

## Concluding Observations Human Rights Committee CCPR/C/IRN/CO/3 para 25

### Full recommendation:

*The State party should guarantee the freedom to manifest a religion or belief and that it can be exercised either individually or in community with others and in public or private. The Committee reminds the State party that this right also entails the building of places of worship.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

The Constitution of the Islamic Republic of Iran names the Twelver *Ja'fari* School of Shia Islam as the state religion and stipulates that “other Islamic schools are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious rites” (Article 12).<sup>2</sup> Article 13 of the Constitution provides that the Zoroastrian, Jewish, and Christian Iranians “are the only recognized religious minorities” under Iranian law. Because there are no laws safeguarding the right of religious minorities to worship, maintain places of worship or assemble, the structural exclusion of other religious minorities leaves them without legal protection to manifest and practice their religion or belief.

Religious minorities recognized by Articles 12 and 13 of the Constitution, have few places of worship compared to their numbers. Sunnis are not allowed to build new mosques in major cities, including Tehran. In addition, a number of Sunni religious seminaries have been destroyed by the government<sup>3</sup> and authorities have reportedly been closing Sunni mosques or preventing Sunnis from gathering for congregational prayers.<sup>4</sup> Only 1% of religious temples in Iran are non-Muslim.<sup>5</sup> In Tehran, there are about 15 churches for 43,987 Christians (one church every 2932 Christians).<sup>6</sup> The lack of official places of worship forces religious minorities to gather in informal assemblies inside their own home, frequently termed “house churches”,<sup>7</sup> or in underground prayer halls (*namaz khane*)<sup>8</sup> which often get dismantled by

<sup>1</sup> CCPR.18.3.S.1;  
CCPR.18.3.P.1;  
CCPR.18.3.O.1

<sup>2</sup> The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>3</sup> Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, <[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_NGO\\_IRN\\_42317\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf)>

<sup>4</sup> Rights Denied: Violations against ethnic and religious minorities in Iran, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>5</sup> Based on Province annual data reports, as of 2018.

<sup>6</sup> Based on Province annual data reports, as of 2018.

<sup>7</sup> Joint submission to the Human Rights Committee from The World Evangelical Alliance, Open Doors, Christian Solidarity Worldwide, Middle East Concern, Article 18, 29 May 2020, [https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport\\_Iran\\_HRCtee\\_ListOfIssues-dragged-1.pdf](https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport_Iran_HRCtee_ListOfIssues-dragged-1.pdf)

<sup>8</sup> 2019 Report on International Religious Freedom: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/iran/>

Iranian authorities.<sup>9</sup> House churches are often being raided by the government on the basis that they do not hold necessary permits from the authorities. Attendees are arrested and imprisoned on charges of “acting against national security by organizing and conducting house-churches” or “propaganda against the state and insulting the sacred Iranian establishment”.<sup>10</sup>

The end of 2018 and 2019 saw an unprecedented wave of raids on private house gatherings related to religion or belief, leading to a large number of arrests detention and imprisonment.<sup>11</sup> Charges include “breaching national security” or “propaganda against the holy regime of the Islamic Republic of Iran”.<sup>12</sup>

The *Baha’i* faith, with members numbering an estimated 350,000<sup>13</sup> in Iran, is not recognized under Iranian law and does not have any official place of worship. Since August 2005, more than 1,253 *Baha’is* have been arrested in Iran solely on the basis of their religious beliefs.<sup>14</sup>

The lack of places of worship and the regular dismantling of religious informal meetings frustrate the rights of religious minorities to manifest a religion or belief. The threat of raids, arrests, detention and imprisonment for those identified as belonging to certain religious minorities disincentivizes community and public manifestation.

Article 14 of the Constitution sets out that the government and Muslims in Iran are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their citizen rights”. Articles 23 to 27 of the Constitution provide for freedom of expression, assembly and association as well as the freedom to practice ones’ religion. However, this duty applies only to those “who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”, a charge that is regularly held against certain religious minorities. Additionally, under Article 2 of the Law on Political Crimes, adopted in 2016, participation in an unauthorised assembly, even if it is peaceful, can effectively be considered a political offence.<sup>15</sup> Participating in peaceful unauthorised assemblies are often charged and sentenced to prison terms under Article 610 of the Islamic Penal Code.<sup>16</sup>

<sup>9</sup> Joint submission to the Human Rights Committee from The World Evangelical Alliance, Open Doors, Christian Solidarity Worldwide, Middle East Concern, Article 18, 29 May 2020 , [https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport\\_Iran\\_HRCttee\\_ListOfIssues-dragged-1.pdf](https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport_Iran_HRCttee_ListOfIssues-dragged-1.pdf)

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

<sup>13</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

<sup>14</sup> Baha’i International Community, [https://www.bic.org/sites/default/files/pdf/iran/the\\_bahais\\_of\\_iran\\_-\\_a\\_persecuted\\_community.pdf](https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf)

<sup>15</sup> The 2016 Law on Political Crimes, available at: <https://rc.majlis.ir/fa/law/show/968421>

<sup>16</sup> “When two or more individuals collude and conspire to commit crimes against the national or foreign security of the country or prepare the facilities to commit the aforementioned crimes, unless they are regarded as *mohareb*, shall be sentenced to two to five years’ imprisonment.” The Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>, and available in Farsi at [http://rc.majlis.ir/fa/law/print\\_version/845048](http://rc.majlis.ir/fa/law/print_version/845048)

As a consequence of the legal restrictions and shortcomings, activities such as attending a house church or being part of religious conferences are regularly considered by the Iranian authorities as criminal acts on the basis that they can threaten the existence of the Islamic Republic and thus constitute a national security threat.<sup>17</sup> Since February 2018, *Gonabadi Dervishes* have faced a crackdown, with hundreds arrested following a peaceful protest and over 200 sentenced to lengthy prison terms, flogging and other punishments. Dozens remained imprisoned on charges including “gathering and colluding to commit crimes against national security”.<sup>18</sup> Reports have shown that members of the Christian religious minority were regularly being arrested on the charges of “Christian activity” or “acting against national security through propaganda against the regime”.<sup>19</sup> *Baha’is* have faced a range of charges for manifesting their faith, including “collusion and assembly against national security” and “formation and management of an illegal *Baha’i* group with intent to disturb national security”.<sup>20</sup> In the past two years alone, more than 53 Sunnis, including clerics, have reportedly been arrested and a number of them charged with national security-related charges, including “propaganda against the state” and “membership in Salafist groups”.<sup>21</sup>

The Human Rights Committee has stipulated that limitations to manifest one’s religion or belief should only be made on the grounds provided in Article 18.3 of the ICCPR, which does not include national security.<sup>22</sup> Additionally, restrictions may not be applied in a discriminatory manner and the limitations on the freedom to manifest a religion or belief for the purpose of protecting morals “must be based on principles not deriving exclusively from a single tradition”.<sup>23</sup> In a state that considers itself Shia by law and refers to Islamic criteria in its Constitution, restrictions such as the one mentioned above and targeting disproportionately members of religions minorities can amount to a violation of their right to manifest their religion or belief.

#### Recommendation Status:

This recommendation has **NOT** been implemented.

<sup>17</sup> Joint submission to the Human Rights Committee from The World Evangelical Alliance, Open Doors, Christian Solidarity Worldwide, Middle East Concern, Article 18, 29 May 2020, [https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport\\_Iran\\_HRCttee\\_ListOfIssues-dragged-1.pdf](https://articleeighteen.com/wp-content/uploads/2020/06/F3430b-2020-JointReport_Iran_HRCttee_ListOfIssues-dragged-1.pdf)

<sup>18</sup> Amnesty International, <https://www.amnesty.org/download/Documents/MDE1318292020ENGLISH.PDF>

<sup>19</sup> The first time Fatemeh Mohammadi was arrested was on November 18, 2017, she was released after completing her sentence on April 7<sup>th</sup>, 2018. The second time was on July 9<sup>th</sup>, 2019 on charges of “membership in proselytizing groups,” “Christian activity,” and “acting against national security through propaganda against the regime”, and the third time on January 12, 2020 on charges of “disturbing public order through attending an unlawful protest” as reported by Human Rights Activists News Agency, <https://www.en-hrana.org/a-report-on-fatemeh-mary-mohammadi>

<sup>20</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 28 January 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

<sup>21</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

<sup>22</sup> UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, 30 July 1993, CCPR/C/21/Rev.1/Add.4, available at: <https://www.refworld.org/docid/453883fb22.html>

<sup>23</sup> *Ibid.*