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ISLAMIC REPUBLIC OF IRAN

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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people. As well as having ECOSOC consultative status with the United Nations (registered name 'Alliance Defending Freedom'), ADF International has accreditation with the European Commission and Parliament, and the Organization of American States. ADF International is also a participant in the FRA Fundamental Rights Platform.
2. This report explains why Iran must ensure that the right to freedom of religion or belief is fully respected and protected within its borders, as well as prevent and end all forms of religious persecution by the State, including the imprisonment, torture and execution of Christians and other religious minorities.

Freedom of Religion and Freedom of Expression

3. The Islamic Republic of Iran adopts a theocratic legal system. Article 12 of the Constitution states that Shia Islam is the official religion of the country. All laws and regulations must be in accordance with 'Islamic criteria'.¹
4. Freedom of religion or belief for Iran's minority groups is under threat. Only Zoroastrianism, Christianity and Judaism are recognized in the Constitution as minorities. The Constitution provides that these groups must be allowed allowed, "within the limits of the law", to freely "perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education."² Baha'is and other outlying minorities receive no formal legal protection regarding the practice of their faith, and are outcasts in society.
5. Yet even officially recognized religious groups are, in reality, treated as second-class citizens, and experience significant persecution. Iran is ranked 9th on the 2019 World Watch List of countries where it is most difficult to be a Christian. The World Watch List considers the Christian community an endangered minority, comprising 800,000 of Iran's total population of approximately 80,946,000.
6. The Islamic Republic of Iran prohibits blasphemy – insulting the Islamic sanctities or any of the imams or the Holy Fatemeh In particular, Article 263 of the penal code prohibits insulting the prophet Muhammad and mandates the death penalty for those who do.³ Furthermore, the print media are not permitted to publish news items that violate Islamic principles and codes and public rights.⁴ While these laws violate international law and are fundamentally unjust, they also encourage arbitrary enforcement because of the vague definitions used within the laws.

¹ For example, *Op.Cit.* (n1), Arts 3, 4, 20, 21.

² *Op.Cit.* (n1), Art 13.

³ [PENAL CODE] art. 263 (Iran).

⁴ [PENAL CODE] art. 513 (Iran); Press Law of 8 September 2002, arts. 6, 26 (Iran).

7. These laws constitute a violation of international law for various reasons, including the infringement of the right to freedom of opinion and expression.⁵ In particular, blasphemy laws are an affront to the rights enshrined in both Article 18 of the ICCPR, which guarantees freedom of religion or belief, and Article 19, which ensures the right to freedom of expression and the right to hold opinions without interference.
8. These freedoms are fundamental to the operation and maintenance of an open and free society. Ideas that happen to be unpopular or offensive to some individuals must still be protected.
9. Moreover, blasphemy laws open the way to baseless allegations being made in order to exploit the laws for cynical purposes. Blasphemy laws are often abused by individuals with personal vendettas, and expose the accused to widespread harassment and marginalization even when the accusations are contested or false.
10. Apostasy, proselytizing, and attempts by non-Muslims to convert Muslims are punishable by the death penalty. Christians have reported imprisonment, physical abuse, harassment, and discrimination for living out their faith in public.⁶
11. Many converts from Islam, as well as Sunni Muslims and Islamic reformers within the Shi'a community, have reportedly been convicted and punished for apostasy or for "insulting Islam". For example, in 2014, Soheil Arabi, a blogger in 'poor psychological condition' was, on first instance, sentenced to death after being found guilty of insulting the Prophet Mohammad on Facebook. In late September 2015, his sentence was then commuted to 'reading 13 religious books and studying theology for two years.'⁷ 2011, a man named Ali Ghorabat "was convicted of apostasy for 'claiming to have contact with the God and the 12th Shiite Imam.'". In addition to facing the death penalty, Muslims who renounce their faith also face societal exclusion and violence.
12. In 2017, four Christian men each received 10-year prison sentences after being convicted of propagating house-churches and promoting "Zionist" Christianity. Iran described these religious activities as "actions against national security." One of the men, Pastor Youcef Nadarkhani, had previously served time for apostasy.⁸ Pastor Nadarkhani's home was raided on 22 July 2018, and he was taken to the notorious Evin Prison to serve out his sentence. During the raid, he was beaten and his son was tased. The next day, the three other Christian men were also taken to Evin Prison after their homes were raided.⁹

⁵ International Covenant on Civil and Political Rights (ICCPR) art. 19.

⁶ *Iran Country Report*, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/iran/>.

⁷ "Iranian death sentence commuted to two years' theology study". The Guardian. 30 September 2015.

⁸ *Rash of sentences 'shows government's fear of growth of Christianity in Iran'*, (July 12, 2017), WORLD WATCH MONITOR, <https://www.worldwatchmonitor.org/2017/07/rash-sentences-shows-governments-fear-growth-christianity-iran/>.

Crackdown On Christians In Iran Continues With Eight More Arrests, (Feb. 1, 2019), IRAN HUMAN RIGHTS MONITOR, <https://iran-hrm.com/index.php/2019/02/21/crackdown-on-christians-in-iran-continues-with-eight-more-arrests/>

13. Within the first week of December 2018, 114 Christians were arrested without cause. Local advocates viewed these arrests as warnings to Christians not to share their faith during the Christmas season. Those who were released were warned against having further contact with other Christians or their churches.¹⁰

Attacks on Religious Minorities

14. Religious minorities have been the target of violence, harassment and discrimination also at the societal level. Jews are highly marginalized. William Mehrvarz, an Iranian citizen born to a Muslim family, converted to Judaism as a teenager. When his family found out about his conversion, his parents admitted him to a short-term psychiatric hospital at age 15. In 2016, he was forced to seek asylum in the United States for fear of being prosecuted under Iran's apostasy and blasphemy laws after his wife told her family that he was Jewish.¹¹
15. Bahá'is are also severely discriminated against. The Bahá'i community forms a significant minority group in Iran, comprising 300,000 individuals. For decades, they have faced extreme violence as well as discrimination within the justice system. In September 2016, a sixty-three-year-old Bahá'i man, Farhand Amiri, was murdered by two individuals who confessed that they committed the murder because Amiri "was an 'apostate.'" The Iranian penal code assigns the death penalty for the crime of murdering a Muslim, but not for a Bahá'i. The two men were eventually sentenced to imprisonment of varying lengths.¹²
16. Sunni and Sufi Muslim communities also report experiencing discrimination because of their beliefs. Repeated requests to build an official Sunni mosque in the city of Tehran have been refused. Sufi Muslims have been particularly targeted through attacks to their prayer centers and homes, and continue to be subject to travel bans, arrests and detention.¹³
17. Reports indicate that prisoners from minority groups are often abused, and particularly those held for expressing their religious beliefs publicly or sharing them with others. Medical treatment is often withheld, and they are subjected to physical and mental

¹⁰ Lindy Lowry, *114 Christians Arrested in One Week in Iran*, (Dec. 6, 2018), OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/stories/114-christians-arrested-in-one-week-in-iran/>.

¹¹ Cathryn J. Prince, *"Fleeing native Iran, a would-be convert to Judaism gets new start in NYC,"* The Times of Israel, May 5, 2018, <https://www.timesofisrael.com/fleeing-native-iran-a-would-be-convert-to-judaism-gets-new-start-in-nyc/>.

¹² *Elderly Baha'i Man Brutally Murdered Amid Islamic Republic's "Systematic Hatred" of Baha'is*, CENTER FOR HUMAN RIGHTS IN IRAN, (Nov. 3, 2016), <https://www.iranhumanrights.org/2016/11/bahai-murder-2/>.

¹³ Zahra Alipour, *Tehran's Sunnis still waiting for their own mosque*, Al Monitor, (Sep. 21, 2017), <https://www.al-monitor.com/pulse/originals/2017/09/iran-tehran-sunni-mosque-prayer-space-pounak.html#ixzz5iEPTyhRA>

torture. Lastly, access to religious literature is restricted, and release from prison is often followed by exile.¹⁴

Recommendations

18. In light of the aforementioned, ADF International suggests the following recommendations be made to Iran:

- a. Enhance the promotion and protection of the right to freedom of thought, conscience and religion, including the right to manifest such individually or in community with others in public or private, in worship, observance, practice and teaching, in compliance with Iran's obligations under the ICCPR, to which Iran is a State party;
- b. Decriminalize blasphemy and apostasy, and immediately abolish them as capital offences;
- c. Amend its laws and judicial procedures to provide that no religious groups are discriminated against, so that all religious groups may receive equal treatment under the law;
- d. Unconditionally release those imprisoned for their political, religious or other conscientiously held beliefs, and protect the rights of all individuals to manifest their religious beliefs;
- e. Guarantee the full enjoyment of the right to freedom of religion and belief, including by strengthening measures aimed at protecting persons belonging to religious minorities from violence and persecution; and
- f. Permit unrestricted country visits to Iran by the Special Rapporteur on the situation of human rights in Iran, and the Special Rapporteur on freedom of religion or belief.

¹⁴ Lindy Lowry, *80 Lashes and Other Brutal Sentences for Being a Christian in Iran—Pray With These 21 Prisoners*, OPEN DOORS, (Sept. 17, 2018) <https://www.opendoorsusa.org/christian-persecution/stories/80-lashes-and-other-brutal-sentences-for-being-a-christian-in-iran-pray-with-these-21-prisoners/>.



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