

Concluding observations Human Rights Committee CCPR/C/79/Add.25 para 22

Full recommendation:

The Committee recommends that its recently adopted General comment No.22 (48) be studied by the authorities to bring its legislation and practice into line with the requirements of article 18 of the Covenant. In that regard, the Committee wishes to emphasize that recognition of a religion as a State religion should not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents of other religions or non-believers, since the right to freedom of religion and belief and the prohibition of discrimination do not depend on the recognition as an official religion or belief.

Assessment using Impact Iran human rights indicators¹

A. Effective legal protection of the right to freedom of thought, conscience and religion.

This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. (Article 18.1)

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).² 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

¹ CCPR.18.1.S.1; CCPR.18.2.S.1; CCPR.18.3.S.1; CCPR.18.4.S.1; CCPR.26.1.S.1; CCPR.27.1.S.1; CCPR.27.2.S.1
CCPR.18.1.P.1; CCPR.18.1.P.2; CCPR.18.2.P.1; CCPR.18.3.P.1; CCPR.18.4.P.1; CCPR.26.1.P.1; CCPR.27.1.P.1;
CCPR.27.1.P.2; CCPR.27.2.P.1; CCPR.27.2.P.2
CCPR.18.1.O.4; CCPR.18.1.O.5; CCPR.18.1.O.6; CCPR.18.2.O.1; CCPR.18.2.O.2; CCPR.18.3.O.1; CCPR.18.4.O.1;
CCPR.18.4.O.2; CCPR.26.1.O.1; CCPR.27.1.O.2; CCPR.27.2.O.2

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

by the government³ and authorities have reportedly been closing Sunni mosques or preventing Sunnis from gathering for congregational prayers.⁴ Only 1% of religious temples in Iran are non-Muslim.⁵ In Tehran, there are about 15 churches for 43,987 Christians (one church every 2932 Christians).⁶ The lack of official places of worship forces religious minorities to gather in informal assemblies inside their own home, frequently termed “house churches”,⁷ or in underground prayer halls (*namaz khane*)⁸ which often get dismantled by Iranian authorities.⁹ 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”.¹⁰

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.¹¹ Charges include “breaching national security” or “propaganda against the holy regime of the Islamic Republic of Iran”.¹²

The *Baha’i* faith, with members numbering an estimated 350,000¹³ 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.¹⁴

³ 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>

⁴ 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>

⁵ Based on Province annual data reports, as of 2018.

⁶ Based on Province annual data reports, as of 2018.

⁷ 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

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

⁹ 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

¹⁰ 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

¹¹ 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

¹² 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>

¹³ 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>

¹⁴ Baha’i International Community, https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

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.

B. Freedom from coercion which would impair the freedom to have or to adopt a religion or belief of his choice (Article 18.2)

Article 19 of the Constitution guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “color, race, language, and the like, do not bestow any privilege”.¹⁵ However, the Constitution omits an explicit provision recognizing religion or belief as a protected characteristic. Article 20 of the constitution states that “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria”. Additionally, Article 23 of the Constitution stipulates that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”¹⁶

Many elements of Iran’s domestic legal framework discriminate between *Shia* Muslims, Muslim and non-Muslim minorities. According to the Constitution of the Islamic Republic of Iran, candidates for the presidency must follow the official religion of the State, as well as for members of the Assembly of Experts, the Guardian Council or the Expediency Council, excluding Muslim and non-Muslim minorities from holding high governmental positions.¹⁷ Further, Article 881 of the Civil Code bars non-Muslims from inheriting property from Muslims. The Islamic Penal Code (IPC) also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes.

Such shortcomings in the legal framework set the structure for the institution of discriminatory policies and practices in the Islamic Republic of Iran. In terms of discrimination in access to employment, while Iranian law theoretically forbids the investigation of individual beliefs,¹⁸ discrimination in access to employment is institutionalized through the practice of *gozinesh*, a mandatory screening process set forth in the Selection Law based on Religious and Ethical Standard of 1995.¹⁹ As described by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the process “involves investigations conducted by the Supreme Selection Council and the Ministry of Intelligence into the acceptability of an applicant’s beliefs,

¹⁵ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁶ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁷ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹⁸ Article 23 The Constitution of the Islamic Republic of Iran http://www.iranchamber.com/government/laws/constitution_ch03.php

¹⁹ Amnesty International, 2012, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/

previous political opinions and affiliations” and is intended to ensure that applicants “adhere to and have knowledge of Islam, follow the theory of *Velayat-e-faqih* (rule of an Islamic jurist under Shi’ite Islam) and are loyal to the Islamic Republic of Iran.”²⁰ Not only is *gozinesh* in contradiction of Article 23 of the Constitution, it also bars minorities or anyone who are unable or unwilling to accept these requirements from seeking employment in the public sector.²¹ Members of religious and ethnic minorities have reportedly been the target of denial of employment in the Islamic Republic of Iran.²² ²³ For example, members of the Yarsan community reported the denial of public sector jobs through the application of *gozinesh* requirements.²⁴ ²⁵

Reports have shown that religious minorities in the Islamic Republic of Iran face human rights violations such as arbitrary deprivation of life and extrajudicial executions, a disproportionate number of executions on national security-related charges; arbitrary arrests and detention in connection with range of peaceful activities, incitement to hatred, forced closure of businesses and discriminatory practices and denial of employment and restrictions on access to education and other basic services.²⁶ A new rule proclaimed in January 2020, will only allow citizens to register as one of the country’s recognized religions to the state-issued National Identity Card—which is required for almost all government and other transactions.²⁷

With regard to apostasy, in a previous draft of the Islamic Penal Code (2013), Article 225 was aiming at making death penalty mandatory for convicted male apostates, or the crime of *ertedad* (apostasy). The draft article was withdrawn before the adoption of the revised Islamic Penal Code in 2013 and Iranian law does not expressly criminalize conversion from Islam to another religion²⁸. However, under Article 220 of the Islamic Penal Code and Article 167 of the Iranian Constitution, a judge may refer to Islamic law to rule on crimes not explicitly defined in the law. As apostasy is considered as a *hadd* offence (a crime for which a fixed punishment is derived

²⁰ 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>

²¹ 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>

²² 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>

²³ Baha’i International Community, Submission to the Universal Periodic Review of Iran, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/3>

²⁴ 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>

²⁵ Center for Human Rights in Iran, www.iranhumanrights.org/2017/05/most-yarsani-religious-minority-candidates-disqualified-from-irans-2017-councils-elections/

²⁶ 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>

²⁷ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2020/01/bahais-unrecognized-minorities-in-iran-must-now-hide-religion-to-obtain-government-id/>

²⁸ 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

from the Qur'an or the Hadith²⁹), a judge may still invoke Articles 220 of the Penal Code and Article 167 of the Constitution to convict and sentence individuals accused of apostasy on this basis. Commonly, however, the Iranian judiciary resorts to national security charges instead of apostasy. Because Christian converts are considered as apostates by Iranian authorities,³⁰ they are barred from accessing officially recognized Christian churches and churches holding services for Farsi-speaking Christians have been forced to close by the Iranian government.³¹ As a result Christian converts resort to gather in informal meetings, commonly called “house churches”.³² State authorities regularly conduct raids, arrest organizers and sentence to prison the organizers of such meetings.³³ Attendees are arrested and imprisoned on charges of “acting against national security by organizing and conducting house-churches” “propaganda against the state and insulting the sacred Iranian establishment”³⁴ “propagation of Zionist evangelical Christianity” or “administering and managing the home churches”.³⁵ Christian converts are reportedly arrested, prosecuted and imprisoned on national security charges, in connection with a range of peaceful activities, including simply participating in religious or cultural activities, resulting in long prison and flogging sentences.³⁶ 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.³⁷ Charges notably included “Christianity mission” and “disturbing public opinion”.³⁸

While it is technically possible to file discrimination complaints with the Administration of Justice Court, the Article 90 Commission in the parliament, and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence

²⁹ Amnesty International <<https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>>

³⁰ Report of the Special Rapporteur on the situation of human rights in Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

³¹ 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

³² Report of the Special Rapporteur on the situation of human rights in Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

³³ 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>

³⁴ 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

³⁵ Report of the Special Rapporteur on the situation of human rights in Iran, 18 July 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/222/62/PDF/N1922262.pdf?OpenElement>

³⁶ 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>

³⁷ 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

³⁸ Human Rights Activists News Agency (HRANA) <https://www.en-hrana.org/a-christian-citizen-was-arrested-and-another-was-went-into-exile>

that judicial actions are taken in response to complaints.³⁹ Hate crimes, such as motivated killings and desecration of cemeteries, particularly against *Baha'is*, have not been investigated by the Iranian authorities.^{40 41}

According to the Human Rights Committee “freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief”.⁴² The constant threat of being persecuted may well amount to attempts from the Iranian State to prevent individuals from converting to a religion or belief. In the context of a State that considers itself Shia by law, such measures imposing restrictions on the basis of religion or belief may well amount in practice to coercion to renounce or to convert to a minority faith and as such are incompatible with the prohibition of discrimination based on religion or belief under Article 18 of the Covenant. The Human Rights Committee stipulated that the “recognition of a religion as a State religion should not result in any impairment of the enjoyment of any of the rights under Article 18, nor in any discrimination against adherents of other religions or non-believers, since the right to freedom of religion and belief and the prohibition of discrimination do not depend on the recognition as an official religion or belief”.⁴³ Iranian penal sanctions, policies and practices instituted against religious minorities may well amount to attempts to compel believers or non-believers to adhere to their religious belief and congregations, to recant their religion or belief or to convert. The Human Rights Committee has stated that such conducts are inconsistent with Article 18 of the ICCPR.⁴⁴

C. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others (Article 18.3)

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

³⁹ 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

⁴⁰ 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

⁴¹ 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>

⁴² 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>

⁴³ Human Rights Committee Concluding Observations, 3 August 1993, CCPR/C/79/Add.25 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f79%2fAdd.25&Lang=en

⁴⁴ CCPR General Comment No. 22: Article 18 < <https://www.refworld.org/docid/453883fb22.html> >

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. A bill currently under review of the Iranian Parliament as of November 2020 would criminalize “any deviant educational or proselytizing activity that contradicts or interferes with the sacred law of Islam” when it is, among others, part of a “sect”, or through the use of “mind control methods and psychological indoctrination”. However, as stipulated by the Human Rights Committee, the mere ‘contradiction’ or ‘interference’ with the state’s official religion is not a permissible ground for the restriction of the right to religion or belief.⁴⁵ Additionally, such bill may well disproportionately impact individuals belonging to unrecognized religious minorities, such as *Baha'is*, often arrested and detained on the basis of their religious beliefs notably on the charge of proselytizing the *Baha'i* faith.⁴⁶

According to the Government, the Charter of Citizenship Rights, decreed by the President in 2016, functioned as an administrative mechanism providing guidance for the implementation of the principles, norms and laws stipulated in the Constitution.⁴⁷ Article 26 of the Charter stipulates that “the Government shall, according to the law, guarantee freedom of speech and expression”.⁴⁸ Article 43 of the Charter provides that citizens of the Islamic Republic of Iran “have the right to form, join and participate in political parties, societies, social, cultural, scientific, political and trade associations and non-governmental organizations in compliance with the law”.⁴⁹ In practice the mechanism does not resolve the absence of legal protection for religion minorities against discriminations.

The lack of legal safeguards enables the Iranian authorities to criminalize activities such as attending a house church or being part of religious conferences as criminal acts on the basis that they can threaten the existence of the Islamic Republic and thus constitute a national security threat.⁵⁰ The Iranian judiciary has reportedly used articles such as 498, 499 and 500 of the

⁴⁵ 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>

⁴⁶ ARTICLE19, <https://www.article19.org/resources/iran-lawmakers-must-urgently-drop-the-bill-that-criminalises-fundamental-rights-and-freedoms/>

⁴⁷ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

⁴⁸ Charter of Citizen’s Rights English translation, December 2016, <http://president.ir/en/96865>

⁴⁹ Charter of Citizen’s Rights English translation, December 2016, <http://president.ir/en/96865>

⁵⁰ 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

Iranian Penal Code to prosecute minority faith adherents, including non-*Shia* Muslims, for such activities on charges related to national security.^{51 52}

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”.⁵³ Reports have shown that members of the Christian converts minority were regularly being arrested on the charges of “Christian activity” (although the Christian minority is recognized by the Constitution) or “acting against national security through propaganda against the regime”.⁵⁴ Members of the *Baha’i* faith 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”.⁵⁵

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.⁵⁶ 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”.⁵⁷ Therefore, in the Islamic Republic of Iran, the restriction to manifest a religion or belief on the basis of national security and targeting discriminatorily religious minorities is incompatible with Article 18 of the ICCPR.

D. Respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions (Article 18.4)

Article 13 of the Constitution of the Islamic Republic of Iran provides that the Zoroastrians, Jewish and Christians religious minorities “are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious

⁵¹ Articles 498 (“establishing a group that aims to disrupt national security”), 499 (“membership in a group that aims to disrupt national security”), and 500 (“spreading propaganda against the system”), Islamic Penal Code of the Islamic Republic of Iran (2013), Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁵² 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>

⁵³ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1318292020ENGLISH.PDF>

⁵⁴ <https://www.en-hrana.org/a-report-on-fateme-mary-mohammadi>

⁵⁵ 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>

⁵⁶ CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), <https://www.refworld.org/docid/453883fb22.html>

⁵⁷ CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), <https://www.refworld.org/docid/453883fb22.html>

education” as long as it is “within the framework of the law”.⁵⁸ On the other hand, there are no laws protecting the right of unrecognized religious minorities to ensure the religious moral education of their children in conformity with their own convictions.

The Ministry of Education determines the religious curricula of public schools, which must all include a course on Shia Islamic teachings. All curricula must include a course on Shia Islamic teaching although Sunnis and members from recognized religious minorities may take separate courses on their religious beliefs. While pupils from recognized minority faiths have access to religious instruction designed by members of their religious communities (but approved by the Ministry of Education), those from unrecognized faiths are obliged to study only Shia Islam.⁵⁹

In 2017, children of parents and guardians from the Christian minority have reportedly been threatened to be expelled from their school if they refused to study Shia Islam.⁶⁰ Teachings of Sunni religion in some public schools has reportedly been banned, even those located in predominantly Sunni areas.⁶¹ Yet, the Human Rights Committee has noted that “public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians”.⁶² Such imposition of Shia Islam education as exemplified above is therefore inconsistent with the ICCPR.

Article 8 of the Charter of the Citizen’s rights stipulates that “The Government shall refrain from adopting any decision and taking any action that leads to the widening of the class divide, undue discrimination or deprivation of citizen’s rights” including in the context of educational opportunities. Additionally, during its last UPR review session the government of the Islamic Republic of Iran affirmed that minorities were free to choose their schools.⁶³ Yet, following a new ministry initiative entitled Project Mehr, the Minister of Education Mohsen Haji-Mirzaei announced on September 11th, 2019 that “If students say that they follow a faith other than the country’s official religions and this is seen as proselytizing, they cannot continue attending school”.⁶⁴ The project would give to schools increased authority to deny education to religious

⁵⁸ The Constitution of the Islamic Republic of Iran English translation, http://www.iranchamber.com/government/laws/constitution_ch01.php

⁵⁹ 2019 Report on International Religious Freedom: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/iran/>

⁶⁰ Christian Solidarity Worldwide, <http://www.csw.org.uk/2017/09/07/news/3694/article.html>

⁶¹ 2019 Report on International Religious Freedom: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/iran/>

⁶² 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>

⁶³ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

⁶⁴ Iran Wire, 2019, <https://iranwire.com/en/features/6303>

minorities students. In July 2020, a secondary school student was reportedly expelled from their school after mentioning they were a member of the *Baha'i* faith.⁶⁵

Compelling children to follow instruction in a particular religion or belief or be subject to school expulsion undermines the right of parents and legal guardians to ensure the religious and moral education of their children in conformity with their own conviction.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁶⁵ Center for Human Rights in Iran, 2020, <https://www.iranhumanrights.org/2020/07/bahai-youth-expelled-from-secondary-school-for-gifted-students-solely-due-to-his-faith/>