

Special Rapporteur on freedom of religion or belief A/HRC/13/40/Add.1 para 135

Full recommendation

The Special Rapporteur is grateful that the Government of the Islamic Republic of Iran replied to the joint communication of 17 October 2008. She would like to reiterate the observations and concerns in her previous report (see A/HRC/10/8/Add.1, paras. 94 and paras. 111-112). The Special Rapporteur again urges the Government to ensure that the Bahá'í members, who have been detained for more than 20 months so far, receive a fair trial and in this regard she would like to recommend the presence of independent observers during the trials. Reportedly, the trial of Ms. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mr. Vahid Tizfahm and Ms. Mahvash Sabet began on 12 January 2010 in Tehran, however, no observers were allowed inside the court at that session.

Assessment using Impact Iran human rights indicators¹

Regarding the individuals named in the recommendation, their trials were held behind closed doors and without the presence of impartial observers.²

The Constitution of the Islamic Republic of Iran names the Twelver *Ja'fari* School of Shia Islam as the state religion (Article 12).³ 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”.⁴ 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. Furthermore, a bill currently under review of the Iranian Parliament as of November 2020 would criminalize “any deviant educational or proselytizing activity that contradicts or interferes with the sacred law of Islam” when it is, among others, part of a “sect”, or through the use of “mind control methods and psychological indoctrination”. Such bill may well disproportionately impact individuals belonging to unrecognized religious minorities, such

¹ CCPR.18.1.S.1; CCPR.18.1.S.2; CCPR.18.1.S.3; CCPR.18.1.S.4; CCPR.18.1.S.5; CCPR.27.1.S.1; CCPR.27.2.S.1; CCPR.18.1.P.1; CCPR.18.1.P.2; CCPR.18.1.P.3; CCPR.18.1.P.4; CCPR.18.1.P.5; CCPR.18.3.P.1; CCPR.27.1.P.1; CCPR.27.2.P.1; CCPR.27.1.P.2; CCPR.27.2.P.3; CCPR.18.1.O.4; CCPR.18.1.O.5; CCPR.18.1.O.10; CCPR.18.1.O.12; CCPR.18.1.O.16; CCPR.18.2.O.1; CCPR.18.3.O.2; CCPR.27.1.O.1; CCPR.27.1.O.2; CCPR.27.2.O.2; CCPR.27.2.O.3

² <https://www.bic.org/fiveyears/profiles/index.html>

³ The Constitution of the Islamic Republic of Iran, English translation, http://www.iranchamber.com/government/laws/constitution_ch01.php

⁴ The Constitution of the Islamic Republic of Iran, English translation, http://www.iranchamber.com/government/laws/constitution_ch03.php

as *Baha'is*, often arrested and detained on the basis of their religious beliefs notably on the charge of proselytizing the *Baha'i* faith.⁵

The lack of legal safeguards results in instituted discriminatory policies and practices, particularly targeting *Baha'is*. The official policy of the Iranian government against *Bahá'í* citizens is summarized in a government memorandum⁶ obtained in 1993 by the UN Special Representative on the Human Rights Situation in the Islamic Republic of Iran. Produced in 1991 by Iran's Supreme Revolutionary Cultural Council and approved by the Supreme Leader, Ali Khamenei, this document, entitled 'The *Bahá'í* Question', sets forth specific guidelines for dealing with the *Bahá'ís*. It states that "[t]he government's dealings with [*Bahá'ís*] must be in such a way that their progress and development are blocked". It outlines a series of measures that effectively restrict the educational, economic, and cultural opportunities for Iranian *Bahá'ís*. Although the Government affirmed that the *Baha'is* had not been singled out for discrimination,⁷ the document remains in force today. On 29 August 1983, the Iranian Attorney General announced a legal ban on all *Bahá'í* administrative and community activities in Iran, making membership of *Bahá'í* administrative institutions a criminal offence.⁸ 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."⁹

Members of the *Baha'i* faith regularly face raids, arrests detention and imprisonment for practicing and manifesting their faith on charges of "breaching national security", "propaganda against the holy regime of the Islamic Republic of Iran" or "propaganda activities against the regime in the interests of the *Baha'i* sect"¹⁰, "collusion and assembly against national security" and "formation and management of an illegal *Baha'i* group with intent to disturb national security".¹¹

⁵ ARTICLE19, <https://www.article19.org/resources/iran-lawmakers-must-urgently-drop-the-bill-that-criminalises-fundamental-rights-and-freedoms/>

⁶ HRANA: <<https://www.en-hrana.org/category/religious-minorities> >

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 Bahá'í International Community: <https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf >

⁹ Baha'i International Community, https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

¹⁰ 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>

¹¹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

Since 2013, 521 *Baha'is* have been reportedly arrested solely because of their religious beliefs.¹² As of the end of June 2019, there were reportedly 49 *Baha'is* arbitrarily detained in the Islamic Republic of Iran.¹³ On 1 January 2019, nine *Baha'i* citizens were condemned for a total of 48 years of prison by the court of appeal of Isfahan on charges of “membership of the illegal *Baha'i* community and propaganda against the regime by spreading the *Baha'i* faith in the society”.¹⁴ Members of the *Baha'i* faith in trial often face violations of the due process of their judicial proceedings.¹⁵ The constant threat of arrests and detention or imprisonment, is a main feature of the country’s persecution of *Baha'is*.¹⁶ ¹⁷ Such a threat can well amount to coercion to renounce or convert from the *Baha'i* faith and therefore impairs their freedom to have or to adopt a religion or belief.

In light of the above the Government of the Islamic Republic of Iran has not ensured that the *Baha'i* members, including those who have been detained for more than 20 months so far, receive a fair trial. Independent observers have rarely access to trials involving *Baha'i* members in the Islamic Republic of Iran.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹² Baha’i International Community https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

¹³ 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>

¹⁴ Baha’i International Community www.bic.org/sites/default/files/pdf/iran/overview_of_persecution-0119_2.pdf

¹⁵ Baha’i International Community, <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>

¹⁶ 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>

¹⁷ See more : Baha’i International Community, <https://www.bic.org/focus-areas/situation-iranian-bahais/current-situation>