

**Concluding observation Committee on Economic, Social and Cultural Rights
E/C.12/IRN/CO/2 paragraph 8**

Full Recommendation:

The Committee recommends that the State party take steps to ensure that members of the Baha'i community are protected against discrimination and exclusion in every field, including denial of employment and benefits of the pension system. The Committee also recommends that the State party take steps to guarantee, in law and practice, the unhindered access of Baha'i students to universities and vocational training institutions, and to prevent refusals of access and expulsions of students from such institutions based on their belonging to the Baha'i community.

Assessment using Impact Iran human rights indicators.¹

- A. The Committee recommends that the Islamic Republic of Iran take steps to ensure that members of the Baha'i community are protected against discrimination and exclusion in every field, including denial of employment and benefits of the pension system**

The Constitution of the Islamic Republic of Iran names the Twelver *Ja'fari* School of Shia Islam as the state religion (Article 12).² Article 13 of the Constitution provides that the Zoroastrian, Jewish, and Christian Iranians “are the only recognized religious minorities” under Iranian law. Additionally, Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “color, race, language, and the like, do not bestow any privilege”.³ However, the Constitution omits an explicit provision recognizing religion or belief as a protected characteristic. As a consequence, because the *Baha'is* are not recognized under Iranian law, they have no legal safeguards to protect the practice of their religion. Article 14 of the Constitution sets out that the government and Muslims in Iran are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their citizen rights”.⁴ Articles 23 to 27 of the Constitution provide for freedom of expression, assembly and association. However, this duty applies only to those “who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”, a charge that is regularly held against certain religious minorities, especially the *Baha'is*.⁵

¹ ESCR 2.2.S.1; ESCR 2.2.S.2; ESCR 2.2.P.1; ESCR 2.2.P.2; ESCR 2.2.P.3; ESCR 2.2.O.1; ESCR 2.2.O.2; ESCR 2.2.O.3

² The Constitution of the Islamic Republic of Iran, English translation, http://www.iranchamber.com/government/laws/constitution_ch01.php

³ The Constitution of the Islamic Republic of Iran, English translation, http://www.iranchamber.com/government/laws/constitution_ch03.php

⁴ The Constitution of the Islamic Republic of Iran http://www.iranchamber.com/government/laws/constitution_ch01.php

⁵ See more: Baha'i International Community, <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>

The lack of legal safeguards results in instituted discriminatory policies and practices,⁶ particularly targeting *Baha'is*. In 1991, the Government institutionalized a policy against *Baha'i* citizens in a memorandum entitled 'The *Baha'i* Question', produced by Iran's Supreme Revolutionary Cultural Council and approved by the Supreme Leader. The document outlines a series of measures aiming at restricting Iranian *Baha'is* access to education, economic and cultural life. Although the Government affirmed that the *Baha'is* had not been singled out for discrimination,⁷ the document remains in force today. On 26 March 2018, the Supreme Leader Ali Khamenei issued, via his website, a new religious decree (*fatwa*) concerning "association and dealing with *Baha'is*". He stated that, "[y]ou should avoid any association and dealings with this perverse and misguided sect."⁸

While Iranian law theoretically forbids the investigation of individual beliefs, discrimination against member of religious minorities in access to employment is institutionalized through the practice of *gozinesh*, a mandatory screening process that anyone seeking employment in the public sector must undergo.⁹ The *gozinesh* criteria not only bar adherents of non-recognized religions from seeking employment, but also disadvantage anyone who holds views contrary to the official values of the Islamic Republic. *Baha'is*, for instance, government jobs including jobs in civil service, education, and law are frequently denied to Bahai's.¹⁰ *Baha'is* also face serious restrictions in the private sector. For example, the authorities have refused to issue commercial licenses to *Baha'is* and have shut down scores of *Baha'i*-owned businesses for closing on *Baha'i* holy days.¹¹ Since 2013 until 2019, there have been more than 803 incidents of violations of economic rights of the *Baha'is*, including arbitrary shop closures, unfair dismissal from employment and the actual or threatened revocation of business licenses.^{12 13}

Reportedly, Iranian authorities "systematically seal *Bahá'i*-owned shops, giving spurious reasons for doing so."¹⁴ Applicants for business licenses in general are asked to sign a form declaring

⁶ Article 23, The Constitution of the Islamic Republic of Iran

http://www.iranchamber.com/government/laws/constitution_ch01.php

⁷ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

⁸ Baha'i International Community, https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

⁹ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹⁰ Baha'I International Community, <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>

¹¹ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

¹² Baha'i International Community, www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf

¹³ <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf> page 35; Baha'I International Community, 'Their Progress and Development are Blocked': *The Economic Oppression of Iran's Baha'is* https://www.bic.org/sites/default/files/pdf/the_economic_oppression_of_irans_bahais_151030.pdf

¹⁴ Baha'I International Community, https://www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf at 7

their religion.¹⁵ Documented economic abuses since 2018 also include rejection of bank loan applications, raids on business inventory, and wrongful firings of *Baha'is* after pressure from intelligence officials.¹⁶

Additionally, thousands of *Baha'i* employees have been denied access to pension funds.^{17 18} Many *Bahá'is* who had lost economic benefits, such as pensions, were offered the opportunity to get their rights back if they converted to Islam.^{19 20}

As of February 2021, the Islamic Republic of Iran has not taken steps to ensure that members of the *Baha'i* community are protected against discrimination and exclusion in every field, including denial of employment and benefits of the pension system.

B. The Committee also recommends that the Islamic Republic of Iran take steps to guarantee, in law and practice, the unhindered access of Baha'i students to universities and vocational training institutions.

The Iranian government continues to bar *Baha'is* from Iran's state-run university system. *Baha'is* are either not allowed to enroll or are expelled subsequent to registration. In fact, Iran's Court of Administrative Justice has ruled that the 1991 memorandum by the Supreme Council of Cultural Revolution prohibits admission of *Baha'is* to Iran's universities.²¹ In September 2019, the Minister of Education publicly declared that students indicating an affiliation with an unrecognized religion could be banned from school for spreading propaganda.²²

In 2018, 50 *Baha'i* students were reportedly expelled from Iranian universities.²³ In 2019, at least 22 *Baha'i* students were reportedly denied entry to universities in Iran despite successfully passing the national admissions test.^{24 25} In some cases, applicants who challenged their rejections were not given answers. In other cases, officials informed them that they were rejected

¹⁵ Baha'I International Community, https://www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf at 7

¹⁶ Baha'I International Community, https://www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf at 7–8.

¹⁷ https://www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf

¹⁸ <https://iranbahai persecution.bic.org/archive/manouher-baghdadi-not-entitled-salary-and-pension>

¹⁹ <https://www.refworld.org/pdfid/5975fdb74.pdf> at 15

²⁰ *Id.*

²¹ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

²² https://ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf

²³ Center for Human Rights in Iran, <https://iranhumanrights.org/2018/09/in-just-six-months-iranian-universities-expelled-50-bahai-students-for-their-religious-beliefs/>

²⁴ <https://www.en-hrana.org/22-iranian-bahais-were-denied-higher-education-in-september?hilite=%27Baha%27i%27>

²⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

on account of their religion.²⁶ Over the years, the government used various tactics at different stages of university admission process including application, entrance examination and enrollment, to exclude Baha'is from education at colleges and universities. From a small number of *Baha'i* students who have been able to register and start their studies at universities, the majority have been expelled at some point before graduation.^{27 28}

C. The Committee recommends that the Islamic Republic of Iran take steps to prevent refusals of access and expulsions of students from such institutions based on their belonging to the Baha'i community.

While it is technically possible to file discrimination complaints with the Administration of Justice Court, the Article 90 Commission in the parliament, and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence that judicial actions are taken in response to complaints, including in cases of wrongful refusals of access and expulsion of students from universities and vocational training institutions.²⁹ Hate crimes, such as motivated killings and desecration of cemeteries, particularly against *Baha'is*, have not been investigated by the Iranian authorities, showcasing the limited access for *Baha'is* to access justice.^{30 31 32}

In light of the above and the current State policy of systematic and systemic discrimination against members of the *Baha'i* faith, the Islamic Republic of Iran has not taken steps to prevent refusals of access and expulsions of students from universities and vocational training institutions based on their belonging to the *Baha'i* community.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁶ <https://undocs.org/A/74/188>

²⁷ <https://www.en-hrana.org/22-iranian-bahais-were-denied-higher-education-in-september?hilite=%27Baha%27i%27>

²⁸ <https://www.en-hrana.org/bahai-student-expelled-university?hilite=%27Baha%27i%27>

²⁹ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³⁰ Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf

³¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

³² See more: Baha'i International Community, <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>