

United Nations Human Rights Council
Universal Periodic Review, 7th Session
Christian Solidarity Worldwide – Stakeholder Submission
ISLAMIC REPUBLIC OF IRAN

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in international freedom of religion and belief. CSW monitors the human rights situation in Iran and undertakes yearly fact finding visits to the country as well as raising awareness of human rights concerns and advocating for particular cases of discrimination and persecution on the basis of religious affiliation. This submission seeks to highlight our current concerns over the treatment of religious minorities in Iran.

LEGAL CONCERNS

2. Religious minorities in Iran face *ipso facto* discrimination due to unique state structures. To some degree, the Iranian Constitution provides seeming equality to every citizen. Article 19 of the constitution guarantees that “all people of Iran enjoy equal rights, whatever their ethnic group or tribe”. Article 13 of the 1979 Constitution recognises Christianity, Judaism and Zoroastrianism as minority religions. Article 64 guarantees five seats in parliament for minority religions, two seats for Armenians and one each for the Assyrian, Jewish and Zoroastrian communities. These recognised communities are allowed to open charitable associations, cultural centres and schools for children, and may use their own language in religious practices and instruction of their congregations.
3. Two crucial issues overshadow these positive provisions. First of all, the Bahá’ís are not officially recognised as a religious minority and are not represented in the Iranian Parliament even though they are the largest non-Muslim minority in the country. The outcome of this is detrimental to some 300,000 Bahá’ís in the country, as is shown in detail below.
4. Secondly, Article 12 of the Iranian Constitution declares Islam to be the state’s official religion. Although declaration of a state religion is not inherently contradictory to the provisions on religious freedom under international law, the elusive provisions in Article 168 of the constitution - that the judiciary functions “in accordance with the criteria of Islam” - opens the door for possible contradictions with human rights covenants to which Iran is a signatory, including the ICCPR, ICESCR and CERD.
5. This becomes clearer in Article 167 of the Constitution which allows for judges to deliver verdicts “on the basis of authoritative Islamic sources and authentic fatawa” in the absence of any relevant legislation in the codified law. For example, there are currently no codified laws that criminalise conversion from Islam to another religion. However, as will be dealt with in detail below, converts from Islam are regularly threatened with apostasy charges and the death penalty on the basis of a constitutional appeal to traditional Islamic jurisprudence.

6. In September 2008, a prosecutor at the Public and Revolutionary Court in Shiraz requested the death penalty for 53-year-old Mahmoud Mohammad Matin-Azad and 40-year-old Arash Ahmad-Ali Basirat by evoking the judge's constitutional obligations to refer to Shari'a law, and by citing Imam Khomeini's book, Tahrir-ul-Vasile, which stipulates the death penalty for apostasy. Mr Matin-Azad and Mr Basirat, who had been held in detention since 15 May, were subsequently released following international pressure. The possibility of such charges continue to limit and criminalise the right to freedom of thought, conscience and religion of some 10,000 Muslim-Background Christians (MBC's) in the country.
7. A much more worrying legal development is the initial approval of the Islamic Penal Code Bill by the Iranian Parliament on 9 September 2008 with 196 votes for, seven against, and two abstentions. The bill seeks to codify the formulations of the traditional Islamic jurisprudence on apostasy; death penalty for a male apostate and life-long or hard-labour imprisonment for a female apostate. Following the initial vote, the bill was passed on to the Legal and Judicial Committee of the Parliament before further deliberation and final voting by the Parliament and review by the Guardian Council. Although, in June 2009 Ali Shahrokhi of the Committee reportedly told the Iranian state news agency (IRNA) that the Committee reached a decision on removing the death penalty from the bill as this was not "in the interest of the regime", CSW remains concerned that until the final version of the bill is voted and approved, the possibility remains that the death penalty for apostasy might still be included.
8. There are many subtle implications of Articles 12, 167 and 168 of the Iranian Constitution besides the dramatic reactions shown to apostasy. This can be seen in the courts' assessment of the validity or credibility of the testimonies of non-Muslim witnesses compared with Muslim ones, in the differing remunerations of required "blood money" paid by convicted perpetrators to the families of Muslim and non-Muslim victims, and in not allowing the marriage of Muslim women to non-Muslim men.
9. **Recommendation: The Iranian Government should clarify the role and scope of Shari'a law, address ongoing tensions with the standards set by international covenants Iran has ratified, and halt all discriminatory practices against non-Muslims.**

OFFICIAL DISCRIMINATION

10. Although Article 19 of the constitution guarantees that "all people of Iran enjoy equal rights whatever their ethnic group or tribe," official discrimination against religious minorities exists. All activities of religious minorities are monitored by the Ministry of Islamic Culture and Guidance, and by the Ministry of Information and Security. State-supported religious paramilitaries often intimidate and assault non-Muslims, and state security services pressure non-Muslim community leaders to provide information on their activities and not allow Muslims to join their worship services.

11. Government employees are expected to adhere to Islam and those who do not follow an Islamic code of conduct can be punished. Non-Muslims are barred from employment across the civil service and state owned commercial sectors, and are banned from employment in the armed forces as officers by the Constitution, even though they are obliged to fulfil compulsory military service as unranked soldiers.
12. **Recommendation: Iran should immediately end all discriminatory policies, provide equal opportunities for non-Muslims and prosecute officials and state-controlled paramilitaries that commit human rights violations.**

TREATMENT OF APOSTATES

13. The persecution of Muslim converts to Christianity has re-escalated since 2005. Between June to August 2009, there have been at least 30 cases of MBC's arrested and detained across the country, mostly during church gatherings. All of the detentions have followed the same patterns observed in numerous detentions during 2008.
14. In all of these cases, the MBC's were kept incommunicado and in solitary confinement for days or weeks with no official charges or legal representation. During their detention they were interrogated regularly, verbally and physically abused, asked to recant their faith and threatened with apostasy and treason charges. They were released after either signing documents pledging no further involvement in Christian activities, or paying hefty bails and handing over deeds to their properties, with no guarantees that the investigations against them were dropped or that they would not be charged, and without being provided official receipts proving payment of bail.
15. On a fact-finding visit to Iran during 2008, CSW became aware of a minimum of 40 cases of Christians, particularly converts from Islam, whose passports had been confiscated at the airport on their return from attending Christian conferences abroad. They were all required to present themselves in front of judges, who demanded they convert to Islam if they wanted to regain their travel documents without facing criminal charges. A significant number were pressured to comply.
16. CSW was able to interview one of the Christians who refused to recant his faith in such a way. He was summoned to court five times during 2008. At each hearing, he was asked for the reasons behind his conversion and pressured to recant his Christian faith. He repeatedly refused to return to Islam and stopped reporting to the court, which to date is still demanding his appearance. In addition to giving up hope of ever being allowed to travel abroad, he was fired from his job as his co-workers at the factory learned of his conversion and refused to work alongside an apostate whose presence 'defiled' the office.
17. This reaction arises from the idea that non-Muslims, particularly apostates, are *najess*, impure, thus any physical contact with them or any products produced by them can potentially defile a Muslim's purity. Ayatollah Khomeini himself had declared that "non-Muslims of any religion or creed are *najess*." Khomeini argued that although a handshake with a non-Muslim is not *najess*, contact with bodily liquids of a non-Muslim was. Thus washing the clothes of non-Muslims and Muslims together, eating

food, consuming products or using utensils touched by non-Muslims are potentially *najess*.

18. Currently, two female MBC's, Maryam Rostampour, 27, and Marzieh Amirizadeh, 30, have been held in Evin prison since March 2009 without any official charges being brought against them. Iranian security officers arrested the women on 5 March, after their apartment was searched and their Bibles confiscated, amongst other items. Neither woman has committed a crime as defined under Iranian or international law. On 9 August 2009, they were taken to court and ordered by the judge to recant their Christian faith and threatened with further imprisonment and apostasy charges. Following their refusal to recant, they were sent back to prison.
19. **Recommendation: Iran should uphold the clearly defined standards on freedom of religion and belief as defined by international human rights law, end official and judicial intimidation and punishment of individuals who exercise their right to freedom of thought, conscience, religion and belief, and release all prisoners and detainees who are being held solely on the basis of their personal beliefs.**

TREATMENT OF BAHÁ'ÍS

20. Bahá'ís living in Iran have faced intense persecution since 1979. Around 200 Bahá'ís have been killed and 10,000 have been dismissed from government and university posts. Holy places have been destroyed, many Bahá'ís have been arrested and thousands of students have been denied access to university education. They are considered apostates and heretics by Islamic clerics, since they believe in a prophet and holy book, which came after Mohammad, who is seen by Muslims as the final prophet from God. Though Islamic traditions show respect for religions preceding Islam, any claim of a new revelation from God after Mohammad is considered blasphemous.
21. This automatically places Bahá'ís at odds with Iranian religious politics. Since the revolution and the reification of Islam for Iranian identity, Bahá'ís are perceived as a threat to the homeland and seen as a group previously favoured by the Shah. They are not officially recognised in Iran, having no legal status or identity, and they are continually denied access to fair judicial process and other civil and economic rights.
22. The official attitude towards Bahá'ís can be seen in various documents leaked to the public. On 29 October 2005, the Chairman of the Command Headquarters of the Armed Forces sent a confidential letter to various government agencies, requesting the identification and monitoring of Bahá'ís. In November 2006, a new letter, dated 19 August 2006, from the Ministry of Interior to provincial officials was brought to the attention of the international community. The letter, similar to that sent by the military headquarters in 2005, requests officials to acquire detailed information on the financial status, social interactions and activities of Bahá'ís.
23. According to the Bahá'í International Community, 60 Bahá'ís were imprisoned between 2004 and 2006. On 14 May 2008, the following members of the Bahá'í national coordination group were arrested and continue to be held in prison: Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie,

Mr. Behrouz Tavakkoli, and Mr. Vahid Tizfahm. With these arrests, the total number of national Bahá'í leaders who are in detention reached seven. Mrs Mahvash Sabet, the first leader to be detained, was arrested on 5 March 2008. CSW continues to be concerned for their safety and welfare. They await trial in October 2009 and have been accused of "espionage for Israel, insulting religious sanctities and propaganda against the Islamic republic." If found guilty, they would most likely receive the death penalty.

24. Despite international pressure, Bahá'ís are still denied university education. Bahá'í International Community notes that the “majority of the roughly 200 Bahá'ís who managed to enrol in Iranian universities had been expelled by the end of the year. And for the academic year 2007-2008, almost 800 of the more than 1,000 Baha'is who sat for and properly completed the entrance exam in June 2007 have received word that their files are ‘incomplete’ — thus preventing their enrolment.”
25. **Recommendation: Iran should immediately release all Bahá'í prisoners, end official discrimination against them, stop monitoring and intimidating them and remove all hindrances preventing Bahá'ís from pursuing further education.**

ASSIMILATION OF TRADITIONAL MINORITIES

26. Children from the recognised non-Muslim minorities are exempted from Islamic Religious Education and can study at the registered minority schools. Minority schools are still state schools, using the same curriculum, but with the additional opportunities of taking minority language and history lessons. These schools must have Muslim principals, and the schools' activities are closely monitored.
27. Minorities complain that the minimal hours provided for language and culture per week is not enough for children to learn their native languages in addition to Farsi studies. Similarly, there are increasing concerns over the Religious Education text book used at the minority schools. All non-Muslim children are required to read the official books across class years, which are written by the Ministry of Education. The books have clear Islamic assumptions, such as referring to Jesus Christ as “prophet Jesus”. Similarly, the books allude to Qur'anic verses and the sayings of Muhammad without referencing the sources or acknowledging that they are Islamic ideas. Rather than teaching children about their own religion, the books offer general comments on ethics and God.
28. Limitations on language and culture lessons, as well as the strong subtext of teaching non-Muslim children Islamic values and ideas in their religious education classes, are genuine concerns for minorities. Emigration of Assyrian and Armenian Christians is a worrying trend and a signifier of the pressures, limitations and discrimination faced by these minorities, even though they enjoy a relative sense of freedom compared to MBC's or members of Protestant congregations.
29. **Recommendation: Iran should end its policy of assimilation and allow minorities to teach their traditions, religions, languages and history by textbooks written by their communities, and address the socio-economic concerns which occasion mass emigration.**