30 April 2014
<http://www.uscifr.gov/sites/default/files/Iran%202014.pdf> accessed 3 September 2014

⁴ United States Department of State International Religious Freedom Report for 2013: Iran – Section 1
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289> date accessed 3 October 2014

government imposed legal restrictions on proselytising and regularly arrests members of the Zoroastrian and Christian communities for practicing their religion.”⁵

- 2.1.6 The government does not recognise any other non-Islamic religion, and adherents of other religious groups, such as the Baha’is, do not have the freedom to practice their beliefs.⁶ The government considers Baha’is to be apostates and defines the Baha’i faith as a ‘political sect’.⁷

2.2 Discrimination and Ill-treatment

- 2.2.1 The US Department of State International Religious Freedom Report for 2013 (Iran) notes that the Ministry of Culture and Islamic Guidance (Ershad) and the Ministry of Intelligence and Security closely monitor religious activity. The government requires Baha’is to register with the police. The report states that:
- “Members of religious minority groups, except Sunni Muslims, may not serve in the judiciary, security services, or as public school principals. Officials screen applicants for public sector employment for their adherence to and knowledge of Islam, although members of religious minorities, with the exception of Baha’is, may serve in the lower ranks of government. Government workers who do not observe Islamic principles and rules are subject to penalties. Baha’is are barred from all leadership positions in the government and military. Article 297 of the amended 1991 Islamic Punishments Act authorises collection of equal diyeh (blood money) as restitution to families for the death of both Muslims and non-Muslims. According to Islamic law, Baha’i blood is considered ‘mobah’, meaning it can be spilled with impunity and Baha’i families are not entitled to restitution.”⁸
- 2.2.2 The government prohibits Baha’is from teaching and practising their faith and subjects them to many forms of discrimination not faced by members of other religious groups. Government rhetoric and actions created a threatening atmosphere for nearly all non-Shia religious groups, most notably for Baha’is, as well as for Sufi Muslims, evangelical Christians, Jews, and Shia groups not sharing the government’s official religious views. Baha’i and Christian groups reported arbitrary arrests, prolonged detentions, and confiscation of property. Government-controlled broadcast and print media continued negative campaigns against religious minorities, particularly Baha’is.⁹
- 2.2.3 The Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, published 13 March 2014, referred to the Government’s announcement of the publication of its draft charter of citizens’ rights, which was made available for public comment on 26 November 2013. The Report noted that:
- “The charter currently fails to address laws and policies that discriminate against religious minorities, including the Baha’i”¹⁰

⁵ United States Department of State International Religious Freedom Report for 2013: Iran – section: Executive Summary <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289>, date accessed 3 September 2014

⁶ United States Department of State International Religious Freedom Report for 2013: Iran – section 2 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289>, date accessed 3 September 2014

⁷ United States Department of State International Religious Freedom Report for 2013: Iran – section: Executive Summary <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289>, date accessed 3 September 2014

⁸ United States Department of State International Religious Freedom Report for 2013: Iran – section II <http://www.state.gov/documents/organization/222501.pdf>, date accessed 3 September 2013

⁹ United States Department of State International Religious Freedom Report for 2013: Iran – 28 July 2014 section: Executive Summary – date accessed 3 September 2014

¹⁰ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289>

¹⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran 13 March 2014

2.2.4 The Special Rapporteur noted that:

“At least 734 Baha’is have reportedly been arrested since 2004 and 136 are currently detained. Another 289 have been arrested, released on bail and awaiting trials, while another 150 have been sentenced but are awaiting appeals or summons to serve.”¹¹ . The report provides case summaries which detail the name, age when arrested, arrest date, charges, sentence and date tried/sentences.¹²

2.2.5 The report of the Special Rapporteur went on to say:

“It appears that Baha’is are almost exclusively prosecuted for participation in their community affairs, including by facilitating educational services and publicly engaging in religious practices, such as attending devotional gatherings. The violations appear to be rooted in the unrecognised status of the faith, as well as a pervasive view held within the Government that Baha’is represent a heretical sect with ties to foreign enemies. They are typically charged with political and security crimes, such as espionage or ‘propaganda against the ruling system’. According to an unpublished submission from the Baha’i International Community, multiple revolutionary courts recently held that membership of ‘the misguided Baha’i sect’ constituted a criminal offence. The same publication noted that, in a 1993 case involving the murder of two Baha’is, the Constitutional exclusion of Baha’is made them ‘unprotected infidels’ within the justice system. Other sources report that judges are often openly hostile towards Baha’i defendants.”¹³

2.2.6 The US Department of State International Religious Freedom Report for 2013 noted with regards to arrests of Baha’is that “In many cases the government charged them with violating Islamic penal code articles 500 and 698, relating to activities against the state and spreading falsehoods, respectively. The government often charged Baha’is with “propaganda against the regime” or crimes related to threatening national security. Often the charges were not dropped upon the prisoners’ release, and those with charges pending against them reportedly feared arrest at any time. Government officials reportedly offered Baha’is release from prison and relief from mistreatment in exchange for recanting their religious affiliation and making a declaration adopting Islam”.¹⁴

2.2.7 According to the Special Rapporteur, the Iranian Courts typically charge those imprisoned/punished for being leaders or followers of the Baha’i faith with “membership of the deviant sect of Baha’ism, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organisations outside the country.”¹⁵

2.2.8 With regard to religious minorities the Special Rapporteur reports that:

<http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2014-report-of-the-special-rapporteur> date accessed 17 September 2014

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran 13 March 2014 <http://shaheedoniran.org/wp-content/uploads/2014/03/+A-HRC-25-61-updated.pdf>, date accessed 17 September 2014

¹² UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran 18 March 2014 paragraph 37 accessed 17 September 2014 <http://www.refworld.org/docid/534e4d0d4.html>

¹³ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran 13 March 2014 <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/march-2014-report-of-the-special-rapporteur>, date accessed 17 September 2014

¹⁴ United States Department of State International Religious Freedom Report for 2013: Iran – 28 July 2014 Section II <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289> date accessed 4 November 2014

¹⁵ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran 18 March 2014 paragraph 37 accessed 17 September 2014 <http://www.refworld.org/docid/534e4d0d4.html>

“Former detainees often report being subjected to torture or cruel, inhumane or degrading treatment and prolonged solitary confinement to coerce confessions to accusations or admissions about other people. Many detainees also reported being held largely incommunicado, without access to a lawyer. Some prosecutions reportedly failed to meet international standards, marked by limited access to case files and the right to present a defence. Under the law, religious minorities, including recognized Jews, Christians and Zoroastrians, also face discrimination in the judicial system, such as harsher punishments than Muslims for certain crimes, and are barred from serving as judges”.¹⁶

2.2.9 In August 2014, the United Nations General Assembly published a further report by the Special Rapporteur for Iran. The report noted that:

“...As at August 2014, at least 126 Baha'is were being held in detention. Reports referred to insufficient fair trial safeguards, including inadequate access to legal counsel. Several interviewees also maintained that lawyers often declined to take their cases owing to fear of reprisals. The Baha'i International Community and Iranian Evangelical Christian leaders added that many of the lawyers who had accepted sensitive Baha'i or Christian cases had been imprisoned or had to flee the country.”¹⁷

2.2.10 The report continued:

“The destruction or closure of religious sites such as cemeteries, prayer centres and churches continues. In May 2014, officers from the Islamic Revolutionary Guard Corps demolished a Baha'i cemetery in Shiraz, the appeals from the community and rights groups notwithstanding. Furthermore, at least 900 online articles that perpetuate xenophobic beliefs or depict the Baha'i faith as politically subversive were published between January and May 2014.”¹⁸

2.2.11 The report also stated that a December 2013 documentary broadcast on national television alleged that the Baha'i community was closely connected to foreign Governments and former Governments of the Islamic Republic of Iran. Other interviews, reportedly broadcast in May 2014, alleged that Baha'is were spies. The report noted that in June 2014, anti-Baha'i leaflets were reportedly distributed in the city of Yazd, claiming that the blood of Baha'is was worthless, and slogans calling for death to Baha'ism were allegedly spray-painted on walls in the city.¹⁹

2.2.12 The US Department of State International Religious Freedom Report for 2013 notes that

“The Ministry of Justice states Baha'is are permitted to enrol in schools only if they do not identify themselves as such. To register for the university entrance examination the government requires Baha'i students to identify themselves as a religion other than Baha'i. These requirements preclude Baha'i enrolment in state-run universities, because a tenet of the Baha'i faith is not to deny one's faith. The Ministry of Justice

¹⁶ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran 18 March 2014 paragraph 36
http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A_HRC_25_61_ENG.DOC
accessed 4 November 2014

¹⁷ United Nations General Assembly: Situation of Human Rights in the Islamic Republic of Iran: 27 August 2014
<http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 4 November 2014

¹⁸ United Nations General Assembly: Situation of Human Rights in the Islamic Republic of Iran: 27 August 2014
<http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 17 September 2014

¹⁹ United Nations General Assembly: Situation of Human Rights in the Islamic Republic of Iran: 27 August 2014
<http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 17 September 2014

requires universities to exclude Baha'is or expel them if their religious affiliation becomes known".²⁰

- 2.2.13 The Special Rapporteur noted that as many as 1000 Baha'i students were denied admission to university in a single year. A prominent lawyer who represented a group of Baha'i students, Mohammad Olyaei Fard, described the ruling of the Supreme Administrative Court in 2009, explaining that education regulations issued by the Supreme Council of the Cultural Revolution barred Baha'is from enrolment. Baha'is who are not identified during the admission process are often expelled once their faith is discovered. According to the Baha'i International Community at least two dozen Baha'is were expelled for that reason between 2011 and 2013.²¹
- 2.2.14 The only recommendation by the Working Group on the Universal Periodic Review relating to education that was not accepted by the Government encouraged it to provide for urgent instructions to all schools to respect freedom of religion or belief and to take specific measures to reprimand any teacher or school administrator who intimidated Baha'i children (see A/HRC/14/12). Several accounts relate that middle and secondary school teachers and administrators continue to harass Baha'i students or attack their faith in classrooms. Individuals reported that classroom teachers often referred to their faith and its members as sexually promiscuous, unclean, immoral, part of a foreign plot or atheistic. Some students who defended themselves or their faith were allegedly expelled.²²
- 2.2.15 The same report further noted that
- "In recent years, the authorities have reportedly been involved in the systematic closure of Baha'i businesses, including many that had previously obtained licences. Sources record at least 578 cases where the right to work of Baha'is was infringed by the authorities, and in a few cases by private businesses, between 2007 and June 2014. The cases include at least 291 in which businesses were either seized or closed, 42 in which a business application was denied or not renewed and 49 in which Baha'is were either dismissed on account of their faith or whose employers were pressured by the authorities to dismiss them. The Baha'i community also reported numerous cases of arson that appeared to be aimed at intimidating business owners or employees. The Government maintains that the information above is undocumented and incorrect".²³
- 2.2.16 The Special Rapporteur, in his recommendations to the UN General Assembly, appealed for the unconditional release of all those detained for the peaceful exercise of their rights to freedom of expression, assembly and association, conscience and political opinion, in particular journalists, human rights defenders, adherents of recognised and unrecognised religions, and the leaders of the Baha'i faith.²⁴

²⁰ United States Department of State International Religious Freedom Report for 2013: Iran – 28 July 2014 Section II <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289> date accessed 17 October 2014

²¹ United Nations General Assembly: Situation of Human Rights in the Islamic Republic of Iran: 27 August 2014 <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 17 September 2014

²² United Nations General Assembly, Situation of Human Rights in the Islamic Republic of Iran, 27 August 2014 paragraph 59 <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 17 October 2014

²³ United Nations General Assembly, Situation of Human Rights in the Islamic Republic of Iran, 27 August 2014, paragraphs 73 and 74 59 : <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 4 November 2014

²⁴ United Nations General Assembly: Situation of Human Rights in the Islamic Republic of Iran: 27 August 2014 <http://shaheedoniran.org/english/dr-shaheeds-work/latest-reports/new-october-2014-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-islamic-republic-of-iran> date accessed 17 September 2014

- 2.2.17 The Baha'i International Community (BIC) reported that, following raids on 14 Baha'i homes in the Iranian city of Abadeh in October 2013, government agents summoned the occupants for questioning and urged them to leave the town, or face possible deadly attacks from city residents. Diane Ala'i, a representative of the BIC to the United Nations, stated that: "The clear aim of the raids and questioning was to create an atmosphere of intimidation and fear, so that the Baha'is of Abadeh would be encouraged to leave the city." She also stated that agents from the Shiraz office of the Ministry of Intelligence, with agents from Abadeh, launched the raids at about 8:00am on 13 October 2013. The homes were searched and Baha'i books, CDs, computers and other items, including photographs, were confiscated. Ms Ala'i reported that during questioning, several Baha'is were told that local residents "don't like you" and that "when you are on the street, they might attack you and your children with knives". Those questioned were reportedly told by government agents that the authorities could not guarantee their safety. However, Ms. Alai stated that "not only is there no evidence that the people of Abadeh themselves are against the Baha'is but that the experience of the Baha'is says that the opposite is true". She added that "The real story is that the government is the culprit behind such threats and attacks."²⁵
- 2.2.18 The Foreign and Commonwealth Office annual report covering 2013 notes that "The systematic persecution of the Baha'i community has continued, with reports of arrests, torture and the restriction of access to education and employment".²⁶
- 2.2.19 According to the US Department of State International Religious Freedom Report for 2013:
- "...Baha'is are banned from the social pension system. In addition, Baha'is are regularly denied compensation for injury or criminal victimization and the right to inherit property. The government does not recognize Baha'i marriages and divorces but allows a civil attestation of marriage to serve as a marriage certificate. [...] the government prohibits the Baha'i community from officially assembling or maintaining administrative institutions and actively closes such institutions as part of this policy. [...] The government frequently prevented Baha'is from leaving the country, harassed and persecuted them, and generally disregarded their property rights. [...] The government's continuing seizure of Baha'i personal property and its denial of access to education and employment eroded the Baha'i community's economic base and threatened its survival".²⁷
- 2.2.20 In May 2014, Human Rights Watch called on the Iranian authorities to overturn the prison sentences against 20 Baha'is convicted of national security crimes. Several defendants told Human Rights Watch that the convictions followed prolonged periods of solitary confinement and interrogation by Intelligence Ministry agents, who subjected detainees to physical and psychological ill-treatment.²⁸
- 2.2.21 Christian Solidarity Worldwide reported that "since 1 May [2014], Revolutionary Guards have continued to excavate an historic Baha'i cemetery in Shiraz, despite lacking an appropriate permit from municipal authorities. This is the second Baha'i cemetery to be

²⁵ Baha'i World News Service 11 November 2013: Baha'is in Iran told to leave town or face knife attacks after raids on 14 homes, <http://news.bahai.org/story/973> date accessed 14 October 2014

²⁶ UK Foreign and Commonwealth Office, Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern – Iran, 30 April 2014
<https://www.gov.uk/government/publications/iran-country-of-concern/iran-country-of-concern> date accessed 17 October 2014

²⁷ United States Department of State International Religious Freedom Report for 2013: Iran – 28 July 2014 Section II <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289> date accessed 17 October 2014

²⁸ Human Rights Watch: Iran: Mounting Pressure on Baha'is, 20 May 2014
<http://www.hrw.org/news/2014/05/19/iran-mounting-pressure-baha> date accessed 17 October 2014

desecrated by authorities since President Rohuani came to power, and reports indicate the site is being destroyed to make way for a business centre and car park”.²⁹

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2.3 Violence Against the Baha’i

- 2.3.1 The US Department of State International Religious Freedom Report for 2013 notes that “Members of non-Shia religious groups faced some societal discrimination, and elements of society created a threatening atmosphere for some religious minorities. The government’s campaign against non-Shia created an atmosphere of impunity allowing other elements of society to harass religious minorities. [...] Unknown actors desecrated Baha’i graveyards, according to Baha’i organizations. The government did not seek to identify or punish the perpetrators”.³⁰
- 2.3.2 Diane Ala’i, a representative of the Baha’i International Community to the United Nations reported in a November 2013 article that “In at least 52 cases since 2005 around the country, Iranian Baha’is have been physically assaulted - and these have almost always come after the clear instigation of plainclothes agents, the clergy, or the government-controlled media, which has waged a campaign to incite hatred against Baha’is”.³¹
- 2.3.3 According to the United States Commission on International Religious Freedom (USCIRF), “more than 700 Baha’is have been arbitrarily arrested since 2005. As of February 2014, at least 135 Baha’is, nearly twice the number than in 2011, are being held in prison solely because of their religious beliefs, including seven Baha’i leaders – Fariba Kamalabadi, Jamal-oddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli and Vahid Tizfahm – and Baha’i educators and administrators affiliated with the Baha’i Institute for Higher Education. The United States Commission on International Religious Freedom (USCIRF) stated in 2014 that “Over the past year, violent incidents targeting Baha’is and their property increased.”³²
- 2.3.4 The Baha’i International Community (BIC) reported that, on 24 August 2013, a well-known member of the Baha’i community of the city of Bandar Abbas in southern Iran was murdered. The body of Mr Aotollah Rezvani was found, shot in the back of the head, in his car in an isolated location near the railway station on the outskirts of Bandar Abbas. Every indication is that Mr Rezvani’s murder was religiously motivated. His killing came after a series of incidents that were apparently designed to force him and his family to leave the city. He had been under pressure from agents of the Ministry of Intelligence, who instigated his dismissal from a job in water purification. Recently, he had begun to receive menacing telephone calls from unknown persons. This came against a backdrop of attacks on Baha’is from the pulpit by local clerics in the past several years. The Baha’i International Community has said that the murder should be treated as a hate crime, and has called for an investigation.³³

²⁹ Christian Solidarity Worldwide, Iran: Christian prisoners beaten and tortured in prison 14 May 2014 <http://dynamic.csw.org.uk/article.asp?t=press&id=1697&search=> date accessed 17 October 2014

³⁰ United States Department of State International Religious Freedom Report for 2013: Iran – 28 July 2014 Executive summary and Section III <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289> date accessed 4 November 2014

³¹ Baha’i International Community – Baha’is in Iran told to leave town or face knife attacks after raids on 14 homes: 11 November 2013 <https://www.bic.org/news/Bahais-Iran-told-leave-town-or-face-knife-attacks-after-raids-14-homes> date accessed 4 November 2014

³² United States Commission on International Religious Freedom for 2014: Iran - <http://www.uscifr.gov/sites/default/files/Iran%202014.pdf> date accessed 17 September 2014

³³ Baha’i International Community – United Nations Office Current Situation of Baha’is in Iran September 2014

- 2.3.5 The US Department of State International Religious Freedom Report for 2013 stated that, according to the family of Ataollah Rezvani, “the investigating judge had discounted religiously motivated murder as the cause of death and was pursuing either suicide or murder without religious motivation as the cause, although no progress on the investigation had been reported at year’s end. [...] A local imam had reportedly spoken against the Baha’i community in his sermons on several occasions, including several days before Rezvani’s death.”³⁴
- 2.3.6 BIC also reported that on 3 February 2014, three Baha’is were stabbed in their home in the city of Birjand by an unidentified intruder. The attacker, who was wearing a mask, entered the home of Ghodratollah Moodi and his wife, Toubia Sabzehjou, at about 8 pm, attacking them with a knife or sharp instrument. He also assaulted their daughter, Azam Moodi, before fleeing. All three were seriously injured; Ms. Moodi managed to summon help and all three were taken to a local hospital in a serious condition.³⁵
- 2.3.7 Since 2005 in Iran, at least nine Baha’is have been murdered or died under suspicious circumstances. [...] Attacks on Baha’is or Baha’i-owned properties go unprosecuted and unpunished, creating a sense of impunity for attackers. Since 2005, for example, there have been at least 49 incidents of arson against Baha’i properties, crimes for which no one has been arrested. During the same period, 42 incidents of vandalism at Baha’i cemeteries have been recorded.³⁶

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<http://www.bic.org/media/Current-situation-Bahais-in-Iran> date accessed 14 October 2014

³⁴ United States Department of State International Religious Freedom Report for 2013: Iran – 28 July 2014 Section 2, Government inaction

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222289>

date accessed 17 October 2014

³⁵ Bahai International Community – United Nations Office Current Situation of Baha’is in Iran September 2014

<http://www.bic.org/media/Current-situation-Bahais-in-Iran> date accessed 14 October 2014

³⁶ Bahai International Community – United Nations Office Current Situation of Baha’is in Iran September 2014

<http://www.bic.org/media/Current-situation-Bahais-in-Iran> date accessed 4 November 2014

Annex A: Map

This is a map of Iran showing regions and main cities.³⁷



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³⁷ United Nations, Map of Islamic Republic of Iran, January 2004
<http://www.un.org/depts/Cartographic/map/profile/iran.pdf> date accessed 18 August 2014

Annex B: Caselaw

SH (Baha'is) Iran CG [2006] UKAIT 00041

The Upper Tribunal held that:

“(1) An Iranian Baha’i is not as such at real risk of persecution in Iran

(2) Such a person will, however, be able to demonstrate a well-founded fear of persecution if, on the facts of the case, he or she is reasonably likely to be targeted by the Iranian authorities (or their agents) for religious reasons. Evidence of past persecution will be of particular relevance in this regard. It is doubtful if a person who has not previously come to the serious adverse attention of the authorities, by reason of his or her teaching or particular organisational or other activities on behalf of the Baha’i community in Iran, will be able, even in the current climate, to show that he or she will be at real risk on return.”

Supreme Court. HJ & HT v SSHD [2010] UKSC31 7 July 2010

The Supreme Court hereby established at paragraphs 82 and 83 the test which should be applied when assessing a claim based on fear of persecution because of an applicant’s sexual orientation which is as follows:

“[...] 82. When an applicant applies for asylum on the ground of a well-founded fear of persecution because he is gay, the tribunal must first ask itself whether it is satisfied on the evidence that he is gay, or that he would be treated as gay by potential persecutors in his country of nationality.

If so, the tribunal must then ask itself whether it is satisfied on the available evidence that gay people who lived openly would be liable to persecution in the applicant's country of nationality.

If so, the tribunal must go on to consider what the individual applicant would do if he were returned to that country.

If the applicant would in fact live openly and thereby be exposed to a real risk of persecution, then he has a well-founded fear of persecution - even if he could avoid the risk by living "discreetly".

If, on the other hand, the tribunal concludes that the applicant would in fact live discreetly and so avoid persecution, it must go on to ask itself *why* he would do so.

If the tribunal concludes that the applicant would choose to live discreetly simply because that was how he himself would wish to live, or because of social pressures, e g, not wanting to distress his parents or embarrass his friends, then his application should be rejected. Social pressures of that kind do not amount to persecution and the Convention does not offer protection against them. Such a person has no well-founded fear of persecution because, for reasons that have nothing to do with any fear of persecution, he himself chooses to adopt a way of life which means that he is not in fact liable to be persecuted because he is gay.

If, on the other hand, the tribunal concludes that a material reason for the applicant living discreetly on his return would be a fear of the persecution which would follow if he were to live openly as a gay man, then, other things being equal, his application should be accepted. Such a person has a well-founded fear of

persecution. To reject his application on the ground that he could avoid the persecution by living discreetly would be to defeat the very right which the Convention exists to protect – his right to live freely and openly as a gay man without fear of persecution. By admitting him to asylum and allowing him to live freely and openly as a gay man without fear of persecution, the receiving state gives effect to that right by affording the applicant a surrogate for the protection from persecution which his country of nationality should have afforded him.

83. The Secretary of State should, of course, apply the same approach when considering applications of this type. Although I have, for the most part, concentrated on the position of gay men, the Secretary of State and tribunals should approach applications concerning lesbian women in the same way”.

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