

Special Rapporteur on extrajudicial, summary or arbitrary executions A/HRC/14/24/Add.1 para 376

Full recommendation

We would also like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with the principles set forth in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and article 18 of the Universal Declaration on Human Rights as well as of the International Covenant on Civil and Political Rights.

Assessment drafted using Impact Iran indicators¹

The Constitution of the Islamic Republic of Iran names the Twelver *Ja'fari* School of Shia Islam as the state religion (Article 12)². Article 13 of the Constitution provides that the Zoroastrian, Jewish, and Christians “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.

Articles 23 to 27 of the Constitution provide for freedom of expression, assembly and association (subject to “not being detrimental to the fundamental principles of Islam” or “not violating the basis of the Islamic Republic,” among other conditions) as well as the freedom to practice ones’ religion. Article 14 specifies that the government of the Islamic Republic and all Muslims have a duty to treat non-Muslims “in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights;” however, this right 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 entered against certain religious minorities.

Article 167 of the constitution of Iran obligates judges to use religious jurisprudence sources to pass sentences, in cases where the codified law is silent. Though the crime of “apostasy” is not recognized in codified law, Article 167 may be used by judges – who may also be clerics – to issue death sentences for apostasy as it is defined in religious jurisprudence, which foresees renunciation of Islam as deserving death.

Apostasy has been reported as a charge against an executed person as recently as 2011: Abdolreza Gharabat, a former Revolutionary Guards officer who had claimed to be in communication with the Hidden Imam, was dissatisfied with the Supreme Leader, and had attracted hundreds of followers to his “Conduct and Journey” movement.³ Apostasy may also

¹ CCPR.18.1.S.1; CCPR.18.1.S.2; CCPR.18.1.S.4; CCPR.18.3.S.1; CCPR.18.1.P.2; CCPR.18.1.P.3; CCPR.18.2.P.1; CCPR.18.3.P.1; CCPR.18.4.P.1; CCPR.18.1.O.1; CCPR.18.1.O.2; CCPR.18.1.O.1; CCPR.18.2.O.1

² The Constitution of the Islamic Republic of Iran, English translation, <https://iranhrdc.org/the-constitution-of-the-islamic-republic-of-iran/>

³ See One Person’s Story: Abdolreza Gharabat <https://www.iranrights.org/memorial/story/-7482/abdolreza-gharabat>

factor in prosecutions where it is not officially specified as a charge. Mohsen Amir Aslani Zanjani, an alternative spiritual instructor who had challenged official state orthodoxy, was executed in 2014 on charges of “rape and corruption on earth” which he insisted had been trumped up against him; an Ayatollah had issued a fatwa declaring him an apostate after authorities solicited him for a formal religious opinion.⁴

There are no laws safeguarding the right of religious minorities to worship or assemble in connection with their religion or belief, even though this is allowed in Iran for recognized religions. There is no legislation addressing the right to establish and maintain places of worship, but members of recognized religions who respect the restrictions on assembly are permitted to have places of worship such as churches and synagogues.

Sunni Muslims are not allowed to build new mosques in major cities, including Tehran.⁵ In addition, a number of Sunni religious seminaries have been destroyed by the government.⁶ Additionally, only 1% of religious temples in Iran are non-Muslim.⁷ Baha’is,⁸ in Iran, do not have any official place of worship. In Tehran, there are about 15 churches for 43,987 Christians (one church for every 2,932 Christians) and there are only 5 religious temples for about 9,568 inhabitants belonging to all non-recognized religious minorities.⁹ The lack of official places of worship forces religious minorities to gather in informal meetings which are often raided and dispersed by authorities.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, detentions, and imprisonments.^{11,12}

⁴ See One Person’s Story: Mohsen Amir Aslani Zanjani, <https://www.iranrights.org/memorial/story/-7323/mohsen-amir-aslani-zanjani>

⁵ 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>

⁶ 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>

⁷ Based on Province annual data reports, as of 2018.

⁸ 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>

⁹ Based on Province annual data reports, as of 2018.

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>

Members of recognized religious minorities are subjected to other severe limitations and restrictions on the freedom of religion and belief, especially if converting from Islam, which amounts to apostasy and remains punishable by law.

Christians in the Islamic Republic of Iran are reportedly subjected to limitations on their freedom of religion and various forms of religious discrimination.¹³ This is said to be particularly true of Protestant Christians, most of whom are newly converted. Reports have shown that Christians were regularly being arrested on the charges of “Christian activity” or “acting against national security through propaganda against the regime”.¹⁴

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”.¹⁵ There are reports of members of the Baha’i faith having their houses searched by security forces and being subjected to arbitrary arrests.¹⁶

Muslim Gonabadi Dervishes – a Sufi order long subject to state persecution - have faced an intense crackdown which commenced with the violent dispersal of a peaceful protest in February 2018 over restrictions placed by the government on the community’s spiritual leader.¹⁷ One Gonabadi, Mohammad Salas Babajani, was hastily tried and executed on vague evidence in June 2018 for bus ramming attack which resulted in the death and injury of riot officers.¹⁸ Hundreds of Gonabadis were arrested 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”.¹⁹

There are similar reports of individuals being arrested on charges of promoting mystical practices, like Sufism. In early 2018, Karim Zargar, former head of the School of Radio and Television in Iran, was executed on charges of promoting a novel mystical sect.²⁰

¹³ Iran: Christian converts and house churches—prevalence and conditions for religious practice, Landinfo: <https://landinfo.no/wp-content/uploads/2018/04/Iran-Christian-converts-and-house-churches-1-prevalence-and-conditions-for-religious-practice.pdf>

¹⁴ The first time Fatemeh Mohammadi was arrested was on November 18, 2017, she was released after completing her sentence on April 7th, 2018. The second time was on July 9th, 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>

¹⁵ 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>

¹⁶ https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf

¹⁷ See Abdorrahman Borumand Center’s May 2018 newsletter, <https://www.iranrights.org/newsletter/issue/89>

¹⁸ Babajani was convicted in part on the basis of indistinct footage of the collision in which the driver was not visible, and an interview of him bloodied and bandaged were broadcast on state television shortly after the protest crackdown. One Person’s Story: Mohammad Salas Babajani, <https://www.iranrights.org/memorial/story/-8267/mohammadreza-salas-babajani>

¹⁹ Amnesty International , <https://www.amnesty.org/download/Documents/MDE1318292020ENGLISH.PDF>

²⁰ HRANA: <https://www.en-hrana.org/karim-zarger-executed-rajai-shahr-prison?hilitte=%27sufi%27>; One Person’s Story: Karim Zargar <https://www.iranrights.org/memorial/story/-8071/karim-zargar>

In 2018 and 2019 alone, more than 53 Sunni Muslims, including clerics, have reportedly been arrested and a number of them charged with national security-related crimes, including “propaganda against the state” and “membership in Salafist groups”.²¹ Sunni Arabs face much of the same discrimination as other persecuted religions in Iran. Reports show that members of the Sunni minority have been arrested, especially in Khuzestan for acts such as praying publicly.²² Sunnis are often arrested arbitrarily on unknown charges and with limited information on their whereabouts.²³

Currently, according to non-governmental sources, there are 52 individuals imprisoned due to their religious activities, which include activities related to non-recognized religions, spreading teachings, apostasy, and proselytizing, among others.²⁴ Of these 52 prisoners, 12 are Baha’is, 15 are Christians and 5 are Sunni Muslims. Other sources have reported the imprisonment of 29 individuals for converting to Christianity in 2018 and 2019, out of whom 18 have been released with or without bail since their arrest, five were serving five-year prison sentences, and two had yet to be charged as of May 2020.²⁵

Hate crimes – including religious motivated killings and desecration of cemeteries, particularly against Baha’is - have not been investigated by the Iranian authorities.²⁶

Children belonging to non-recognized religions are not allowed to receive education in line with their beliefs and there are reports of children from recognized religions being denied this right and forced to study Shi’a Islam or risk being expelled from their educational facilities.²⁷

Despite the existence of several mechanisms responsible for accepting complaints regarding all violations against citizens, including discrimination based on religion and belief (e.g. the Article 90 Commission of the parliament and Oversight Bodies for the Exercise of Citizenship Rights in the country's provincial courts), there is no evidence to suggest that these complaints are independently reviewed and investigated.

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

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 Center For Human Right in Iran, August 2017 <https://www.iranhumanrights.org/2017/08/sunni-arabs-beaten-and-arrested-in-iran-for-praying-in-public/>

²³ HRANA, September 6, 2018 <https://www.en-hrana.org/authorities-unforthcoming-on-status-of-sunni-prisoner?hilite=%27sunni%27> and HRANA, August 12, 2018 <https://www.en-hrana.org/prisoner-of-conscience-namegh-deldel-on-hunger-strike?hilite=%27sunni%27>

²⁴ United 4 Iran, Iran Prison Atlas project - <https://ipa.united4iran.org/en/prisoner/>

²⁵ 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

²⁶ https://minorityrights.org/wp-content/uploads/2019/09/UPR34_Iran_FactSheet_Religious_Minorities_v.2.pdf

²⁷ Christian Solidarity Worldwide, 2017: <http://www.csw.org.uk/2017/09/07/news/3694/article.htm>

the principles, norms and laws stipulated in the Constitution.²⁸ 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”.²⁹

In practice the mechanism does not resolve the absence of legal protection for religious minorities against discrimination. The charter mandates regular and periodic training of citizens and government officials. Hundreds of training courses have been held at the city and provincial level for government officials since the publication of the charter; however, because the charter is in effect confined to executive bodies, other state bodies including the judiciary and security forces have not been affected. Moreover, specific training on discrimination based on religion and belief does not exist.

Recommendation status:

This recommendation has **NOT** been implemented³⁰

²⁸ Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

²⁹ Office of the President of the Islamic Republic of Iran, Charter of Citizen’s Rights English translation, December 2016, <http://president.ir/en/96865>

³⁰ For more, please see: Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>