

POLICY BRIEF



Iran

Systematic Persecution of Minority Religions

Iran is a diverse country, home to a rich variety of religious and ethnic groups whose presence in the area is historically established.

However, since the 1979 revolution the Iranian Government has been trying to impose a homogeneous Iranian identity that results in the repression of minority groups and their culture, traditions, and religions, and the repression of whatever is considered as a threat to the Islamic Republic.¹ The first Article of the Iranian Constitution institutes a theocracy, and Article 12 establishes that Islam and the Twelver Ja'fari school of Shi'a religion is the official religion. Article 13 of the Constitution recognizes that “Zoroastrian, Jewish, and Christian

*Iranians are considered the only recognized religious minorities. They may exercise their religious ceremonies within the limits of the law. They are free to exercise matters of personal status and religious education and they follow their own rituals.”*² The Iranian Government interprets these three recognized minorities to refer only to historical ethnic communities in Iran – such as the Assyrian and Armenian Christian communities – which are allowed to exist because they constitute a historical heritage for the nation. These minorities are, however, not allowed to hold services or be in possession of any religious material in Persian.³ All other religious minorities remain unrecognized by law and are afforded no rights under the Constitution.

¹ “Rights Denied: Violations against ethnic and religious minorities in Iran”, *Minority Rights Group International*, March 2018, retrieved from: <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>.

² “Constitution of the Islamic Republic of Iran”, Art. 1, 13, December 1979. Retrieved from: https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en.

³ UN Doc. E/CN.4/1996/95/Add.2.

Severe discrimination in all areas of life

Being a non-Muslim brings an unlimited number of limitations and unfair discrimination to one's private and public life in Iran, in blatant violation of Article 2 of the International Covenant on Civil and Political Rights, to which Iran is a signatory without reservation and legally bound to respect. Minority faith adherents face restrictions in numerous areas of their lives. Systemic discrimination and restrictions occur in marriage matters – a Muslim woman is not allowed to marry a non-Muslim man;⁴ and inheritance – a non-Muslim cannot inherit from a Muslim.⁵ Access to higher education and employment is also restricted for minority faith adherents – especially concerning jobs in the public sector.⁶ For instance, in May 2019 the State Welfare Organization issued a directive prohibiting minority faith adherents from working in nursery schools.⁷

Systematic and indiscriminate persecutory state-run campaigns

Since selected religious minorities are allowed to exist only to preserve a historical heritage, such communities are relatively free to profess their religious beliefs,

although they are not allowed to conduct any religious activity or possess any religious material in Persian.

Christians and other religious minority adherents are often arrested and charged with national security-related crimes

They are also not exempt from raids, arbitrary arrests and imprisonments, and confiscation of religious material and property if the State believes that they are engaging in activities that “threaten national security.”⁸ Christians and other religious minority adherents are often arrested and charged with national security-related crimes. The Iranian judiciary is known for using articles such as 498, 499 and 500 of the Iranian Penal Code to prosecute minority faith adherents for their peaceful religious activities on the basis that such activity threatens the very existence of the Islamic republic and thus constitutes a national security threat.⁹ Christian communities are particularly vulnerable to these charges if they open their doors to inquiring Muslims, actively proselytize, or hold a religious meeting in Persian. The Iranian Government has recently particularly escalated its campaigns of arrests against Christians, arresting at least 171 Christians in 2018.¹⁰

⁴“The Civil Code of the Islamic Republic of Iran”, Art. 1059. English translation available at: <https://www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf>.

⁵*Ibid.*, Art. 881 bis.

⁶“Rights Denied: Violations against ethnic and religious minorities in Iran”, *Ibid.*, pp. 29-35.

⁷ See “Directive by Social Welfare Organization Bans Employment of Religious Minorities in Most Child Care Centers”, *Iran Human Rights Documentation Center*, June 2019, retrieved from: <https://iranhrdc.org/directive-by-social-welfare-organization-bans-employment-of-religious-minorities-in-most-child-care-centers/>; and “Religious minority teachers banned from working in nursery schools”, *Article 18*, June 2019, retrieved from: <https://articleeighteen.com/news/694/>. Such directive was later repealed because of a media outcry against such blatant discrimination.

⁸ See, for example, “Iranian Pastor’s Wife Sentenced to Five Years in Prison For ‘Acting Against National Security’”, *Center for Human Rights in Iran*, January 2018, retrieved from: <https://www.iranhumanrights.org/2018/01/iranian-pastors-wife-sentenced-to-five-years-in-prison-for-acting-against-national-security/>.

⁹ “The Islamic Penal Code of the Islamic Republic of Iran, Book Five”, an English translation is available at: <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>.

¹⁰ “United States Commission on International Religious Freedom: 2019 Annual Report”, *USCIRF*, April 2019, available at: <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.



Photo: Young Iranian woman.



Photo: An Iranian man walking through Qom, Iran.

Common charges for such arrests are “collusion against national security”, “propaganda against the state”, and “spreading Zionist Christianity.” Moreover, Article 48 of Iran’s Criminal Procedures Regulations, states that individuals charged for crimes against internal and external security must select their attorney from a list of approved lawyers by the head of the judiciary—a direct violation of Article 35 of the Iranian Constitution, which recognizes the right to have an attorney of one’s choice.¹¹ The Iranian Government also regularly issues orders of confiscation and closure for churches that hold religious services in Persian.¹² Minority faith adherents are also charged and prosecuted on the basis of Article 220 of the Iranian Penal Code and Article 167 of the Constitution. These sections require judges to rely on non-codified law – namely authoritative Islamic sources and *fatwas* (ruling on a point of Islamic law given by a recognized authority) – to convict and sentence individuals to crimes and punishments not codified by the existing law.¹³

Systematic persecution against Christian converts

An example of the use of the above mentioned Article 220 of the Penal Code and 167 of the Constitution is convictions of individuals for apostasy (abandonment of Islam for another religion or no religion).¹⁴ If a Muslim exerts their inherent right to change one’s religion, they incur serious consequences because apostasy is

considered a criminal offence by the Iranian Supreme Court, despite not being codified by the law, instead relying on Sharia and a *fatwa* issued by the Ayatollah Khomeini.¹⁵

Converts to other religions, such as Christianity, regularly face threats of an apostasy charge and are often charged with national security-related crimes

Death sentences for apostasy are issued more rarely by the courts because of previous international outcries, but converts to other religions, such as Christianity, regularly face threats of an apostasy charge and are often charged with national security-related crimes. The unlawful nature of their conversion according to the State, forces converts to live their faith in secret and only go to informal religious gatherings in the so-called “house churches”, which the security services actively monitor and regularly target and raid.¹⁶ These practices violate the sanctity and inviolability of one’s *forum internum* as expressed in Article 18 ICCPR, and Article 23 of the Iranian Constitution, stating that “the investigation of individuals’ beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief.”¹⁷

¹¹ See <https://iranhumanrights.org/2018/06/iranian-human-rights-attorneys-speak-out-against-state-approved-list-of-20-lawyers-for-national-security-cases/>; and “Iran’s Criminal Procedure Regulations”, Note to Art. 48. Available at <https://www.tasnimnews.com/fa/news/1393/02/03/346898/%D9%85%D8%AA%D9%86-%DA%A9%D8%A7%D9%85%D9%84-%D9%82%D8%A7%D9%86%D9%88%D9%86-570-%D9%85%D8%A7%D8%AF%D9%87-%D8%A7%DB%8C-%D8%A-2%D8%A6%DB%8C%D9%86-%D8%AF%D8%A7%D8%AF%D8%B1%D8%B3%DB%8C-%DA%A9%DB%8C%D9%81%D8%B1%DB%8C> (in Persian)..

¹² “Annual Report: Violations of the Rights of Christians in Iran”, January 2019, pp. 3. Available at: <https://www.meconcern.org/wp-content/uploads/2019/01/Iran%20Report%202018.pdf>.

¹³ “Codifying Repression: an Assessment of Iran’s New Penal Code”, *Human Rights Watch*, August 2012, pp. 31-35. Available at: https://www.hrw.org/sites/default/files/reports/iran0812webwcover_0.pdf.

¹⁴ *Ibid.*

¹⁵ See <https://www.hrw.org/news/2011/09/30/iran-christian-pastor-faces-execution-apostasy>.

¹⁶ “Annual Report: Violations of the Rights of Christians in Iran”, January 2019, pp. 2-4. Available at: <https://www.meconcern.org/wp-content/uploads/2019/01/Iran%20Report%202018.pdf>.

¹⁷ “Constitution of the Islamic Republic of Iran”, Art. 23, 13, December 1979. See note 2.

To stop the continuous and severe violations of fundamental rights of Iranian Christians and other minority faith adherents in Iran, Open Doors recommends:

1 The International Community should urge the Iranian Government to amend Article 13 of the Constitution to **recognize fully freedom of religion or belief** of all faiths as envisaged by Article 18 ICCPR, to which Iran is a signatory without reservation and legally bound to respect.

2 The International Community should urge the Iranian Government **to stop its discriminatory and restrictive practices and laws** against minority faith adherents, and repeal provisions such as, but not limited to, Articles 881 bis and 1059 of the Iranian Penal Code.

3 The Iranian Government must **immediately stop its indiscriminate campaigns of arrests, arbitrary detentions, unfair trials and seizure of property** against Christians and other religious minorities. It must stop considering mere manifestations of freedom of religion or belief as a threat to national security, in clear violation of Article 4 ICCPR. In particular, the Iranian Government is called to:

- **Immediately and unconditionally release** minority faith adherents detained on grounds that their exercise or belief in a faith threatens Iran's national security;
- **Reestablish ownership of churches, properties and material** confiscated from Christians and other religious minorities under national security-related charges.
- **Cease to use** provisions such as Articles 220, 498, 499 and 500 of the Penal Code and Article 167 of the Iranian Constitution to unjustly detain minority faith adherents.

- **Guarantee the right to counsel** to all individuals charged with national security-related crimes and to select an attorney of one's choice, therefore repealing Note to Article 48 of Iran's Criminal Procedures Regulations.

4 The Iranian Government should immediately stop harassing and persecuting individuals who exert their inherent **right to change one's religion** and recognize such right as affirmed by Article 18 UDHR, and incorporated into Article 18 ICCPR expressed through General Comment no. 22 of the UN Human Rights Committee. Additionally, the Iranian Government should grant access for all individuals to religious materials in their mother tongue, in accordance to the principles affirmed in Articles 18 and 19 ICCPR.

5 The International Community should urge the **Iranian Government to invite the United Nations Special Rapporteur on Freedom of Religion or Belief** and the **UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran** for a country visit. If a visit continues to be hindered by the Iranian Government, the two Rapporteurs should cooperate to produce a **comprehensive report** on violations of fundamental rights of minority faith adherents (including but not limited to: freedom of religion or belief; right to a fair trial; and the right to be free from torture and other cruel, inhuman or degrading treatment or punishment) by collecting data and information from witnesses and survivors of religious persecution who are currently based outside the country.

Any questions? Please email advocacy@od.org