



IMPACT IRAN

minority rights group international

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Fact Sheet on Religious Minorities in Iran

INTRODUCTION:

Iran received 29 recommendations on religious minorities or freedom of religion or belief during the 2014 UPR. Iran accepted two and partially accepted three of those recommendations, but it has failed to implement them.

Iran's Constitution names the Twelver Ja'fari School of Shi'a Islam as the state religion, although it calls for the Sunni schools of Islam to be treated with respect and allows their implementation in Sunni-majority areas. The Constitution only recognizes three minority religions – Christianity, Judaism and Zoroastrianism – to the exclusion of other faiths. This leaves unrecognized religious minorities, including Baha'is, Sabean-Mandaeans and Yarsan, without protection.

Various laws, government policies and practices affect these communities adversely. The Iranian government continues to prosecute minority citizens on national security charges without providing credible evidence against them. Religious minorities face restrictions on free exercise of religion, on access to justice, employment, education, on political participation, and find themselves vulnerable to hate speech and hate crimes.

1. NATIONAL SECURITY CHARGES AGAINST RELIGIOUS MINORITIES

The Iranian government has arrested and brought national security charges against numerous Baha'is, Christian converts and Gonabadi Dervishes, in connection with a range of peaceful activities such as organizing or taking part in protests or simply participating in religious or cultural activities, resulting in long prison sentences. In addition, several Sunnis have been executed after they were charged with national security crimes for their alleged involvement in armed operations or membership in extremist groups, and they were convicted in closed and unfair trials. The widespread use of national security charges against religious minorities for peacefully exercising their rights to freedom of expression, freedom of association and freedom of religion or belief, amounts to religious persecution.

Recommendations

- Implement WGAD opinions and free individuals whose detention has been found arbitrary

- Do not use national security charges to criminalize peaceful activities related to freedoms of expression, association and religion, including against Baha'is, Christian converts, Gonabadi Dervishes and Sunnis.

2. RESTRICTIONS ON FREE EXERCISE OF RELIGION

The Iranian government infringes on religious minorities' freedom of worship. Sunnis are not allowed to build new mosques in major cities, including Tehran. In addition, a number of Sunni religious seminaries have been destroyed by the government.

State authorities conduct raids on home churches, which are informal congregations comprised mostly of converts who are unable to attend formally recognized churches without risk to themselves and the formal church. Organizers of home church services are arrested and often sentenced to prison. Baha'is are also prohibited from practicing their faith publicly, and they are not allowed to operate houses of worship.

Although apostasy is not a codified crime in Iran, judicial authorities have issued death sentences for this charge on a number of occasions. They have also used national security laws to impose harsh sentences on converts, including imprisonment and floggings.

Recommendations

- Issue permits to Sunnis to build new mosques in major cities, including Tehran.
- Permit free exercise of religion in home churches in accordance with Article 18 of the ICCPR.
- Allow Baha'is to operate houses of worship.

3. UNEQUAL PROTECTION OF THE LAW

Many elements of Iran's domestic legal framework discriminate between Muslims and non-Muslims. For example, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims.

The Islamic Penal Code (IPC) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes. For example, in cases of murder, the IPC sanctions the practice of *qisas* (retaliation in kind),

which allows the family of the murder victim to opt for the execution of the murderer. However, this practice is applied discriminatorily under the IPC on the basis of religion and belief. If a Muslim or member of a recognized minority kills a follower of an unrecognized religion, the family of the victim has no resort to *qisas*.

Recommendation

- *In accordance with Article 2, 18 and 26 of the ICCPR, abolish all laws, regulations and policies that discriminate on the basis of religion or belief.*

4. DISCRIMINATION IN EMPLOYMENT

While Iranian law theoretically forbids the investigation of individual beliefs, discrimination 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.

The *gozinesh* criteria not only bar adherents of non-recognized religions from seeking employment, but also disadvantage Sunnis and anyone who holds views contrary to the official values of the Islamic Republic.

Baha'is, for instance, continue to be categorically barred from public sector employment, and they also face serious restrictions in the private sector. For example, the authorities sometimes refuse to issue commercial licenses to Baha'is and have shut down scores of Baha'i-owned businesses for closing on Baha'i holy days.

In May 2019, Iran's Social Welfare Organization issued a directive banning employment of religious minorities in kindergartens in all capacities, except in kindergartens exclusively serving minority children. Although the policy was later modified slightly, it still applies to certain positions of instruction.

Recommendations

- *Reform the process of gozinesh and any other policies which condition access to employment on the basis of individual beliefs, in line with the Constitution*
- *Fully repeal the Social Welfare Organization directive no. 900/98/28033 dated May 27, 2019 and lift the ban on employment of religious minorities in kindergartens*
- *Lift the ban on the employment of Baha'is in the public sector in accordance with Iran's obligations under Article 2 and 6 of the ICESCR.*
- *End the practice of closing Baha'i-owned businesses.*

5. DENIAL OF THE RIGHTS TO EDUCATION

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 a 1991 memorandum by the Supreme Council of Cultural Revolution

prohibits admission of Baha'is to Iran's universities. Several Gonabadi Dervishes were also expelled from university in 2018.

Recommendations

- *Repeal the 1991 Supreme Council of Cultural Revolution memorandum on the situation of Iranian Baha'is and admit Baha'is to Iran's universities in accordance with Iran's obligations under Article 13 of the ICESCR.*
- *Readmit Gonabadi Dervishes expelled from Iranian universities.*

6. PARTICIPATION IN PUBLIC LIFE

Iran's Constitution reserves five parliamentary seats for adherents of recognized religions (one seat for Zoroastrians, one for Jews, one for Chaldo-Assyrian Christians and two for Armenian Christians.) However, these seats are both a floor and ceiling, as members of recognized religious minorities are not allowed to run for other seats in parliament.

According to the Constitution, candidates for president must be adherents of the official religion of the country, which excludes Sunnis and religious minorities from holding the post. Although there is no explicit ban on Sunnis serving as ministers or provincial governors, the Iranian government does not appoint any Sunnis to these posts.

Recommendations

- *Take measures to increase the representation of minorities in high-ranking political positions*

7. HATE SPEECH AND HATE CRIMES

Iranian state-sponsored media frequently publish unsubstantiated and defamatory content against religious minorities, often accusing them of ties with foreign governments. Hate crimes, particularly against Baha'is, have not been investigated by the Iranian authorities. Religiously motivated killings and desecration of cemeteries are among these hate crimes.

Members of Iran's clerical ruling establishment, with its strongly Shi'a identity, often display contempt for minority religions. For example, leading Shi'a scholars and clerics have released decrees against the adherents of the Yarsan faith and forbid Shi'a Muslims to marry them. Religious clerics and official school textbooks openly vilify the Bahá'í faith and teach distorted information about the community's history and beliefs.

Recommendations

- *Prevent and remedy the publication of defamatory content against religious minorities on state-sponsored media outlets.*
- *Investigate hate crimes against religious minorities, including religiously motivated killings and desecration of cemeteries.*