

الله أكبر

# A REVOLUTION WITHOUT RIGHTS?

WOMEN, KURDS AND BAHAI'S  
SEARCHING FOR EQUALITY IN IRAN

الله أكبر

BY GEOFFREY CAMERON AND TAHIRIH DANESH  
PREFACE BY LORD MARK MALLOCH BROWN

The Foreign Policy Centre



# **A revolution without rights?**

## **Women, Kurds and Baha'is searching for equality in Iran**

By Geoffrey Cameron and Tahirih Danesh

Preface by Lord Mark Malloch Brown

First published in 2008 by  
The Foreign Policy Centre  
Suite 14, Second Floor  
23-28 Penn Street  
London, N1 5DL  
United Kingdom  
Website: [www.fpc.org.uk](http://www.fpc.org.uk)  
©Foreign Policy Centre 2008  
All rights reserved

ISBN-13 978-1-905833-12-2  
ISBN-10 1-905833-12-1

## **Acknowledgments**

The Foreign Policy Centre is indebted to a number of people for their help with this pamphlet.

First and foremost to the authors Geoffrey Cameron and Tahirih Danesh who have worked tirelessly to put this report together.

There are many others who have assisted with the publication of this report including: Kaveh Moussavi, Dr Nazila Ghanea, Reza Washahi and Sarah Neil of the Iranian Minority Human Rights Organisation, Nazenin Ansari, Sharan Tabari, Dr Ziba Mir-Hosseini, Daniel Wheatley, Said Shams, Michael Farquhar of the Kurdish Human Rights Project, Rob Weinberg and Moojan Momen, Roya Kashefi and the Association of Iranian Researchers, Roya Toloui, Fariba Davodi, Lily Pourzand, Dr Ladan Boroumand and the Abdorrahman Boroumand Foundation, and a number of other defenders of women's rights in Iran.

Cover design by Tony Mono, Wave ([www.wave.coop](http://www.wave.coop))

Printed by Intype Libra [www.intypelibra.co.uk](http://www.intypelibra.co.uk)

### **Disclaimer**

The views expressed in this report are not necessarily those of the Foreign Policy Centre.

## Contents

Preface by Lord Mark Malloch Brown, Minister of State, Foreign and Commonwealth Office and Former UN Deputy Secretary General	5
Executive Summary	8
Introduction	11
Background: Women, Kurds and Baha'is in Iran	15
Religious Obstacles	22
Legal Obstacles	35
Social Obstacles	49
Conclusions	60
Policy Recommendations	63
Notes	65

## Preface

*Lord Mark Malloch Brown*

While Iran as a global security threat is a regular news feature, the life of ordinary Iranians rarely gets the profile it deserves. I congratulate the Foreign Policy Centre for offering a fresh perspective on Iran: a unique insight in to the treatment of women, Kurds and Baha'is. This report is an important contribution to the debate, and an important part of ensuring that improving Iran's human rights record stays firmly on the agenda of think tanks, academics, activists and policymakers worldwide.

Women, Kurds, Baha'is and other minority groups in Iran clearly continue to face significant problems. Women suffer systemic discrimination through civil and penal codes and legal processes deliberately designed to work to their disadvantage. There are some appalling violations of human rights highlighted in the report; cases of women experiencing sexual violence or sentenced to death by stoning.

Iranian Baha'is are denied any level of internal community organisation: seven leading members of the Baha'i community remain detained without formal charges since their arrest in May. Baha'is suffer from lack of access to higher education through policies deliberately designed to threaten the future development of the community. The draft penal code currently being considered by the Iranian parliament is deeply concerning: it sets out a mandatory death sentence for the 'crime' of apostasy. If adopted, this would violate the right to freedom of religion and could have serious consequences for religious minorities in the country.

Discrimination against Iran's Kurds and other ethnic minorities is also on the increase. Large numbers of the Kurdish community, including journalists, trade unionists, students and human rights defenders, were detained this

summer on charges of endangering national security. Some were sentenced to imprisonment. Last month a group of Azeri rights activists were also arrested.

The situation of women, Baha'is and Kurds reflects some of the wider human rights concerns in Iran. Iran consistently fails to meet the international commitments that it is signed up to, such as the International Covenant on Civil and Political Rights, to which Iran is a state party. It ignores its own laws and terms of its own constitution such as arbitrary arrest and the denial of due process. And it is increasingly – and worryingly – using vague, national security-related charges such as 'acting against state security' and 'propaganda against the system' against individuals who are exercising their right to peaceful protest. In recent months a number of human rights activists have been handed severe prison sentences, of up to eleven years, on these types of trumped up charges. The cases are dealt with behind closed doors, in Revolutionary Courts.

Freedom of expression has been under increasing pressure in past years. Newspapers, websites and other publications are regularly closed down and their editors threatened for crossing red lines, providing critical commentary or including material that might be considered un-Islamic. Paranoid, and often violent, clampdowns on all forms of organised protest have affected teachers demonstrating for a living wage, women's rights defenders campaigning for an end to discriminatory laws, trade unionists calling for basic labour rights, and students protesting against corruption.

The increasing use of the death penalty is particularly concerning, especially its continued use against juvenile offenders, including seven already confirmed in 2008, and the practice of public and mass executions. Criminal punishments such as amputation and stoning still occur.

The increasing prominence of human rights groups in Iran is

a promising development; take for example that Campaign for Equality launched in August 2006 to peacefully mobilise support for women's rights and to press for change to Iran's discriminatory laws, including some of those highlighted in this report. The campaigners and volunteers aim to collect one million signatures on a petition calling for legislative change, in line with Islamic law. The Iranian government's arrest and imprisonment of some women connected to the Campaign is completely unacceptable, and we must, as an international community, lend whatever support we can to these groups to enable them to continue their vitally important work.

The effective participation of women and minorities in all spheres of life is a prerequisite for democracy and good governance, and can make a significant contribution to economic development. Iran is a nation with a proud history, including – as the Foreign Policy Centre points out – the development of the first known human rights charter and the first parliament in the Middle East. Iran must fulfil this historical potential, and accept that it has responsibilities to its people, to the region and to the wider international community. The international community must take responsibility to lobby the Iranian government and support those within Iran who are bravely fighting for their human rights. I hope that this report will be a valuable resource to inform the fulfilment of our collective responsibility.



## Executive Summary

Iran is regularly in the headlines for its nuclear program, but far less attention is generally paid to its internal struggles around civil rights. Almost thirty years after the 1979 revolution, which established the Islamic Republic of Iran, the government still faces the challenge of reconciling an Islamic ideology with the pressing demands of its citizens for full equality.

The challenge of equality in Iran is vividly depicted in the experiences of women, Baha'is and Kurds – three groups that face routine discrimination and persecution based on their identity. This report looks at the religious, legal and social obstacles faced by these three groups. It evaluates the Iranian government's compliance with its own constitution and looks at how Iran's treatment of women and minorities measures up to the international agreements it has signed.

### ***Religious Obstacles***

Iran is a theocratic state and the government is dominated by a small group of clerics that share a conservative interpretation of Shi'a Islam. Members of the Baha'i Faith, the largest non-Muslim religious minority in Iran, are considered heretics or apostates by these clerics and are therefore denied access to higher education and state employment, among other basic rights outlined in the constitution. Security forces have recently been instructed to identify and monitor Baha'is.<sup>1</sup> Women, on the other hand, are required to observe rigid standards of 'modesty' in public, which are enforced with verbal and physical abuse, and sometimes imprisonment. Most Kurds are members of the Sunni sect of Islam, and the state actively blocks their religious practices – including the building of Sunni mosques. While both clerics and citizens have advanced alternative interpretations of Islam that endorse civil rights for these groups, they have been marginalised or ignored by the regime.

### ***Legal Obstacles***

Although Iran's constitution declares "the abolition of all forms of unjust discrimination and the provision of equitable opportunities for all,"<sup>2</sup> the law is not applied equally. Women face the most explicit legal discrimination; they have fewer rights than men in areas of marriage and divorce, child custody, inheritance and freedom of movement. Because the constitution empowers judges to apply their interpretation of *Shari'ah* in court cases, women, Kurds and Baha'is often find themselves unprotected by the law. Spurious evidence is used to convict women of adultery, Kurds of 'acting against state security,' or Baha'is of 'propaganda' against the state of Iran. All three groups are regularly denied their due process and detainee rights under the law.

### ***Social obstacles***

Social and cultural norms in Iran have led to the marginalisation of Kurds, Baha'is and women in society. Because a portion of the Kurdish population has, in the past, fought for independence from Iran, Kurds as a whole are stigmatised as 'anti-Iranian.' The Kurdistan region is economically under-developed, and Kurds are underrepresented in education and the public service.<sup>3</sup> Baha'is suffer from a similar cultural intolerance, fed by a prejudiced school curriculum and state-run newspapers that regularly publish defamatory articles about the Baha'i Faith and its history. Although women have advanced in education and employment under the Islamic Republic, the government still tries to restrict educational choices and career avenues. People are defined by their identities – as a woman, Kurd or Baha'i – and often find their social position restricted on that basis.

### ***Conclusions***

At a basic level, what these three groups want from their government is the dignity of equal treatment as Iranian

citizens. The reform necessary to achieve this goal would involve addressing religious, legal and social obstacles to equality. The state would need to allow the open expression of alternative interpretations of Islamic theology on the subject of civil rights by clergy and citizens. A national debate on this question has been simmering for some time, but it calls for a more open and public airing. Legal reforms are necessary to remove explicit barriers to equality under the law, and to clarify or remove areas of ambiguity, such as the crime of 'insulting Islamic sanctities.' At the social level, women, Kurds and Baha'is must be accepted as full participants in public life – free to associate, have equal opportunities for education, and fair access to job opportunities. A vast and increasing number of Iranians share this vision of equality, but there remains a long road ahead.

## **A revolution without rights? Women, Kurds and Baha'is searching for equality in Iran**

### *Introduction*

The unique contribution of this report is its comparison of three different groups – women, Baha'is and Kurds – that all face discrimination and intensifying persecution in the Islamic Republic of Iran. It may seem an odd choice to compare such diverse experiences; other studies have looked only at women, or at the treatment of religious or ethnic minorities. What these groups have in common, however, is discrimination on the basis of identity. Being a Baha'i, woman or Kurd in Iran makes an individual vulnerable to injustice at the hands of the state. These groups deserve our attention because they face chronic persecution. The nature of this persecution may change from time to time, and not all members of a group will suffer, but pressure from the state is constant and overbearing.

We have selected the cases of women, Kurds and Baha'is to draw out the general characteristics of persecution based on gender, ethnic or religious identity. By comparing these three populations and drawing parallels between their experiences, we identify systemic obstacles to equality that affect other groups and minorities in Iran.

This report looks at the contours of state persecution of these groups to draw lessons about the potential for change in Iran. We break up our analysis into three sections: religious obstacles, legal obstacles and social obstacles. This distinction is simply made to clarify our analysis – in reality these obstacles are deeply inter-related and not as separate as they can appear. All three groups are studied within each section, though not necessarily in equal depth. Women, for example, face the most explicit discrimination in Iran's Penal and Civil Codes so it makes sense to emphasise their experience in this

area. By breaking up the analysis in this way we are able to show the unique experience of each group while also pointing to the shared characteristics of the discrimination they face.

While the report draws attention to recent developments in Iran, it takes a longer view of the entire period since the 1979 revolution when the Shah was overthrown and an Islamic Republic was installed. This broader perspective allows us to look at what has changed in the Islamic Republic and what has not. Sometimes we can mistake the appearance of change for the disappearance of continuity. Many of the worst abuses took place in the 1980s, but decreasing intensity has not fundamentally changed the social position of groups affected. For example, Baha'is are no longer summarily executed in Iran as they were in the early 1980s, but this does not mean that the state policy that inspired widespread killing is now defunct; it is simply deployed in a more strategic and insidious manner. The sources of persecution are connected with the people, institutions, and ideas that have governed Iran since the revolution.<sup>4</sup>

Iran's 1979 constitution set up a highly centralised government. While there is technically a separation of the legislature, judiciary and executive, the system is dominated by the figure of the Supreme Leader. Iran's government is defined by the doctrine of *Velayat-e Faqih*, or rule by the supreme jurist (a highly trained cleric).<sup>5</sup> This doctrine, developed by Ayatollah Ruhollah Khomeini, is based on the relatively flexible structure of religious leadership in Twelver Jafari Shi'ism.<sup>6</sup> It has long been a practice among Twelver Shi'a Muslims for every believer to choose a high-ranking cleric – called a *marja-e taqlid*, or 'source of emulation' – and follow his teachings and judgments. There are a limited number of *marjas* to follow, and when one passes away another is gradually recognised as occupying this station. From time to time, the *marjas* will recognise one of their own as a 'source of emulation' and his sayings and writings

become universally authoritative.<sup>7</sup> Ayatollah Khomeini, the father of the Islamic Republic, incorporated the principle of universal leadership on religious matters into a structure of government for a modern state.<sup>8</sup>

*Velayat-e Faqih* gives the office of the Supreme Leader extensive powers over all arms of government. The Supreme Leader appoints six members of the Guardian Council, four of whom may veto any legislation passed by the parliament (called the *majlis*). Because this arrangement led to legislative impasses, Khomeini created a new Expediency Council<sup>9</sup> – whose members he appointed – which would resolve all disputes between the Guardian Council and the *majlis*. This Council is the highest legislative authority in Iran and it is “one of the most powerful centres of decision making.”<sup>10</sup> By securing central control over the state, the doctrine of *Velayat-e Faqih* ensures the continued domination of the government and legislature by a small cadre of typically hard-line clerics led by the Supreme Leader.

Akbar Ganji, an Iranian political journalist, has referred to Max Weber’s concept of ‘Sultanism’ to describe government in Iran: Sultanism is characterised by both traditional and arbitrary authority, expressing itself through military force and the use of an efficient administrative system.<sup>11</sup> It is defined by the concentration of power in the hands of a ruler who uses it at his discretion (in Iran, it is always a ‘him’).<sup>12</sup> Sultanism aptly describes post-revolutionary Iran, where power is centralised and responsibility is diffused.

No matter who is elected as President, power is ultimately in the hands of the Supreme Leader – currently Ayatollah Ali Khamenei. All important decisions in Iran must be approved by Khamenei. Often decisions include a degree of ambiguity in their reference to ‘Islamic conditions’ or ‘standards.’ Such coded terminology is found throughout Iranian law and policy, and it ensures that the will of the Supreme Leader is implemented at the grassroots without the necessity of

giving precise and explicit instructions. As this report shows, Kurds, Baha'is and women often face discrimination because the lack of clarity in policy allows widely held prejudices to be translated into state-sponsored actions with the tacit approval of senior members of government.<sup>13</sup>

Iran's remarkable history shows that it is a country unafraid of progressive change. It is the birthplace of arguably the oldest and newest monotheistic world religions: Zoroastrianism (ca. 1000 BCE)<sup>14</sup> and the Baha'i Faith (1844 CE). Cyrus the Great, the Persian emperor from 559-529 BCE, is widely credited with producing the first known human rights charter and defending the rights of minorities.<sup>15</sup> Between 1905 and 1911, Iran underwent a constitutional revolution that produced the first parliament in the Middle East. Today, this rich tradition is carried forward by Iran's vibrant and vocal civil society.

Politics in twentieth century Iran involved constant struggles over how to reconcile three powerful ideas: Shi'a Islam, nationalism and democracy. The Islamic Republic of Iran came out of the 1979 revolution as a compromise between these ideas. Today, the struggle is increasingly between Shi'ism and civil rights. Does an Islamic state have an obligation to treat all its citizens equally? How are civil rights defined within a Shi'a legal system? Iran itself has to answer these questions. But in doing so it will have to address all of its citizens' demands for justice and equality.

## **Background: Women, Kurds and Baha'is in Iran**

### **Women**

"The situation of women [in Iran] shows all the contradictions of the revolution," writes Nikki Keddie, a leading historian of Iran.<sup>16</sup> On the one hand, the widespread mobilisation of women across social classes helped the 1979 revolution to succeed. Since the revolution, levels of literacy among women, formal education, and participation in the work force have all increased.<sup>17</sup> On the other hand, the regime has abolished many of the legal protections that women had won under the Shah. Reform of the Civil Code and the re-interpretation of *Shari'ah* law have become a focus of activism for women's rights in Iran.

In the 19<sup>th</sup> century, the women's movement was primarily advanced by a minority of elite and secular middle-class women, who campaigned for access to education and the right to vote. Under the Pahlavi regime (1925-1979) women successfully fought for new rights and protections, which were seen as part of the state-led process of modernization and secularization.<sup>18</sup>

In 1963 Mohammad Reza extended to women the right to vote and to hold public office. Despite the opposition of many clerics the Family Protection Law (FPL) was passed in 1967, and it provided equal rights to women in divorce and child custody. The FPL also created new courts presided over by civil judges – some of them women – to deal with family disputes. The advancement of women's rights in Iran was achieved by a minority of empowered women, who saw themselves emulating the liberation of women in the West.<sup>19</sup>

The revolution reversed many of the legal gains made by women, but it also dramatically expanded the participation of women in the public sphere.<sup>20</sup> Many scholars agree that "the



active participation of women in revolutionary politics . . . awakened the consciousness of many popular-class women about their political potential, and middle-class women increasingly acted to promote women's rights."<sup>21</sup> As the Islamic Republic has radically curtailed women's rights, a broadened base of women have spoken against discrimination.

The women's movement in Iran has both expanded and transformed since the revolution. Before the revolution the liberation of women was connected to the process of secularisation. Under the Islamic Republic, however, women are increasingly making arguments for the expansion of their rights by pointing to protections under the constitution, while others are reinterpreting *Shari'ah* law. Some scholars have referred to the emergence of 'Islamic feminism,' a term that highlights the difference of approaches that coexist within the women's movement in Iran.<sup>22</sup> As a result, "the terrain of women's rights is one of unprecedented cooperation among disparate groups on the one hand and severe ideological and political struggles on the other."<sup>23</sup>

### **Kurds**

The Kurds are one of Iran's largest ethnic minorities. There are about 6.5 million Kurds in Iran, constituting between 7-9% of the total population and living primarily in the west and northwest of the country.<sup>24</sup> They are particularly vulnerable as a minority population in Iran for two main reasons: some Kurds have a long history of struggle for national autonomy in Iran<sup>25</sup> and they are mostly Sunni Muslims (a minority in Shi'a Iran).<sup>26</sup> The border areas they inhabit are relatively underdeveloped and they have suffered from violent repression before and since the revolution. The Islamic Republic of Iran has continued a pattern established by previous regimes of creating a strong centralised state that is intolerant of ethnic dissidents.<sup>27</sup>

Kurdish human rights groups trace the suppression of Kurdish autonomy back to the Safavid Persian Empire, which began to promote state centralisation in the 1500s.<sup>28</sup> A Treaty between the Ottoman Empire and the Safavids in 1639 divided the Kurdish-inhabited regions between the two empires. This division has been maintained to the present day; about 12 million Kurds live in Turkey and around 6 million live in Iraq.<sup>29</sup> The Kurds in Iran, however, enjoyed a period of autonomy during the 1800s, when the Qajar state permitted the Kurdish regions to function as semi-autonomous principalities.<sup>30</sup>

This period of autonomy ended in the early 20<sup>th</sup> century following the 1921 military coup led by Reza Shah. The new Pahlavi regime "initiated a new repressive period of nation-state building, creating a centralised nationalist state agenda and a uniform national identity based on a created Persian consciousness that emphasised the primacy of "Persianness" over other ethnic or religious identities."<sup>31</sup> Kurdish opposition was crushed by the military, land was confiscated by the state, and Kurdish tribal leaders were deported.

During the Second World War, the Soviet Red Army occupied parts of Iran, including Kurdistan and Azerbaijan. Under the protection of the Soviet Union, the Kurdish Republic of Mahabad was formed in 1946. The Republic of Mahabad lasted only 11 brief months. Following the withdrawal of Soviet troops later in the year, Iran restored its control of the region and continued to co-opt various Kurdish tribal leaders with political and financial rewards.<sup>32</sup> Although Kurds' traditional leadership was undermined, the formation of the Republic led to the creation of a modern political party that remains influential today. The Kurdish Democratic Party of Iran (KDPI) continues to promote its motto: "Democracy for Iran, autonomy for Kurdistan."<sup>33</sup>

The KDPI supported the overthrow of the Shah and many Kurds participated in the 1979 revolution, but they were

quickly marginalized by the new regime. When a popular referendum was held to vote on the creation of an Islamic Republic, most Kurds boycotted the vote. They objected to the draft constitution, which did not mention the Kurds or make provision for regional autonomy. Shortly thereafter, the KDPI helped to organise a rebellion in the region. The uprising was met with brutal violence. Human Rights Watch reported that "more than 271 Iranian Kurdish villages were destroyed and depopulated between 1980 and 1992."<sup>34</sup> An estimated 10,000 Kurds were killed in the two years after the revolution.<sup>35</sup>

Although strong feelings of nationalism remain among some of the Kurds in Iran, most Kurds express their identity non-violently. However, journalists and historians who publish their thoughts or opinions on Kurdish nationalism have been tried, imprisoned and often sentenced to death.<sup>36</sup> They are usually convicted of 'enmity with God', a vague charge that is often used by the regime to silence its critics. In September 2008, about 200 Kurdish "prisoners of conscience" in Iran went on a hunger strike to protest the use of the death penalty and the prevalence of torture in detention centres across the country.<sup>37</sup>

### ***Baha'is***

At the time of the 1979 revolution the Baha'i community in Iran was estimated to be between 300,000 and 350,000, easily making it the country's largest non-Muslim religious minority.<sup>38</sup> Unlike most other religious minorities, Baha'is come from all ethnic backgrounds – they live throughout Iran and are not identifiable by any outward characteristics. The persecution of Baha'is is based exclusively on religion.<sup>39</sup> For this reason their treatment by the government is now considered a primary indicator for Iran's compliance with its human rights obligations.<sup>40</sup>

The Iranian constitution implicitly, but intentionally,<sup>41</sup>

excludes Baha'is from many rights of citizenship. Article 13 says: "Zoroastrian, Jewish and Christian Iranians are the only recognised religious minorities." Without any legal recognition or protection, a recent report from the UN Secretary General, Ban Ki-Moon, notes that members of the Baha'i community are "subjected to arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education."<sup>42</sup> The report continued to single out the "extremely severe restrictions" on the rights of Baha'is, protected under the International Covenant on Civil and Political Rights.<sup>43</sup>

The reason that Baha'is are denied legal recognition in Iran is essentially theological.<sup>44</sup> Baha'is are followers of Mirza Husayn-Ali – known as Baha'u'llah – who founded a new independent religion in mid-19<sup>th</sup> century Persia. Baha'u'llah's claim to a divine revelation directly challenges the conservative Shi'a interpretation of the Qur'an: that Muhammad was the last messenger of God. Appearing at a time of social upheaval and religious expectation, the rapid spread of the Baha'i Faith has also led clergy to fear the erosion of their authority and influence in Iran.

Baha'is have faced severe persecution in Iran since the beginning of the religion. Despite Baha'u'llah's rejection of the use of violence and any claim on political power, Baha'is were often imprisoned, tortured and killed because of their belief in a religion that upholds such principles as the equality of women and men and the unity of religion.<sup>45</sup> Many Shi'a clergy used their influence over the masses to vilify the Baha'is and, from time to time, compel the authorities to lend state power to their persecution.<sup>46</sup> It has been estimated that as many as 20,000 early believers were killed in the 19<sup>th</sup> century.<sup>47</sup>

Under the Pahlavi Regime (1927-1979), Baha'is faced alternating tolerance and persecution by the regime –

depending on whether the Shah sought independence or support from the increasingly politicised clergy.<sup>48</sup> While Reza Shah initially allowed the hiring of Baha'is in the civil service, he later passed laws restricting the employment of Baha'is by the state – “as a salve to the mullahs.”<sup>49</sup> During the 1950s, one influential cleric began to organise anti-Baha'i sentiment into the *Anjuman-i-Tablighat-i-Islami*<sup>50</sup> – an increasingly powerful organisation that claimed over 12,000 members by 1977.<sup>51</sup> The Society drew its financial support from the clerical elite but it also collaborated with the SAVAK, the Shah's secret police, in its persecution of the Baha'is.<sup>52</sup> The *Hojjatieh* Society, as it came to be known, would be influential in educating the leaders of the 1979 revolution and in organising the new Islamic Republic of Iran.<sup>53</sup>

The persecution of the Baha'is long been justified by associating the community with dominant foreign powers. Baha'is have successively been accused of being tools of Russian imperialism, British colonialism, American expansionism and most recently, of Zionism. There has been no credible evidence to support these accusations which any modern historian would recognise as contradictory. Today, the IRI still refers to the Baha'i Faith as a 'political movement', even though Baha'i teachings require believers to be obedient to their government and to avoid partisan political activity. The rhetorical strategy of branding Baha'is as 'outsiders' is intentional: in a country characterised by a strong national identity (among Muslims and secular Iranians alike), sympathising with foreign enemies creates the false perception of Baha'is as 'anti-Iranian'.<sup>54</sup>

The reaction of the national Baha'i community to persecution has been both non-violent and defiant. In the early years of the Islamic Revolution, the Baha'i leadership – at national and local levels – was targeted for elimination by the new regime. Without leadership, the community was expected to dissipate or be open to manipulation. Not only does the Baha'i community continue to exist against the odds: it has also

pioneered grassroots initiatives to educate its young people who are denied access to university, and its members are urged to continue to serve their compatriots and be well-wishers of Iran. The Baha'i leadership has also published and circulated open letters that challenge the government to live up to its rhetorical human rights declarations.<sup>55</sup> The Baha'i community resists oppression by openly defending its right to exist as a community in Iran.<sup>56</sup>

## Religious Obstacles

Shi'a Islam has a long history of vibrant debate over the interpretation of the Qur'an and authoritative texts,<sup>57</sup> but the Islamic Republic has been dominated by a conservative and inflexible version of Islam promoted by hard-line clerics. This version of Islam is used to deny Baha'is, women and Kurds civil rights that are protected by law. Iran's constitution says that the government must abolish "all forms of undesirable discrimination and [promote] the provision of equitable opportunities for all."<sup>58</sup> However, because the protection of civil rights is conditioned upon vaguely defined "Islamic criteria,"<sup>59</sup> conservative religious elements use their interpretation of Islam to promote discrimination against these groups. Baha'is are treated as 'infidels' without rights, the private lives of women are regulated by the state, and Sunni Kurds are denied basic religious freedoms. While prominent voices – such as Ayatollah Hossein-Ali Montazeri and Ayatollah Yousof Sanei – have advanced alternative interpretations of Islam that endorse civil rights, they have been marginalized or ignored by the regime.<sup>60</sup> The influence of a small group of politically powerful clerics continues to block the treatment of Baha'is, women and Kurds as equal citizens of Iran.<sup>61</sup>

### ***Baha'is***

From the early days of the revolution, persecution of the Baha'is has been spearheaded by Shi'a clerics who promote an ideology that calls for the elimination of the Baha'i community. "The clergy and religious segments have always held a deep hostility against the Baha'is," says Dr Eliz Sanasarian. "They were the true 'infidels' . . . to be dealt with harshly and to be destroyed."<sup>62</sup> Although Iran shows many signs of an authoritarian state – in its clampdown on activists, for example – the reason for the persecution of the Baha'is is ultimately theological.<sup>63</sup>

Iran regularly claims that Baha'is are involved with subversive political activity in Iran,<sup>64</sup> but the United Nations has rejected these claims as fabrications designed to cover up the real religious reason for the suppression of Baha'is.<sup>65</sup> For example, thousands of Baha'is have been denied their pensions because of their religion, and they have been openly offered their pensions back for converting to Islam. One such letter written to a Baha'i reads:

You have already been advised and guided by this Government to repent and sever your relations with the misguided group (Baha'i) and thereby return to the life-giving bosom of Islam to enjoy the fragrance of the Words of God (Qur'an). Such repentance will be accepted in accordance with the injunctions of the Holy Qur'an and you will be able to continue your services in this office and receive your unpaid dues. Otherwise, you will be dismissed from government service, charged with having a corrupt character, and you will be deprived of all your rights. On behalf of the Governorate of Fars, (Signed) Ni'matu'llah Tuqa'<sup>66</sup>

Similar offers were made even to those who faced execution for their beliefs. Twenty-one Baha'is were executed in Shiraz in 1983 after being subjected to torture and interrogations intended to convince them to recant their faith.<sup>67</sup> During their trial, the head of the Revolutionary Court issued a public warning to Baha'is: "They should repent from Baha'ism [sic], which is reasonably and logically condemned, before it is too late."<sup>68</sup>

While Iran shows many contradictions, the state's ideology has consistently been "the driving force" in its treatment of minorities.<sup>69</sup> To understand why Baha'is face relentless and systematic persecution in Iran, one must turn to the Shi'a theology that shapes the outlook of the regime. One aspect of Shi'a theology (shared by other branches of Islam) is



particularly influential: the belief that Islam is the final and perfect revelation from God.

*Shari'ah* law does not recognise Baha'is as 'protected religious minorities' because the Baha'i Faith is a post-Islamic religion. Baha'is claim that the founder of their religion, Baha'u'llah, brought a fresh revelation from God more than 1200 years after that of the Prophet Muhammad. This runs directly counter to the most commonly held interpretation of a passage in the Qur'an which states that Muhammad is 'The Seal of the Prophets.' Most clerics interpret this passage to mean that Muhammad is the final prophet of God and Islam the last and complete religion from God. In Iran, the existence of a viable Baha'i community is not tolerated because it violates this core tenet of conservative Shi'a belief.

Clerics and their theology do more than influence the worldview of Iran's leaders and citizens, they also shape the very structure of government. A relatively small group of hard-line clerics, many of them present from the early days of the revolution – continue to hold the levers of power in Iran. Many trained in the ranks of an anti-Baha'i movement that gained popularity and widespread influence in the 1960s and 1970s, and it shaped the worldview of these leaders "usually at a transitory stage in their ideological development."<sup>70</sup>

In the 1940s, Iran's clerics were increasingly dissatisfied with their limited access to political power under the Shah and the Baha'i community was a common scapegoat for their frustration. They projected the Baha'i Faith as a political movement that had been sent by foreign powers to undermine Islam. As clerics organised in opposition to the Baha'is, an emerging political awareness crystallised; no longer satisfied with educating the masses and encouraging piety, some clerics had a more ambitious vision for Iranian society. The emerging "anti-Baha'i movement," Prof Mohammad Tavakoli-Targhi argues, "played a crucial role in transforming 'Islamic faith' into 'political confrontation'."<sup>71</sup> In fact, "the

battle to cleanse Iran of its Baha'i citizens was transformed into a campaign to overthrow the Pahlavi monarchy."<sup>72</sup>

The most influential anti-Baha'i organisation was the *Anjuman-i-Tablighat-Islami* (The Society for the Propagation of Islam), known today as *Hojjatieh*.<sup>73</sup> It was founded by the charismatic cleric Sheikh Mahmud Halabi in the 1950s with the explicit purpose of eliminating the Baha'i Faith from Iran as part of a wider mission to prepare the world for the coming of the 12<sup>th</sup> Imam, a prophetic expectation of Shi'ism.<sup>74</sup> The Society had over 12,000 members by 1977.<sup>75</sup> Although Halabi urged his followers not to use violence, there is documentary evidence that *Hojjatieh* collaborated with the Shah's secret service (SAVAK) in its raids on Baha'is in 1956, 1963, and 1978.<sup>76</sup> *Hojjatieh* was not openly committed to the overthrow of the Shah, but it shaped the ideology of many future leaders of the revolution and the Islamic Republic.<sup>77</sup>

The impeccable religious credentials of *Hojjatieh* members and the highly organised structure of the Society allowed it to play a key role in the revolution and in shaping the new regime. Many members of the Society soon occupied influential positions in the Revolutionary Council and other arms of the regime. Prior to the revolution, *Hojjatieh* had infiltrated Baha'i groups to gain access to their community records, and these documents were supplemented by membership lists confiscated during armed raids on the national Baha'i headquarters in Tehran.<sup>78</sup> Dr Sanasarian notes: "the sweeping tide of Baha'i arrests, imprisonment and executions after the revolution is often attributed to *Hojjatieh* infiltrators' access to Baha'i registration books and confidential correspondence."<sup>79</sup>

*Hojjatieh* was formally disbanded in 1984 because of political disagreements between Ayatollah Khomeini and Sheikh Halabi,<sup>80</sup> but the influence of the Society has lived on. Following the revolution the Ministers of Education, Labour and Commerce were all known former members.<sup>81</sup> The ideas of

*Hojjatieh* and the possibility of a revival continues to feature more prominently since President Ahmadinejad and accompanying religious hardliners have come to power.<sup>82</sup> Both Ahmadinejad and Supreme Leader Ali Khamenei are widely rumoured to have participated in *Hojjatieh* activities as young adults.<sup>83</sup>

Given the influence of *Hojjatieh* within Iran's centralised government, it should come as no surprise to informed observers that the persecution of Iran's Baha'is has been "widespread, systematic, and uninterrupted."<sup>84</sup> In June 1979 – barely three months after the Islamic Republic had been established – Muhammad Ali Raja'i, the Minister of Education, issued a memo ordering all Baha'i teachers to be expelled from schools around the country. The memo said that "the Ministry of Education . . . will not allow . . . the followers of the Baha'i sect to stay in its educational unit, and through this channel, defile and lead astray the pure minds and thoughts of the innocent students," and that "dismissal according to the existing law is a minimum punishment."<sup>85</sup> Raja'i was known as a former organiser of the *Hojjatieh* group in Qazvin; he was one of several new Ministers with close ties to the Society.<sup>86</sup>

The new regime proceeded systematically to undermine the viability of the Baha'i community by targeting its religious leadership. In the early days of the revolution, such actions would have appeared haphazard or disorganised, but the pattern of violence indicates a clear intention. It was likely assumed that the Baha'i community would effectively dissolve in the absence of the members of appointive or elective institutions of the faith.<sup>87</sup> Between 1979 and 1983, members of Baha'i institutions in the major cities of Tehran, Yazd, Tabriz, Hamadan, and Shiraz were executed or abducted. When the nine members of the National Spiritual Assembly abducted in August 1980, another nine were duly elected in their place. The authorities abducted and secretly executed and buried eight of these nine members in December 1981.

They were buried in the 'infidel' section of the Kufrabad cemetery without the knowledge of their families. The National Assembly was again reformed, and after it publicly complied with a 1983 ban on Baha'i institutions, the regime nevertheless arrested seven members and executed them.<sup>88</sup>

During the first several years of the Islamic Republic more than 200 Baha'is – many of them occupying positions of leadership – disappeared, were publicly executed, or even shot during Baha'i activities.<sup>89</sup> Twenty-two Baha'i centres and cemeteries were destroyed, and arson, looting, mob attacks, and forced recantations were reported by Baha'is in more than fifty cities and towns across Iran.<sup>90</sup> In 1982, Firuz Kazemzadeh solemnly wrote in *The New York Review of Books* that "the threat of genocide hangs over the Baha'is of Iran."<sup>91</sup>

The targeting of the Baha'is by the new regime drew widespread international exposure, which likely contributed to a revised approach by the government. "By the mid-1980s," writes Dr Reza Afshari, "as the waves of killings, kidnappings and tortures subsided, the anti-Baha'i discrimination began to be institutionalised."<sup>92</sup> The late 1980s and early 1990s witnessed the consolidation of the revolution into a functioning state, and this enabled the use of bureaucracy to uniformly and non-violently suppress the Baha'i community. In December 1990, the Supreme Leader Ayatollah Ali Khamenei directed President Rafsanjani to address "the Baha'i Question," and the issue was referred to the Supreme Council of the Cultural Revolution (SCCR). According to the text of the memo, Ayatollah Khamenei wanted policy proposals "devised in such a way that everyone will understand what should or should not be done" with respect to the Baha'is.<sup>93</sup>

In response to Ayatollah Khamenei's request, Dr Seyyed Mohammad Reza Hashemi Golpayani, Secretary of the SCCR, prepared a confidential memo to outline policy guidelines in light of the constitution and religious and civil laws of the

country. Signed by some of the most powerful members of the government, the memo clarifies what had become a de facto state policy: the Baha'is must be treated in such a way that "their progress and development will be blocked." The memo states that Baha'is may earn a "modest livelihood", but "they must be expelled from universities," and the state must "deny them employment if they identify themselves as Baha'is," and "deny them any position of influence, such as in the educational sector, etc." Children, the memo says, "should be enrolled in schools which have a strong and imposing religious ideology."<sup>94</sup> After this secret memorandum was leaked in 1993, Human Rights Watch concluded that it provided concrete evidence of "an official policy of persecution."<sup>95</sup>

As one element of the policy, Baha'i students have been formally denied access to higher education since 1981.<sup>96</sup> In December 2003, however, the government announced that students would not have to state their religion on their application for the national university entrance examination, and about 800 Baha'is registered to take the exam. When the results were released, several hundred Baha'i students ranked among the best of their peers.<sup>97</sup> On their results, however, they were misidentified as Muslim, because many wrote their compulsory religious studies examination on Islam. Although they were first notified by the authorities that the error would be corrected, ultimately only ten Baha'is were offered admission to universities.<sup>98</sup>

The government has continued the charade of permitting Baha'is to sit qualifying exams without any intention of allowing them to study. In June 2007, around 1000 Baha'i students wrote the exams, but more than 700 were informed afterwards that their files were 'incomplete' and their exams could not be graded. Of more than 200 admitted, 128 were later identified as Baha'is and consequently expelled. A leaked confidential communication from the director general of the Central Security Office of the Ministry of Science,

Research and Technology has been revealed, instructing eighty-one Iranian universities to expel any Baha'i students.<sup>99</sup> In 2008, Baha'i students attempting to access their university entrance examination results were directed to a webpage that said "Error-incomplete file."<sup>100</sup> Blocking the Baha'is from access to higher education may superficially appear to be of less concern than the physical attacks on the Baha'is in the early 1980s, but the consequences of the policy for the Baha'i community will resonate for generations.

The election of President Mahmoud Ahmadinejad in 2005 symbolised the victory of conservative forces over a reform movement that appeared to make some headway with the election of President Khatami. It has been followed by the appointment of hardliners to influential positions and a dramatic escalation in the persecution of the Baha'is. In November 2005, Ayatollah Khamenei called on the military and security forces to "monitor and manage their [the Baha'is'] social activities."<sup>101</sup> Soon after this memo was leaked, the Iran Human Rights Documentation Centre observed: "Given the historic hostility of the conservative clerical establishment to the Baha'i community, there is good reason to fear that this measure is laying the foundation for a new cycle in anti-Baha'i oppression."<sup>102</sup> These fears were echoed by General Romeo Dallaire, who expressed his "deep" concern "that Baha'is are not being specifically targeted by a regime that has the means to carry out the most despicable of intentions."<sup>103</sup> Since 2005, dozens of Baha'is have been arrested, including the seven members of the Friends of Iran – an informal national body that coordinates the activities of the Baha'is.<sup>104</sup> Sporadic acts of brutal violence against Baha'is are taking place across the country with alarming frequency, and the state-sponsored media regularly publishes anti-Baha'i articles.<sup>105</sup>

The current government is dominated by hardliners, many of whom are reputed to have connections to *Hojjatieh*, and the recent intensification in anti-Baha'i activity has raised the

concern of many human rights monitors.<sup>106</sup> In September and October 2008 a group calling itself 'The People's Movement Against Baha'ist Institutions in Iran' circulated a petition that "demands that the Public Prosecutor deal with all the elements of the [Baha'i] institutions and dissolve this organisation." In Tehran, the petition was prominently displayed at a major sermon by Ayatollah Khamenei, and officials from the Ministry of Intelligence were on hand to gain the maximum number of signatures. In Qom, it was on display outside the Khomeini Mosque, which encloses one of the holiest shrines for Shi'a Muslims in Iran. These highly symbolic actions suggested that the government endorsed the use of the petition to further inflame anti-Baha'i sentiment.<sup>107</sup>

### **Women**

In the early days of the revolution, graffiti, leaflets, the media, and clerics repeated an old Iranian cliché: the "Woman Represents the Chastity of Society."<sup>108</sup> Images of veiled women symbolised revolutionary heroism. The leaders of the revolution promoted the Islamicisation of women's dress and their duties within the family as a barometer for the success and protection of the new Islamic state.<sup>109</sup> Hamideh Seghdi notes that "concealing women's bodies, gender segregation and inequality became integral to state-building and its identity: Islamic, anti-imperialist, and anti-Westernist."<sup>110</sup> Choices that may have once been considered acts of personal piety or religious devotion are now public issues for state intervention. Indeed, an early act of the new Islamic Republic was the creation of hijab laws that require female covering in public.<sup>111</sup>

The first instance of public attacks against supporters of women's rights was during the anti-hijab demonstrations in Tehran on 8 March 1979, followed by other demonstrations on the 9<sup>th</sup> and 10<sup>th</sup> of the same month. When thousands of women took to the streets to oppose the requirement to wear

a veil, they were met by revolutionary guards and fanatical elements who physically assaulted the women and fired shots to disperse them.<sup>112</sup>

Hijab has been defined in various ways. Some consider it a physical act of covering women's hair<sup>113</sup> and body in its entirety, leaving parts or all of the face exposed. Others define it as morality, chastity and purity. In Iran, the public enforcement of hijab is "is the most visible symbol of the Islamic Republic's power"<sup>114</sup> – the state reaches into the personal life and appearance of every woman. Hijab carries with it the sense of honour that men must uphold both in private and public spheres over women, who are considered by dominant Shi'a theology as inferior in rights and worth.<sup>115</sup> This division results in different expectations of behaviour from men and women.<sup>116</sup>

The creation of hijab laws provoked widespread opposition, and initially officials claimed that they would not be made mandatory; however, that is precisely what happened in April 1983. The law was enforced on all women regardless of their background or beliefs<sup>117</sup> and those who opposed it were punished in public. Ayatollah Gilani, a high-ranking official of the Republic, set in place specific punishments for various degrees of opposition to hijab rules.<sup>118</sup> In addition to the hijab dress codes, the Islamic Republic enforces segregation of the sexes in schools, universities, offices, buses, hospital, swimming pools, beaches,<sup>119</sup> and public ceremonies among others. This is done so both exposure and interaction among the sexes is limited.

The destructive effect of enforcing such strict regulations on the lives of women can be seen in the life of Dr Homa Darabi. She was an accomplished professor of psychiatry who had trained in Iran and at leading US teaching hospitals, and she returned to Iran to teach at the University of Tehran. During the 1980s, Dr. Darabi despaired at the strict religious rules increasingly enforced upon her by her husband, her



employers, and her society. She finally lost her faculty position in 1990 after failing to observe the dress code. On 21 February 1994, Dr Darabi carried a container of gasoline into a public square in Tehran and as she lit herself on fire, she shouted "Death to tyranny! Long live freedom! Long live Iran!" Recounting her story, Reza Afshari remarks, "It was as though her anger and defeat could be expressed only through the fire that killed her, sending a message to the world that only she possessed her body."<sup>120</sup>

Some women have responded to hijab laws by promoting alternative interpretations of theology and Islamic jurisprudence. Such efforts have aroused staunch opposition from hardline clerics. Ayatollah Yazdi, the Head the Judiciary, dismissed reinterpretation initiatives because Islam's "primary ordinances" on subjects such as hijab were beyond question. In 1998, conservative deputies passed a law forbidding all interpretation about women's position in society that took place "outside the legal and *Shari'ah* framework."<sup>121</sup>

The enforcement of hijab laws was progressively relaxed under Presidents Rafsanjani and Khatami, though this trend has since been reversed. A bill introduced at the end of Khatami's presidency proposed a greater degree of control over promotion of morality and prevention of vice. 'The Means and Ways of Propagating the Culture of Chastity and Hijab' was ratified by the High Council of the Cultural Revolution in April 2005. Soon after the bill's approval and following the election of President Ahmadinejad, a body was set up to oversee its strict application to all aspects of life for Iranian women.<sup>122</sup> The agents and officers of this body often employ verbal abuse, corporal punishment, imprisonment and torture<sup>123</sup> as enforcement techniques.<sup>124</sup>

### **Kurds**

Most Kurds are Sunni Muslims in a country that is 80–90% percent Shi'a, and in which Twelver/Jafari Shi'a Islam is the

official state religion<sup>125</sup> and Shi'a clergy the wielders of political power. As a result many Kurds, as both an ethnic and religious minority, find themselves marginalised and excluded, existing on the periphery of mainstream Iranian society. The treatment of Sunni Kurds mirrors that of many other Sunni Muslims in Iran.

While the Iranian constitution explicitly defends the rights of non-Shi'a Muslims,<sup>126</sup> in practice Kurds face religious discrimination in their community affairs and in access to public office. Very few Sunnis have positions in embassies, universities and other important public institutions. They are unable to achieve the highest-ranking positions in government or the judiciary. Article 115 of the constitution states that the President may not be an adherent of another school of Islamic thought.<sup>127</sup> Even in Kurdish areas where the majority are Sunnis there is a notable lack of Sunni representation in local authorities.

The government-appointed governor of the Kurdish region has usually been Shi'a and non-Kurdish. In September 2002, all six Kurdish members of parliament resigned in protest at not being consulted over the appointment of the new governor.<sup>128</sup> As a report for the United Nations Commission on Human Rights noted: "Their joint letter to the Interior Minister claimed that the legitimate rights of the Kurds, especially the Sunnis amongst them, was denied and their calls for justice on the political, economic, cultural and social levels had been neglected."<sup>129</sup>

Although the constitution protects the rights of Sunnis to administer their own religious affairs, religious leadership in Kurdish areas has usually been non-Sunni and non-Kurdish. The state appoints Shi'a clerics to run Friday prayers in Sunni mosques in Kurdish towns. Human Rights Watch has reported an incident in which a Friday prayer leader in Sanandaj announced he would issue the call to prayer and carry out other religious rites according to Shi'a traditions, despite the

fact that he was serving a Sunni congregation.<sup>130</sup> Such cases clearly violate the constitution and Iran's international obligations to ensure freedom of religion.

The dominance of Shi'ism in Iran is reflected in Article 12 of the constitution, which states that the Sunnis may have religious rights, provided they do not infringe upon "the rights of the followers of other schools."<sup>131</sup> This exception is used to deny Kurdish (and other) Sunnis basic religious rights that have a profound effect on community life. A Kurdish community that raised over a million rials (about seventy thousand pounds in 2008) to enlarge the Dar al-Ehsan mosque in Sanandaj was blocked from completing the project. Despite the fact that "all the necessary building permits were obtained from local authorities, the Ministry of Islamic Guidance stepped in to block the new extension and confiscated the funds raised to carry out the project."<sup>132</sup> In Tehran there are over one million Sunni Muslims but not a single mosque in the city to serve that community. State broadcasting does not transmit the Sunni call to prayer, which is different to Shi'a ones.<sup>133</sup>

As Sunnis, Kurds face intimidation and arbitrary detention for religious reasons. According to the United States Commission on International Religious Freedom, "Iranian Sunni leaders have reported widespread abuses and restrictions on their religious practice, including detentions and torture of Sunni clerics . . . Sunni Muslim leaders are regularly intimidated and harassed by intelligence and security services and report widespread official discrimination."<sup>134</sup> In his recent report to the United Nation General Assembly, Secretary-General Ban Ki-Moon noted: "Members of . . . the Kurdish community . . . [and] Sunni community . . . have reportedly been subjected to arbitrary arrests and torture, allegedly in connection with peaceful demonstrations for their rights, such as the right to speak their own language and to hold religious ceremonies."<sup>135</sup>

## Legal Obstacles

The law in Iran is often used to discriminate against women, Baha'is and Kurds. In some respects, this is ironic because Iran is one of the only Muslim states to have signed and ratified the Universal Declaration of Human Rights and the two International Covenants, and Iran's constitution protects many basic rights and freedoms.<sup>136</sup> Despite these formal commitments to equality, many laws enshrine discrimination against all three groups, but especially women.<sup>137</sup> Furthermore, individuals' entitlement to their rights is open to interpretation based on 'Islamic criteria,' so in practice basic rights are provisional and not universal.

Judges can be more powerful than the law itself. According to Article 170 of the constitution, "Judges of courts are obliged to refrain from executing statues and regulations of the government that are in conflict with the laws and norms of Islam." Judges make their decisions based on interpretations of *Shari'ah* principles, and they often reference the conservative rulings of Ayatollah Khomeini.<sup>138</sup> The experience of women, Kurds and Baha'is shows that the application of the law is sometimes arbitrary and often discriminatory. Iran's legal system is plagued by a lack of transparency and impunity, and the government appears uninterested in serious reform so long as legal ambiguity serves to isolate undesirable groups and individuals.

### **Women**

Women face systemic discrimination under a version of *Shari'ah* law that upholds unequal rights for women and men. Women are treated as inferior to men in areas of marriage and divorce, child custody, inheritance and freedom of movement. The Civil and Penal Codes, their interpretation in court, and the process of trial and sentencing all disadvantage women in the court of law. The government has also

responded to campaigns for women's rights with arbitrary violence and imprisonment.

Women are discriminated against in many areas of the law, particularly in family law. Men have the more rights to divorce, and a man may divorce his wife at any time. He may also marry as many as four women, and he can contract unlimited 'temporary marriages'. To obtain a divorce a woman must prove in court that her husband is: mentally ill; unable to provide for them and their families; unable to consummate the marriage and have children; or suffering from an incurable disease.<sup>139</sup> With respect to child custody, the basic tenets of family law automatically favour the father: according to the Civil Code, any child born during and after marriage belongs to the husband.<sup>140</sup> In other areas of the law, a woman is counted as worth half of a man.<sup>141</sup>

In 2008 the Parliament debated a new Family Protection Bill, which would deepen discrimination against women. For example, Article 22 of the bill would not require the registration of 'temporary marriages,' a Shi'a legal provision that can be used to legitimise prostitution. Article 23 authorises polygamous marriages if the man can financially provide for another wife; he would not have to obtain the consent of his present wives to contract additional marriages. Article 25 proposes a new tax on women's dowries, often their only source of financial support after marriage. Article 46 criminalises the marriage between an Iranian woman and a foreign national, without the consent of the government. Punishment for violating this law could be a year in prison. The bill also introduces highly complicated procedures for women to obtain divorce, even in cases of domestic violence. Although the Legal and Judicial Commission of Parliament approved the bill in outline on 9 July 2008, it is currently with the Commission for further revisions (and has received loud opposition by women's rights organisations).<sup>142</sup>

Women face additional discrimination in the sentencing for

crimes such as adultery, which is punishable by stoning to death. The Penal Code requires a judge to use documented evidence, the law, and his 'knowledge' or 'intuition' to make decisions. Women sentenced to death by stoning are usually not convicted on the basis of testimony or confession, however, but primarily according to the intuition of the judge.<sup>143</sup> Although both women and men may be convicted of adultery, discriminatory<sup>144</sup> aspects of the law place women at a greater risk of facing death by stoning.<sup>145</sup> Far more women than men have been convicted of adultery and sentenced to death.<sup>146</sup> The *Women Living Under Muslim Laws* group argues: "the judicial system, in which no females are included, provides a loophole to the burden of proof and disrupts the consistency in issuing stoning sentences."<sup>147</sup> More generally, the UN Special Rapporteur on Violence Against Women notes: "The ruling clergy, in their reading of the *Shari'ah* that shapes both the attitudinal as well as the institutional structures, have tended towards conservative, gender-biased interpretations."<sup>148</sup>

Women face widespread physical abuse and sexual violence in Iran, and very few legal provisions exist to protect them.<sup>149</sup> In other instances the authorities fail to enforce laws that are already in place, such as the 2004 Law on Combating Human Trafficking. This is of particular concern as an increasing number of Iranian women become victims of trafficking. Majority of these underage women are forced into slavery or prostitution. A 2005 UN report states "women are kidnapped, bought or entered into temporary marriage in order to be sold into sexual slavery in other countries."<sup>150</sup>

Rape victims must provide four male eyewitnesses or three male and two female witnesses to achieve legal recourse. Such requirements make it extremely difficult to charge men for rape, and it also makes it risky for victims to take cases to court. If the defendant is acquitted because of insufficient evidence, the victim can be charged with 'false accusation' or 'illicit sexual relations.' The UN has received reports of women

sentenced to prison terms for defending themselves against sexual assault; 'self-defence' is not considered to be grounds for acquittal in Iran.<sup>151</sup>

Violence against women is particularly prevalent in the prison system. Although female prisoners are subjected to sexual violence, including rape, they rarely speak about their experiences. Some have been raped as part of their interrogation while others have suffered at the hands of guards. Witness accounts about executed prisoners have testified that sexual violence has been institutionalised within some prisons. Sarmast Akhlaq Tabandeh, a senior Guards Corps interrogator, recounted one such case in a Shiraz prison: "Flora Owrangi, an acquaintance of one of my friends was one such victim. The night before her execution, the resident mullah in the prison conducted a lottery among the members of the firing squads and prison officials to determine who would rape her. She was then forcibly injected with anaesthesia ampoules, after which she was raped."<sup>152</sup>

Activists who argue for better legal protections for women have received harsh responses from the authorities. Peaceful demonstrations, campaigns, newspapers and organizations in support of women's equal rights are suffocated one way or another.<sup>153</sup> The prominent Campaign for Equality<sup>154</sup> (also known as the One Million Signatures Campaign), which informs women of their rights and is attempting to gather one million signatures to petition against discriminatory laws, has faced a recent crackdown.<sup>155</sup> Zeynab Beyzeydi was detained on 9 July 2008, and all charges against her were eventually dropped except that of participating in the one millions signature campaign. Esha Momeni, a young student photographer from California State University was arbitrarily arrested by the authorities on Wednesday October 15, 2008 and transferred to Evin Prison.<sup>156</sup> She was in Tehran conducting research for her Master's thesis and had just recorded video interviews with members of the Campaign for Equality.<sup>157</sup>

Amnesty International reports that the demands of the campaign are not intended to fundamentally challenge the Islamic Republic, and organisers are careful to conduct activities in full compliance with the law. The Campaign insists that they are participating in a broader debate about the meaning of equality within Islamic law. They point to a recent statement by Ayatollah Hossein Mousavi Tabrizi, General Secretary of the Organization of Researchers and Scholars in the Qom Seminary:

We have many laws . . . that address women's status or even men's status, which have to be reformed in accordance with current needs in order to come in line with and meet the needs of citizens. Concerning women, laws such as diyeh[compensation for bodily injury], inheritance, child custody, divorce . . . can in fact be changed, and these reforms and changes in no way contradict *Shari'ah* law. In fact, many religious leaders and grand ayatollahs have issued fatwas [religious rulings] which seek to reform current laws.<sup>158</sup>

Despite the Campaign's effort to conduct its affairs in accordance with the law, dozens of its members have been repeatedly imprisoned. The charges are often spurious: "propaganda against the system" and "acting against national security."<sup>159</sup>

Impunity in the treatment of women in Iran is widespread. Husbands are unaccountable for the treatment of their wives, judges make arbitrary decisions against women, and prison guards are not investigated for abuse of women. The case of Canadian photojournalist Zahra Kazemi brought international attention to the lengths taken by the Iranian government to avoid scrutiny of the justice system. Ms. Kazemi died in custody on 10 July 2003, and the authorities first claimed that she died of a digestive disorder and then reported that she was killed by a stroke. Credible reports, however, indicate that she was subjected to torture and abuse while in detention.<sup>160</sup> Iran refused requests by the Canadian



government to examine her body and no public investigation was carried out.

### ***Kurds***

Although there are no specific anti-Kurdish laws in the constitution, the authorities find pretexts for persecuting Kurds who openly and non-violently profess their group identity. Once arrested many have experienced violations of due process that contravene Iranian law and fall far below international standards. Kurds are also denied rights to teach their language, and they face discrimination with respect to housing, public education and employment.

The Iranian constitution does not grant autonomy to ethnic minorities, but it does allow the use of minority languages in education. Kurds have found, however, that this aspect of the constitution is often violated. Amnesty reported that an NGO running two nursery schools in Sandaj and Mahabad had been closed down because they taught in the Kurdish language.<sup>161</sup> In a report to the United Nations, one scholar has noted: "The authorities have refused the teaching of Kurdish at any level of schools in Kurdistan, and have limited the use of Kurdish in the print and electronic media and drastically reduced the air-time for Kurdish programming since 1979."<sup>162</sup> Ironically, while Kurds are not allowed to teach Kurdish in schools, Armenians have been permitted to do so.<sup>163</sup>

Kurds face state-sponsored discrimination in housing, public education and employment. A 2005 report by U.N. Special Rapporteur on Adequate Housing, Miloon Kothari, found that Kurds were being disproportionately affected by confiscation and 'confiscation style' purchase of property by the government.<sup>164</sup> Kurds complain that state universities grant few places to students from Kurdistan, compromising the future development of the region. Furthermore, according to Kurdish human rights activist, Roya Toloui, higher taxes are

paid in Kurdish regions even though average income is much lower than the national average.<sup>165</sup>

Unemployment in Kurdish areas is notably higher than in other regions of the country. This is no coincidence. It is alleged that the government intentionally marginalises Kurds by denying them jobs in the public sector when the state is by far the country's biggest employer.<sup>166</sup> Reports suggest that material advancement of the Kurds is also stunted by unofficial policies carried out by the authorities, including the denial of business licences in primary and secondary industries such as mining and manufacturing. Those who engage in trade across state borders must deal with corrupt and violent border guards who are able to act with impunity.

Human rights campaigners and journalists in Iran who speak out on behalf of the Kurds face severe consequences, which can also affect their families. In October 2008, Negin Sheikholeslami was arbitrarily arrested – she is the founder of the Azar Mehr Women's Social and Cultural Society of Kurdistan which organises training and sports activities for Kurdish women. Sheikholeslami also works for the Human Rights Organization of Kurdistan (HROK), which reports incidences of human rights abuses, and her arrest is the latest in a string of arbitrary arrests of HROK members.<sup>167</sup>

Even those who do not go out of their way to criticise the regime have been arrested for merely expressing their Kurdish identity. Journalist and environmental activist, Hiwa Butimar, for example, has written about the origins, culture and politics of the Kurds. In December 2006 he was arrested and sentenced to death for engaging in "acts against national security" and "spying for western countries." Intelligence officers searched his belongings and confiscated a key ring and wall clock, both bearing the Kurdish flag.<sup>168</sup> Hiwa Butimar's death sentence was overturned by the Supreme Court in October 2007 on the basis of procedural irregularities, but the case was returned to the same judge who had

first sentenced him, Hamid Sultan Bakhsh. In April 2008, Mr Butimar was sentenced to death a second time, by the same judge.<sup>169</sup>

The Kurdish Human Rights Project reports that there are more than 200 Kurdish prisoners of conscience in Iran, who have been imprisoned for expressing their opinions non-violently.<sup>170</sup> One of the commonly used security laws in the Penal Code is Article 186, which carries the possible sentences of death and banishment for being a member of, or supporting, an organisation that has waged armed struggle against the Islamic Republic. Another is Article 500, which punishes anyone found guilty of "advertising against the order of the Islamic Republic of Iran."<sup>171</sup> Kurdish activists such as Farzad Kamangar, teacher and reporter for the Human Rights Organization of Iran, have been sentenced to death for "acting against state security" and "enmity with God."

The charges made against Kurdish activists often include allegations of unspecified breaches of national security or violating morality, which create a legal exemption from honouring human rights protections outlined in the constitution. For example, freedom of expression is allowed, "except when it is detrimental to the fundamental principles of Islam or the rights of the public."<sup>172</sup> Activities that count as being 'against' Islam or the Islamic Republic can be very broadly defined to suit the purposes of the local or national government. Such charges are used as a pretext for cracking down on criticism, activism or dissent of any kind.

Many activists, students and journalists have been detained, tortured and even executed by Iranian intelligence and security forces and judiciary on fabricated national security charges. The lawyer for Farzad Kamangar told the Iranian Minority Human Rights Organization (IMHRO) that nothing in Kamangar's judicial files and records demonstrates any links to the charges brought against him.<sup>173</sup> Even the peaceful expression of Kurdish identity is often misinterpreted as the

spreading of propaganda or working against the regime. According to Human Rights Watch, the trend of cracking down on the peaceful activists "has intensified under President Ahmadinejad and his intelligence apparatus."<sup>174</sup>

Human rights organisations have testified that arbitrary detention, disappearances, unfair trials and indefinite solitary confinement are routine treatment for Kurdish prisoners. Torture in all its forms, humiliation and other punishments are used against those in custody. In an interview with Radio Farda, Roya Toloui described how she had been kicked, slapped, and beaten.<sup>175</sup> Only when those who had physically abused her asked for her children to be brought into the prison and threatened to burn them to death, did she give them the false confessions they desired.<sup>176</sup> Aside from violating international law, the widespread use of torture also contravenes Iran's own constitutional ban on the use of torture.<sup>177</sup>

Due process has also been violated in the trials of Kurdish prisoners, even though Article 168 of the constitution upholds the right to an open jury trial.<sup>178</sup> In the case of Mr. Kamangar, only one judge reviewed the case, the defendant was not allowed to speak, and the trial lasted less than ten minutes.<sup>179</sup> Such violations of the right to a fair trial and judicial review are widespread.

Often those in custody are held in solitary confinement for long periods of time – sometimes in rooms of only one square metre – and they are prevented from any communication with their families. For the first month and a half that Mohammad Sadigh Kabodwand, Founder and Chairman of the Kurdish Human Rights Organization, was in custody, his family did not know where he was being detained. This is not unusual for political prisoners of any ethnicity. During the six months that he was kept in solitary confinement he is reported to have suffered a heart attack and stroke and was initially denied access to medical treatment.<sup>180</sup>

From 25 August to 10 October 2008, Kurdish political prisoners

went on hunger strike "calling for an end to the use of torture and other ill-treatment of prisoners and for an immediate end to executions and the use of the death penalty."<sup>181</sup> They also demanded "better prison conditions and independent inspection of Iranian prisons by national and international human rights bodies, for an end to the use of internal exile as a method of punishing dissent and for an end to official discrimination against the Kurdish minority, including prisoners."<sup>182</sup>

### ***Baha'is***

Iran's constitution recognises some religious minorities as 'protected' groups: Judaism, Christianity and Zoroastrianism are recognised in this way, and their members have some rights. Members of the Baha'i Faith – and other 'unrecognised' religions, such as Buddhism – are left in a legal vacuum by the constitution. Without any protection, Baha'is often receive arbitrary judgments in court when judges enforce conservative interpretations of *Shari'ah* law.

The Iranian constitution was intentionally designed to exclude the Baha'is. In her analysis of the drafting process, Dr Eliz Sanasarian writes that "anti-Baha'ism was obvious" throughout the debates over the final version of the constitution.<sup>183</sup> The delegates haggled over "every word and expression of certain articles" to ensure that the Baha'is would not be included.<sup>184</sup> The first draft of the constitution was written by human rights lawyer Abdolkarim Lahiji, but his draft was edited by the Assembly of Experts so that it would be clear that Baha'is had no rights at all.<sup>185</sup>

The constitution upholds many human rights norms, but makes them conditional on interpretations of Islamic law. For example, Article 14 says that Muslims must respect the human rights of "all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran."<sup>186</sup> Iranian officials have publicly argued that Baha'is are a

"misguided group . . . whose affiliation with world Zionism is a clear fact," and who could not be "in the same category as minorities like the Christians, Jews and Zoroastrians."<sup>187</sup> The conditions for human rights protection under Article 14 are often interpreted such that Baha'is are unprotected.

In one case, two men were accused of communicating with the Baha'i World Centre,<sup>188</sup> which led to charges of serving Western powers that were plotting to destroy Islam. The court ruling stated: "Due to religious laws and theological codes mentioned above, the above [Behnam Misaqi and Keyvan Khalajabadi] cannot be considered among the Kuffar-i-Dhimmi [protected infidels] and therefore the court condemns them to death as Kuffar-i Harbi [unprotected infidels at war with Islam]."<sup>189</sup> The application of the death sentence in this case highlights the severity of the Baha'is' legal status as 'unprotected infidels'.

In 1983, the government removed any ambiguity about its position on the Baha'is. Without offering formal notification to the Baha'is, Prosecutor General Seyyed Hussein Musavi-Tabrizi announced a ban on all administrative and community activities of the Baha'i Faith in Iran. He publicly declared (through a newspaper) that membership on a Baha'i institution would be a criminal offence because they were "at war with God (*mohareb*)," "conspirators," and "engaged in espionage."<sup>190</sup> In a newspaper interview, the Prosecutor General defended the decision, saying: "[The Baha'is] agitate and sabotage in some affairs, and spy for others . . . All of these problems have caused us to announce right now that all the collective and administrative activities of Baha'ism in Iran are, and have always been, banned. The Islamic Republic of Iran and the constitution of the country does not recognise them."<sup>191</sup>

Although the national Baha'i leadership immediately complied with the ban,<sup>192</sup> the authorities enforced it retroactively.<sup>193</sup> Soon after the ban was publicised, hundreds of former

members of dissolved local and national Baha'i institutions were arrested. Roger Cooper, a British journalist in Iran, reported an "unprecedentedly large-scale campaign of mass arrests" of former members of Baha'i institutions; 700 Baha'is were summarily detained, sometimes with their infant children, and held without charges.<sup>194</sup>

The strict 'Islamic conditions'<sup>195</sup> placed on civil rights makes Baha'is vulnerable to arbitrary rulings by conservative judges. According to Article 167 of the constitution a judge must rule in each case based on relevant codified law. However, in cases that fall outside of these parameters, "the judges are required to primarily look into credible *Shari'ah* principles."<sup>196</sup> Because the Baha'is are excluded from the constitution and relevant bodies of Iranian law, their cases are subject to each judge's interpretations of *Shari'ah* law. As a result, it is often not clear what constitutes an offence under the law.<sup>197</sup> Khomeini's *fatwas* condemning the Baha'is have been cited in several cases, including one where two men were freed from punishment after being convicted of murdering a Baha'i.<sup>198</sup> The court ruled that the men would not be sentenced because the victim "was a member of the misguided and misguiding Baha'i sect."<sup>199</sup>

At the hands of such judges, many Baha'is have been convicted of apostasy (converting from Islam to another religion)<sup>200</sup> – an offence that did not exist formally in Iran's Penal Code.<sup>201</sup> However, in September 2008 the Parliament approved a bill in outline that would make apostasy illegal under the Penal Code as a crime with a mandatory death sentence.<sup>202</sup> The text of the bill is now being finalised by the judicial commission of the Majles before it is approved by the Guardian Council and voted on in plenary (its second reading in Parliament). In a declaration on 26 September 2008 the European Union urged the bill to be dropped because of the threat it posed to religious minorities, especially to Baha'is and Christians. On 8 October 2008, British Foreign Secretary David Miliband issued a similar condemnation, stating that "if adopted, [the

legislation] would violate the right to freedom of religion, which is also an important basis of any civilised society.”<sup>203</sup>

Including apostasy as a crime under the Penal Code would openly flout Iran’s prior commitments to Articles 18 of both the Universal Declaration of Human Rights and the International Covenant on Political and Civil Rights. In its general comment 22(48) of 20 July 1992, the Human Rights Committee observed that the freedom to “have or to adopt a religion or belief necessarily entailed the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheist views, as well as the right to retain one’s religion or belief.” Article 18, paragraph 2, of the International Covenant on Civil and Political rights bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to religious beliefs and congregations, to recant their religion or belief or to convert.

Making apostasy a crime may also deter human rights defenders from taking up the cause of the Baha’is.<sup>204</sup> This can clearly be seen in the case of Shirin Ebadi, the Nobel-prize winning lawyer, who took up the case of seven members<sup>205</sup> of the Baha’i national coordinating committee, who were arbitrarily arrested and imprisoned without trial or legal representation on 14 May 2008.<sup>206</sup> Soon after she announced her decision to take their case press sources close to the government have published stories to the effect that her daughter had become a Baha’i, and some stories even stated that she herself had become a Baha’i.<sup>207</sup> If the apostasy law had been in place at the time, it would have been tantamount to being accused of a capital offence. It can easily be seen how such pressure could quickly isolate the Baha’i community and drive away any who may otherwise feel inclined to speak out against the human rights abuses that they suffer or to support them in other ways – it might even be used to pressure their employers for example. The government has



clearly and effectively signalled that anyone who shows any sympathy at all for the Baha'is is in danger of being accused of being Baha'i and thus, once the law is passed, in danger of the death penalty.<sup>208</sup>

Given the animus of hard-line clerics against the Baha'is, law is often used arbitrarily to keep the community off balance. The use of short-term detentions and holding Baha'is incommunicado and without charges has emerged as a pattern in the past four years. The arrest of the Baha'i leaders mentioned above has corresponded with the recent detention of at least 22 other Baha'is, who have been imprisoned only for being Baha'is. While the government officially denies that the Baha'is are persecuted because of their religion, the official charges in one of these cases were given as "teaching Baha'ism, propaganda against the regime of the Islamic Republic of Iran, and insulting the sacred institutions of Islam."<sup>209</sup>

## Social Obstacles

Kurds, Baha'is and women are often marginalised in society because of social and cultural norms. Iranian society is heavily influenced by nationalism and Shi'a Islam, which promote an ideal of 'unity' "over factors which might divide it."<sup>210</sup> The Expediency Council noted in its 2000 general policy on minorities that "the culture and civilization of Islam and Iran, the Persian language and writing are key factors of solidarity."<sup>211</sup> The pre-eminence of Persian ethnicity and Islam means that Kurds and Baha'is are often stigmatised as 'anti-Iranian' or as sources of division. Women, on the other hand, are required to abide by cultural norms and related laws that restrict their full and equal participation in society.

Social and cultural norms are perpetuated through schools, the media, and the public statements of clerics. In a recent study of Iran's curriculum, Saeed Paivandi notes that it teaches that "individuals are not equal and, in the hierarchy of values, are defined and judged based on gender, ethnic background, religion, and piety."<sup>212</sup> This observation also applies to society at large. People are defined by their identities – as a woman, Kurd or Baha'i – and often find their social position restricted on that basis.

### ***Kurds***

From the very establishment of the Islamic Republic there was a terrible fear of territorial disintegration, and as a result, Kurdish nationalism has been undermined and depicted as dangerous and anti-Iranian. Ayatollah Khomeini himself made a statement in December 1979 in which he declared:

Sometimes the word minorities is used to refer to people such as Kurds, Lurs, Turks, Persians, Baluchis, and such. These people should not be called minorities, because this term assumes that there is a difference between these brothers. In Islam, such a difference has

no place at all. There is no difference between Muslims who speak different languages . . . It is very probable that such problems have been created by those who do not wish Muslim countries to be united . . . They create the issues of nationalism . . . and such-isms which are contrary to Islamic doctrines. Their plan is to destroy Islam and Islamic philosophy.<sup>213</sup>

Such claims at the beginning of the revolution – that there is no such thing as minorities and no difference between Muslims – were aimed at creating unity under the new regime. In practice, however, unity meant domination by Persian Shi'a elements of society. The result has not been inclusion and assimilation, but exclusion. The denial of Kurdish identity has provoked the alienation of Kurds from mainstream Iranian society. Although the majority supported the revolution, when the draft constitution omitted any mention of the Kurds, most boycotted the referendum on the constitution.

In the above statement from Khomeini in 1979, not only did he refuse to acknowledge the existence of Kurdish identity rights, he also suggested that those who made such claims were agents of foreign powers. This is indicative of the state paranoia that has existed from the outset of the revolution, that foreign powers might exploit Kurdish nationalism to destabilise the regime. Khomeini's words give space for labelling Kurds as 'anti-Iranian' and 'anti-Islamic,' which stigmatises Kurds and opens them up to accusations, such as threatening national security or being an enemy of God, for which they can be tried in court.<sup>214</sup>

The geography of Kurdish communities, many of them near borders, contributes to the perception that they are both an internal and external threat to the integrity of the state.<sup>215</sup> Most of their villages are found in the west and northwest in areas neighbouring Kurdish communities in Iraq and Turkey. Without documentation or evidence, the authorities often

claim that Kurdish cultural activities or human rights advocacy are fuelled by partisan agendas that threaten national security. Such accusations contribute to a dangerous culture of suspicion. Sceptical of Kurdish loyalty to Iran, in the 1980s vigilante groups and paramilitary groups operated with impunity when targeting Kurdish areas.

Popular and state-level suspicion of Iranian Kurds is not new to Iran, particularly given Kurdish history of nationalism and campaigns for greater autonomy. The question is, however, whether the Iranian government is doing anything to help stop discrimination against Kurds, whether it actually encourages the stereotyping of Kurds as hostile dissenters. Anti-Sunni propaganda by the state adds to the social marginalisation of Kurds. According to a 2004 State Department report, Sunnis claim the state broadcasting company *Voice and Vision* airs programmes that are insulting to Sunnis.<sup>216</sup> In April 2004 it was reported that Sunni members of Parliament had petitioned the Supreme Leader to issue an order bringing an end to 'anti-Sunni propaganda in the mass media, books, and publications; the measure would include the state-run media . . .'.<sup>217</sup>

Kurds suffer not only from state-level discrimination and harassment, but also from neglect. For example, Koochi-Kamali explains that although there is difficulty with obtaining access to water in the eastern areas of Iranian Kurdistan, these water shortages "could be eliminated if adequate assistance and guidance were given to the peasants by the government."<sup>218</sup> According to Yildiz and Taysi, "Many Kurds feel that their region suffers from intentional underdevelopment at the hands of the government."<sup>219</sup> Whether this neglect is intentional or not, it contravenes Article 48 of the constitution which says that there must be no discrimination among the various provinces with regard to the distribution of public revenues to ensure that each region has the necessary resources to meet its needs and capacity for growth.<sup>220</sup> President Mohammad Khatami noted during a

visit to Kurdistan Province in August 2000 that it suffers from the "pain of chronic deprivation" as well as "poverty and [a] high rate of unemployment."<sup>221</sup> As Yildiz and Taysi point out, this economic marginalisation "severely inhibits the Kurds from actively participating in Iranian public life."<sup>222</sup>

Widespread prejudice against Kurds has affected their livelihoods in direct ways. In May 2001, the non-Kurdish president of the Piranshehr Sugar Company was allowed to dismiss eighty percent of the Kurdish employees and instead hire workers of other ethnicities and those who collaborated with the Revolutionary Guards.<sup>223</sup> Despite complaints to the government, the Company was not penalised.

The authorities also turn a blind eye to incidents of crime within Kurdish communities. Violence against women is worse in Kurdish areas than elsewhere, but the authorities often turn a blind eye. According to Amnesty International, "discrimination and violence against women and girls in the Kurdish regions is both pervasive and widely tolerated."<sup>224</sup> Kurdish women are doubly vulnerable by virtue of living in a patriarchal society under a state that systemically discriminates against ethnic minorities.

The educational system in Iran also disadvantages Kurds. A 2003 UN report found that literacy rates for the age group 15-24 in Kurdistan were notably below the national average. This may be unsurprising given the degree of discrimination and harassment faced by Kurdish teachers. The Human Rights Organization of Kurdistan reported in February 2007 that more than 1,500 teachers and professors in Kurdistan had been fired by the authorities on religious grounds. They wrote an open letter to the government decrying their lack of freedom and calling on human rights organisations to protest against their dismissal.<sup>225</sup>

## ***Baha'is***

Professor H.E. Chehabi, an eminent scholar of Iran, has noted a troubling fact: "the murder of close to 300 Baha'is since the revolution has elicited relatively little public outrage from non-Baha'i [Iranian] defenders of human rights."<sup>226</sup> To an outside observer, this would be surprising given the courageous activism of many Iranians. But while there have been a handful of recent exceptions to Chehabi's observation,<sup>227</sup> Baha'is have long been treated as a taboo group in Iran.<sup>228</sup> Even among secular Iranians, the term 'Baha'i' is frequently used as an insulting label – in much the same way as the label "Jew" would have been widely used in Europe prior to the Second World War.<sup>229</sup>

Despite the fact that the Baha'i Faith originated in 19<sup>th</sup>-century Persia, Baha'is are publicly maligned as anti-Iranian. This perception owes something to the cosmopolitan outlook of the Baha'i Faith, which encourages believers to consider the interests of humanity above national feelings. Iranian nationalism is a powerful force among the general public,<sup>230</sup> and the universal outlook of Baha'is brands them as something other than 'true' Iranians.<sup>231</sup>

How is this cultural intolerance towards Baha'is perpetuated? Newspapers, schools, and the public statements of clerics all contribute towards the creation of a discriminatory culture in Iran.<sup>232</sup> The use of the media to defame the Baha'i community has been particularly dangerous in the past. Media campaigns in 1955 and the 1980s accompanied periods of more intense persecution of the Baha'is – which included mob attacks against them by other Iranians.

In the 1980s, the media regularly published articles that quoted prominent clerics encouraging and justifying widespread violence against the Baha'is. For example, Ayatollah Ahmad Jannati, who has been a powerful member of the conservative religious establishment since the

revolution, made the following public remarks in an address that questioned the relevance of a prominent social movement:

Before the revolution you were involved in the 'anti-Baha'ism movement,' arguing that the Baha'is are a danger to Islam and have ties to Israel. We already know all that. Our position was that they must be cut off at the roots, while you were doing no more than chopping away at their leaves and branches. Very well! Now they have been denied any place at all under the Islamic Republic.<sup>233</sup>

Comments such as those by Jannati were regularly featured in the Iranian media in the early 1980s, a time of brutal violence against the Baha'is at the hands of the revolutionary courts and vigilante groups. According to Eliz Sanasarian, "the existent hostility towards Baha'is was fuelled by the revolution and its ideological elements"<sup>234</sup> – these included clerics like Jannati, who is now a close advisor to President Ahmadinejad.<sup>235</sup>

The last several years have witnessed a dramatic escalation in attacks on the Baha'is in state-controlled media. Within a week of President Ahmadinejad's election, *Kayhan* newspaper,<sup>236</sup> edited by a representative of Ayatollah Khamenei, began to publish a series of aggressive and defamatory articles about the Baha'i Faith. The titles of such articles are intended to be provocative: 'Contradictions in the Teachings of Baha'ism' (10 November 2005); 'Promoter of Terrorism' (19 November 2005); 'Intertwined with the Zionist' (23 November 2005); 'A Cesspool of Corruption' (29 November 2005); 'Deceiving the Masses to Attract Them' (3 December 2005).<sup>237</sup> In the last three years, more than 200 defamatory articles about the Baha'is were published in *Kayhan*. From July to September 2008, such articles ran daily.<sup>238</sup>

Clerics are also using the internet to shape public thought. The Supreme Leader Ayatollah Ali Khamenei maintains a website where he answers questions posted by readers. The *Irish Times*<sup>239</sup> reported the following posting on his website:

Q: "We have Baahi (Baha'i) neighbours . . . Our neighbours are good people and we have excellent relations with them. What should we do?"

A: "These people are *harem* [haram] (forbidden, unlawful) and are the enemy of our religion and beliefs . . . You should end your relationship with them."

While some clerics have softened their language in more recent public statements, the message remains the same: Baha'is are not equal to other Iranians. In an address that was reported in two Iranian newspapers on 10 February 2000, the prominent cleric Ayatollah Mohammad Taqi Mesbah-Yazdi rejected the slogan 'Iran belongs to all Iranians': "Today they are trying to recognise the Baha'is with the slogan 'Iran belongs to all Iranians.' Is not a Baha'i considered an Iranian? Don't we have first and second-class citizens? Are people considered equal and, therefore, the citizens should also be considered equal and of the same rank? Are we defending these kinds of human rights? Is this the purpose of our revolution?"<sup>240</sup> Mesbah-Yazdi is known to be a close counsel and religious guide to President Ahmadinejad.<sup>241</sup>

Prejudice against Baha'is is taught from a young age. An illustrated children's book that retells the life of one of the central figures of the Baha'i Faith, calling him a liar and a mad man, was recently circulated among school children in Shiraz.<sup>242</sup> The elementary school curriculum includes a distorted description of Baha'i history in a lesson titled 'Sect-Building by Colonialism' in a History textbook for 13-14 year olds. The lesson begins: "The British and Russian



governments were extremely afraid of the unity of Muslims in Iran . . . One of their goals in sowing discord was supporting new false religions. Among these false religions were Baabism [sic] and Baha'ism [sic]."<sup>243</sup> Creating the false perception that Baha'is are imperialist agents plays into the widespread Iranian paranoia about foreign control.

Children are also taught prejudice towards Baha'is through the conduct of their teachers. In the past two years, the harassment of Baha'i children in class (some as young as six) has been increasingly reported across the country. Between mid-January and mid-February 2007, about 150 incidents of abuse by school authorities were reported from at least 10 cities.<sup>244</sup> In secondary schools, the vast majority of such incidents were directed at girls. "The extent and nature of this reprehensible activity has led the Baha'is in Iran to conclude that this is an organized effort," reported Bani Dugal, the principal representative of the Baha'i International Community to the United Nations.<sup>245</sup>

In 1985, the British journalist Roger Cooper concluded a report with the following: "Prejudice seems to be so deep-rooted that it may take more than a generation before the Baha'is can be assimilated into their native land."<sup>246</sup> More than 20 years later the cultural institutions of the Islamic Republic continue to breed such prejudice in the minds of Iranians.

### **Women**

Iran has made notable improvements in women's social standing in some respects, only to restrict it in others. These contradictions can be seen in the disparity between improved access to education for girls and women, and the limited roles provided for women in the work force.

In her report to the Commission on Human Rights, the Special Rapporteur on Violence Against Women, Yakin Ertürk,

noted that "despite the continuing reports of violations of women's human rights, there have been some positive developments during the past decade . . . in the area of the right to education."<sup>247</sup> The ratio of girls to boys attending primary school is almost equal. Women's literacy rate in 2006 was 69%, compared to 83% for men. Significantly, 62% of students in higher education are women.<sup>248</sup> While these gains are notable in their own right, they can be qualified by the ways in which women are restricted from full and equal access to education.

The curriculum taught in Iranian schools teaches gender inequality from a young age.<sup>249</sup> It draws on textual and visual examples that inculcate a culture of Shi'a male superiority. A recent study of Iranian curriculum by Saeed Paivandi found that "gender discrimination permeates Iran's textbooks . . . Women are accorded little importance as individuals, and their contributions to society outside the home are largely ignored." The study draws on examples that demonstrate "this attitude toward women is justified in the textbooks through numerous references to the Koran and the lives of prophets and Imams."<sup>250</sup>

For many female students, particularly those in rural areas, accessing education at all is still a challenge because of social norms. UNICEF has noted that fewer women than men in rural areas move on to secondary school from primary school, and literacy rates among women in rural areas are 20% lower than in urban areas.<sup>251</sup> It is even more difficult for rural women to access higher education. A recent law states that female students may only be admitted to institutions of higher education where their parents or spouses reside. In those cases where women must be admitted in other locations, they can only do so with the permission of their parents or spouses. Using a justification that seeks to link a certain interpretation of theological values to public interest, these plans greatly restrict women's access to education, freedom of choice and movement.

Female university students have also recently had fields of study restricted on the basis of sex. In April 2003, the Ministry of Higher Education introduced sex-based quotas for university students in particular faculties, such as agriculture, physiotherapy, material science and medicine. The new quotas met strong public resistance, and the Minister of Health and Medical Education was forced to explain why the number of female doctors had to be limited. He referred to the legal requirement for a woman to follow her husband's choice of residence, which he claimed to fear would restrict the number of doctors available to practice in rural areas.<sup>252</sup> Other Iranian officials offered similar justifications, basing their arguments not on legal grounds but on protecting religious or family values.<sup>253</sup>

Women encounter a variety of challenges in the workforce, especially educated women who seek skilled, full-time jobs. Women constitute only 14.2% of the formal labour force, and they primarily work in "low-paid, sex-stereotyped sectors."<sup>254</sup> Female participation in the workforce is discouraged by patriarchal social norms that are reinforced by the law. Article 1117 of the Civil Code gives the husband the right to forbid his wife from taking a job that is incompatible with the interests of the family or her dignity.

The imbalance between the high proportion of female university students and the low rate of employment has led, unsurprisingly, to frustration among women. A survey carried out by the Association of Iranian Researchers in 2007 found that the greatest concern of Iranian women was financial insecurity (80.7%). This was closely followed by lack of personal security (72.6%), lack of job security (63.7%) and lack of a democratic system (60.8%). Ironically, discrimination was listed their last issue of concern (47.8%).<sup>255</sup> The report argued that the disparity between university attendance and female employment helped to explain the pattern of findings.<sup>256</sup>

Iran is currently exacerbating the problem of barriers facing women's full participation in society. Soon after taking office, President Ahmadinejad changed the name of the 'Centre for Women's Participation' to the 'Centre for Women and Family Affairs.' Soon afterwards, in October 2005 the new Islamic Guidance Minister Safar-Harandi issued a directive that women should go home at the end of office hours to their families because their presence at home warmed the heart of the family unit.<sup>257</sup>

Despite the unpopularity of the Minister's directive, this year President Ahmadinejad renewed discussion of limiting the numbers hours women could work by proposing a bill to this effect. He noted the crucial role of the woman as a mother and that suggested that by working she may be failing in her duties as a wife and a mother.<sup>258</sup> The draft bill may appear benign or even appealing: fewer hours at work according to the number of children at home and two full days off during the month with full pay. In reality, however, this reduces the desirability of women as prospective employees and makes it very difficult for those in employment in an already ailing economy that suffers from recession and increasing rates of poverty.<sup>259</sup>

## Conclusions

As this report has shown, the Islamic Republic of Iran has consistently and systematically discriminated against Baha'is, women and Kurds. Members of these groups are restricted in many aspects of their daily lives by the structure of the theological state, the legal system derived from it, and certain societal and cultural norms that have become more pervasive under the Islamic Republic. When the experience of women, Baha'is and Kurds is viewed comparatively, common themes emerge.

Iran routinely ignores its own laws and international obligations with regard to the protection of human rights. The right to equality (non-discrimination) is enshrined in both the Universal Declaration of Human Rights and the Islamic Declaration of Human Rights, which bans "any discrimination on the grounds of race, colour, language, gender, or religious beliefs or political affiliation."<sup>260</sup> Iran's 1906 constitution says: "the citizens of the Kingdom of Iran will have equal rights before the law," and the 1979 constitution declares "the abolition of all forms of unjust discrimination and the provision of equitable opportunities for all."<sup>261</sup> These commitments to equality are routinely undermined, however, by clerics and judges who claim that equal treatment would violate 'Islamic standards.'<sup>262</sup> The highly centralised structure of government in Iran means that 'Islamic standards' are usually defined by a small group of powerful hard-line clerics.

All three groups are regularly denied their due process and detainee rights under the law. Legal processes are outlined in the Iranian constitution and the Code of Criminal Procedure, but many are not adhered to in practice. Those held in custody are often held incommunicado for long periods of time without any indication of the charges against them. When groups of people are arrested together, some may be released without explanation while others continue to be held without charges. When women, Baha'is or Kurds are detained

some have been tortured. Arbitrary arrest, detention without charges, and the use of torture are all illegal under Iranian law and they violate the International Covenant on Civil and Political Rights.<sup>263</sup>

Iran increasingly uses the pretext of national security when it detains women, Baha'is and Kurds. As in many western countries, invoking national security allows the state to side-step due process laws. The cases highlighted in this report show how the lack of credibility of such charges when used to detain a Kurdish historian, a female petitioner, or a group of Baha'i leaders – all acting peacefully. In a recent report, Human Rights Watch quoted a student aptly observing that in Iran "the articles on security are so general that you can detain anyone for anything and give him a prison sentence."<sup>264</sup> The charges used to justify the detention of women, Kurds and Baha'is are often ambiguous, such as 'acting against the regime,' 'enmity with God,' or 'insulting the sacred institutions of Islam,' and thus application of the law is often unpredictable and seemingly arbitrary.

Comparing the experience of these three groups also shows similar tactics of state-sponsored persecution, in addition to those outlined above. Clerics and state media frequently use the label 'anti-Iranian' to discredit marginal groups. Members of the Baha'i community, women protesting against discrimination, or Kurds teaching in their own language are all branded with this derogatory label. The state also places obstacles to education and employment which prevent social advancement by members of these groups. Baha'is are denied access to state universities, far fewer Kurds than the national average get places, and women are restricted in their choice of courses (even if they dominate numerically overall). All three groups have difficulty gaining employment in the public sector (Baha'is are completely banned).

This report also highlights the problem of impunity in Iran. The regime avoids responsibility and accountability for its

persecution of women, Baha'is and Kurds. There is often no recourse available to victims of rights violations, and where cases are overturned upon appeal to the Supreme Court they can be retried by the same lower court judge with the same outcome.

At a basic level, what these three groups want from their government is the dignity of equal treatment as Iranian citizens. The reform necessary to achieve this goal would involve addressing religious, legal and social obstacles to equality. The state would need to allow the open expression of alternative interpretations of Islamic theology on the subject of civil rights by clergy and citizens. A national debate on this question has been simmering for some time, but it calls for a more open and public airing. Legal reforms are necessary to remove explicit barriers to equality under the law, and to clarify or remove areas of ambiguity, such as the crime of 'insulting Islamic sanctities.'<sup>265</sup> At the social level, women, Kurds and Baha'is must be accepted as full participants in public life – free to associate, have equal opportunities for education, and fair access to job opportunities. A vast and increasing number of Iranians share this vision of equality, but there remains a long road ahead.

## Policy Recommendations

1. That the human rights situation in Iran receive continuous and wide ranging attention, independent of matters of mutual concern or antipathy between the United Kingdom, EU and the Islamic Republic of Iran.
2. That the EU address the deteriorating human rights situation in the Islamic Republic of Iran at every opportunity– bilaterally and multilaterally, both publicly and in discussions, and at the highest levels – especially with regards to freedom of religion or belief and particularly change of religion; equality before the law; due process guarantees; and non-discrimination in fact and in law on the basis of sex, race, religion and other criteria.
3. To encourage the Islamic Republic of Iran to co-operate fully with all UN mechanisms and procedures – including its response to the UN General Assembly's annual resolutions of concern regarding its human rights situation, the request of the UN Special Rapporteur on freedom of religion or belief to visit that country; its overdue reporting for (i) the UN Human Rights Committee, (ii) UN Committee on Economic, Social and Cultural Rights, and (iii) the UN Committee on the Elimination of Racial Discrimination; and to also with all other UN mechanisms and procedures.
4. For EU governments, to urge the Islamic Republic of Iran to ratify the UN Convention on the Elimination of All Forms of Discrimination Against Women and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment without reservations.
5. That the effective exclusion of Baha'ís from higher education be addressed in a public communiqué by the UK Minister of State for Higher Education and Intellectual



Property and the EU Commissioner for Education, Training, Culture and Youth.

6. For the EU to consider the strategic application of incentives and penalties to support the improvement of the human rights situation in Iran.
  - a. An improvement in human rights could be measured by changes in the following areas: arbitrary detention; torture in custody; lack of adequate appeal procedures; hate speech in media; and exclusion from public institutions, services and employment (*inter alia*: universities, business licenses, work, pensions).
  - b. Economic incentives may include promoting trade and investment opportunities such as approval of a new EU-Iran Trade and Cooperation agreement and providing technical assistance for Iran's bid for WTO accession once nuclear related sanctions and restrictions have been lifted.
  - c. Sanctions can be targeted to key members of the regime directly involved in the promotion of discrimination by issuing travel bans or banking restrictions including freezing private assets.<sup>266</sup>

## Notes

<sup>1</sup> 19 August 2006 letter from the Iranian Ministry of the Interior to political-securitys deputies of the offices of the Governor's General of the country available in English at: <<http://www.babai.org/persecution/iran/19-08-06>> [Accessed 14 November 2008].

<sup>2</sup> Article 8 of the Supplement to the Constitution of 1906; Clause 9 of Article 3 of the Constitution of the Islamic Republic of Iran.

<sup>3</sup> See: Amnesty International report, 'Iran: Human Rights Abuses Against the Kurdish Minority'. <<http://www.amnesty.org/en/library/asset/MDE13/088/2008/en/d140767b-5e45-11dd-a592-c739f9b70de8/mde130882008eng.pdf>> [Accessed 14 November 2008].

<sup>4</sup> It should be acknowledged that many of the societal issues affecting the groups highlighted in this report have roots before the Islamic Revolution.

<sup>5</sup> Seyyed Hasan Taheri Khorramabadi, no date. *Velayat-e-Faqhi va Hakemiyat-e-Mellat*. No place of publication. Published by Daftar-e-Entasharat-e-Eslami, (associated with *Jame'eh Modarresyn at Hoze Elmiyeh Qom*).

<sup>6</sup> See: Hamid Mavani, 2001. *The Most Learned of the Shi'a. The Institution of the Marja' Taqlid*. edited by Linda S. Walbridge. New York: Oxford University Press. Also see: Ruhollah Khomeini in Algar, Hamid (translator and editor): *Islam and Revolution: Writing and Declarations of Imam Khomeini*, Berkeley: Mizan Press. Seyyed Hasan Taheri Khorramabadi, no date. *Velayat-e-Faqhi va Hakemiyat-e-Mellat*. No place of publication. Published by *Daftar-e-Entasharat-e-Eslami*, (associated with *Jame'eh Modarresyn at Hoze Elmiyeh Qom*).

<sup>7</sup> This section draws upon: Reza Afshari, 2001. *Human Rights in Iran: The Abuse of Cultural Relativism*. Philadelphia: University of Pennsylvania Press, Roy Mottahadeh, 1985. *The Mantle of the Prophet: Religion and Politics in Iran*. New York: Pantheon Books.

<sup>8</sup> In the original version of the constitution, the Supreme Leader had to be recognised as a *marja* and possess political abilities. The first

requirement was amended in the constitution soon before Khomeini passed away, opening the way for any middle-ranking cleric to assume the office of Supreme Leader. Ayatollah Khamenei was not a high-ranking cleric when a process of political manoeuvring concluded with his elevation to the office of Supreme Leader. This clear violation of the doctrine originally developed by Khomeini has undermined the theological legitimacy of Khamenei's position. Wilfried Buchta, 2005. 'Taking Stock of a Quarter Century of the Islamic Republic of Iran'. *Occasional Publications 5*. Islamic Legal Studies Program ILSP, Harvard Law School.

<sup>9</sup> Its actual name, translated by Afshari, is the 'Council for Assessing What Is in the Interests of the Order'. Afshari, 2001: 20.

<sup>10</sup> Afshari, 2001: 20.

<sup>11</sup> Akbar Ganji, 2008. 'The Latter-Day Sultan: Power and Politics in Iran'. *Foreign Affairs*, Nov/Dec 2008.

<sup>12</sup> See Chapter IX of the constitution of the Islamic Republic of Iran, 'The Executive Power'.

<sup>13</sup> An example of this phenomenon is captured in the following analysis: Ahmad Zeidabadi, 2008. 'The Baha'i Issue'. <[http://www.roozonline.com/english/archives/2008/06/the\\_bahai\\_issue.html](http://www.roozonline.com/english/archives/2008/06/the_bahai_issue.html)> [Accessed 13 November 2008].

<sup>14</sup> Bruce Lincoln, 1991. *Death, War, and Sacrifice: Studies in Ideology and Practice*. Chicago: University of Chicago Press.

<sup>15</sup> Arthur H. Robertson & J.G. Herills, 1996. *Human Rights in the World: An Introduction to the Study of the International Protection of Human Rights*. Manchester: Manchester University Press.

<sup>16</sup> Nikkie Keddie, 2006. *Modern Iran: Roots and Results of Revolution*. London: Yale University Press: p. 292.

<sup>17</sup> Louise Halper, 2005. 'Law and Women's Agency in Post-Revolutionary Iran'. *Harvard Journal of Law and Gender*: p. 28.

<sup>18</sup> Mahnaz Afkhami & Erika Friedl, 1994. *In the Eye of the Storm: Women in Post-Revolutionary Iran*. London: IB Tauris.

<sup>19</sup> See, for example: Afkhami & Friedl, 1994.

<sup>20</sup> Halper, 2005.

<sup>21</sup> Keddie, 2006: 292-3.

<sup>22</sup> Halper, 2005.

<sup>23</sup> Keddie, 2006: 296.

<sup>24</sup> Yildiz & Taysi, 2007.

<sup>25</sup> David McDowall, 2000. *A Modern History of the Kurds*. London: IB Tauris.

<sup>26</sup> Human Rights Watch, 1997. 'Iran – Religious and Ethnic Minorities: Discrimination in Law and Practice', Vol.9, No.7(E). <<http://www.hrw.org/reports/1997/iran>> [Accessed 13 November 2008].

<sup>27</sup> McDowall, 2000.

<sup>28</sup> Kerim Yildiz & Tanyel B. Taysi, 2007. *The Kurds in Iran: The Past, Present and Future*. London: Pluto Press.

<sup>29</sup> Hussein D. Hassan, 2007. 'Iran: Ethnic and Religious Minorities'. Washington DC: Congressional Research Service.

<sup>30</sup> Nazila Ghanea, 2003. 'Ethnic and Religious Groups in the Islamic Republic of Iran: Policy suggestions for the integration of minorities through participation in public life'. *Commission on Human Rights E/CN.4/Sub.2/AC.5/2003/WP.8*.

<sup>31</sup> Yildiz & Taysi, 2007: 34.

<sup>32</sup> Yildiz & Taysi, 2007.

<sup>33</sup> The KDPI advocated the use of violence in the struggle for autonomy until the late 1990s/early 2000s.

<sup>34</sup> Human Rights Watch 1997.

<sup>35</sup> McDowall, 2000.

<sup>36</sup> Kurdish Human Rights Project 2008. 'Press Release: Iran Prisoners Mount Hunger Strike', 10 September 2008. Mimeo.

<sup>37</sup> Ibid.

<sup>38</sup> Ghanea, 2003: 119. The number cited above is the most common estimate. Reza Afshari notes the difficulty of arriving at a reliable number of Baha'is in Iran: "Some recognizable groups of victims changed in the new regime, but Baha'is have remained a permanent fixture in the country's fertile landscape of human rights abuses . . . Since they do not exist officially, it is hard to determine how many thousands of them live across Iran; estimates vary from 150,000 to 500,000."

<sup>39</sup> "Political considerations cannot fully explain the violent suppressions of their human rights. It seems that motivations for anti-Baha'i policies and actions originate in the clerics' blind hatreds, whose roots lie in a pre-modern religious prejudice." Afshari, 2001: 120.

<sup>40</sup> Article entitled 'The Baha'i Issue' by Ahmad Zeldabadi published on 22/5/2008 in Rooz available at: <[http://www.roozonline.com/archives/2008/05/post\\_7506.php](http://www.roozonline.com/archives/2008/05/post_7506.php)> [Accessed 14 November 2008].

<sup>41</sup> Eliz Sanasarian, 2000. *Religious Minorities in Iran*. Cambridge: Cambridge University Press.

<sup>42</sup> United Nations Secretary-General, 2008. Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran. A/63/459.

<sup>43</sup> Ibid., p.15.

<sup>44</sup> "The clergy and religious segments have always held a deep hostility against the Baha'is. They were th true 'infidels,' in the strict application of the term, to be dealt with harshly and to be destroyed." Sanasarian, 2000: 114.

<sup>45</sup> Shahrough Akhavi, 1980. *Religion and Politics in Contemporary Iran: clergy-state relations in the Pahlavi period*. Albany, New York: SUNY Press.

<sup>46</sup> Douglas Martin, 1984. 'The Persecution of the Baha'is in Iran: 1844-1984'. *Baha'i Studies* 12/13.

<sup>47</sup> It is impossible to arrive at an accurate number of Baha'is killed in the 19<sup>th</sup> century, but the number of 20,000 is widely cited (if occasionally disputed). See: Moojan Momen, 2005. 'The Babi and Baha'i community of Iran: A case of 'suspended genocide'?'. *Journal of Genocide Research* 7(2): pp. 221-241.

<sup>48</sup> Mottahadeh, 1985.

<sup>49</sup> Martin, 1984: 16. Also see: Akhavi, 1980.

<sup>50</sup> 'Society for Islamic Propagation'

<sup>51</sup> Iran Human Rights Documentation Centre, 2006. *A Faith Denied: The Persecution of the Baha'is in Iran*. New Haven: IHRDC.

<sup>52</sup> 'Mujahid' newspaper published on 9 July 1980 refers to this secret memorandum sent to the director of SAVAK from the Third Bureau 341 dated 27/8/1351 (18 November 1972). The memo refers to a request for aid from SAVAK by the head of the *Anjuman* in relation to their systematic attacks against the Baha'is, and the Bureau's agreement to it. A copy of this article and other related documents showing this relationship are available in Martin, 1984.

<sup>53</sup> Reza Afshari, 2008. 'The discourse and practice of human rights violations of Iranian Baha'is in the Islamic Republic of Iran', in Dominic Parviz Brookshaw and Seena B Fazel, eds. *The Baha'is of Iran: Socio-Historical Studies*. London: Routledge.

<sup>54</sup> H.E. Chehabi, 2008. 'Anatomy of Prejudice: Reflections on secular anti-Baha'ism in Iran', in Dominic Parviz Brookshaw and Seena B. Fazel, eds. *The Baha'is of Iran: Socio-Historical Studies*. London: Routledge.

<sup>55</sup> See the response of the Iranian National Spiritual Assembly to

government orders that Baha'i institutions be dissolved: <[http://bahai-library.com/file.php5?file=nsa\\_banning\\_bahai\\_iran&language=](http://bahai-library.com/file.php5?file=nsa_banning_bahai_iran&language=)> [Accessed 14 October 2008].

<sup>56</sup> In November 2004 the Baha'i community in Iran presented an appeal to President Khatami. For an English translation and full details please see: <[http://question.bahai.org/003\\_3.php](http://question.bahai.org/003_3.php)> [Accessed 14 November 2008].

<sup>57</sup> See the open letter from the Iranian Baha'i community to President Khatami on 15 November 2004: <[http://question.bahai.org/003\\_3.php](http://question.bahai.org/003_3.php)> [Accessed 14 November 2008].

<sup>58</sup> Article 3.9, the constitution of the Islamic Republic of Iran.

<sup>59</sup> Article 4 of the constitution says: "All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all the articles of the constitution as well as to all other laws and regulations, and the *fuqaha* of the Guardian Council are judges in this manner."

<sup>60</sup> See: <<http://www.payvand.com/news/06/mar/1067.html>> [Accessed 13 November 2008].

<sup>61</sup> Nisrine Abiad argues that "it is not *Shari'ah* which is preventing the implementation of human rights or justifying their violation in [Iran]. Rather, it is a lack of political will among the governing establishment . . . that [is] largely responsible for poor human rights records." Nisrine Abiad, 2008: 173. *Sharia, Muslim States and International Human Rights Treaty Obligations: A Comparative Study*. London: British Institute of International and Comparative Law.

<sup>62</sup> Sanasarian, 2000: 114.

<sup>63</sup> Afshari, 2001.

<sup>64</sup> United Nations General Assembly, 2008. 'Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran', 1 October 2008. A/63/459.

<sup>65</sup> Ibid.

<sup>66</sup> See a copy of the original letter in: Baha'i International Community, 1982. *The Baha'is in Iran: A report on the persecution of a religious minority*. New York: BIC.

<sup>67</sup> Afshari, 2008. While the regime later claimed that the Baha'is were executed for political reasons, the visitation cards for the prisoners listed their crime to be membership in "the wayward sect of Baha'ism." IHRDC, 2007.

<sup>68</sup> Khabar-i Junub, "Religious Magistrate of Shiraz: 'I warn the Baha'is to come to the Bosom of Islam.'" 3 March 1983.

<sup>59</sup> Sanasarian, 2000: 7.

<sup>70</sup> Mahmoud Sadri, 'Hojjatiya'. Encyclopaedia Iranica Online, 2004. Available at [www.iranica.com](http://www.iranica.com).

<sup>71</sup> Tavakoli-Targhi, 2008: 224.

<sup>72</sup> Ibid.

<sup>73</sup> For ease of reading, the rest of the report will refer to the *Hojjatieh* Society.

<sup>74</sup> Mahmoud Sadri, 'Hojjatiya'. Encyclopaedia Iranica Online, 2004. Available at [www.iranica.com](http://www.iranica.com).

<sup>75</sup> Darius M. Rejali, 1994. *Torture and Modernity – Self, Society and State in Modern Iran*. Oxford: Westview Press: p. 103.

<sup>76</sup> Martin, 1984: 34.

<sup>77</sup> Sadri, 2004.

<sup>78</sup> Martin, 1984; Sanasarian, 2000.

<sup>79</sup> Sanasarian, 2000: 120.

<sup>80</sup> Sadri, 2004.



<sup>81</sup> Afshari, 2008: 235.

<sup>82</sup> Radio Free Europe/Radio Liberty (RFE/RL), 13 September 2004, volume 7, number 31. Bill Samii, 2004. 'Is the *Hojjatieh* Society Making A Comeback?'. <<http://www.rferl.org/reports/iran-report/2004/09/31-130904.asp>> [Accessed 13 November 2008].

<sup>83</sup> Kasma Naji, 2008. *Ahmadinejad: The Secret History of Iran's Radical Leader*. London: University of California Press.; Washington Post, 10 December 1982, cited in: Martin, 1984: 62.

<sup>84</sup> Sanasarian, 2000: 53.

<sup>85</sup> Martin, 1984: 45.

<sup>86</sup> Afshari, 2001.

<sup>87</sup> The Baha'i Faith has no clergy. Martin, 1984: 49.

<sup>88</sup> There are many documented sources to confirm these incidents. The most comprehensive is IHRDC, 2006.

<sup>89</sup> Friedrich W. Affolter, 2005. 'The Specter of Ideological Genocide: The Baha'is of Iran', *War Crimes, Genocide and Crimes Against Humanity*, 1(1).

<sup>90</sup> IHRDC, 'A Faith Denied', 2006: 21.

<sup>91</sup> Firuz Kazemzadeh, 1982. 'The terror facing the Baha'is', *The New York Review of Books*, 13 May 1982: pp. 43-44.

<sup>92</sup> Afshari, 2008: 256.

<sup>93</sup> This quotation is from Dr Seyyed Mohammad Golpaygani, Secretary of the Supreme Revolutionary Cultural Council in the memo addressed to the Head of the Office of Ayatollah Khamenei, the Supreme Leader of Iran. A copy of the original memo and a full English translation are in IHRDC, 2006 (Appendix 7).

<sup>94</sup> See: IHRDC, 2006: Appendix 7.

<sup>95</sup> HRW, 1997.

<sup>96</sup> The expulsion of Baha'i students began as early as June 1979. IHRDC, 2006: 46.

<sup>97</sup> Baha'i International Community, 2006. *Closed Doors: Iran's Campaign to Deny Higher Education to Baha'is*. New York: BIC.

<sup>98</sup> Ibid.

<sup>99</sup> Baha'i International Community, 2007. 'Confidential Iran memo exposes policy to deny Baha'i students university education'. *Baha'i World News Service*, 27 August 2007. <<http://news.bahai.org/story/575>> [Accessed 30 October 2007].

<sup>100</sup> The Baha'i International Community reported: "The Web page to which they were automatically directed had a URL (Internet address) ending with the words "error\_bah" – an apparent reference to the fact that their files were declared in "error" because they were Baha'is." See: <<http://www.news.bahai.org/story/657>> [Accessed 13 November 2008].

<sup>101</sup> Golnaz Esfandiari, 'Iran: UN, U.S. Concerned Over Situation of Baha'is'. RFE/RL, 30 March 2006.

<sup>102</sup> IHRDC, 2006: 2.

<sup>103</sup> <<http://bahaiworldnews.org/story/481>> [Accessed 13 November 2008].

<sup>104</sup> <<http://edition.cnn.com/2008/WORLD/meast/05/16/iran.bahais/index.html>> [Accessed 13 November 2008].

<sup>105</sup> United Nations General Assembly, 2008. 'Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran', 1 October 2008. A/63/459.

<sup>106</sup> See: <<http://www.amnesty.org/en/library/info/MDE13/017/2008>>; <<http://www.fidh.org/spip.php?article3221>>; <<http://hrw.org/english/docs/2006/06/05/iran13515.htm>>; Anti-Defamation League. 2006. "ADL Says Iranian Attempt to Monitor Bahais Sets 'Dangerous

Precedent," 3 April 2006. See: <<http://www.adl.org/NR/exeres/6D76431B-A665-4CE0-9AF7-4CF07D733D31.htm>> [Accessed 30 October 2007].

<sup>107</sup> See: <<http://iranminoritynews.org/2008/09/30/anti-baha%E2%80%99i-petition-initiated-at-friday-prayers/>> [Accessed 13 November 2008].

<sup>108</sup> Hamideh Sedghi, 2007. *Women and Politics in Iran: Veiling, Unveiling, Reveiling*. Cambridge: Cambridge University Press: 201.

<sup>109</sup> Ayatollah Khomeini argued that an Islamic society rested on two pillars, an Islamic family structure and *hijab* laws for women. For more please see Parvin Paidar, 1997: 232. *Women and the Political Process in Twentieth-Century Iran*. Cambridge: Cambridge University Press.

<sup>110</sup> Sedghi, 2007: 201.

<sup>111</sup> Paidar, 1997: 239.

<sup>112</sup> Azar Tabari & Nahid Yeganeh, 1982. *In the Shadow of Islam: The women's movement in Iran*. Zed Press. The authors discuss the significance of this and other attempts by women to demand and safeguard their rights.

<sup>113</sup> President Abol-Hassan Banisadr justified the need for *hijab* based on scientific claims stating: "research proved female hair had a kind of radiance". John Simpson & Tira Shubart, 1995. *Lifting the Veil, Life in Revolutionary Iran*. Hodder & Stoughton Ltd: p. 116.

<sup>114</sup> Elaine Sciolino, 2000. *The Elusive Face of Iran*. Free press: p. 132.

<sup>115</sup> Nikki R. Keddie, 2006. *Women in the Middle East: Past and Present*. Princeton University Press: p. 239.

<sup>116</sup> Our thanks to Roya Kashefi for explaining this concept.

<sup>117</sup> John Simpson and Tira Shubart, 1995. *Lifting the Veil, Life in Revolutionary Iran*. Hodder & Stoughton Ltd: p. 116.

<sup>118</sup> Gilani has openly supported the use of torture and was responsible for many executions, including those of thousands of young women, in Iranian prisons since he took office as Chief of Tehran's Revolutionary Court after the establishment of the Islamic Republic in Iran.

<sup>119</sup> In summer of 1979 the popular Caspian Sea shores were affected by the segregation laws and revolutionary guards enforced the new rule by publicly whipping those women who opposed this law.

<sup>120</sup> Afshari, 2001: 251.

<sup>121</sup> See Afshari, 2001: 258. As Afshari notes, "They conveniently ignored the fact that they themselves were guilty of the same infraction."

<sup>122</sup> General Zarei, who was placed in charge of this body, was arrested along with six naked women in a brothel in Tehran. see: <[http://news.bbc.co.uk/1/hi/world/middle\\_east/7350165.stm](http://news.bbc.co.uk/1/hi/world/middle_east/7350165.stm)> [Accessed 13 November 2008].

<sup>123</sup> All of these violate Articles within the Iranian constitution, including Articles 38 and 39, which state: 'All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.' and 'All affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.'

<sup>124</sup> See: <<http://www.nytimes.com/2007/05/04/world/middleeast/04tehran.html>> [Accessed 13 November 2008].

<sup>125</sup> Article 12 of the constitution states: "The official religion of Iran is Islam and the Twelver Ja'fari school and this principle will remain eternally immutable."

<sup>126</sup> Article 12 of the constitution states: "Other Islamic schools are to be accorded full respect, and their followers are free to act in

accordance with their own jurisprudence in performing their religious rites. These schools enjoy official status in matters pertaining to religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law. In regions of the country where Muslims following any one of these schools constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school, without infringing upon the rights of the followers of other schools.' Article 3 of the constitution states that the IRI has a duty of directing its resources towards the goal of 'the participation of the entire people in determining their political and cultural destiny.'

<sup>127</sup> Article 115, the constitution of the Islamic Republic of Iran: The President must have 'convinced belief in the fundamental principles of the Islamic Republic of Iran and the official *madhbab* of the country.'

<sup>128</sup> <[http://www.freedomhouse.org/modules/mod\\_call\\_dsp\\_country-fiw.cfm?year=2002&country=1405](http://www.freedomhouse.org/modules/mod_call_dsp_country-fiw.cfm?year=2002&country=1405)> [Accessed 13 November 2008].

<sup>129</sup> Ghana, 2003: 8.

<sup>130</sup> <[http://www.hrw.org/reports/1997/iran/Iran-05.htm#P209\\_34007](http://www.hrw.org/reports/1997/iran/Iran-05.htm#P209_34007)> [Accessed 13 November 2008].

<sup>131</sup> Article 12, the constitution of the Islamic Republic of Iran.

<sup>132</sup> HRW, 1998.

<sup>133</sup> A. William Samii, 2000. 'The Nation and Its Minorities: Ethnicity, Unity and State'. *Comparative Studies of South Asia, Africa and the Middle East*, Vol. XX, Nos. 1&2: p. 131.

<sup>134</sup> United States Commission on International Religious Freedom USCIRF, 2008. *Annual Report 2008*. Washington DC: p. 139.

<sup>135</sup> UN A/63/459: Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, 2008.

<sup>136</sup> The International Covenant on Civil and Political Rights has even been cited as a source of law in Iranian court cases. See Abiad, 2008.

<sup>137</sup> Adineh Abghari, 2008. *Introduction to the Iranian Legal System and the Protection of Human Rights in Iran*. London: British Institute of International and Comparative Law.

<sup>138</sup> Firuz Kazemzadeh, 2000. 'The Baha'is in Iran: Twenty Years of Repression'. *Social Research* 67(2),

<sup>139</sup> See the Iranian Civil Code, Articles 1125 and 1129.

<sup>140</sup> See Articles 1158 and 1159 in the Iranian Civil Code.

<sup>141</sup> For information regarding testimony, see Islamic criminal code Articles 74, 75, 118, 119, 128, 137 and 171; Iranian legal procedure code, Article 230. For information regarding inheritance, see Iranian Civil Code, Paragraph 1, Articles 899, 900, 901, 907.

<sup>142</sup> <<http://www.awid.org/eng/Women-s-Rights-in-the-News/Women-s-Rights-in-the-News/Iranian-government-backs-down-on-discriminatory-Family-Protection-Bill>> [Accessed 13 November 2008].

<sup>143</sup> Shadi Sadr, 2007. 'The Revival of the Abandoned Law of Stoning'. *Zanan*, Issue 134. August 2006 <<http://www.meydaan.org/stoning/showarticle.aspx?arid=36&cid=46>> [Accessed July 2007].

<sup>144</sup> Amnesty International, 2008. 'Disproportionate Impact on Women'. In: 'Iran: End Execution by Stoning'. Report published on 15 January 2008.

<sup>145</sup> Lily Pourzand points out that according to Article 102 of the Penal Code 'The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.' She also highlights that according to Shi'a laws if a criminal escapes while implementing the punishment, he or she is pardoned. In her opinion, the difference in the level of soil implies that it is more likely for a man to escape. She also explains that Iranian men are able to have up to four permanent wives as well as many temporary ones. In an

adulterous relationship between a married man and a woman, he can deny adultery charges because by law he is not required to provide any proof and can verbally claim it was a temporary marriage. The same does not apply to women.

<sup>146</sup> "Discriminatory Laws against Women in Iran", Women Living Under Muslim Laws, Rochelle Terman.

<sup>147</sup> Ibid.

<sup>148</sup> UN Special Rapporteur on Violence Against Women. 2006 Report on Iran, p.10, E/CN.4/2006/61/Add.3. <<http://www2.ohchr.org/english/issues/women/rapporteur/annual.htm>> [Accessed 14 November 2008].

<sup>149</sup> A case that attracted international attention to Iran's discriminatory laws was that of Nazanin Fatehi, see: <<http://scenews.blog.com/Nazanin%20Fatehi/>> [Accessed 14 November 2008].

<sup>150</sup> See: point 36 on page 11 of the report available at: <<http://daccessdds.un.com/doc/UNDOC/GEN/G06/104/76/PDF/G0610476.pdf?OpenElement>> [Accessed 14 November 2008].

<sup>151</sup> Ibid.

<sup>152</sup> See: A report entitled Women, Islam and Equality written by The National Council of Resistance of Iran Foreign Affairs Committee: <[http://www.iran-eazad.org/english/book\\_on\\_women/chapter2.html](http://www.iran-eazad.org/english/book_on_women/chapter2.html)> [Accessed 14 November 2008]. Based on theological grounds, the execution of a virgin is not permitted as a virgin's soul will go to heaven. The authorities then force many Iranian female prisoners, many of whom are either under age or pregnant, into temporary marriage carried out by prison authorities, often the hangman, just prior to their execution. A closer look at the use of torture as a feature of life for women in Iranian prisons is available in 'Le Nouvel Homme Islamiste: La Prison Politique en Iran (D'un autre regard)', by Chahla Chafiq, published in Paris, 2002.

<sup>153</sup> In early 2008 the government authorities shut down a women's magazine, alleging the publication endangered 'the spiritual, mental

and intellectual health of its readers' <[http://news.bbc.co.uk/1/hi/world/middle\\_east/7268536.stm](http://news.bbc.co.uk/1/hi/world/middle_east/7268536.stm)> [Accessed 14 November 2008].

<sup>154</sup> The Campaign is aimed at both educating women through a one-on-one discussion and review of a pamphlet about Iran's discriminatory laws, and collecting their signatures to petition the government and seek changes within the body of laws based on equality of rights for women and men. The official site of the campaign: <<http://campaign-for-equality.org/english.php>> [Accessed 14 November 2008].

<sup>155</sup> <<http://www.amnesty.org/en/news-and-updates/iran-end-pressure-women-s-rights-defenders-20080827>> [Accessed 14 November 2008].

<sup>156</sup> Individuals who identified themselves as under cover traffic police pulled her over on Moddaress highway, claiming she had unlawfully passed another vehicle while driving.

<sup>157</sup> <[http://afp.google.com/article/ALeqM5jSZnTzz6\\_TPet5MnScU7B\\_14qsGQ](http://afp.google.com/article/ALeqM5jSZnTzz6_TPet5MnScU7B_14qsGQ)> [Accessed 14 November 2008].

<sup>158</sup> Amnesty International, 2008. *Iran: Women's Rights Defenders Defy Repression*. London: p. 7.

<sup>159</sup> Ibid.

<sup>160</sup> A report of her maltreatment and death are available at <http://www.zibakazemi.org/>. Also see: Iran Human Rights Documentation Centre, 2006. *Impunity in Iran: The Death of Photojournalist Zahra Kazemi*, New Haven: IHRDC.

<sup>161</sup> <<http://www.amnestyusa.org/document.php?id=ENGMD130882008&lang=e>> [Accessed 14 November 2008].

<sup>162</sup> Ghanea, 2003.

<sup>163</sup> Ghanea, 2003.

<sup>164</sup> <<http://www.krg.org/Articles/detail.asp?rnr=73&lngnr=12&nr=>



4951&smap=02010200> [Accessed 14 November 2008]. See UN Report E/CN.4/2006/41Add.2.

<sup>165</sup> Personal Communication with Roya Toloui. August 2008.

<sup>166</sup> Iran VNC report, 11 September, 2008.

<sup>167</sup> <<http://www.amnesty.org/en/library/info/MDE13/148/2008/en>> [Accessed 14 November 2008].

<sup>168</sup> <<http://www.khrp.org/news/pr2007/30-07-07.htm>> [Accessed 14 November 2008].

<sup>169</sup> Hiwa Butimar's brother, Hadi, has advised IMHRO that his brother's appeal, at which the death sentence was upheld, took place at Branch 23 of the High Court in Tehran, and that the judge who presided over the appeal hearing was the same judge that presided over the initial case. Report from Iranian Minorities Human Rights Organisation. Mimeo.

<sup>170</sup> <<http://www.khrp.org/content/view/397/2/>> [Accessed 14 November 2008].

<sup>171</sup> Iranian Penal Code, Book 5, Article 500.

<sup>172</sup> Article 24, the constitution of the Islamic Republic of Iran.

<sup>173</sup> Interview with Reza Washahi, IMHRO, August 2008.

<sup>174</sup> <<http://hrw.org/backgrounder/2008/iran0908/iran0908web.pdf>> [Accessed 14 November 2008].

<sup>175</sup> Without explicitly stating it, it was implied that she was tortured and raped in custody.

<sup>176</sup> <<http://www.abfiran.org/english/document-243-499.php>> [Accessed 14 November 2008].

<sup>177</sup> Article 38, the constitution of the Islamic Republic of Iran.

<sup>178</sup> Article 168, the constitution of the Islamic Republic of Iran.

<sup>179</sup> Human Rights Watch, September 2008: Iran: Rights Crisis Escalates Faces and Cases from Ahmadinejad's Crackdown: <<http://hrw.org/backgrounder/2008/iran0908/iran0908web.pdf>> [Accessed 14 November 2008].

<sup>180</sup> IMHRO: Free Mohammad Sadigh Kabodwand; Iranian Minorities' Human Rights Organisation (IMHRO); Ref.IMHRO.16; 2008-07-03: <<http://iranianminorityshumanright.blogspot.com/2008/07/free-mohammad-sadigh-kabodwand.html>> [Accessed 14 November 2008].

<sup>181</sup> NB. This quotation is from Amnesty, rather than directly quoting the prisoners themselves. <<http://www.amnesty.org/en/library/asset/MDE13/136/2008/en/da17935b-802b-11dd-8e5e-43ea85d15a69/mde131362008en.html>> [Accessed 14 November 2008].

<sup>182</sup> <<http://www.amnesty.org/en/library/asset/MDE13/136/2008/en/da17935b-802b-11dd-8e5e-43ea85d15a69/mde131362008en.html>> [Accessed 14 November 2008].

<sup>183</sup> Eliz Sanasarian, 2000. *Religious Minorities in Iran*. Cambridge: Cambridge University Press.

<sup>184</sup> Sanasarian, 2000.

<sup>185</sup> Afshari, 2001. Lahiji is now Vice Chair of the eminent International Federation for Human Rights.

<sup>186</sup> The Iran Human Rights Documentation Centre observes that "Article 14 effectively criminalised the faith." The Article reads: 'In accordance with the sacred verse "God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes" [60:8], the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.'" IHRDC, 2006: 21-22.

<sup>187</sup> Statement by the Embassy of the Islamic Republic of Iran, Buenos Aires, September 26, 1979. See: Martin, 1984: 43.

<sup>188</sup> The Baha'i World Centre is located in Haifa, Israel. The reason for its location in Israel is that Baha'u'llah was banished by the Persian and Ottoman Empires to the prison city of Akka in 1868. The Baha'i World Centre has been located in the Akka/Haifa area long before the establishment of the state of Israel. Nevertheless, Iranian Baha'is' communication with the Baha'i World Centre has been interpreted by the government as 'conspiring against Islam' because of its incidental location in Israel.

<sup>189</sup> Kazemzadeh, 2000: 8.

<sup>190</sup> *Izharat-i Dadsitan-i Kull-i Inghilab . . .* [ Statement of the Prosecutor General of the Revolution KAYHAN HAVA'I, 6/30/1362 (September 21, 1983). Cited in: IHRDC, 2006: 34.

<sup>191</sup> Ibid.

<sup>192</sup> The National Spiritual Assembly wrote an open letter dissolving all Baha'i institutions. In the letter they also responded to the government accusation that the Baha'i Faith is a political party by explaining that Baha'i teachings do not allow Baha'is to affiliate themselves with political parties. The letter also rebuts many other accusations made against the Baha'is and requests the government to protect specific rights of Baha'is in response to their obedience to the dissolution order. The full text of the letter is available here: <[http://bahailibrary.com/file.php5?file=nsa\\_banning\\_bahai\\_iran&language=>](http://bahailibrary.com/file.php5?file=nsa_banning_bahai_iran&language=>) [Accessed 14 October 2008].

<sup>193</sup> Contravening Article 15 of the International Covenant on Civil and Political Rights. Cooper, 1985.

<sup>194</sup> Roger Cooper, 1985. 'The Baha'is of Iran', *The Minority Rights Group Report No. 51*. London: Minority Rights Group: p. 13.

<sup>195</sup> These 'Islamic conditions' are interpretations by powerful clerics within the Jafari/Twelve school of Shi'a Islam. Other Shi'a and Sunni clerics do not share the same interpretations.

<sup>196</sup> Adineh Abghari, 2008. *Introduction to the Iranian Legal System and the Protection of Human Rights in Iran*. London: British Institute of International and Comparative Law.

<sup>197</sup> Human Rights Watch, 1997.

<sup>198</sup> Kazemzadeh, 2000: 12.

<sup>199</sup> Kazemzadeh, 2000: 21.

<sup>200</sup> Report on the Working Group on Arbitrary Detention: Visit to the Islamic Republic of Iran: 15-27 February 2003 – E/CN.4/2004/3/Add.2, UN Commission on Human Rights, 27 June 2003.

<sup>201</sup> While apostasy has not been a crime in the penal code, judges have used *Shari'ah* to convict people of apostasy. One example is the case of Dhabihullah Mahrami, who has a death sentence commuted to life imprisonment. (See: Amnesty International. Iran: Dhabihullah Mahrami: Prisoner of Conscience, October 1996. AI INDEX: MDE 13/34/96.) Many liberal Muslims point out that the Qur'an only specifies a spiritual punishment in the afterlife for apostasy. See: Qur'an 3:72, 3:90, 16:106, 4:137 and 5:54. Our thanks to Moojan Momen for these references.

<sup>202</sup> The bill is a larger piece of legislation on an Islamic Penal Code. It passed with a vote of 196 for, 7 against, and 2 abstentions.

<sup>203</sup> "Britain condemns Iran's Planned Apostasy Bill". 9 October 2008. <<http://www.persecution.org/suffering/newssummpopup.php?newscode=8676&PHPSESSID=700e22dac2e5629e2bf25a5623c4c637>> [Accessed 14 October 2008].

<sup>204</sup> See article by Mehrangiz Kar: <[http://www.roozonline.com/archives/2008/08/post\\_8639.php](http://www.roozonline.com/archives/2008/08/post_8639.php)> [Accessed 14 November 2008].

<sup>205</sup> One member, Mrs. Mahvash Sabet, was arrested in March. The rest were arrested in May.

<sup>206</sup> <<http://edition.cnn.com/2008/WORLD/meast/05/16/iran.bahais/index.html>> [Accessed 1 November 2008].

<sup>207</sup> See: <<http://www.iran-press-service.com/ips/articles-2008/august2008/by-attacking-mrs-shirin-ebadi-the-islamic-republic.shtml>> [Accessed 8 November 2008]. Also see the response of the Baha'i International Community: <<http://bic.org/statements-and-reports/featured/Iran-Intensifies-Disinformation.htm>> [Accessed 14 November 2008].

<sup>208</sup> Our thanks to Moojan Momen for highlighting these connections.

<sup>209</sup> <<http://news.bahai.org/human-rights/iran/iran-update.html>> [Accessed 14 October 2008].

<sup>210</sup> Samii, 2000: 128. These are from the words of the Supreme Leader Ayatollah Khamenei, "The noble nation gives priority to unity over factors which might divide it."

<sup>211</sup> Samii, 2000: 139.

<sup>212</sup> Saeed Paivandi, 2008. *Discrimination and Intolerance in Iran's Textbooks*. Freedom House: Washington DC: p. 74.

<sup>213</sup> Ayatollah Ruhollah Khomeini, Radio Tehran, December 17, 1979. Quoted in David McDowall, 1996. *A Modern History of the Kurds*, London, I.B. Tauris & Co: p. 271.

<sup>214</sup> <<http://www.state.gov/g/drl/rls/irf/2004/35497.htm>> [Accessed 14 November 2008].

<sup>215</sup> Kerim Yildiz & Tanyel B. Taysi, 2004. 'The Kurds in Iran: The Past, Present and Future', Pluto Press, London: p. 59.

<sup>216</sup> <<http://www.state.gov/g/drl/rls/irf/2004/35497.htm>> [Accessed 14 November 2008].

<sup>217</sup> Ibid.

<sup>218</sup> Farideh Koohi-Kamali, 2003. 'The Political Development of the Kurds in Iran'. Palgrave Macmillan, Hampshire: p. 38.

<sup>219</sup> Kerim Yildiz & Tanyel B. Taysi, 2004. 'The Kurds in Iran: The Past, Present and Future'. Pluto Press, London: p. 32.

<sup>220</sup> Article 48, the constitution of the Islamic Republic of Iran.

<sup>221</sup> Quoted in Samii, 2000: 132.

<sup>222</sup> Kerim Yildiz & Tanyel B. Taysi, 2004. 'The Kurds in Iran: The Past, Present and Future'. Pluto Press, London: p. 32.

<sup>223</sup> UN Doc. E/CN.4/2002/42, Commission on Human Rights, 58th Session, January 2002.

<sup>224</sup> Amnesty International, 2008: p.14. 'Iran: Human rights abuses against the Kurdish minority'. London: p. 14.

<sup>225</sup> <<http://didebannews.blogspot.com/2007/02/educators-experience-mass-layoffs-in.html>> [Accessed 14 November 2008].

<sup>226</sup> H.E. Chehabi, 2007. 'Anatomy of Prejudice: Reflections on secular anti-Baha'ism in Iran', Dominic Parviz Brookshaw and Seena B. Fazel, eds., *The Baha'is of Iran*. London: Routledge: pp. 184-199.

<sup>227</sup> Ali Keshtgar, and Ahmad Batebi recently published articles in defense of the Baha'is. Shirin Ebadi has offered her assistance to the imprisoned Baha'i leadership. Five Canadian academics, all natives of Iran but not members of the Baha'i Faith, have also recently written to U.N. Secretary General Ban Ki-Moon to protest the condition of the Baha'is. These are welcome exceptions to a long period of relative silence.

<sup>228</sup> Reza Afshari also observed in 2001: "Secular Iranian writers are legendary in expressing poetic solidarity with all the oppressed peoples of the world. Sadly, they remained wordless, during both the monarchy and the theocracy, on the Baha'i sufferings." Reza Afshari. 2001. *Human Rights in Iran: The Abuse of Cultural Relativism*. Philadelphia: University of Pennsylvania Press.

<sup>229</sup> Afshari wrote: "The Islamist hatred of the Baha'is had been unbounded. Their [public statements] are reminiscent of Nazis' description of the Jews . . . setting off alarm bells in the human rights community." Afshari, 2001: 158.

<sup>230</sup> Farideh Farhi, 2005. 'Crafting a National Identity amidst

Contentious Politics in Contemporary Iran', *Iranian Studies* 38(1): pp. 7-22.

<sup>231</sup> Professor Chehabi suggests: "the anti-Baha'i prejudices of many secular Iranians derive from the anti-cosmopolitan outlook of Iranian nationalism." Chehabi, 2007: 193.

<sup>232</sup> Saeed Paivandi, 2008. *Discrimination and Intolerance in Iran's Textbooks*. Freedom House: Washington DC.

<sup>233</sup> The full text of Jannati's speech addressing the *Hojjatieh* movement was published in *Ettela'at*, a leading Tehran daily. The original is reprinted in Martin, 1984: 63. Commenting on more recent anti-Baha'i statements made by Jannati, Eliz Sanasarian writes: "Ayatullah Jannati was not a regular *mullah* seated in the corner of an isolated village mosque. He was the head of the influential Guardian Council and remained a powerful player in Iranian politics. Labelling non-Muslimness as some form of derision from the normal human has been made many times before by those in a position of authority." Eliz Sanasarian, 2008. "The Comparative Dimension of the Baha'i Case and Prospects for Change in the Future," in Dominic Parviz Brookshaw and Seena B Fazel, 2008. *The Baha'is of Iran: Socio-Historical Studies*. London: Routledge: p. 158.

<sup>234</sup> Sanasarian, 2008.

<sup>235</sup> Mohebat Ahdiyyih, 2008. "Ahmadinejad and the Mahdi," *Middle East Quarterly* XV(4):27-36.

<sup>236</sup> *Kayhan Weekly*, published out of London, is an entirely different publication. The founding editor of *Kayhan* had his assets seized at the time of the revolution and he fled to London, where he restarted the paper with a much smaller circulation. The Tehran-based *Kayhan* newspaper continued to run under the close supervision of the office of the Supreme Leader.

<sup>237</sup> See: <<http://www.bahai.org/persecution/iran/mediaattacks>> [Accessed 1 October 2008]. Scans of some of these articles are available in Persian from the website.

<sup>238</sup> Baha'i International Community. 2008. 'Iran Update: 25

September 2008', 25 September 2008: <<http://news.bahai.org/human-rights/iran/iran-update.html>> [Accessed 25 September 2008].

<sup>239</sup> *The Irish Times*, 20 May 2004.

<sup>240</sup> Arya newspaper, Tehran, reprinted in Keyhan—London edition—No. 794, February 10, 2000.

<sup>241</sup> Ahdiyyih, 2008. Vali Nasr has called Mesbah-Yazdi the most "powerful" and "influential . . . clerical oligarch" in Qom, Iran's principal centre of religious training. Vali Nasr, 2006. *The Shi'a Revival*. London: W.W. Norton: p. 216.

<sup>242</sup> Seyyed Mehdi Rezaie Fard, 2007. (first run was 5000 copies) ISBN: 978-964-9998-42-8. Rakhshid Publications, (Address: Second Floor, Setayesh Building, Zolanvar St., Shiraz, Iran).

<sup>243</sup> The quotation comes from page 37 of the textbook. Quoted in: Saeed Paivandi, 2008: 43. *Discrimination and Intolerance in Iran's Textbooks*. Freedom House: Washington DC.

<sup>244</sup> BWNS, 'Baha'i schoolchildren in Iran increasingly harassed and abused by school authorities', 5 April 2007: <<http://news.bahai.org/story/515>> [Accessed 27 September 2008].

<sup>245</sup> Ibid.

<sup>246</sup> Roger Cooper, 1985. 'The Baha'is of Iran', *The Minority Rights Group Report No. 51*. London: Minority Rights Group.

<sup>247</sup> Special Rapporteur on Violence Against Women, 2006: 9.

<sup>248</sup> Ibid.

<sup>249</sup> Please see discrimination and intolerance by Saeed Paivandi available at [http://www.freedomhouse.org/uploads/press\\_release/IranTextbookAnalysis\\_FINAL.pdf](http://www.freedomhouse.org/uploads/press_release/IranTextbookAnalysis_FINAL.pdf)> [Accessed 14 November 2008].

<sup>250</sup> Ibid.



<sup>251</sup> UNICEF, no date. <[http://www.unicef.org/iran/girls\\_education.html](http://www.unicef.org/iran/girls_education.html)> [Accessed 13 November 2008].

<sup>252</sup> Maryam Ghadessi, 2004. *If you can't beat 'em, ban 'em*. <<http://www.iranian.com/Women/2004/March/Quota/index.html>> [Accessed 13 November 2008].

<sup>253</sup> These officials included: Ebrahim Mekaniki, president of Babol University of Medical Sciences, Kamran Bagheri Lankarani, Iranian minister of Health and Medical Education, Masoud Salehi, President of Zahedan University, and Bagher Larijani, the President of Tehran University of Medical Sciences. Their remarks pointed to challenges in university accommodation or transportation.

<sup>254</sup> Special Rapporteur on Violence Against Women, 2006: 9.

<sup>255</sup> <<http://www.aciiran.com/English%20Ex%20Sum.pdf>> [Accessed 13 November 2008].

<sup>256</sup> This is despite the fact that according to a research carried out in Iran in 2003/2004 academic year the number of girls registering for high school was less than boys (46.33% girls, 53.66% boys). <<http://8march.blogfa.com/post-18.aspx>> [Accessed 13 November 2008].

<sup>257</sup> Reuters News Agency, 2005. *Get home by Dusk, Iran Tells Female Civil Servants*. Published on 11 October 2005.

<sup>258</sup> See: <<http://www.autnews.eu/archives/1387,04,00010200>>; <[http://www.iran.ir/cms/index.php?option=com\\_content&task=view&id=5051&Itemid=113](http://www.iran.ir/cms/index.php?option=com_content&task=view&id=5051&Itemid=113)>; <<http://www.aftabnews.ir/prtbf8b0.rhb05p.brrblh8uouii2u.r.html>> [Accessed 13 November 2008].

<sup>259</sup> According to UNDP's 2007/2008 report, almost 13% of Iranians live in poverty.

<sup>260</sup> See Abghari, 2008: 119.

<sup>261</sup> Article 8 of the Supplement to the constitution of 1906; Clause 9 of Article 3 of the constitution of the Islamic Republic of Iran.

<sup>262</sup> Iran ratified the ICCPR on 24 June 1975 and it entered into force on 23 March 1976. Abghari, 2008: 121.

<sup>263</sup> See Abghari, 2008.

<sup>264</sup> HRW, 2008: 7.

<sup>265</sup> For example see Iranian Penal Code, Book 5, Chapter 2, Article 513.

<sup>266</sup> HM Treasury has already issued individual and corporate financial sanctions on those associated with Iran's nuclear programme, in accordance with European Commission Regulation (EC) No 219/2008.

## About the Foreign Policy Centre

The Foreign Policy Centre is Britain's leading progressive foreign affairs think tank, established in 1998 by the late Foreign Secretary, Robin Cook. The aim of the FPC, carried out through research, publications and events is to develop innovative policy ideas which promote practical solutions to global challenges. The aim of the Foreign Policy Centre is to develop a vision of a fair and rule-based world order. Through our research, publications and events, we aim to develop innovative policy ideas which promote:

- Effective multilateral solutions to global problems
- Democratic and well-governed states as the foundation of order and development
- Partnerships with the private sector to deliver public goods
- Support progressive policy through effective public diplomacy
- Inclusive definitions of citizenship to underpin internationalist policies.

Over the past ten years the FPC has hosted numerous events. Some notable names in recent years have included Tony Blair, David Cameron, David Miliband, Peter Mandelson, Paddy Ashdown, Douglas Alexander, Hilary Benn, Andrew Mitchell, Chinese State Councillor Tang Jiaxuan and Former Russian Prime Minister Mikhail Kasyanov.

The FPC has also produced many influential and ground breaking publications by key thinkers. They include *Global Politics After 9/11* by Alan Johnson, *After Multiculturalism* by Yasmin Alibhai-Brown, *The Post-Modern State and the New World Order* by Robert Cooper, *Brand China* by Joshua Cooper Ramo, *Preventing the Next Cold War: A view from Beijing* by Andrew Small and *A Global Alliance for Global Values* by Tony Blair.

The organisation is led by the Director, Stephen Twigg. For further information visit [www.fpc.org.uk](http://www.fpc.org.uk)



# **A revolution without rights?**

**Women, Kurds and Baha'is searching for equality in Iran**

by Geoffrey Cameron and Tahirih Danesh

Preface by Lord Mark Malloch Brown

Cameron and Danesh examine the religious, legal and social obstacles to equality faced by women, Baha'is and Kurds in Iran, comparing the experiences of the groups. They evaluate the Iranian government's compliance with its own constitution and look at how Iran's treatment of women and minorities measures up to the international agreements it has signed. The pamphlet lays out practical steps that British and European policy-makers can take to support the equal treatment of women and minorities with their fellow citizens in Iran.



£4.95



ISBN-13 978-1-905833-12-2

ISBN-10 1-905833-12-1