



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE

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RELIGIOUS FREEDOM IN IRAN

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Islamic Republic of Iran (hereinafter Iran) for the 2019 Universal Periodic Review (UPR).

Background

2. In 1975, the government of Iran ratified the International Covenant on Civil and Political Rights (ICCPR). Article 2 of the ICCPR requires each state party to “respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without distinction of any kind, such as race, colour, sex, language, religion . . .”¹.

The government of Iran discriminates against its citizens on the basis of religion or belief. Article 18 protects “the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”².

3. As a member of the United Nations, the Islamic Republic of Iran is obligated to adhere to the principles set forth in the U.N. Charter requiring members “[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to [inter alia] religion”³.

3. Iran’s constitution, is problematic in its endorsement of a state religion and in its failure to recognize minority religions other than Zoroastrian, Jewish, and Christian religions in Iran. In theory, Iran’s constitution offers some protection to those specific religious minorities. According to Article 13, “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education”⁴. Article 14 states, “[T]he government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms . . . and to respect their human rights”⁵. In practice, however, religious minorities face multiple threats to their free practice of religion at the hands of the Iranian government.

4. On December 19, 2016, Iranian President Hassan Rouhani signed the Charter on Citizens’ Rights “with the aim of ‘recovering and promoting citizens’ rights’”⁶. Despite the ceremony

¹ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 2.

² *Id.* art. 18.

³ U.N. Charter art. 73(c).

⁴ IRAN’S CONSTITUTION OF 1979 WITH AMENDMENTS THROUGH 1989, art. 13.

⁵ *Id.*, art. 14.

⁶ *Global Legal Monitor: Iran: Charter on Citizens’ Rights Signed*, LIB. OF CONG., available at <http://www.loc.gov/law/foreign-news/article/iran-charter-on-citizens-rights-signed/> (last visited 26 Mar. 2019).

behind the signing, the Charter is non-binding and “growing numbers of religious minorities . . . have been subject to harassment, arrest, and execution for exercising rights nominally protected under the charter”⁷.

5. Thus, the greatest threat to religious freedom in Iran is the extreme persecution that religious minorities face at the hands of the Iranian government. For almost two decades, the U.S. government has designated Iran as a “country of particular concern” because of its treatment of religious minorities. In its 2018 report, the United States Commission on International Religious Freedom (USCIRF) details the persecution faced by Christians in Iran: “Members of the historical churches face extensive government surveillance and legal restrictions on construction and renovation of houses of worship. Evangelical Christians and Christian converts, however, are particularly targeted for repression because many conduct services in Persian and proselytize to those outside their community. Pastors of house churches are commonly charged with unfounded national security-related crimes, as well as apostasy and illegal house-church activities”⁸.

Persecution of Christians

6. According to reports, the Iranian government’s religion-based abuses include raids of house churches and arrests and sentencing of house church members. For example, “[i]n May 2017, four evangelical Christians, three of them Azerbaijani citizens, were sentenced to 10 years in prison each for house church activities and evangelism. The following month, Pastor Youcef Nadarkhani, who previously served a prison sentence for apostasy and is among those highlighted by USCIRF’s Religious Prisoners of Conscience Project, faced trial along with three codefendants because of their house church activities. Each of the four Christians was sentenced to 10 years in prison, with Nadarkhani receiving an additional two years in exile”⁹.

7. This new arrest and sentencing of Pastor Nadarkhani is particularly concerning to the ECLJ. Pastor Nadarkhani was first arrested in 2006 and charged with apostasy and evangelism, then again in 2009 when he criticized the monopoly Islamic authorities had on education in Iran. He was found guilty and sentenced to death-by-hanging. And although he was acquitted and released in September of 2012, three months later he was arrested again on Christmas day. After a great deal of international outcry and attention to his case, Pastor Nadarkhani was acquitted of his apostasy charge and released from prison. Reports indicated that while the court acquitted him of apostasy, he was charged and convicted of evangelizing to Muslims, but was granted time served in consideration of his nearly three-year imprisonment.

8. Pastor Nadarkhani’s arrest and imprisonment is symbolic of the threat to freedom of religion and belief experienced by Christians and other religious minorities in Iran through government discrimination, harassment, unjust imprisonment, and inhumane treatment.

9. Additionally, in February 2019, four women who converted from Islam to Christianity were arrested. A fifth woman, 65-years-old, was also arrested by the Intelligence Ministry just before Christmas 2018. In addition to arresting her, “authorities confiscated several of her personal

⁷ *Id.*

⁸ USCIRF 2018 ANN. REP.: IRAN 5-6, *available at* https://www.uscifr.gov/sites/default/files/Tier1_IRAN.pdf.

⁹ *Id.*

items, included electronics and Christian materials. . . . She was detained for ten days and interrogated during that time”¹⁰.

10. In December 2018, a Christian couple were arrested following a raid on their home. Since their arrest, the couple has been held in detention and has not been allowed to communicate with family members, including their 7-year-old daughter. Furthermore, the couple has been denied access to legal assistance¹¹.

11. Also in December 2018, “Iran’s Mehr News Agency announced that a total of 142 men and women belonging to different Christian groups were arrested in 10 or 11 different cities across the country.” While in most cases the Christians were released after a few hours, they “were asked to write down details of the history of their Christian activities and told to have no more contact with any other Christians or Christians groups”¹².

12. These arrests and detentions represent only a small sampling of the growing persecution that Iranian Christians are facing at the hands of their government.

Conclusion

13. The ECLJ respectfully demands the immediate release of Pastor Youcef Nadarkhani and other Christians who have also been unjustly arrested and convicted. The Islamic Republic of Iran must be reminded of its obligations to actively protect the rights of all its citizens, including the rights of minority religious adherents, such as Pastor Nadarkhani, so that they can practice their religion peacefully without fear of arrest or violence from their government. In addition, the ECLJ encourages Iran to reform its laws to ensure that the right to freely choose and practice one’s own religion is protected in fact, not just on paper.

¹⁰ *Five Christian Women Arrested in Iran*, International Christian Concern (1 Feb. 2019), <https://www.persecution.org/2019/02/01/five-christian-women-arrested-iran/>.

¹¹ *Iran: Christian Couple Arrested in Mashad*, MIDDLE EAST CONCERN (18 Dec. 2018), <https://www.meconcern.org/2018/12/18/iran-christian-couple-arrested-in-mashhad/>.

¹² Lindy Lowry, *114 Christians Arrested in One Week in Iran*, OPEN DOORS (6 Dec. 2018), <https://www.opendoorsusa.org/christian-persecution/stories/114-christians-arrested-in-one-week-in-iran/>.