

**Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

REFERENCE: AL  
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on freedom of religion or belief; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 28/9, 22/20, and 28/21.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **alleged patterns of continuous discrimination against the Bahá'í population in Iran, which are undermining human rights in the areas of religion and culture. Such discrimination, inter alia, takes the form of destruction of sites, including cemeteries, which are of fundamental historical, religious and cultural significance for the Bahá'ís.**

The desecration of the Bahá'í cemetery in Shiraz was the subject of two joint urgent appeals sent on 8 May 2014 (see A/HRC/27/72 , case no. IRN 8/2014) and on 20 August 2014 (see A/HRC/28/85, case no. IRN 17/2014) by the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on minority issues. We acknowledge receipt of the response of your Excellency's Government.

According to the information received:

The Bahá'í faith was founded in the mid-19th century. While the faith has its origins in Shia Islam, it is considered an independent religion. Iran is the birth place of the Bahá'í faith and is therefore home to many sites that are of historical, religious and cultural importance for the Bahá'ís. Although exact figures are unknown, it is estimated that there are 300,000 Bahá'ís in Iran and over 5 million worldwide. The Bahá'ís represent the largest religious minority in Iran and are present throughout the country.

*Continuous destruction of historical and religious sites and marginalization in the public space*

The Bahá'ís have reportedly experienced a long history of discrimination. The Bahá'í faith is not officially recognized in Iran. It has no administrative structure and cannot purchase property as an organized entity. In 1958, a non-profit holding company was officially established under the name of Umana, or “Trustees” and was the body that held and administered the Bahá'í property. In 1979, at the end of the Islamic Revolution, the Iranian Government confiscated the Umana company, thus claiming legal possession of all historical, religious and cultural sites belonging to the Bahá'ís. In 1983, all Bahá'í institutions were declared illegal by the Chief Prosecutor.

It is reported that, between 1979 and 2004, numerous sites of religious, historical and cultural significance for the Bahá'í population were physically seized and destroyed, allegedly by Government authorities.

On 26 April 1979, the House of the Bab located in the city of Shiraz, a holy site and place of pilgrimage for Bahá'ís from all over the world, was confiscated, reportedly in order to “protect and prevent possible damage”. However, in September 1979, the entire building was allegedly demolished on orders of the Attorney General of the Revolutionary Court in Tehran. Eventually, the Mosque of Mahdi was built on the site.

Following the 1979 revolution, the Garden of Badasht was also demolished. The site in Semnan province is historically important as it was the location of the first Bahá'í conference held in 1848.

The houses of Baha'u'llah, the prophet founder of the Bahá'í faith, in Darkula and Takur were destroyed in 1979 and 1981 respectively. The home of Baha'u'llah's father was also demolished in June 2004. The site was located in Tehran and associated with an important period in the history of the Bahá'í faith. It was allegedly demolished on orders of the Ayatollah and in the presence of officials of the Ministry of Intelligence.

In April 2004, the grave of Quddus, an historic figure sacred in the Bahá'í faith, in the city of Babol, was destroyed. It is alleged that the destruction was carried out with the cooperation of government authorities. Authorities reportedly disregarded the appeals of local Bahá'ís and prevented them from retrieving the sacred remains.

#### *Destruction and restriction in access to cemeteries*

Bahá'í cemeteries have allegedly been subject to continuous attacks during this same period. Over time, numerous Bahá'í cemeteries of religious, historical and cultural importance have been seized, desecrated, destroyed or closed. Between 1979 and 2005, at least 42 such attacks were reported throughout every region of

the country. The examples described below illustrate a continuous series of attacks on cemeteries.

Between 2007 and 2008, the Bahá'í cemetery in Darzikola, a small town near Ghaemshahr in Mazandaran province, was reportedly vandalised on several occasions by unknown individuals. During an attack on 23 October 2008, over 80% of the graves were desecrated by individuals using a bulldozer. Local Bahá'ís, who were still using the cemetery, reported the attack to the relevant authorities and initiated legal proceedings, but no investigations followed. On 19 January 2009, officers of the Municipality allegedly destroyed the entire cemetery with bulldozers.

Throughout the month of September 2007, the Bahá'í cemetery in Najafabad, a city in Isfahan province, was allegedly attacked several times before it was completely levelled on 27 September 2007, leaving no trace of its existence. Complaints from the Bahá'í to the authorities did not lead to investigations to identify the perpetrators. In May 2008, the local Ministry of Intelligence office initiated a process against 5 Bahá'ís for illegal use of the site for the last 13 years. The Bahá'ís were forced to hand over the property deed to the Provincial Office for Natural Resources and in May 2009, the Court of Appeal acquitted the Bahá'ís against whom proceedings had been taken. On 21 May 2009, the graves on the site of the cemetery were covered with soil. After families of the deceased uncovered the graves, the custodians of the cemetery were summoned for questioning. In the same year, the Department of Natural Resources of the Najafabad District reportedly transferred ownership of the cemetery to the Municipality and put up signs stating that any presumption of ownership or burial on this site is prohibited and subject to criminal prosecution, pursuant to section 635 of Islamic Penal Law. Access to the cemetery was blocked, although the tombs remained on the site. It is further reported that the Iranian Intelligence Ministry issued an order instructing the municipality to refuse to provide ambulance services for the transport of deceased Bahá'ís to the cemetery.

On 12 January 2009, government agents allegedly destroyed parts of a cemetery in Tehran where several prominent Bahá'ís were buried after they had been executed by government agents in the aftermath of the Islamic Revolution of 1979.

In 2011, the Bahá'í cemetery in the city of Shiraz, Fars province, was seized by the Revolutionary Guards. It is reported that, from April 2014, parts of the cemetery were excavated in order to enable the construction of a 'Cultural and Sports Centre of the Revolutionary Guards'. As a result, some of the remains of the approximately 950 persons were allegedly moved into a nearby trench without notice or justification. Due to media attention, the redevelopment of the cemetery was temporarily stopped in May 2015. Bahá'í representatives repeatedly appealed to, and met with, various government authorities, officials and clerics in order to request that the destruction of the cemetery be permanently prevented. However,

the authorities refused to accept any responsibility. The redevelopment of the cemetery was eventually resumed in August 2014 and construction of the Cultural and Sport Center on the site reportedly began in August 2015.

Between October 2012 and January 2013, the old Bahá'í cemetery in the city of Sangesar was destroyed by a group of unknown individuals. The intruders reportedly demolished the morgue and used bulldozers to cover the graves in the cemetery with cement. The cemetery had previously been attacked on 15 February 2009, when 50 gravestones were demolished and the on-site mortuary was set on fire. After each attack, the Bahá'ís attempted to repair the damage caused.

In December 2012, unknown individuals destroyed the graves on the Bahá'í cemetery outside Yazd. No investigation was opened to identify the responsible, and the cemetery was subsequently closed by authorities in 2013. The trees planted in the cemetery, a common practice of Bahá'ís, were cut down and a trench was dug around the cemetery, making it impossible for Bahá'ís to access to tend and pray at the graves, which is also common practice. Following efforts of some Bahá'ís, a new piece of land was allocated for Bahá'í burials. However, the new site is reportedly located several kilometres outside the city, in a desert area very difficult to access and where there are no trees.

On 12 December 2013, the walls, morgue, prayer room and irrigation system for the trees of the Bahá'í cemetery in Sanadaj, Kordestan province, was allegedly destroyed by police forces. The vandalization of the cemetery followed attempts by the Iranian Government to reclaim the property from the local Bahá'ís. The Bahá'ís have challenged these attempts in court and requested permission to restore the cemetery. The second court hearing was reportedly postponed in May 2015 in order to enable the municipality of Sanadaj to conduct further investigations. It is alleged that the authorities have instructed local Bahá'ís to bury their dead in the cemetery of the Ghorveh municipality, which is located 90 km away. However, according to Bahá'í's burial laws, the body of the deceased should not be carried more than a distance of one hour from the place of death. In July 2015, military personnel and police officers reportedly came to the Sanadaj cemetery in order to prevent the burial of a deceased Bahá'í. Security officials later explained that recently ratified provisions set out by the Supreme National Security Council stipulate that the Bahá'ís are permitted to have only one cemetery in each province and that Ghorveh has been designated for the province of Kermanshah.

The most recent wave of attacks on cemeteries reportedly began in 2014. Since 2014, local authorities have prevented Bahá'ís from burying their deceased in the public cemetery in Tabriz, in many cases by refusing to issue burial permits. Reasons given included that burying the remains in a casket, as required in Bahá'í's burial law, takes more place and that Muslim citizens objected the commingling of their graves with that of non-Muslims. Many Bahá'í from Tabriz

were instead buried in Miandoab, which is over 160 kilometres away. In some cases local officials allegedly transferred and buried the deceased in Miandoab without obtaining prior consent or even informing their families. It is alleged that the local authorities in Tabriz, acting under orders from the Ministry of Intelligence, seek to impose Muslim burial rites on Bahá'í residents. Legal actions taken by Bahá'ís have reportedly been unsuccessful to date. Other efforts, such as the submission of 200 grievance letters to the Iranian President, were also without result.

In March 2014, a wall was built to block the entrance to the Bahá'í cemetery of Ahvaz, Khuzestan province. Since the cemetery was shut down, Bahá'í families in Ahvaz are forced to bury their dead in another Bahá'í cemetery, situated 165 kilometres from Ahvaz, between Mahshahr and Omidieh. This means that burials are not in accordance to their burial laws. Bahá'ís from Ahvaz have reportedly taken legal action.

In November 2014, government agents reportedly closed the Bahá'í cemetery in Mahmoudiyeh, near Najafabad, denying the burial of deceased Bahá'ís. It is reported that Government officials stated that the cemetery would be open every Thursday only for the Bahá'ís to visit the graves. The Bahá'ís in Ahvaz have reportedly initiated legal action.

Finally, it is reported that the Bahá'í cemeteries in Ghazwin and Oroumíyeh were vandalized by unknown individuals in June and August of 2015. Approximately 120 trees were cut down in the Oroumíyeh cemetery and the water supply cut down. Although the Bahá'ís informed relevant local authorities, the vandalism allegedly continued for two weeks.

The cemeteries described above are of great cultural, religious and historical significance for the Bahá'ís. Even when cemeteries can no longer be used for burials, they remain sites for praying and for paying respect to the memory of the dead. Nevertheless, decisions to close these cemeteries have reportedly not been preceded by any meaningful consultation process with the concerned families or religious authorities. Efforts of the Bahá'ís to redress the destruction of their cultural heritage and bring the perpetrators to justice have also been unsuccessful to date.

In some instances, those who challenged the destruction of Bahá'í cemeteries have reportedly faced intimidation by the Iranian authorities. This pressure is allegedly aimed at creating a climate of fear amongst the Bahá'ís and thus preventing them from speaking out about the continuing discrimination they face.

The examples described above illustrate systematic attacks and restrictions of access to sites bearing witness of Bahá'í presence, including cemeteries. It is alleged that such attacks form part of a wider pattern of discrimination and

constitute an attempt to marginalize the presence of the Bahá'í population in the public space and the historical narratives of the country.

*Historical narratives of the country*

It is further alleged that history books and textbooks either omit to mention the presence and role of the Bahá'ís in the history of the country or that the narrative about them is misleading or distorted.

History textbooks used in schools throughout Iran reportedly omit important episodes in the history of the faith or distort it. In one of these books used in junior high and high school, it is claimed that the religion was created and supported by foreign powers, such as the United Kingdom and Russia, to separate the Muslims in Iran and weaken their faith. In May 2008, a storybook entitled “The Deceitful Babak” was allegedly distributed by the school authorities in Shiraz to every primary school child. Although the name has been changed, it is alleged that the book clearly refers to the Báb, the Prophet-Herald of the Bahá'í faith, in a mocking and degrading manner.

History books in Iran also fail to acknowledge and mention renowned Iranian figures associated with the Bahá'í faith, such as the Iranian poetesses and women's rights defender Táhirih Qurrat-ul-Ayn. Her contribution in history is regularly omitted, and her poetry either ignored or attributed to unknown individuals, including men.

It is further alleged that history books and books on the history of religions written abroad and translated in Persian are subject to selective omissions and erasure of certain sections. Examples reported include omitting to translate entire chapters concerning the Bahá'í faith, deleting paragraphs and sentences about the Bahá'ís from the translations, deleting the reference to the founder of the faith, and attributing known teachings of Bahá'í faith to other Muslim figures.

While we do not wish to prejudice of the accuracy of these allegations, we express grave concern at the reported 1) seizure, desecration and destruction of sites that are of great importance for the Bahá'ís in Iran and around the world as part of their cultural heritage and the history of their faith, 2) the seizure, desecration, destruction and closure of Bahá'í cemeteries, which is preventing the Bahá'ís from the enjoyment of their freedom of belief, conscience or religion and the exercise of their cultural practices linked with the care of cemeteries and their right to enjoy and access the cultural heritage and places of memory of their families, and 3) the omission and incorrect information about the Bahá'í in the historical narrative of the country. Taken together, the incidents described above appear to represent a pattern of continuous discrimination against the Bahá'ís aimed at their marginalization in the public space and the historical narratives of the country.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and comment that you may have on the above-mentioned allegations.
2. Please provide detailed information on the reasons for the seizure, desecration and destruction of the sites mentioned above, and for restricting access to these sites of cultural and religious significance. In particular, please provide information on the compatibility of such actions with international human rights law and standards.
3. Please provide information on whether and how the affected groups have been consulted prior to the demolition and closure of the sites mentioned above. What are the conditions of access to the cemeteries now and who can access?
4. Please provide full details about the steps taken by your Excellency's Government to conduct investigations aimed at identifying and prosecuting the alleged perpetrators.
5. Please provide information about the manner in which the Bahá'í faith is represented in history textbooks and in history books about the country. How is their presence and contribution acknowledged?
6. Concerning the reported cases of omissions in translation, please give information about any measures your Excellency's Government would have taken to redress the omission and respect the works of the authors.
7. Please provide information on measures taken to ensure that all people in Iran, including Bahá'í citizens, are treated equally. In particular, please provide details on measures taken to ensure respect for the rights of the Bahá'ís to exercise their freedom of religion and belief, including their right to maintain and access places of worship, as well as the right to access and enjoy cultural heritage.
8. Please provide information on measures taken to promote dialogue among religious groups in Iran, as well as other measures to strengthen tolerance and respect towards religious minorities, including members of the Bahá'í faith.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Ahmed Shaheed  
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Heiner Bielefeldt  
Special Rapporteur on freedom of religion or belief

Karima Bennoune  
Special Rapporteur in the field of cultural rights

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles of equality and non-discrimination, which are core elements of the international human rights normative framework and enshrined, inter alia, in articles 2 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, ratified by Iran in 1975). All rights must be enjoyed without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. These guarantees are non-derogable. Under international human rights law, the right to equality and non-discrimination also requires states to take positive measures to address systemic disadvantage and unequal enjoyment of rights.

We would also like to refer to ICCPR article 18(1), which states that everyone has the right to freedom of thought, conscience and religion. In its General Comment 22, the Human Rights Committee stressed that freedom of religion includes the right to build and maintain places of worship. In 2007, the Human Rights Council urged States in its resolution 6/37 to exert the utmost efforts to ensure that religious places, sites, shrines and symbols are respected and protected against desecration or destruction.

We would also like to refer your Excellency's Government to the right of everyone to take part in cultural life, as protected under Article 27 of the Universal Declaration of Human Rights (UDHR) and Article 15 of the ICESCR,. States parties to the ICESCR must respect free access by people to their own culture, heritage and other forms of expression, as well as the free exercise of their cultural identity and practices. This includes the right to be taught about one's own culture as well as those of others (Committee on Economic, Social and Cultural Rights, General comment No. 21 on the right to take part in cultural life, E/C.12/C/GC/21, para. 49).

In her report dedicated to the right of access to and enjoyment of cultural heritage (A/HRC/17/38), the Special Rapporteur in the field of cultural rights stressed the significance of accessing and enjoying cultural heritage by individuals and communities as part of their collective identity and development processes. She underscored that the right to participate in cultural life implies that individuals and communities have access to and enjoy cultural heritages that are meaningful to them, and that their freedom to continuously (re)create cultural heritage and transmit it to future generations should be protected.

The Special Rapporteur in the field of cultural rights recommended that States should recognize and value the diversity in cultural heritages present in their territories. They have the duty "not to destroy, damage or alter cultural heritage", and to seek the free, prior and informed consent of concerned groups in all decisions concerning their heritage. Furthermore, States have the duty to "take measure to preserve/safeguard cultural heritage from destruction by third parties" (A/HRC/17/38, in particular paras. 78

and 80 a and b). This obligation was reiterated by the UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage (2003), stressing the responsibility of State not to intentionally destroy heritage of their country. States should make available effective remedies, including judicial remedies, to concerned individuals and communities who feel that their cultural heritage is either not fully respected and protected, or that their right of access to and enjoyment of cultural heritage is being infringed upon (A/HRC/17/38, recommendation 1).

We would also like to draw Your Excellency's Government attention to Article 4 (4) of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, stating that States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. In its General Comment 21, the Committee on Economic, Social and Cultural Rights stressed that educational programmes of States parties should respect the cultural specificities of national or ethnic, linguistic and religious minorities as well as indigenous peoples, and incorporate in those programmes their history, knowledge and technologies, as well as their social, economic and cultural values and aspirations. Such programmes should be included in school curricula for all, not only for minorities and indigenous peoples (para. 27).

We would also like to draw Your Excellency's Government's attention to resolution 2005/40 of the Commission on Human Rights, which called States to sustain continued and strengthened dialogue among religious groups or beliefs, in order to promote tolerance, respect and mutual understanding.