

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Chair-Rapporteur of the Working Group on Arbitrary Detention; Independent Expert on Minority Issues and the Special Rapporteur on freedom of religion or belief**

REFERENCE: UA G/SO 218/2 G/SO 214 (56-23) Minorities (2005-4)  
IRN 8/2011

9 June 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Independent Expert on Minority Issues; and Special Rapporteur on freedom of religion or belief pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/18, 16/6 and 14/11.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the recent arrests and detention of members of religious minorities, in particular those belonging to the Bahá'í faith.

According to information received:

On 21 May 2011, raids were reportedly carried out in at least 30 homes of individuals involved in the activities of the Bahá'í Institute for Higher Education. These households were subjected to extensive searches, reportedly by agents from Iran's Ministry of Information, and took place simultaneously in cities throughout the country, including Gohardasht, Ishfan, Karaj, Sari, Shiraz, Tehran and Zahedan. The following 15 individuals were arrested immediately, or on the following day after the raids: **Ms. A., Mr. B., Mr. C., Mr. D., Mr. E., Mr. F., Mr. G., Ms. H., Mr. I., Mr. J., Mr. K., Ms. L., Mr. M., Mr. N. and Mr. O.** All of the above named persons belong to the Baha'i faith with a further eight other members of the Bahá'í faith also reportedly interrogated by the intelligence officers and who were released on the same day.

The Bahá'í Institute for Higher Education dates to the 1980s and was originally part of an informal initiative to teach Baha'i students at home, using the service of professors belonging to the Bahá'í faith, who had been dismissed from their jobs shortly after the Islamic Revolution in 1979. Previous raids have reportedly taken place in 1998, when 36 members of the Bahá'í faith involved in the work of the Institute for Higher Education were arrested during raids in over 500 homes. This

resulted in the confiscation of teaching equipment and records. Further raids have taken place in 2001 and 2003. According to a news report of 4 June 2011, the Ministry of Science and Technology has declared the Bahá'í Institute for Higher Education illegal. The Ministry announcement reportedly states that the “concerned University has not received any permits from the Ministry, therefore all its activities are illegal and all diplomas and degrees issued by this institution lack legal validity”.

The above mentioned events reportedly form part of a continuous effort to deny access to education to members of the Bahá'í faith, with hundreds of qualified young members of the Bahá'í community reportedly being prevented from entering public and private universities and vocational training institutions in the Islamic Republic of Iran. In this context, reference is made to a previous allegation letter sent on 12 February 2008, by the Special Rapporteur on freedom of religion or belief, providing a list of 104 Bahá'í students who allegedly were expelled from Iranian universities pursuant to the Central Security Office's confidential communication M/2/3/9378 issued in 2006 (please refer to A/HRC/10/8/Add.1, paras. 90-92). The Special Rapporteur has not yet received a response from the Government of the Islamic Republic of Iran concerning the allegation letter of 12 February 2008.

In light of the above, serious concern has been expressed that these raids target members of the Bahá'í faith and their initiatives to provide access to those who are denied higher education.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification of the circumstances regarding the above mentioned cases.

We would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief of the above aforementioned individuals in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration of Human Rights as well as of the International Covenant on Civil and Political Rights (ICCPR).

We would also like to recall that the General Assembly, in its resolution 64/164, urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end “(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights; [...] (d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in one's country, without any discrimination on the basis of religion or belief; (e) To review, whenever relevant, existing registration practices in

order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private; [...] (g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas; [...] (j) To ensure that all public officials and civil servants, including members of law enforcement bodies and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided; (k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world; [...] (m) To prevent any distinction, exclusion, restriction or preference based on religion or belief which impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief”.

Furthermore, we would like to recall that the General Assembly, in its resolution 65/226, called upon the Government of the Islamic Republic of Iran to respect fully its human rights obligations, in law and in practice, in particular: “(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that the access of minorities to education and employment is on a par with that of all Iranians”.

Furthermore, we draw the attention of your Excellency’s Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the International Covenant on Civil and Political Rights establishes that: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” In addition, the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities require under Article 1 that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”. Article 2 states that “Persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. In addition, Article 4 of the Declaration establishes that: “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.”

We would also like to draw the attention of your Excellency's Government to the work of the UN Forum on Minority Issues, which considered the subject of minorities and the right to education during its first session in December 2008, and produced recommendations contained in document A/HRC/10/11/Add.1. The recommendations highlight in paragraph 29 that "The principle of non-discrimination is a key to securing equal access to education, and ensuring ongoing participation and completion of quality education for members of disadvantaged and minority groups." Paragraph 30 states that "Members of minorities must have realistic and effective access to quality educational services, without discrimination, within the jurisdiction of the State." Paragraph 55 provides that: "The liberty of parents or legal guardians to choose educational institutions for their children other than those established by the authorities of the State and to ensure the religious and moral education of their children in conformity with their own convictions must be recognized." With regard to the right to manifest religion in schools or educational institutions, paragraph 56 recommends that forums for continuous dialogue should be developed where necessary between members of religious minorities and educational institutions that serve them with the view to better understanding and accommodating their religious needs within schools. We urge your Excellency's Government to take into account and implement these recommendations.

Without expressing at this stage an opinion on the facts of the cases and on whether the detention of the abovementioned persons is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (and articles 9 and 14 of the International Covenant on Civil and Political Rights).

Moreover, it is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the cases accurate?
2. Has a complaint been lodged with regard to the incidents mentioned above?
3. Please provide the details and where available, the results, of any judicial investigation, or any criminal charges and other inquiries carried out in relation to the cases.
4. Please provide details of the whereabouts of Ms. A., Mr. B., Mr. C., Mr. D., Mr. E., Mr. F. , Mr. G., Ms. H., Mr. I., Mr. J., Mr. K., Ms. L., Mr. M., Mr. N. and Mr. O..

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Gay J. McDougall  
Independent Expert on Minority Issues

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief