

Special Rapporteur on freedom of religion or belief A/HRC/10/8/Add.1 para 98

Full recommendation

The Special Rapporteur urged the Government of the Islamic Republic of Iran to take all necessary measures to guarantee that the rights and freedoms of Mr. Mahmoud Mohammad Matin-Azad, Mr. Arash Ahmad-Ali Basirat and Mr. Ramtin Soodmand are respected. She also requested that the Government ensures the compatibility of any new legislation adopted by the Iranian Parliament with international human rights law.

Assessment using Impact Iran human rights indicators¹

Individuals mentioned in the recommendation are Christians who converted from Islam to Christianity and were then arrested by security forces in 2008 and spent long periods in prison. Mahmoud Matin-Azad and Arash Ahmad-Ali-Basirat were acquitted in court after spending five months in detention and were released from prison.² In 2008, the two were detained by security forces in Shiraz and charged with "propaganda against the regime", "insulting Ayatollah Khomeini", "disturbing public opinion" and "apostasy".

In the same year, 2008, Ramtin Soodmand was also arrested by security forces in Mashhad and was accused of propagating the religion of Christianity, he was released on bail after 2 months in prison.³ He is the son of pastor Hussein Soodmand, who was executed in Mashhad more than 30 years ago on charges of apostasy.⁴ No information has been released on further proceedings of Ramtin Soodmand's case in court after his release on bail.

All mentioned individuals were arrested for converting their religion, and their peaceful activities triggered their arrests and charges of "propaganda against the regime" and "disturbing public opinion."

Abovementioned cases are examples of the right to freedom of religion and belief, which Iranian law does not protect. The Islamic Republic of Iran has not taken all necessary measures to guarantee that the rights and freedoms of these individuals are respected.

¹ CCPR.18.1.S.1; CCPR.18.1.S.2; CCPR.18.1.S.3; CCPR.18.1.S.4; CCPR.18.1.S.5; CCPR.27.1.S.1; CCPR.27.2.S.1; CCPR.18.1.P.1; CCPR.18.1.P.2; CCPR.18.1.P.3; CCPR.18.1.P.4; CCPR.18.1.P.5; CCPR.18.3.P.1; CCPR.27.1.P.1; CCPR.27.1.P.2; CCPR.27.2.P.3; CCPR.18.1.O.4; CCPR.18.1.O.5; CCPR.18.1.O.10; CCPR.18.1.O.12; CCPR.18.1.O.16; CCPR.18.2.O.1; CCPR.18.3.O.2; CCPR.27.1.O.1; CCPR.27.1.O.2; CCPR.27.2.O.2; CCPR.27.2.O.3

² Radio Farda: https://www.radiofarda.com/a/f5_two_Iranian_acquited/466883.html

³ Radio Farda: https://www.radiofarda.com/a/f6_Iran_Soodmand_Releasing/470368.html and https://www.radiofarda.com/a/f6_Iran_Christian_Soodmand/465661.html

⁴ <https://www.iranrights.org/fa/memorial/story/41705/hosseini-sudmand>

Persons belonging to religious minorities in Iran face widespread discrimination in law and practice. Religious minorities are generally excluded and marginalized, and subject to restrictions of their civil, political, economic, social and cultural rights.⁵

Article 14 of the Constitution stipulates 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”.⁶ Although Article 19 of the Constitution protects the equal rights of “ethnic group or tribe” regardless of “color, race, language, and the like”, it omits an explicit provision recognizing religion or belief as a protected characteristic against discrimination.⁷ 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.”⁸ These protections, however, only apply to those “who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”,⁹ a charge often levelled against members of religious minorities.

The Constitution of the Islamic Republic of Iran names the Twelver *Ja’fari* School of Shia Islam as the state religion. Only Muslim minorities (including Sunnis), Zoroastrian, Jewish and Christian Iranians are recognized under the Constitution.¹⁰ There are no laws safeguarding the right of religious minorities to worship, maintain places of worship or assemble, leaving other religious minorities without legal protection to manifest and practice their religion or belief. Further, regulations may actively discriminate against members belonging to unrecognized religious minorities. For instance, a new rule proclaimed in January 2020 only allows 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.¹¹ A bill currently under review in 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”. As stipulated by the Human Rights Committee, the mere ‘contradiction’ or ‘interference’ with the state’s official religion is not a permissible ground for

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

⁷ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁸ The Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁹ The Constitution of the Islamic Republic of Iran: < <http://www.iranchamber.com/government/laws/constitution.php> >

¹⁰ Articles 12 and 13 of the Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹¹ 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/>

the restriction of the right to religion or belief.¹² Additionally, such bill may well disproportionately impact individuals belonging to unrecognized religious minorities, such as *Baha'is*, numbering 350,000 in Iran,¹³ who are often arrested and detained on the basis of their religious beliefs, notably on the charge of proselytizing the *Baha'i* faith.¹⁴

Many elements of Iran's domestic legal framework discriminate between *Shia* Muslims, Muslim and non-Muslim minorities, including recognized minorities. According to the Constitution of the Islamic Republic of Iran, candidates for the presidency, members of the Assembly of Experts, The Guardian Council, or the Expediency, all must follow the official religion of the State, excluding Muslim and non-Muslim minorities from holding high governmental positions.¹⁵ 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.

The lack of legal safeguards enables the Iranian authorities to restrict the rights of members belonging to religious minorities and criminalizes a wide range of their peaceful activities. 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 a range of peaceful activities, incitement to hatred, forced closure of businesses and discriminatory practices, denial of employment, restrictions on access to education and other basic services.¹⁶

Those converting from Islam are at further risk of persecution in the Islamic Republic of Iran. In a previous draft of the Islamic Penal Code (2013), Article 225 strived to make the death penalty mandatory for convicted male apostates, or the crime of *ertedad* (converting from Islam and/or propaganda against the principles of Islam), also known as apostasy. The draft article was withdrawn before the adoption of the revised Islamic Penal Code in 2013, thus Iranian law does not expressly criminalize conversion from Islam to another religion.¹⁷ However, under Article

¹² 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>

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

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

¹⁶ 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>

¹⁷ 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

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 from the Qur'an or the Hadith¹⁸), 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 or *efsad-e fel-arz* (corruption on earth) charges instead of apostasy, which can carry the death penalty.

Christians converts are among those targeted by these laws. Because Christian converts are considered as apostates by Iranian authorities,¹⁹ they are barred from accessing officially recognized Christian churches, and the Iranian government has forced churches holding services for Farsi-speaking Christians to close.²⁰ As a result, Christian converts gather in informal meetings, commonly called “house churches”.²¹ State authorities regularly conduct raids and arrest and sentence organizers of house churches to prison.²² 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”²³, “propagation of Zionist evangelical Christianity” or “administering and managing the home churches”.²⁴ 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.²⁵ The end of 2018 and 2019 saw an unprecedented number of raids on private house gatherings related to

¹⁸ Amnesty International <<https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>>

¹⁹ 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>

²⁰ 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

²¹ 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>

²² 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>

²³ 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

²⁴ 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>

²⁵ 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>

religion or belief, leading to a large number of arrests.²⁶ Charges notably included “Christianity mission” and “disturbing public opinion”.²⁷

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”.²⁸ The constant threat of persecution may well amount to attempts from the Iranian State to prevent individuals from converting to a religion or belief.

Considering the above, the Government of the Islamic Republic of Iran has not ensured the compatibility of any new legislation adopted by the Iranian Parliament with international human rights law. There is no readily available information that might suggest that international human rights law is being considered by the Iranian Parliament when legislation is adopted.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁶ 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

²⁷ Human Rights Activists News Agency (HRANA) <https://www.en-hrana.org/a-christian-citizen-was-arrested-and-another-was-went-into-exile>

²⁸ 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>