

ANNEX - Experiences of persons belonging to the Baha'i minority community in conditions of increasing insecurity

A. Introduction

1. In recent years, the Special Rapporteur has issued a significant number of Communications to States, expressing his concern over reports of human rights violations against members of the Baha'i community.¹ Broadly, these Communications refer to incidents where Bahais have been reportedly targeted with hostility, violence, or discrimination, including but not limited to the right to freedom of religion or belief in Article 18 of the Universal Declaration of Human Rights ("UDHR") and Article 18 of the International Covenant on Civil and Political Rights ("ICCPR"). Concerns have persisted and even escalated across several country contexts. Members of the Baha'i community raise the alarm that they have been subject to systemic and systematic discrimination in some States, at least partly because of their faith identity, including being restricted from manifesting their religion or belief.

2. Given these conditions of increasing insecurity and challenges, civil society actors organized a Symposium on the Rights of Freedom of Religion or Belief of Baha'is from 30 November to 1 December 2021 ("Symposium"), attended by representatives of the Baha'i community, civil society, Governments, international organizations, and United Nations experts. During these consultations, participants identified existing and emerging obstacles to exercising and enjoying the right to freedom of religion or belief by persons belonging to Baha'i minority communities. Discussions along with resulting recommendations were informed by the international human rights framework, including the ICCPR, UDHR, 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities ("1992 Declaration").

3. The Special Rapporteur summarises key outcomes and recommendations from the Symposium in the following Annex to his report — highlighting the serious nature of the challenges facing the Baha'i community and providing guidance for improved international coordination and collaboration for addressing the pressing matters raised.

B. Experiences of hostility, violence, and discrimination

4. Symposium discussions explored the experiences of Baha'i communities in the Islamic Republic of Iran, Yemen, Qatar, and Tunisia. While their experiences in these distinct country contexts vary, several commonalities exist.

¹ e.g., TUN 10/2021, IRN 15/2021, IRN 4/2021, TUN 10/2021, TUN 2/2020, IRN 9/2019, QAT 1/2019, YEM 1/2019, YEM 7/2018, YEM 1/2018.

i. **Islamic Republic of Iran**

5. In Iran, discrimination against and persecution of Baha'is is State-driven and systematic.² The Government has targeted numerous aspects of the lives of the Baha'i as part of their official policy.³ An Iran Supreme Revolutionary Cultural Council memorandum, entitled "The Bahá'í Question," has set out specific guidelines for Baha'i matters. It states that "[t]he government's dealings with [Baha'is] must be in such a way that their progress and development are blocked" and outlines measures to restrict their social, economic, and cultural life. Interlocutors have reported that the memorandum is still in effect today, adversely affecting the Baha'i community. Iran's Constitution also enshrines the exclusion of Baha'is. Although Iran's Constitution ostensibly guarantees freedom of religion for all citizens (Article 14), in practice, it only protects persons belonging to the four religions officially recognized in that same instrument: Islam, as the State religion (Article 12) and Christianity, Judaism, and Zoroastrianism as minority religions (Article 13). Lacking legal recognition, the Baha'i and other religious minorities reportedly have experienced violence and restrictions on manifesting their faith, often when they are seen as contracting Islamic principles. Finally, although the Constitution provides some protection against discrimination (Articles 19 and 20), it does not recognize religion as a protected ground.⁴ It is worth recalling that, under international human rights law, the existence of a religious minority is not dependent upon the decision of the State.

6. Activities of Baha'i in manifesting their faith are criminalized. For members of the Baha'i community and other minority religions not recognized in Iran's Constitution, many manifestations of their religion are reportedly outlawed or surveilled. Symposium participants claim that the Ministry of Culture and Islamic Guidance has monitored Baha'i places of worship or other public gatherings. Recent amendments to Iran's Penal Code may further erode freedom of religion or belief, as the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran ("Special Rapporteur on Iran") has previously warned.⁵ Article 499 bis of the Penal Code now states that anyone "with intent to cause violence or tension" in society or who "insults divine religions or branches of Islam, as stipulated by the Constitution" may be prosecuted.⁶ Article 500 bis now state that a person may be prosecuted if they are perceived to engage in "any

² e.g. <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20073&LangID=E>

³ This policy is detailed in a memorandum, which was obtained in 1993 by the UN Special Representative on the Human Rights Situation in the Islamic Republic of Iran. See the Persian original: <https://www.bic.org/sites/default/files/pdf/ran/1991%20Bahai%20Question%20Memo%20PER.pdf>; and English translation: <https://www.bic.org/sites/default/files/pdf/ran/1991%20Bahai%20Question%20Memo%20ENG.pdf>.

⁴ Iran's Constitution (Articles 19 and 20) states that, "regardless of ethnicity, tribe, colour, race, or language, whether man or woman, all citizens enjoy protection and equal rights under the law," as long as they are "in compliance with Islamic precepts." Religion is not mentioned as a protected ground and Iranian authorities allegedly have interpreted "Islamic precepts" in such a way that excludes recognition of Baha'is and other minority religious groups, thereby leaving them without domestic legal protection from discrimination.

⁵ [A/76/160](#).

⁶ Articles referred to as "recurrent" articles—often marked as "bis"—are provisions that are subsequently added to a piece of legislation without replacing the provision carrying the same number.

deviant educational or propaganda activity that contradicts or interferes with the sacred religion of Islam in many ways such as making false or delusional claims in religious and Islamic domains." These changes to the law could, in effect, criminalize the expression of the Baha'i belief, where the authorities consider it contrary to Islamic precepts and principles. Interlocutors report that this legislation may affect Baha'is religious education and criminalize mere declaration of one's religion as Baha'i, even in response to questions arising in administrative and civil processes. The sweeping, vague terminology of the law grants extensive interpretive discretion to law enforcement and judicial authorities, which could be fertile ground for arbitrary arrest, detention, and imprisonment based on one's faith identity, incidents of which Symposium participants allege are increasing.

7. The consequences of the lack of legal recognition of the Baha'i community in Iran are far-reaching. They include loss of custody in divorce proceedings, children being "born out of wedlock" because Baha'i marriages are not recognized, and disregard to contents of wills or Baha'i inheritance laws in disputed estate matters. While recognizing personal status laws may mitigate discrimination against specific faith communities, it is also essential to recall that personal status law that is rooted in religious precepts - whether of a majority or minority faith - have also been used in certain countries to discriminate against individuals within faith communities, including based on gender.

8. Baha'is have been subject to smear campaigns and speech that may incite violence against them based on their faith identity. In Iran, it is reported that both State and non-State actors have vilified the Baha'i faith, often characterizing the religion as a conspiracy devised by enemies of Islam and the Government. Influential figures, including clerics, religious figures, academics, editors, and government representatives, have publicly issued speeches, articles, or written declarations against the Baha'is,⁷ to delegitimize and denigrate the community.

9. Members of the Baha'i community have reportedly experienced discrimination based on their faith identity in trying to access education and employment.⁸ In 2006, the Iranian Central Security Office of the Ministry of Science, Research and Technology allegedly communicated to 81 Iranian universities, instructing them to expel any student who was found to be Baha'i at the time of enrolment or during enrolment in their studies. Interlocutors report that the Iranian Government's efforts to deprive higher education have extended to closing the ad hoc institute created for Baha'i youth, which primarily draws on the volunteer services of Baha'i professors and lecturers who themselves were dismissed from their university posts. The Iranian Government has reportedly banned Baha'is from public sector jobs, including in education, health care, or government institutions, with only the private sector available to them. Even in the private sector, the Baha'i International Community ("BIC") reports that Baha'i-owned businesses are "sealed" (indefinitely forcibly closed) when their owners cease to work in observance

⁷ See e.g., IRN 15/2016.

⁸ e.g. IRN 18/2017.

of Baha'i holy days or their properties, such as farmland, are confiscated.⁹ Some Muslim-owned businesses in the private sector are allegedly pressured to fire their Baha'i employees.

10. Interlocutors report that the desecration and destruction of Baha'i cemeteries in Iran are not only acts of vandalism but also are a means to strip the Baha'i community of a source of minority cultural, religious identity and to erase traces of their past. At the same time, Iranian authorities have often denied Baha'i access to existing and new burial sites and thus blatantly deny their right to bury deceased community members in a dignified manner, per the tenets of their faith.¹⁰

ii. **Yemen**

11. In Yemen, discrimination, hostility, and violence against the Baha'i community is reportedly systematic and driven by their country's de-facto authorities. Interlocutors reported that members of the Baha'i community began experiencing government harassment in 2008, including lack of a fair trial, imprisonment, and torture, which has only escalated since 2014.¹¹ Interlocutors also allege that de-facto authorities have enforced laws and policies that give rise to systematic discrimination and persecution of the Baha'i. It is reported that leaders also have called for the arrest of Baha'is based on their faith identity, with some already convicted, others deported, their gatherings raided, institutions banned, and attempts underway in the courts to seize their properties.

12. Interlocutors also allege that recent regional developments, including the conflict in Yemen, have driven increasing discrimination against and persecution of Baha'i in Yemen. The Special Rapporteur recalls the concern expressed by the Baha'i community that the rising influence of external actors in Yemen may exacerbate challenges facing the Baha'is in Yemen.

13. Baha'is have been subjected to smear campaigns and speech to incite violence against them. In a televised speech in 2013, the leader of the Houthis denounced the Baha'i Faith and urged his followers to engage in violence against them, in purportedly "defending" their country from Baha'is and other religious minorities. This attack was reiterated by several Yemeni news sites and is ongoing. Prominent religious leaders in Sana'a and media outlets have allegedly expressed similar sentiments.

iii. **Qatar**

14. The Baha'i reportedly face a precarious situation in Qatar due to discriminatory practices. Several members of the Baha'i minority in Qatar have been reportedly subject to administrative deportations and blacklisting resulting in loss of employment, income,

⁹ <https://www.bic.org/news/iranian-government-seize-bahai-properties-bic-calls-international-support>

¹⁰ e.g. IRN 15/2021.

¹¹ e.g. YEM 5/2014; YEM 1/2016; YEM 3/2016; YEM 2/2017; YEM 1/2018; YEM 7/2018; YEM 1/2019.

and separation of families.¹² Some of those affected individuals were long-standing residents of Qatar. Interlocutors also report that religions not recognized by law are subject to criminalization.

15. The Baha'i minority also allegedly face restrictions and administrative delays in their attempts to re-establish an existing Bahá'í cemetery on new land granted by the Doha Municipality. Policies that interfere with burial rites and rituals may infringe on the freedom to manifest one's faith.
16. It is reported that the Baha'i minority in Qatar has consistently faced problems navigating personal status laws concerning marriage, divorce, and inheritance. Interlocutors have linked this treatment to Qatar's Constitution exclusive recognition of Islam, Christianity, and Judaism. The Government of Qatar does not readily accept marriage certificates issued by Baha'i institutions located in the State. In some rare circumstances, officials at the Ministry of Justice have reportedly accepted such marriage certificates.¹³

iv. **Tunisia**

17. Discrimination against the Baha'i minority community in Tunisia is allegedly State-driven. Symposium participants report that the Government of Tunisia has opposed recognition of the Baha'i community, depriving them of obtaining and holding legal personality. In 2013, the Secretary-General of the Government reportedly objected to the registration of the "Baha'i Association of Tunisia," an organization that purportedly aimed at promoting interreligious dialogue and exchange with other Tunisian communities. Baha'i representatives in Tunisia brought a legal appeal in 2013, and the Administrative Court ruled in their favour in 2019. However, the Office of the Prime Minister has subsequently appealed the Court's decision, citing opinions from the Mufti of Tunisia and the Minister of Religious Affairs, which were provided in response to a request for an advisory opinion. Those opinions allegedly made discriminatory claims about the precepts of the Baha'i belief, in addition to unfounded concerns relating to national security and social peace if the organization was established.¹⁴ The Special Rapporteur further recalls that the existence of a religious group is not contingent on State recognition. Consequently, registration should not be a precondition for practicing one's religion but "only for the acquisition of a legal personality and related benefits."¹⁵
18. Furthermore, the Baha'i community in Tunisia allegedly face other forms of discrimination that prevent enjoyment of their right to freedom of religion or belief, including the Government's refusal to build a cemetery for the Baha'i.¹⁶ For Symposium participants, despite the Tunisia's Constitution protecting freedom of conscience or

¹² QAT 1/2019.

¹³ QAT 1/2019.

¹⁴ TUN 2/2020.

¹⁵ A/HRC/7/10/Add.1, paras. 90, 249.

¹⁶ TUN 10/2021

belief in Tunisia (Article 6), the Government's stance on these issues mentioned above suggests that the State has interpreted this freedom to the exclusion of the Baha'i community.

C. Conclusion

19. Members of Bahai communities in Iran, Yemen, Qatar, and Tunisia, reportedly experience systemic and systematic violations of their right to freedom of religion or belief. In addition to breaches of this freedom, policies, and practices that perpetuate systemic and systematic discrimination appear to target these minorities' existence, identity, and right to equality and non-discrimination.
20. The Special Rapporteur's present report (A/HRC/49/44) has reflected extensively upon how various State and non-State actors have exploited the identity of religious or belief minorities to further their political, economic, and military objectives. In certain states, authorities have likewise targeted the Baha'i minority identity, often through hateful rhetoric that seeks to mobilize the public against them and "legitimize" policies and practices that harm them. In Yemen and Iran, it is reported that authorities and others have accused the Baha'i community of being foreign agents or enemies of the State, including as Israeli spies,¹⁷ entrenching fear, suspicion, and discrimination, and leaving many members of the Baha'i community feeling more fearful and exposed to violence. Such rhetoric often reflects and perpetuates a climate of intolerance, hostility, and violence against Baha'is.
21. In some states, members of the Baha'i community are frequently accused of heresy, blasphemy, or apostasy, potentially leading to arbitrary arrests, imprisonment, and even the death penalty at the State and social hostilities and mob violence at the hands of the wider public. The Special Rapporteur again emphasizes that the right to freedom of religion or belief protects individuals, not religions, from criticism, and calls for blasphemy and apostasy laws to be repealed.
22. Where discrimination against the Baha'i community is State-driven and systematic, their prospects of accessing effective remedies domestically for violations of their fundamental rights are often remote, and members of the community may be afraid even to lodge reports where the authorities are allegedly complicit or responsible. They may seek recourse to international mechanisms as a last resort in these instances. Nonetheless, Baha'i interlocutors at the Symposium have noted that advocacy by civil society and efforts of UN mechanisms in response to alleged human rights violations of the Baha'i community have produced some positive results, including curtailment of discriminatory practices and policies. The BIC has worked consistently to highlight discrimination, hostility, and violence faced by Baha'i communities worldwide and hold States accountable for their human rights obligations.

¹⁷ Often, accusers point to the fact that the international headquarters of the Baha'i Faith is based within the borders of modern-day Israel, even though it was established there 80 years before the State of Israel was founded, following the banishment of the Faith's founder, Baha'u'llah, from the Persian and Ottoman empires. This historical event is reportedly used to drive modern fearmongering.

D. Recommendations

23. Although notable strides have been made through regional and international mechanisms in addressing the situation of the Baha'i community, conditions of insecurity facing the Baha'i in several States indicate that much work remains. The following recommendations supplement, rather than replace the Special Rapporteur's recommendations in his present report (A/HRC/49/44), covering a range of actors, from States to civil society (including religious leaders) and digital technology companies. The Special Rapporteur further recommends that:

- a. States recall their international human rights obligations towards religious minorities, including the Baha'i, among other things in accordance with Article 27 of the 1992 Declaration, which protects the right of minorities - including religious minorities - to exist and maintain their identity, irrespective of State recognition, while participating effectively in cultural, religious, social and economic life. Relatedly, States should recall that the protections of Article 18 of UDHR and Article 18 of ICCPR apply irrespective of State recognition of a religious community as a "traditional religion," and implement recommendations from UN human rights mechanisms, including those from Special Procedures and the Universal Periodic Review, for measures on how to better protect and respect the rights of religious minorities including the Baha'i community.¹⁸
- b. The UN system remains seized on current and emerging discrimination, hostility, and violence facing the Baha'i minority in several States; and that relevant actors within the UN system adopt a more cohesive and coordinated approach in responding to these concerning developments, including Special Procedures, UN Country Offices and the UN Office on Genocide Prevention the Responsibility to Protect. They should communicate and coordinate their efforts with local actors, including civil society, where possible, and recall that it is essential to consider the local political, social, economic, cultural, and legal context in developing both appropriate and effective responses.
- c. States and civil society - including entities focused on freedom of religion or belief - may wish to consider adopting platforms or mechanisms for highlighting the persistent and serious human rights violations that Baha'i minority communities experience in certain regions. For instance, they may form a "friends of Baha'is" group, with the aim of proactively monitoring and responding to instances of human rights violations against persons belonging to the Baha'i minority community; to holistically analyse the patterns of such violations, including consideration of the local context, to act early and effectively; and to engage the Governments in dialogue to find lasting solutions.

¹⁸ e.g. A/HRC/43/12 (Iran), paras. 26.179, 26.305 and 26.317; and A/HRC/26/8 (Yemen), paras. 123.27, 123.181 and 123.59.