

Even though the Islamic Republic of Iran has tried to pretend that it respects the rights of religious minorities in that country, in reality, this is far from the truth. This study demonstrates how the Iranian constitution openly discriminates against religious minorities and that even the basic rights that the constitution has granted the recognized religious minorities (Christians, Jews, and Zoroastrians) have been systematically disregarded in one way or another.

In order to study the condition of religious minorities in Iran, it cannot be overemphasized that divine law is the unique source of legitimacy and political authority in that country. Even more important, it is critical to understand that the sole accepted interpreter of this divine law is the Supreme Leader. The Supreme Leader has control over all aspects of civil and political society; he is in control of the judiciary, the army, the police, the radio, and the television, and he also controls the elected president and the parliament.

Iran's population is approximately 70 million. Close to 99 percent of the population is Muslim, of which approximately 89 percent are Shi'a and 10 percent are Sunni. Baha'is, Jews, Christians, and Zoroastrians combined constitute the remaining 1 percent. These non-Muslim populations are in flux. The largest non-Muslim minority is the Baha'i community, which has an estimated 300,000 to 350,000 members throughout the country. Estimates on the size of the Jewish community vary from 20,000 to 30,000, a figure that represents a substantial reduction from the estimated 75,000 to 80,000 Jews who lived in the country before the 1979 Islamic revolution. According to U.N. figures, there are approximately 300,000 Christians, the majority of whom are ethnic Armenians and Assyrians. The rest are mainly Catholics and Protestants, with a few from Russian Orthodox decent. The U.N. Special Representative reported that Christians are emigrating at an estimated rate of 15,000 to 20,000 per year. Zoroastrian groups estimate the number of Zoroastrians at approximately 50,000.¹ Sunni Muslims are the largest religious minority in the country, claiming a membership of approximately 10 million. Iran's Constitution provides Sunni Muslims a large degree of religious freedom, but it forbids a Sunni Muslim from becoming president, and no Sunnis have ever obtained senior government positions. Against all their efforts and despite the fact that over 1 million Sunnis live in Tehran, Sunnis have not been allowed to build a Sunni mosque in that city. Sunnis have charged that the Iranian broadcasting company, Voice and Vision, airs programs that are insulting to Sunnis.²

Article 12 of the Constitution of the Islamic republic of Iran³ states: "The official religion of Iran is Islam and the Twelve Ja'fari School, and this principle will remain eternally

¹ Pages 36 and 37 of *Religious minorities in Iran* by Eliz Sanasarian.

² From the International Religious Freedom Report 2004, released by the Bureau of Democracy, Human Rights, and Labor, at:
<http://www.state.gov/g/drl/rls/irf/2004/35497.htm>

³ A comprehensive translation of the Constitution of the Islamic Republic of Iran can be found on the following internet web page: <http://www.oefre.unibe.ch/law/icl/ir00t_.html>

immutable. Other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their jurisprudence in performing their religious rites (...)"

However, Sunni Majlis (parliament) representatives have sent letters to Supreme Leader Khamenei, protesting the lack of Sunni presence in the executive and judiciary branch of the government, especially in higher-ranking positions in embassies, universities, and other institutions. They called on Khamenei to issue a decree halting anti-Sunni propaganda in the mass media, books, and publications; the measure would include the state-run media.⁴ The Sunni representatives also requested adherence to the constitutional articles ensuring equal treatment of all ethnic groups.

Article 13 of the Constitution states: "Zoroastrian, Jewish, and Christian Iranians are the only recognized minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of persona, affairs, and religious education."

The phrase "within the limits of the law" has certainly been open to interpretation by Iran's government. Shortly after the success of the revolution, in 1980, the government of Iran closed down Andisheh, the school that belonged to the Roman Catholic Church of Iran, and, without presenting any evidence, accused the foreign priests who ran it, many of whom had lived and worked in Iran for many years, of being spies. Most of these priests were soon deported and the government confiscated the school, which has never been returned to the Church.

In 1985 and 1986, I worked with a group of Catholic Armenian nuns who ran an all-girls school in Tehran. Although the Catholic Armenian Church still appeared to own this school, the government had significantly limited the nuns' authority. A Muslim principal and many Muslim teachers had been assigned to the school by the government, and the nuns were not allowed to teach the students (who were all Armenians) from Christian catechism books. Instead, the Islamic government had designed and written religious education books for Christian students, and these books had nothing to do with the teachings of the Church. These amended and distorted catechism books, instead of being taught in Armenian, had to be taught in Persian so the government would have complete control over the teaching material. Soon, all religious minorities were banned from teaching their language in their schools. A decree prohibited having a school on church, synagogue, or temple grounds. The government reasoned that the purpose of this new rule was so that the Muslims who attended these schools wouldn't be exposed to other religions. As a result, in the Armenian Kooshesh boys' school in Tehran a wall was built to separate the church from the school building. In an Assyrian school, the separation was impossible because of the small size of the school, so the state took over this school and it was subsequently closed down. In his letter to Ayatollah Montazeri, which was published

⁴ From the International Religious Freedom Report 2004, released by the Bureau of Democracy, Human Rights, and Labor, at:
<http://www.state.gov/g/drl/rls/irf/2004/35497.htm>

in *Iran Times* on July 6, 1984, Archbishop Manukian wrote: “Despite your comforting words, not only did the problems raised in connection with the schools remain unresolved, but recent orders have actually worsened the situation: the unwarranted replacement of school principals, the dismissal of several teachers of the Armenian language and religion, and the closure of a number of schools.”⁵

Even though Christians, Jews, and Zoroastrians are recognized minorities in Iran, in shi’a tradition, they are considered to be *kafar* and, as a result, are *najess* or unclean. A *kafar* is defined as a person who denies God or does not accept the prophethood of Mohammad. Ayatollah Khomeini addressed the *nejasat* or uncleanness issue in detail. When asked what the status of *Ahl al-Ketab* (people of the book: Muslims, Jews, and Zoroastrians), was in relation to purity, he said: “Non-Muslims of any religion or creed are *najess*.”⁶

In Iran, conversion from Islam to one of the three recognized religions is punishable by death. The government of Iran has been particularly vigilant in recent years in curbing proselytizing activities by Christians whose services are conducted in Persian. Mehdi Dibaj was arrested in 1983 for apostatizing from Islam to Christianity and was held without trial in prison for ten years. In 1994, he was brought to trial and was condemned to death. Bishop Haik Hovsepian-Mehr began a tireless campaign to bring his case to international attention, and he eventually succeeded. Protests from the United Nations, the Vatican, and Western countries caused the immediate release of Dibaj. However, several days later, Bishop Haik disappeared and his body was later discovered with multiple stab wounds, and a few months later, Mehdi Dibaj and Bishop Haik’s successor, Reverend Tateos Mikaelian, disappeared and were later discovered murdered.⁷

The Baha’is are the largest religious minority in Iran, but they remain “non-recognized” and do not have legal status. The authorities have classified them as “unprotected infidels.” They are subject to systematic discrimination on the basis of their religious beliefs and have been and are still prosecuted in Iran. In the same manner, atheists do not have any recognized status. According to the laws of the Islamic Republic, everyone has to belong to one of the four officially recognized religions. For example, in order to apply for the general examination to enter any university in Iran or to apply for any job in the government, the applicant has to answer a multiple-choice question about his/her religion. This question has four possible answers: Muslim, Zoroastrian, Jewish, or Christian.⁸

According to the Constitution, non-Muslims cannot hold the following key decision making positions:

- President of the Islamic Republic of Iran, who must be a Shi’a Muslim. (Article 115 of the Constitution)

⁵ Page 77 of *Religious minorities in Iran* by Eliz Sanasarian.

⁶ Page 85 of *Religious minorities in Iran* by Eliz Sanasarian

⁷ Pages 124 and 125 of *Religious Minorities in Iran* by Eliz Sanasarian

⁸ Page 6, *Discrimination against Religious Minorities in Iran*, a report presented by the FIDH and the Ligue de Defense des Droits de l’Homme en Iran.

- Commanders in the Islamic army. (Article 144 of the Constitution)
- Judges at any level. (Article 163 and law of 1983 on the selection of judges)

The penal code in Iran⁹ openly discriminates against religious minorities. Here are a few examples:

Adultery:

Under article 88 of the Penal Code, a Muslim man who commits adultery with a Muslim woman is punished by 100 lashes. However, a non-Muslim man who commits adultery with a Muslim woman is subject to the death penalty. If a Muslim man commits adultery with a non-Muslim woman, the Penal Code does not specify a penalty.

So, According to this law, we can assume that it is alright for a Muslim man to commit adultery with a non-Muslim woman.

Homosexuality:

Under article 121 of the Penal Code, homosexuality “without consummation” between two Muslim men is punished by 100 lashes. But if the “active party” is non-Muslim and the other Muslim, the non-Muslim is subject to the death penalty.

Premeditated Murder:

Under Islamic law, the family or relatives of a murder victim can claim “*diyah*,” pardon the murderer, or allow the punishment, “*qisas*,” to be carried out. “*Qisas*” or retaliation is the right of revenge belonging to the victim’s heir. It implies that the punishment be equivalent in nature and severity to the offence. In the case of a murder, such a punishment is the death penalty. “*Diyah*” or blood money is the possibility offered to the victim’s heir to forgo the right to “*qisas*” by accepting monetary compensation in exchange.

Article 207 of the penal code states: “If a Muslim is murdered, the murder will be retaliated and the murderer will be sentenced to between 3 to 15 years in prison.”

Article 209 of the penal code: “If a Muslim man premeditatedly murders a Muslim woman, he will be sentenced to retaliation, but prior to retaliation, the heir of the slain woman should pay half the blood money of the man to him (the murderer).”

Article 210 of the penal code: “If an infidel premeditatedly murders another infidel (a person who is not Muslim but believes in either Christianity, Judaism, or Zoroastrianism) the murder will be retaliated, even if they are followers of two different religions. If the murdered is an infidel woman, her heir should pay half of the blood money of an infidel to him.”

⁹ The translation of the articles of the Penal Code used in this study are from an unofficial translation found on the following internet web page: <<http://www.flygtninge-i-fare.dk/lawchrim.htm>>

Article 297 of the penal code sets the rules for the calculation of the “blood money” to be paid to the family when the victim is a Muslim man. The Judiciary sets its exact value to a certain amount each year. The “blood money” for a non-Muslim male victim who is a member of a recognized religious minority, or of a female victim (Muslim or non-Muslim) remains half of the compensation offered to the family of a Muslim male victim. Claims by the relatives of a victim who is not a member of the recognized religious minorities are simply dismissed.

Articles 207 and 209 provide that “qisas” is acceptable when a Muslim is murdered. It is also acceptable when the member of a recognized religious minority murders another member of the same or another recognized religious minority. However, no provision of the penal code discusses the murder of a non-Muslim by a Muslim, the punishment of which is left to the discretion of the judges. Article 2 of the penal code states that “every action or omission of an action for which there is a punishment in law, will be regarded as an offence.” As a result, in the absence of any punishment in law (like the murder of a non-Muslim by a Muslim) a judge can consider that no offence has taken place at all.

Inheritance:

The same conditions govern the laws of inheritance in Iran. Article 881 of the Civil Code states that a non-Muslim is not allowed to inherit property from a Muslim.

Marriage:

By law, a Muslim woman is not allowed to marry a non-Muslim man, but a Muslim man is allowed to marry a non-Muslim woman. This is because the man is considered the dominant partner in the couple.

Baha’is:

Being a Baha’i is illegal in Iran. Baha’is have no rights and the law does not offer them any form of protection. A 1993 report by the Special Representative to the United Nations Commission on Human Rights shed light on a secret official document containing specific instructions for gradual destruction of the Baha’i community in Iran. This document was prepared by Iran’s Supreme Revolutionary Cultural Council at the request of the Islamic Republic’s Supreme Leader, Ayatollah Khamenei, and it was approved by him.

This document includes the following points: (UN Document E/CN.4/1993/41, Commission on Human Rights, 49th session, Jan. 28, 1993, Final report on the situation of human rights in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights Mr. Reynaldo Galindo Pohl. Paragraph 310)
-“They (Baha’is) must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Baha’is.”
-“Deny them any position of influence such as in the educational sector, etc.”

- “A plan must be devised to confront and destroy their cultural roots outside the country.”

In Iran, the Baha’i community has been ordered to dissolve all its administrative institutions. Baha’i cemeteries, holy places, historical sites, and other assets were seized shortly after the 1979 revolution. According to the United Nations Working Group on Arbitrary Detention, Baha’is were arbitrarily arrested and detained because of their religious beliefs and were subjected to humiliating interrogations.

During the recent years, members of different religious minorities have been leaving Iran at a high rate, and this includes the “legal minorities.” Even though many of these people have lived in Iran for many generations, they feel they have been forced to leave their homes because the laws of the Islamic Republic discriminate against them. The ones who remain, either because they have chosen to do so or because they don’t have any other choice as a result of financial or other difficulties, have done their best to fight Iran’s discriminating laws and to protect their culture, way of life, and communities.

So, as you can see, many laws of Iran’s constitution openly discriminate against religious minorities, and even the laws that seem to protect them, usually leave the door open to discrimination and injustice.

