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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1631st MEETING

held at the Palais des Nations, Geneva,
on Monday, 9 March 1981, at 10 a.m.

COMPOSITE
FACSIMILE

Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (continued)

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7. Mr. van der STOEL (Netherlands) said that the right to hold opinions without government interference and the right to freedom of speech were upheld in article 19 of the Universal Declaration of Human Rights and in article 19 of the International Covenant on Civil and Political Rights. But although those fundamental freedoms were widely acknowledged on paper, many Governments restricted the actual exercise of those rights unduly, or even nullified them completely, citing the interests of state security, a communist society or the workers at large. The Commission, in resolution 23 (XXXVI), had appealed to all Governments to encourage and support individuals and organs of society exercising their rights and responsibilities to promote the effective observance of human rights. The aims of that resolution, however, were far from being realized in certain countries, whose Governments, on the contrary, discouraged and suppressed the effective observance of human rights. The very least the Commission could do was to support people who continued to strive for their human rights in such circumstances.

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12. Governments which could not tolerate political dissent tended also to be intolerant of religious beliefs. One example was the position of the Baha'i minority in Iran; the Commission had recently heard the appeal made by that community's representative to the Iranian delegation. The Netherlands delegation had heard with interest the reply of the observer for Iran to the effect that the Baha'i community enjoyed the same rights as all other Iranians, but it appealed to the Iranian Government to investigate all allegations in order to dispel doubts. In that connection, the European Parliament, in a resolution dated 19 September 1980, had condemned the violation of the human rights of all religious minorities in Iran, particularly the members of the Baha'i faith, whose rights as a religious minority seemed not to be recognized in the Iranian Constitution; and the Sub-commission on Prevention of Discrimination and Protection of Minorities, in resolution 10 (XXXIII), had expressed profound concern for the safety of members of the Baha'i community.

23. Mr. BEAULNE (Canada) said that the Commission's primary concern was not to condemn those responsible for violations of human rights but, rather, to inquire into such violations with a view to eliminating them. It was unfortunate that certain Governments had been either unable or unwilling to comply with the relevant resolutions adopted by the Commission at its previous session. In Kampuchea and Afghanistan, for example, the basic human right of self-determination continued to be denied because of foreign occupation.

25. The allegations of discrimination against the Baha'i community in Iran were too well documented to be dismissed lightly by the observer for Iran, and his delegation hoped that the Commission would not await the completion of a convention on the rights of persons belonging to national, ethnic, religious and linguistic minorities before acting to protect minority rights wherever they were violated.

39. Mr. DAVIS (Australia) said that one of the Commission's principal tasks at its current session was to strengthen its procedures for considering systematic patterns of gross violations of human rights, by making them more resilient and flexible, while at the same time continuing to work for the improvement of the living conditions of people all over the world.

46. One of the most distressing violations of the right to hold a religious belief was the persecution, in Iran, of members of the Baha'i faith, who were not only denied the rights of a recognized religious minority, but were systematically harassed.

64. Mr. KNIGHT (Baha'i International Community) said that the 300,000 member Baha'i community was the largest religious minority in Iran and yet was not recognized under the Iranian Constitution, a fact which had led to a serious violation of its human rights and fundamental freedoms, in disregard of the International Covenant on Civil and Political Rights, which had been signed and ratified by that country. The Baha'is of Iran were all indigenous Iranians who, following the principles of their faith, were loyal to their country and Government and were not involved in party politics or any subversive activity, yet they had been the most frequently persecuted group in Iran. Although, at times, certain Baha'is had enjoyed some relief, that had simply been a reflection of the degree to which current laws were enforced by less prejudiced government officials and not the result of any deliberate protection extended by the law to members of the Baha'i community.

65. The refusal of successive Governments in Iran to accord the Baha'i faith official recognition as an independent religion had deprived the Baha'is of human rights and privileges under the law and rendered them second-class citizens. Despite its rapid rise to become the largest minority religion in Iran, the Baha'i faith, contrary to other minority faiths, had been denied recognition under the 1906 Constitution, and acts of persecution against the community had continued.

66. Following the accession to power of Reza Shah in 1921, the Baha'is and their institutions had become the victims of repression by the Government, a policy continued throughout the period of the Pahlavi régime up to the Islamic Revolution in 1979.

67. During and since that revolution, the Baha'is had been the repeated victims of violent attacks. Properties, including their internationally holy places, had been confiscated, desecrated and, in some cases, destroyed. The arrest and subsequent disappearance of all nine members of the National Bahai Administrative Council of Iran in August 1980 was one of the most striking examples of the attempts made to stifle the Baha'i community.

68. Noting that the human rights of the Christian, Jewish and Zoroastrian minorities were protected under the laws of the Islamic Republic of Iran, he said that the deliberate omission of the Baha'is had left the way open to intensified denunciations, summary arrests and trials, murder, and destruction of property and holy places with almost complete assurance of immunity for the perpetrators.

69. The Iranian Baha'is, in common with their fellow believers the world over, were obliged as an article of their faith to show loyalty to the Government of the country in which they lived and to abstain from participation in politics and were committed to the highest standards of morality in their public and private lives. Those facts had been repeatedly brought to the notice of the Iranian authorities, together with evidence that the Iranian Baha'is had steadfastly upheld those fundamental principles of their faith, but all such representations and appeals for justice and fair treatment had gone unheeded.

