



Institute on Religion and Public Policy Report:

Religious Freedom in the Islamic Republic of Iran

Executive Summary

The Constitution of the Islamic Republic of Iran (Iran) states that the official state religion is the Ja'afari (Shia) School of Islam. All policies and laws must conform to this interpretation. However, the Constitution also states that all other schools of Islam must be respected and specifically protects the Jewish, Christian and Zoroastrian religious minorities. In practice, the protected minorities and other schools of Islam still suffer from tremendous governmental and societal discrimination. The largest minority religion in Iran today is the Baha'i faith, whose congregants frequently suffer significant discrimination including violence and arbitrary detention. Religious minorities are often arrested on vague charges such as "insulting Islam." Based on Iran's overall record, it has spent nearly a decade on the US State Department's list of Countries of Particular Concern and recently received a UN Special Rapporteur on Religious Freedom as a matter of concern. Despite Constitutional protections, no religions other than Shia Islam are able to freely exercise in the Islamic Republic of Iran.

Institute on Religion and Public Policy

The Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

History and Politics of Religion in Iran

Iran is a country of over 66 million people. Approximately 98% of the population identifies as Muslim with 89% from the Shia school and 9% identifying as Sunni Muslims. The country's largest religious minorities are Baha'i, Jewish, Christian and Zoroastrian. There is also a small number of Sabeen - Mandeian Iranians that the government regards as Christians. Iran came to its current form of an Islamic Republic by way of revolution in 1979. Since that time, the government has been guided by Shia Islam. Out of 290 seats in the legislature, 7 are reserved for women and religious minorities. The President of the republic must

be a Muslim and the Supreme Leader, the most powerful person in the government, also must be a Muslim. The Supreme Leader is not elected but is appointed by a large council of elected officials.

The Constitution sets forth various provisions for religious freedom. As an Islamic Republic, Shia Islam is the country's official religion. The Constitution specifically states that all other schools of Islam are to be respected and the practitioners of those schools can use their jurisprudence for matters of "religious education, affairs of personal status (marriage, divorce, inheritance, and wills) and related litigation in courts of law." The document also states that in areas where another school of Islam constitutes the majority view, government policy and regulations should reflect that school's jurisprudence. The country also designates the protected religious minorities as Jews, Christians and Zoroastrians. Despite the Constitutional protections, these groups still frequently receive problematic and discriminatory treatment. This policy of enunciated protections leaves the 300,000-plus members of the Baha'i religious group in Iran utterly without legal protections.

Religious Discrimination against Protected Minorities

Despite their status as constitutionally protected minorities, there is frequent discrimination and violence against Iran's Christians, Jews and Zoroastrians. During his tenure, it has been reported that Iranian President Mahmoud Ahmadinejad has called for the end to Christianity's expansion within the country. This has forced many Christian churches into hiding and forced various elements of their religious practice underground. Christians also suffer from official government bans on conversion from Islam (apostasy), which can result in a death sentence, and proselytizing by non-Muslims. Evangelical leaders are often pressured to sign pledges that they will not allow Muslims into their church services. Non-Muslims are also not allowed to serve on the Judiciary or in the Security Services of Iran, an agency that often monitors religious activity. Public sector jobs, though not specifically banned for non-Muslims, require testing on knowledge of Islam, a large impediment to the advancement of non-Muslims. It is also illegal in Iran for non-Muslims to lead Muslims in the military. These policies often combine to form a tortured net for religious minorities. Such was the case for Hamid Pourmand, a member of the Iranian Military and lay Pastor. In September 2004, Pourmand was arrested for apostasy, proselytizing and allegedly deceiving his superiors in the armed forces about his religious beliefs. Pourmand had converted to Christianity in 1980, over 20 years earlier, and claimed that his superiors were aware of his religion. Despite the eventual acquittal on the charges of apostasy and proselytizing, Pourmand served a 3 year sentence due to a conviction by a military tribunal over the alleged deception. During the 8 months he spent in jail awaiting trial, he was repeatedly pressured to recant his Christian faith and return to Islam to avoid execution for apostasy.

Due to the Iranian government's policy of non-recognition towards Israel and the corresponding diplomatic posturing, the protected religious minority that receives the most inequitable treatment is the Iranian Jewish population. Unofficial estimates put this population between 25 and 30,000. Iran's Jews have suffered tremendously through the country's official stance on Israel. On the pulpit of problems of Israel and Zionism, there has been strong anti-Semitic propaganda in the forms of official statements, media outlets, publications and books including statements by President Ahmadinejad that Zionists have infiltrated the world and need to be destroyed along with Israel. Ahmadinejad has also frequently questioned and outright denied the existence of the Holocaust. Similarly, the Iranian Ministry of Culture and Islamic Guidance opened an exhibit on the Holocaust in Qom entitled "The Fraudulent Myth" to mark the "anniversary of the establishment of the Zionist Regime" in May 2008. The wide ranging messages have served to blur the line between Israel, Zionism and Judaism and further the widely held belief by many Middle Eastern Muslims that all members of the Jewish faith are adamant Zionists. This has been furthered by the high profile arrests and punishments of several people for "spying for Israel." In one recent case, Ali Ashtari, an Iranian electronics salesman, was hanged for espionage and his confession was reportedly broadcast on Iranian television. While the punishment is uncommon, such arrests over similarly vague charges are commonplace for Iran's protected minorities. Despite the strong anti-Semitic message propagated by the Iranian Government, there has been very little interference with Jewish religious practices, including the allowance of instruction in Hebrew. Nevertheless, the government has mandated that all Jewish schools must conform to other schools, forcing them to stay open on Saturdays in violation of Jewish dogma.

While the Constitution officially commands respect for all schools of Islam, the inhabitants of Iran that practice Sufi Islam are also frequently discriminated against. Estimates put the number of Sufi Muslims in Iran between 2 and 5 million. Sufi leaders have reported frequent harassment by Iranian security and intelligence forces and there have been stringent restrictions placed on assembly by Sufis and their places of worship. The Iranian Regime listed Sufis in the recent Revolutionary Guard report entitled "Looming Threats and Dangers." The group was similarly defamed with frequency in news outlets and sermons by prominent Shia Clerics. Several major incidents have been reported in the last few years against Sufi Muslims. One Sufi order, the Gonabadi Dervishes, has had their places of worship throughout the country destroyed or forcibly closed in the past year. Several other orders have had places of worship closed in a similar fashion. The government has even investigated lawyers who have taken up the cases. One such case, on the island of Kish, had two lawyers, Farshid Yadollahi and Amir Eslami, investigated for "creating unease on the public mind." The pair was also repeatedly summoned before intelligence officers regarding their participation in the case. Other Sufis have been imprisoned or even beaten when they have reported such activity. Jamshid Lak, a Dervish of the Nematollahi order was flogged 74 times when he complained to officials because he was beaten by

an intelligence officer. The whippings came after conviction for the crimes of “spreading lies,” “slander” and “defamation of state officials.”

Religious Discrimination against the Baha’i Faith

The large Baha’i religious following in Iran is subject to severe discrimination and repression at the hands of the government. Since they are not recognized by the Iranian Constitution, Baha’i congregants are not free to publicly practice or teach their faith. The group has also been the subject of many incidents of arbitrary arrest, disappearance and even killings. Since the revolution in 1979, more than 200 Baha’i have been killed, most with impunity. Iran’s government and security forces have continually monitored membership in Baha’i by compiling lists under orders of the highest levels of government. The government has used these lists to arbitrarily arrest at least 19 people in the last 6 months. In February 2009, a trial of 7 Baha’i prisoners took place in Iran; the prisoners had been detained without charge in Iran’s notorious Evin Prison since March of the previous year. They were not given access to an attorney or outside contact during that time period. The group was charged with a variety of crimes including “insulting religious sanctities” and “propaganda against the Islamic Republic.” The seven were also charged with spying for Israel, a common charge against the Baha’i because the group frequently sends money to Haifa, Israel, the location of its international headquarters. At the time of this writing, the 7 remain in jail.

Similar discrimination is present in the education sector. The Baha’i are not permitted to attend public universities. The Iranian Government claims that Baha’i students are welcome to attend public universities if they claim to be from another religious group. However, it is a tenet of Baha’i that one should not deny their faith. Beyond this, a requirement for entrance to any university in Iran is a test in Islamic, Christian or Jewish theology. No such test exists for the Baha’i. Similarly problematic policies are put in place in public primary and secondary schools. It is a government policy to put Baha’i children in schools that imposing religious ideology thus making it more likely that they will convert. Many students have reported that they experience attempts at Islamic conversion during schooling.

There are many other incidences of outright discriminatory policy against the Baha’i as well. Members of this group are unable to serve in government employment or leadership roles in the military. The group is also discriminated against in the legal system, with the inability to collect restitution for a death. The death of a Baha’i is considered mubah, a term meaning it is not recommended, but not punishable. The group is similarly banned from the social pension fund and is unable to inherit property. While marriages under most religions are recognized, the Baha’i must be married under civil law. The three constitutionally protected religions are generally able to open community centers and similar self-financed entities; the Baha’i do not enjoy that right.

US Foreign Policy and Iranian Religious Freedom

Since the 1979 takeover of the US Embassy during the Iranian Revolution, the US government has not had formal diplomatic relations with Iran. Due to this, it has been impossible for the US State Department to raise issues of religious freedom directly with the Iranian government. The State Department has, in an attempt to make its position clear, made several well-publicized statements about the need for greater religious freedom in Iran. America has also attempted to use countries with mutual relations to raise the issue with Iran. The issue has also been brought to the forefront of international relations using resolutions at the United Nations, of which Iran is a member.

Conclusion

The Islamic Republic of Iran is far from a haven of religious freedom. The Constitution states that even though Shia Islam is the official religion, all other Islamic Jurisprudential schools will be respected. In practice, this is far from true. Similarly, the Constitution promises protection to the minority Christians, Jews and Zoroastrians. Nevertheless, they face discrimination and fear on a daily basis. The country's largest religious minority, the Baha'i, suffer even greater indignities due to their faith. They are unprotected by law and often labeled apostates. Overall, there is no practical right to free exercise of religion in Iran.