

Study the Educational- Cultural Rights of Religious Minorities in Education System of Islamic Republic of Iran

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Abstract: Education in Iran; From the viewpoint of the constitution of the Islamic Republic of Iran, freedom of education is considered as an acceptable pre-assumption. In fact, the purpose of the legislators of the constitution was to eradicate illiteracy in the country and to improve public knowledge of people considerably. At the same time, this document has paid particular attention to the principle of education and emphasizes on providing public and free education not only in elementary school, but also to the secondary school; thus, one of the basic duties of the government, in view of clause three of principle three of the constitution, freedom in education and physical education should be provided for all in all levels and the government should facilitate and popularize higher education. Employing the phrase “for all” in clause three of principle three, and “for the entire nation” in thirtieth principle directs minds to the subject that constitution believes in the right of education for all nationals of the country, and does not accept discrimination among the subjects of the country; although, individuals, too, benefit from this advantage as per their talents and merits in various degrees. Therefore; based on this argument, some jurists have stated: “There is no legal restriction in education in terms of age, gender, ideology, beliefs or religious and spiritual beliefs”.

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1. Introduction

After the adoption of the Civil Law, all residents of Iran, as attributions of article 5 of that law, became subjects of a single law and the dispersion and segregation which existed in exercising the law on people of this land disappeared and individuals found equal rights before the law and trials were exercised exclusively in the official courts of the country and ground was prepared to pass the law to permit civil status identity for the non-Shiite Iranian in trials. According to the mentioned law, passed by the then national parliament on August 1, 2013, legislation of that law, although emerging from the generous spirit of Iranians, was backed by the historical and cultural backgrounds of this territory as the best cultural supports; as according to the history and evidences, since ancient time, Iranians were the forerunners of observation of minorities' rights; the significant example is the conduct of Cyrus (Cyrus, also known as Cyrus the Great was the founder and the first king of Achaemenides Dynasty which ruled vast zones in Asia during 559- 529 BC.) in Babel in taking the hand of Ba'l Murdoch (Murdoch is one of the ancient gods of Babel civilization and in their civilization; he is the god of fertility and creation) and observing their religious ceremonies. This conduct is not only a source of pride for any Iranian, but also the pride of the whole human society. In the era when Ashurbanipal (Ashur Banipal was the last powerful ruler of the Ashurian who succeeded his father,

Asarhadun. His name means “Ashour, that means creator of a successor” in the Holy Book, his name is written as Aseneppar) acted vigorously to break the independence of Iran and its fall that, according to his own, there was no sound of any animal in Iran across the country. Darius (Darius was a name for three of the Achaemenides kings). granted the Greeks the freedom of religion. This brilliant history in conduct with ethnic and religious minorities along with the jurisprudential records is one of the honors of Muslims and became the ground for adopting the mentioned single article(The text of the single article: The vote of uniform procedures number 37 of General Council of Supreme Curt on December 10, 1984 was passed with no changes as follows:

“In view of principle thirteen of the Constitution of the Islamic Republic of Iran and by virtue of the Single Article of the Law in permitting observation of civil status of non-Shiite Iranians in the tribunals, passed in August 1932 on the civil status, identity, inheritance and testimony (wills) of the non-Shiite Iranians with recognized religions, the requisite of following their customary and common laws and regulations of their religions in trials excluding those cases that in accordance with the law is related to public orders has been stipulated; thus the court in proceedings of the mentioned affairs and endorsement of their wills is required to follow the codes of their religions except in the regulations of public discipline and order and shall issue its verdicts in those accord.

This vote is indispensable and enforceable for the courts in similar cases on the strength of article 43 of the enclosed affairs and article 3 of the articles added to the penal procedures code of August 1958.”

The law on Judiciary proceeding of the cases covering civil status and religious education of the Zoroastrian, Jewish and Christian Iranians rules has passed” In execution of clause eight of principle one hundred and ten of the Constitution in the session of Thursday, June 24, 1993 of Expediency council as per the above-stated single article”. Akbar Hashemi Rafsanjani, Chief of the Expediency Council).

This research discusses the laws that have been passed on benefitting from the educational and cultural advantages in the education system of the Islamic Republic of Iran as one of the specific rights for the Iranian religious minorities.

The educational- cultural rights

A) Educational- cultural rights in the Iranian Constitution

In principle thirteen, the constitution legislator of Iranian legal system has delicately and clearly accepted the subject that the Zoroastrian, Jewish and the Jewish Iranians are allowed to act in accordance with their own religious laws in the religion education. When such subject is so clearly specified in the constitution, teaching religious education of those three divine religions is also declared as permissible and the followers of those religions are authorized to learn and teach their codes and teachings. In addition, in principle fifteen, it is allowed to use other languages freely in press materials and media and teaching literatures of those languages in schools alongside Persian language. For example, there is no restriction in using Armenian language in the press materials and media, and teaching that language in special schools alongside Persian language.

In the session of final study of the Constitution in adopting principle fifteen in the parliament, Mr. Heray Khalatian, the Armenians’ parliament member stated that Armenians do not have a specific place and location but they do have their own language and for that reason, the word “ethnic” had to be added to the “local languages” in principle fifteen so if for example they wish to publish a journal in their own language, there would be no problems and his comment was accepted.

Therefore, the Iranian constitution, while declaring the superiority of the lingual and religious majority and the cultural rights taken from them, ruled some rights for religious minorities that could somehow meet their cultural identities as well:

1. In the Iranian constitution, by emphasizing that Persian language is the official and common language and alphabet of Iranians and the documents, papers, official texts and textbooks must be in that

language and alphabet, has also considered the cultural identity of minorities and language as its significant symbol, ruling: “It is free to use local and ethnic languages in press materials and mass media and teaching their literature in schools alongside Persian language.” (Principal fifteen of the constitution)

Therefore, it could be observed that the cultural and lingual identities exhibit themselves in specific geographic zones. The contents of principal one hundred on geographic de-centralization could be seen as an evidence of this subject. It rules that in order to precede in cultural (and) educational plans with acceleration, with respect to local requisites, the management of local affairs will be carried out by supervision of local councils the members of which are elected by the population of the same place. That is, people of each region “by observing the principle of national unity and territorial integrity” are able to show innovation in practice and participation in their cultural planning.

2. Principle thirteen of the constitution has allowed the freedom of practicing the religious codes, ceremonies, religions teachings and civil status activities that in sum have particular effects and cultural characteristics, for the religious minorities; that is, the Zoroastrian, Jewish and Christian Iranians. In order to exercise these recognized rights, freedom of the establishment and running mosques, churches and synagogues, on one hand, and the associated religious schools, on the other hand become inevitable for each one of the aforesaid groups.

B) Educational- cultural rights in ordinary laws

With respects to the remarks of the constitution on the mentioned rights, some of the manifestations of educational- cultural rights that are ruled in the ordinary laws for religious minorities are outlined as follows:

1. To use religious holidays and specific anniversaries for religious minorities

The assistance commission of high council of education in its session number 298 on October 8, 2003 on the manner of taking religious holidays and specific anniversaries by the students of religious minorities that study in ordinary schools declares:

Minor religious students who study in ordinary schools are allowed to use the contents of vote number two hundred and sixteen of this session of high council of education, passed on November 16, 1980 in their religious holidays and special anniversaries. (Collection of the Official Gazette, 2003).

2. Closing the Jewish Schools on Saturday

Based on the proposal of representatives of the Jewish community who asked to close the special schools of the Jew students on Saturday, the subject was reflected to the high council of Cultural

Revolution via education department and the council approved the proposal. (Collection of Official Gazette, 1989).

3. Teaching Armenian religious courses in Armenian schools

At the request of the representatives of the Armenian population in Islamic Parliament (Majlis) who asked for teaching the religious subjects of the Armenian Church (in Armenian language) in the Armenian schools, as presented to the high council of cultural revolution via education department, the council approved: The Armenian fellow-countrymen should be able to teach their religious courses in Armenian language in their special schools without calculating a score for it in the students' transcript of records. (Collection of Official Gazette, 1991).

4. Right to establish non-beneficiary (private) schools

Note 3 of Art 3 of the Act pertaining to the Establishment of Non-beneficiary Schools, while stating the qualifications of the founder(s), accepts the point that the religious minorities are also authorized to establish such schools.

The founders of religious minority schools for the religions recognized in this law will be introduced to the Ministry of Education by the official authorities of their own religion, who are subjects and residents of the country, or their approved representatives. (Collection of Official Gazette, 1988).

5. Admission in universities

In the moral values section by-law for the candidates of university education, while stating the admission of religious minorities, it has been emphasized that only candidates are allowed to register in the universities that have passed the nation-wide examinations for university education as well as having the following qualification:

1. Following the religion of Islam or one of the divine religions;

Note 2: The claim of any candidate who claims to be Muslim or follower of one of the other divine religions will be accepted unless a competent official court proves otherwise; in which case, the person will not be allowed to study (and if he has already enrolled, will be deprived from continuing education). (Collection of Official Gazette, 1984)

6. Right to establish education institute

Article 10 of the By-law on the Establishment and Administration of Open Technical and Vocational Institutes state:

The license for establishing education institute will be conferred upon natural persons and legal entities that have following qualifications after proof of the eligibility as specified in article 11:

I. Iranian nationality

Following Islam or one of the recognized

minorities, and the requisite of following the constitution of Islamic Republic of Iran. (Collection of Official Gazette, 1986).

7. Right to take Islamic Studies course for religious minorities.

In clause 6 of the curriculum of Islamic Studies which has been passed by the high council of Cultural Revolution, it has been stated:

Students of religious minorities are allowed to take their concerned courses from all the topics of the syllabus in the table of general courses of Islamic Studies without restriction and pass those courses. (Approval of session 542 of the high council of cultural revolution, quoting destour.ir).

8. Establishment of cultural centers for religious minorities.

Article 3 of the regulations for establishing cultural centers, institutes, societies and clubs, while admitting the right to establish those centers by religious minorities, emphasizes that establishment of cultural centers by the official religious minorities of the country in the scope of cultural affairs of that particular minority requires receiving license and following the regulations thereof. (Collection of Official Gazette, 1978).

Conclusion:

Of the sum of subjects presented in this paper, it could be concluded that:

1. The Iranian political system has used the two general and specific approaches in supporting religious minorities. In specific approach- as this paper has been seeking to define this approach- the religious minorities, in addition to benefitting from the common rights, have particular rights and benefits, as human beings.

2. The religious minorities, besides the three religions mentioned in this text, are not recognized as groups who should enjoy the same rights and benefits of other minorities in the political system of Iran. Such groups, for examples, the Hindus, according to principle fourteen of the Constitution of Islamic Republic of Iran and in the light of the verses of Quran, are allowed to live in Iran and the Islamic government and Muslims are obliged to observe their human rights with good moral and Islamic justice.

3. Islamic Republic of Iran recognizes the followers of three monistic religions as minorities and therefore, it has considered some rights and benefits for them which have been referred to as "specific rights" in this research. Religious rights, independence in personal status, political rights, social rights, educational and cultural rights are among credits that the present paper has proved for religious minorities with respect to the legal documents.

With respect to the above-stated subjects, it is

clear that the Iranian legal system has considered cultural and educational rights specifically for the religious minorities who live in this land. The important point is that there might be some restrictions in religious minorities' practice of their rights in the international standards; however, according to the contents of Charter 1992 on the rights of persons, with attributions to the national, ethnic, religious and lingual minorities, it could be justified as that charter reserves the right of benefitting from specific rights by minorities if those rights are not in contradiction with the national rights of the country.

4. Discussion

Of the sum of subjects presented in this paper, it could be concluded that:

4. The Iranian political system has used the two general and specific approaches in supporting religious minorities. In specific approach- as this paper has been seeking to define this approach- the religious minorities, in addition to benefitting from the common rights, have particular rights and benefits, as human beings.

5. The religious minorities, besides the three religions mentioned in this text, are not recognized as groups who should enjoy the same rights and benefits of other minorities in the political system of Iran. Such groups, for examples, the Hindus, according to principle fourteen of the Constitution of Islamic Republic of Iran and in the light of the verses of Quran, are allowed to live in Iran and the Islamic government and Muslims are obliged to observe their human rights with good moral and Islamic justice.

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References

1. Towhidi, Ahmad Reza, Ibid, P. 154, Shabani, Ghasem, Constitutional Law and the Structure of Islamic Government, Tehran, Etellaat Publication, 2007, 28th Ed. P. 84.
2. Towhidi, Ahmad Reza, Ibid, P. 156.
3. Mehrpour, Hossein, An Abstract of Constitutional Laws of the Islamic Republic of Iran, Tehran, Dadgostar Publication, 2008, P.73.
4. Collection of Official Gazette, 1984, Resolution of the 78th Session of High Council of Culture on Admission in Universities, dated February 5 and 8, 1985.
5. 1986, By-law on the Establishment and Administration of Open Technical and Vocational Institutes, passed by the council of ministers on September 28, 1986.
6. 1989, Resolution of 210th Session dated February 27, 1990 of the High Council of Cultural Revolution on Closing Special Schools for the Jew on Saturday.
7. 1996, The Regulations of Establishing Cultural Centers, Institutes, Associations and Clubs and Supervision on their Activities, passed by High Council of Cultural Revolution in its session dated September 18, 1996.
8. 2003, Approval of the 298th Session of Assistant Commission for Higher Council of Education, October 8, 2003, quoting www.dastour.ir.
9. Hashemi, Seyed Mohammad, 2003, the Constitutional Laws of Islamic Republic of Iran, Mizan Publication.

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