



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: HumanRights:SW:vk:575884

20 October 2011

His Excellency Dr Mahmoud Babaei
Ambassador of Iran
Embassy of the Islamic Republic of Iran
25 Culgoa Circuit
O'Malley ACT 2606

By email: ambassador@iranembassy.org.au

Dear Dr Babaei

Bahá'í and the Right to Education

The Human Rights Committee of the Law Society of NSW brought the enclosed letter to my attention. I understand that this letter was sent to you by the NSW Young Lawyers Human Rights Committee.

The Law Society's Human Rights Committee (the "Committee") has responsibility to consider and monitor Australia's obligations under international law in respect of human rights; to consider reform proposals and draft legislation with respect to issues of human rights; and to advise the Law Society of NSW on any proposed changes. The Committee is a long-established committee of the Society, comprised of experienced and specialist practitioners drawn from the ranks of the Society's members who act for the various stakeholders in all areas of human rights law in this State.

At the Committee's request, I write to you to endorse the letter sent by the NSW Young Lawyers Human Rights Committee. I write to respectfully urge that the Iranian Government ensure that the human rights of all people, including the Bahá'í, are respected, protected and fulfilled, in accordance with Iran's international human rights obligations.

Yours sincerely,

Stuart Westgarth
President

cc. NSW Young Lawyers Human Rights Committee

27 September 2011

His Excellency Dr Mahmoud Babaei
Ambassador of Iran
Embassy of the Islamic Republic of Iran
25 Culgoa Circuit
O'Malley ACT 2606

By email: ambassador@iranembassy.org.au

Dear Dr Babaei,

Bahá'í and the Right to Education

The NSW Young Lawyers Human Rights Committee (HRC) has recently become aware of concerning reports indicating breaches of the human rights of Bahá'í in Iran. Specifically, we are extremely troubled by reports that Bahá'í students are being prevented from attending university and by the recent arrests of those involved in the Bahá'í Institute for Higher Education (BIHE).

NSW Young Lawyers is made up of law students and legal practitioners who are in their first 5 years of practice or under the age of 36. The HRC is concerned with a range of human rights issues both in Australia and abroad and aims to raise awareness and provide education to the legal profession and the wider community on these issues.

We understand from media reports that on 22 May 2011 Iranian authorities raided 30 homes and arrested 16 Bahá'ís involved with BIHE. We are concerned that many of those arrested are still in prison simply for being a part of an initiative which provides higher education to those otherwise denied access to Iranian Universities. We note that the Security General of the United Nations, His Excellency Ban Ki-moon, has raised serious concerns about the treatment of Bahá'ís and other minority groups.¹

We wish to highlight that as a country that has ratified the *International Covenant on Civil and Political Rights*, Iran has an obligation to ensure that all people in its jurisdiction enjoy the following:

- Freedom from discrimination, including on the basis of religion (Article 2);
- Freedom from arbitrary arrest or detention (Article 9);
- Equality before the law and minimum procedural safeguards in criminal prosecutions (Article 14); and
- Freedom of thought, conscience and religion (Article 18).

Importantly also, Iran has ratified the *International Covenant on Economic, Social and Cultural Rights*, which recognises "the right of everyone to education" and that "higher education shall be made equally accessible to all, on the basis of capacity." We ask Iran to uphold these universal human rights so that higher education is accessible by all people in Iran, irrespective of thought, conscience or religion. The current persecutions against the Bahá'ís on the basis of their religion is a direct violation of Iran's international human rights obligations under these treaties. We urge the Iranian Government to ensure that the human rights of all people, including the Bahá'ís, are respected, protected and fulfilled.

Yours sincerely,



Daniel Petrushnko | President, NSW Young Lawyers
The Law Society of New South Wales

CC:

His Excellency Ban Ki-moon
Secretary-General of the United Nations
inquiries@un.org

Her Excellency Navanethem Pillay
UN High Commissioner for Human Rights
By email: InfoDesk@ohchr.org

Her Excellency Irinia Bovoka
Director-General of UNESCO
By email: bpi@unesco.org

His Excellency Mohammad Khazaee
Ambassador and Permanent Representative of the Islamic Republic of Iran to the United Nations
By email: iran@un.int

The Hon. Kevin Rudd MP
Minister for Foreign Affairs
By email: kevin.rudd@dfat.gov.au

ⁱ See, for example, Human Rights Council (Sixteenth Session) *Interim report of the Secretary-General on the situation of human rights in Iran* (14 March 2011), UN Doc. A/HRC/16/75.