

Iran's Systemic Denial of Access to Higher Education

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1. Discrimination Embedded in the Iranian Constitution

With the establishment of the Islamic Republic of Iran ('Iran') in 1979, members of the Bahá'í community of Iran were subjected to well-documented persecution that has been "systematic", "state-sponsored" and "widespread".¹ The persecution has been described as "crimes against humanity"² and "cultural cleansing".³ The persecution has been "the most widespread, systematic, and uninterrupted" of that of non-Muslim religious minorities in Iran.⁴ It continues unabated to this day. Former UN Secretary General Ban Ki-moon recently referred to the Bahá'í community of Iran as "the most severely persecuted religious minority" of the country.⁵

Although the Bahá'í community is the largest non-Muslim religious minority of Iran, the land of its origin, it has not been recognized in its Constitution. Article 13 specifically states that "Iranian Zoroastrians, Jews and Christians are *the only* recognized minority religious groups, within the limits of law, which are free".⁶ "[A]nti-baháism was obvious throughout the proceedings" to make the Constitution; the purpose of "haggling over every word and expression of certain articles", including the word *only* here, was "to ensure the exclusion of the Baha'is".⁷ "[T]hat non-recognition" has acted as the "fountainhead of institutionalized discrimination", and the Bahá'í community and its members are not protected by law in Iran.⁸

¹ Bahá'í International Community ('BIC'), "UN Reports" (<http://www.legal-tools.org/doc/7a86ed/>); Nazila Ghanea, *Human Rights, the UN and the Bahá'is in Iran*, 2002, George Ronald, Oxford, pp. 116–118.

² Iran Human Rights Document Centre ('IHRDC'), "Crimes Against Humanity: The Islamic Republic's Attacks on the Bahá'is", 2008 (<http://www.legal-tools.org/doc/88c7db/>).

³ BIC, "The Bahá'í question: Cultural cleansing in Iran", New York, 2008 (<http://www.legal-tools.org/doc/b7df79-1/>).

⁴ Eliz Sanasarian, *Religious Minorities in Iran*, 2000, Cambridge University Press, p. 53.

⁵ UN Secretary General, "Situation of human rights in the Islamic Republic of Iran", 6 September 2016, UN doc. A/71/374 (<http://www.legal-tools.org/doc/82cf3f/>).

⁶ See <http://www.legal-tools.org/doc/4205c7/> (italics added).

⁷ Sanasarian, 2000, p. 64, see *supra* note 4.

⁸ Reza Afshari, "The Discourse and Practice of Human Rights Violations of Iranian Baha'is in the Islamic Republic of Iran", in Dominic P. Brookshaw and Seena Fazel (eds.), *The Baha'is of Iran: Socio-Historical Studies*, Routledge, 2007, p. 242.

Salim A. Nakhjavani analysed in his brief in this Series how this Constitutional provision has legitimised the denial of the rights set out in the Constitution to Bahá'ís, both individually and as a community.⁹ This brief zooms in on how the discriminatory regime works in the domain of higher education.

2. Iran's Discriminatory Regime in Higher Education Since 1980

The history of exclusion of Bahá'ís from higher education following the 1979 revolution has undergone three phases, entailing dismissal of university staff as well as expulsion and prohibition of admitting of Bahá'í students since 1980.

2.1. First Phase (1979–1982): Dismissal and Expulsion

Soon after the 1979 revolution in Iran, all Bahá'ís were barred from working in the public sector, including in education.¹⁰ Dismissal of Bahá'í staff and professors, some of whom were departmental deans at the time, began within a few months.¹¹ The vast majority of these Bahá'í academics were fired during the 'Cultural Revolution' from June 1980 to December 1982, when most universities reopened. During the same period, the pension of retired Bahá'í employees of universities and colleges was cut off.¹²

The process of expulsion or termination of pension often happened in a way whereby university professors or employees were summoned individually to the "purging committee"¹³ of the university and asked about their religious affiliation.

⁹ Salim A. Nakhjavani, "Constitutional Coherence and the Legal Status of the Bahá'í Community of Iran", FICHL Policy Brief Series No. 70 (2016), TOAEP, Brussels, 2016 (<http://www.legal-tools.org/doc/a8c07c/>).

¹⁰ IHRDC, "A Faith Denied: The Persecution of the Baha'is of Iran", New Haven, C.T., 2006, pp. 43–45 (<http://www.legal-tools.org/doc/39a522/>).

¹¹ This process can be traced back to 30 June 1979, when a memorandum issued by the Minister of Education, referring to decree no. 14974/2, required that all Bahá'í teachers be expelled from Iran's schools. The memorandum made clear that "the Ministry of Education [...] will not allow, like the previous regime, the followers of the Baha'i sect to stay in its educational unit" and that "dismissal according to the existing law is a minimum punishment", *ibid.*, p. 45.

¹² BIC, "The Bahá'is of Iran: A Report on the Persecution of a Religious Minority", 1982, p. 18 (<http://www.legal-tools.org/doc/8aa337/>).

¹³ A committee in charge of reviewing employee files.

When the committee heard the response the “Bahá’í faith”, it announced his or her expulsion. In many cases, the option was put in front of the Bahá’í professor to publicly recant his faith and convert to Islam if he or she wished not to lose the job.¹⁴ The vast majority of them were expelled.¹⁵ Some of the dismissed Bahá’í professors who were prominent public figures in their field and in the Bahá’í community, were later kidnapped or executed.¹⁶ Unable to work, some were forced to emigrate.

The first year after the 1979 revolution, Bahá’í students took part in the nation-wide university entrance examination and several hundreds of them were accepted; one even ranked first out of the 100,000 applicants.¹⁷ Thousands of Bahá’í students who had been admitted to universities prior to the revolution were pursuing their studies at different levels. In the spring of 1980, the universities were closed for thirty months as part of a ‘Cultural Revolution’ which aimed to complete the ‘Islamisation’ of society, including changing universities. As a result of a decree issued by the Ministry of Education in September 1981, the prohibition against Bahá’ís was formalised. It identified membership in what the text described as the “misled and heretical sect” among “crimes” which barred professors and students from being employed by or admitted to universities.¹⁸

By order of the Ministry of Education, the re-enrolment of Bahá’í students at the time of reopening of universities was denied, regardless of the year and semester they were in. As a result, “even those students who were close to graduation from medical colleges were dismissed”.¹⁹ Some were denied the opportunity to take their final examinations, while others “who had already taken and passed their examinations were refused their degrees”.²⁰ It was the same for vocational education. Upon completing their training, Bahá’í nurses were not only denied their diplomas, but were also required by the authorities to reimburse the money spent on their training.²¹ Pursuant to a directive issued by the Ministry of Education in August 1981, Bahá’í students studying abroad were excluded from receiving the subsidised foreign exchange rate which had previously been sent to Iranian students.²² Bahá’í students who wished to continue their studies outside Iran were denied exit permits.²³

¹⁴ See, for example, the dismissal letter from the Ministry of Culture and Higher Education to a Bahá’í professor dated 30 September 1980, containing the statement that “her position would be restored to her if she would publicly recant her faith in three top circulated newspapers”, cited in IHRDC, 2006, p. 45.

¹⁵ As Stanford Professor Abbas Milani has observed, “a handful opted for the first path, but the majority paid a heavy price for keeping their faith”, see Abbas Milani, *Eminent Persians: The Men and Women Who Made Modern Iran, 1941-1979*, 2008, vol. 1, p. 271.

¹⁶ See Afshari (2007), see *supra* note 8, pp. 246–247; IHRDC, see *supra* note 10, pp. 23–35.

¹⁷ In the entrance exam for architecture.

¹⁸ IHRDC, see *supra* note 10, p. 46.

¹⁹ Afshari (2007), see *supra* note 8, p. 261.

²⁰ BIC (1982), see *supra* note 12, p. 17.

²¹ *Ibid.*

²² IHRDC, see *supra* note 10, p. 46.

²³ Douglas Martin, “The Persecution of the Bahá’ís of Iran, 1844-1984”, in *Bahá’í Studies*, 1984, vol. 12/13, p. 84.

2.2. Second Phase (1983–2003): Exclusion by Application Form

Following the re-opening of universities, the second nation-wide entrance examination after the 1979 revolution was held in the summer of 1983. No Bahá’í was allowed to take part that year or in any examinations for twenty successive years. It became necessary for applicants to choose their religious affiliation on the application form, with available options restricted to Islam and the three officially recognised religious minorities. Bahá’ís who, as a matter of principle, did not lie about their religious affiliation, either mostly left the answer blank or noted in the explanation section that they were Bahá’ís. They never received the permit card needed to go to the examination hall.²⁴

A confidential 1991 memorandum shows that exclusion of Bahá’ís from higher education was part of larger plan to suffocate the Bahá’í community, and that the Islamic Republic had devised a national policy to quietly and slowly strangle the Bahá’í community through educational, cultural and economic means rather than earlier, more overt measures like killings.²⁵ The memorandum – prepared by the Iran’s Supreme Revolutionary Cultural Council, approved by the then president, and ratified by the Supreme Leader – asserts that the “government’s dealings with [the Bahá’ís] must be in such a way that *their progress and development are blocked*” (italics added). It gave several recommendations, including the following:

They can be enrolled in schools provided they have not identified themselves as Bahá’ís [...] Preferably they should be enrolled in schools which have a strong and imposing religious ideology. [...] They *must be expelled* from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahá’ís. [...] A plan must be devised to confront and *destroy* their cultural roots outside the country [...] deny them employment if they identify themselves as Bahá’ís [...] deny them any position of influence, such as in the educational sector [...].²⁶

2.3. Third Phase (Since 2004): Exclusion by Process

In 2004, presumably as a result of efforts by a government known as reformist to alleviate international pressure, the application form for the university entrance examination was revised and the question about the applicant’s religious affiliation was replaced by a query on which religion the applicant prefers to be examined. Around one thousand Bahá’í students applied for and took the entrance examination. Their hopes were short-lived as the authorities blocked the admission of almost all the 800 students who had passed the examination²⁷ (despite the fact that some had scored high grades; one female Bahá’í ranked first of more than one million applicants). Since then, the story has been repeated every year.

There is another subtle and more complex mechanism

²⁴ Mina Yazdani, “Higher Education under the Islamic Republic: the Case of the Baha’is”, in *Journal of Educational Controversy*, 2015, vol. 10, p. 6.

²⁵ The document titled ‘The Baha’i Question’ was obtained and uncovered by a UN human rights commissioner in 1993.

²⁶ BIC, “Iran’s secret blueprint for the destruction of the Bahá’í community”, 25 February 1991 (<http://www.legal-tools.org/doc/baf2c0/>).

²⁷ Only eight out of about 800 were allowed to enrol, Yazdani (2015), see *supra* note 24, and Afshari (2007), see *supra* note 8, p. 268.

at work, which identifies the majority of Bahá'ís and blocks them either during subsequent stages of the admission process, or during their university study.²⁸ As brought to light by a UN Special Rapporteur, a 2005 confidential letter from the Command Headquarters of the Armed Forces instructed the intelligence agencies, the judiciary, police commanders and also all regional governors “to identify persons who adhere to the Bahá'í Faith and monitor their activities”.²⁹ Also, a leaked secret letter of Iran's Ministry of Science, Research and Technology, written in 2006 – which made reference to the 1991 memorandum – instructed 81 universities across the country that, “if Bahá'í individuals, at the time of enrolment at university or in the course of their studies, are identified as Bahá'ís, they must be expelled from university”.³⁰

The Iranian authorities have devised a new strategy to block access of Bahá'ís to universities without attracting so much international attention. The majority of the Bahá'ís who try to obtain their entrance examination results through the respective national web site, have either received a message that they have “an incomplete file”,³¹ or a message that leaves no paper trail but merely instructs the applicants to go to a local office if they seek further information, only to be orally told that they have been identified as Bahá'í and are not eligible for admittance. A *very small number* of those hundreds who passed the examination are forced to disclose their religion at the time of enrolment, and some who find the opportunity to enrol are prevented from completing their studies sometime before their graduation, mostly in the early semesters.³² By these tactics, the Iranian authorities can claim at any time that there are dozens of Bahá'í students at universities, while they expel them later at an appropriate and calculated time. Since 2004, only a *handful* of students who either could not be identified as Bahá'ís or whom the State purposefully allowed to study as a pretence for the outside world, have graduated from universities.

2.4. Nearly 40 Years of Denial

Over the past few years, Iran's denial of access to higher education has been officially recorded in the publication issued by *Sanjesh*, the National Organization of Educational Testing of Iran's Ministry of Science, Research and Technology, where the first admission criterion under the heading “General Requirement” demands “(a) belief in Islam or in one of the recognized religions in the Constitution of the Islamic Republic of Iran”.³³

Given that almost none of the Bahá'í students who had

²⁸ Human Rights Watch, “Barring Baha'is”, 13 April 2010 (<http://www.legal-tools.org/doc/8e20a8/>).

²⁹ BIC, “Bahá'í Question Revisited: The Persecution and Resilience in Iran”, November 2016, pp. 10, 96–97 (<http://www.legal-tools.org/doc/1aac86/>).

³⁰ BIC, “Confidential Iran memo exposes policy to deny Baha'i students university education” (<http://www.legal-tools.org/doc/6dfdef/>).

³¹ A euphemism for being a Bahá'í.

³² Yazdani, 2015, see *supra* note 24. Sometimes the security office of the university forges the documents to make it appear that the students had chosen to drop out voluntarily. See, for example, <http://www.legal-tools.org/doc/780e6d/>.

³³³³ *Sanjesh*, “A guide to enrolling and participating in the national entrance examination for academic year 1396 [2017]” (<http://www.legal-tools.org/doc/7f1763/>).

been admitted to universities in the four years preceding their closure in 1980 could complete their studies and get their degrees, it has been more than 40 years that successive generations of Bahá'ís have been prevented from completing higher education in Iran. Some estimates indicate that the number may be as high as 100,000.³⁴ Some of the barred or expelled Bahá'í students who have been active in pursuing their educational rights and publicizing their case during the past years, have even been arrested, tortured and even imprisoned up to 12 years.³⁵

3. How Have the Victims Responded?

Initially the Iranian Bahá'í community explored “possible solutions with Iran's officials”, domestically and internationally, but this regrettably proved futile.³⁶ In 1987, a group of dismissed Bahá'í professors and professionals set up an informal network of higher education to teach Bahá'í youth voluntarily. This became the ‘Free Scientific Institute’ or ‘Open University’, later referred to outside Iran as the Bahá'í Institute of Higher Education (‘BIHE’).

BIHE started its informal operation on a tiny scale and accepted the first students in sciences and humanities based on an entrance examination. At the outset, its operation was based on a correspondence model, enhanced after three years to a model that complemented correspondence with in-person classes and local tutoring. The in-person classes were held in the homes of Bahá'ís in Tehran several times each semester and attended by a lecturer and students who traveled from all over the country.³⁷ BIHE developed its own courier system with volunteer messengers, who collected assignments from all the students in a locality by motorbike, and sorted and delivered them to the professors.³⁸ Over time, specialized laboratories were organized in the basements and garages of homes, and later in privately-owned commercial buildings near and in Tehran, for subjects such as computer science, physics, dental science, pharmacology, applied chemistry and language study. By 1998, the Institute's facilities included a network of 45 depository libraries in the homes of Bahá'ís around the country.³⁹ In 2005, the Institute transitioned to using in its hybrid model an added online Learning Management System for the delivery of content, assessment and providing educational resources. It set up an Affiliated Global Faculty comprising a sizable number of volunteer professors from around the world to give advice and teach on some of the subjects.⁴⁰

³⁴ Committee on Academic Freedom of the Middle East Studies Association (MESA) of North America, February 2017 (<http://www.legal-tools.org/doc/dadfcc/>).

³⁵ Human Rights Watch (2010), see *supra* note 28. HRANA News Agency, “A Report about 3 Imprisoned Activists of the Right to Education”, 5 November 2016 (<http://www.legal-tools.org/doc/c72a88/>).

³⁶ BIC, “An Open letter to Iran calls for an end to oppression of students”, 26 August 2011 (<http://www.legal-tools.org/doc/7095d2/>).

³⁷ Nayyer Ghadirian, *An exploratory study examining the factors associated with the survival of underground education in an oppressive environment*, Master's dissertation, Concordia University, 2008, p. 31 (on file with the author).

³⁸ BIC, “Closed Doors: Iran's Campaign to Deny Higher Education to Bahá'ís”, 2005, p. 26 (<http://www.legal-tools.org/doc/299c59/>).

³⁹ *Ibid.*, pp. 23–26.

⁴⁰ Small Media, “Knowledge as Resistance: The Baha'i Institute for Higher Education”, February 2013 (<http://www.legal-tools.org/>).

Over the past thirty years, despite serious challenges and intense government pressure, BIHE has managed to offer its services to *tens of thousands* of Bahá'í youth.⁴¹ It has grown to offer 38 university-degree programmes, of which there are five associate, 18 undergraduate and 15 graduate programmes under the administration of faculties of Sciences, Engineering, Business and Management, Social Sciences, and Humanities.⁴² At the time of writing, the combination of over 700 faculty members and 255 local administrators, mostly residing across Iran, facilitates more than 1,050 courses,⁴³ producing several thousand graduates. Since 1998, many of them have gained admission into graduate schools from 98 universities in North America, Europe, Australia, and India, including Harvard, Yale, Berkeley, the University of British Columbia, McGill and University College London.⁴⁴ Some of those who have returned to Iran to teach at BIHE have been imprisoned.⁴⁵

Iranian authorities have harassed BIHE stakeholders and repeatedly tried to close it down,⁴⁶ targeting almost every aspect of this initiative from its entrance exam to its degrees which are not recognized within Iran.⁴⁷ One notable crack-down of BIHE in 1998 involved hundreds of agents of the government's intelligence service who raided over 500 Bahá'í homes across the country and arrested as many as 36 faculty members and administrators. "[H]undreds of thousands of dollars" worth of laboratory equipment, computers, and books were confiscated across Iran.⁴⁸ Those arrested were ordered to sign a document announcing that "BIHE had ceased to exist" and "they would no longer cooperate with it". All refused to sign. There was widespread international condemnation of the persecution.⁴⁹ But in May 2011 there was a further major attempt to destroy BIHE, when dozens of homes of directors, key faculty members, local administrators, and students were

raided, and many were arrested.⁵⁰ Between 2011 and 2016, 17 faculty members and local administrators were tried and imprisoned for terms of four-five years,⁵¹ again provoking international reaction.⁵²

4. For How Much Longer Will This Continue?

The systemic exclusion of Bahá'ís from higher education by the Government of Iran has had effect for nearly 40 years. It is a premeditated policy and practice, implemented by use of governance tools such as the Constitution, ministerial directives, and administrative practice. This has been well-documented and analysed. The evidence shows that this is being done to ensure that the "progress and development [of the Iranian Bahá'ís] are blocked".⁵³

How much longer will fellow-Iranians and the international community allow this to continue?

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doc/4553dc/; Sohrab Ahmari, "The Epic, Secret Struggle to Educate Iran's Baha'is", in *The Chronicle of Higher Education*, 13 May 2012 (<http://www.legal-tools.org/doc/17361f/>).

⁴¹ This is based on the recorded statistics that as of December 2005, a body of 2,500 students (of whom 75% were women), and in 2008, roughly 3,000 students were enrolled at BIHE. See Friedrich W. Affolter, "Resisting Educational Exclusion: The Baha'i Institute of Higher Education in Iran", in *International Journal of Diaspora, Indigenous and Minority Education*, 2007, vol. 1, no. 1, p. 68; and Ghadirian, see *supra* note 37.

⁴² This information is taken from BIHE's web site (<http://www.bihe.org>).

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Irwin Cotler, "Where Does a Canadian Degree Get You in Iran? In Prison" (<http://www.legal-tools.org/doc/d6fd3f/>).

⁴⁶ Affolter, see *supra* note 41, pp. 67–68.

⁴⁷ Small Media, 2013, *supra* note 40, p. 36.

⁴⁸ Firouz Kazemzadeh, "The Baha'is in Iran: Twenty years of oppression", in *Social Research*, 2000, vol. 67, no. 2, pp. 456–457.

⁴⁹ *Ibid.*

⁵⁰ Human Rights House of Iran (RAHANA), "Report on Summonses and Interrogations of Baha'is Linked to BIHE", 2 September 2011 (<http://www.legal-tools.org/doc/4ef9d4/>); Iran 2015 International Religious Freedom Report (<http://www.legal-tools.org/doc/c01db4/>).

⁵¹ BIC, "Profiles of Bahá'í educators" (<http://www.legal-tools.org/doc/541da4/>); BIC (2016), see *supra* note 29, p. 34.

⁵² "Iran's campaign to deny higher education to Bahá'ís: International response and media reports", *Bahá'í World News Service* (<http://www.legal-tools.org/doc/af4ab8/>). Iran Press Watch, "Apology of Dr. Mohammad Maleki" (<https://www.legal-tools.org/en/browse/record/40e1d8/>); Radio Free Europe, 16 July 2013 (<http://www.legal-tools.org/doc/0ce2b1/>); "THE GARDENER' Wins Another Award in Croatia", 31 July 2013 (<http://www.legal-tools.org/doc/df60c/>); documentary film 'Education under Fire', co-sponsored by Amnesty International (<http://www.legal-tools.org/doc/f7f541/>); see also the film 'To Light a Candle'.

⁵³ See *supra* note 26.