

Legal framework

Article 13 of Iran's constitution recognises Christianity, Zoroastrianism and Judaism, allowing these religious communities to practice their respective rights in personal matters.

Article 14 states that 'the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.'

Article 23 forbids 'the investigation of individuals' beliefs' adding that 'no one may be molested or taken to task simply for holding a certain belief.'

Furthermore, Article 38 prohibits 'any kind of torture used to extract an admission of guilt or to obtain information is forbidden. ... Any person infringing this principle is to be punished in accordance with the law.' Finally, Article 39 states that 'aspersion of the dignity of and respect due to any person who has been arrested or put in detention or imprisoned or exiled by command of the law is forbidden in any form, and is liable to punishment.'

Iran is also party to the International Covenant on Civil and Political Rights (ICCPR) and other international legislation protecting the right to freedom of religion or belief (FoRB), including the right to adopt a religion or belief of one's choice. However, while apostasy has not been codified as a crime, it is effectively criminalised, as converts from Islam are frequently charged with crimes articulated in articles 498, 499, 500 and 513 of the amended Islamic Penal Code.¹

The Shi'a theocracy also relies on charges such as blasphemy, or on ill-defined crime that can encompass anything deemed undesirable by the state such as mofsed-e-filarz ('spreading corruption on earth') or Moharebeh (waging war against God). With no set penalty for these wide-ranging crimes, punishments can range from a few months in prison to execution.

During the February 2023 Human Rights Council Interactive Dialogue with the Special Rapporteur on freedom of religion or belief, the Iranian delegation stated that FoRB should be 'respected and protected for all,' and emphasised the need to ensure 'everyone can practice their religion or belief without fear of persecution or prejudice,' and to embrace tolerance and diversity.'

In reality, religious minorities continue to be viewed with suspicion and treated as a threat by a theocratic system that imposes a strict interpretation of Shi'a Islam. Consequently, Iran's Baha'i, Christian, Sufi Dervish and Sunni Muslim communities can experience a variety of violations, including

harassment, property seizure, desecration of burial sites, torture, imprisonment, and even extrajudicial execution.

Recent political and social developments

Restrictions on religious minorities intensified under Ebrahim Raisi, who was elected President on 18 June 2021 in an election marred by irregularities in which moderates were barred from standing. Raisi was infamous for his role in a death commission which forcibly disappeared and extrajudicially executed in secret thousands of political dissidents in 1998.

Iran witnessed extreme repression of the right to peaceful assembly when sustained protests erupted across the country following the death in police custody in September 2022 of Zhina Mahsa Amini, a Sunni woman of Kurdish ethnicity who was assaulted after being deemed to have failed to adhere adequately to the dress code of the religious majority. Recorded violations include the use of live ammunition against unarmed protesters, the application of vaguely defined religious charges and perfunctory trials to pass death sentences on protestors, the torturing of detainees, and credible reports of sexual and gender-based violence by security personnel, particularly members of the Islamic Revolutionary Guard Corps.

On 20 September 2023, the Iranian parliament approved a bill to increase penalties for noncompliance with the mandatory dress code that will increase sentences for violating the code from two months to 10 years' imprisonment and increase the fine from 500,000 rials (USD \$12) to up to 360 million rials (USD \$8,600).² In April 2024, the government announced a domestic surveillance program, with street cameras monitoring hijab compliance. Forty-five businesses were closed for catering for non-compliant customers.

In its September 2024 update at the Human Rights Council the UN Independent International Fact-Finding Mission on Iran highlighted that while mass protests have subsided, women and girls remain defiant, and that since April 2024, the authorities have 'increased repressive measures and policies through the so-called "Noor" Plan (noor meaning "light" in Persian), encouraging, sanctioning and endorsing human rights violations against women and girls flouting the mandatory hijab.' Security forces had also escalated 'previously established patterns of violence against women and girls, including beating, kicking, and slapping women and girls perceived as failing to comply.'³

Raisi's tenure also coincided with a significant spike in the death penalty.

On 19 May 2024 Raisi was killed when his helicopter crashed in bad weather as he was returning from a visit to Azerbaijan. On 28 July, Masoud Pezeshkian became

1 Article 19, 'Iran: New Penal Code provisions as tools for further attacks on the rights to freedom of expression, religion, and belief', 6 July 2022 <https://www.article19.org/wp-content/uploads/2022/07/Iran-Legal-analysis-Iran-New-Penal-Code-provisions-as-tools-for-further-attacks-on-the-rights-to-freedom-of-expression-religion-and-belief-06.07.22-1.pdf>

2 US Department of State, '2023 Report on International Religious Freedom: Iran', <https://www.state.gov/reports/2023-report-on-international-religious-freedom/iran/>

3 United Nations Independent International Fact-Finding Mission on the Islamic Republic of Iran, 'Update on the situation of women and girls in the context of the September 2022 protests and the "Woman, Life, Freedom" movement in the Islamic Republic of Iran', 13 September 2024 <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmi-iran/FFM-Iran-Update-13-September-2024.pdf>

Iran's first reformist president in almost two decades. During his campaign, Pezeshkian promised to moderate Iran's conservative outlook, improve relations with the West, criticised the country's notorious morality police and called for negotiations over a renewal of the 2015 nuclear deal. However, analysts doubt his ability to enact meaningful changes within an establishment dominated by ultraconservatives.

Violations against Christians

Violations and abuses targeting members of the Christian community are part of a sustained campaign of repression that has been ongoing with varying degrees of intensity since the 1979 revolution, when Anglican pastor Arastoo Sayyah was murdered in his church office in Shiraz, eight days after the theocracy came into being.

Christians are regularly charged with unsubstantiated national security-related crimes which, along with the targeting of Muslim converts to Christianity in particular, has been escalating since 2009, often accompanied by anti-Christian rhetoric from senior officials. Any gathering of Christians, including social gatherings such as birthday or engagement parties and even a picnic, is viewed as potential house church activity. Penalties meted out for taking wine during communion, or gathering for prayer or Christmas celebrations, effectively criminalise normal Christian practice and social activities, while restricting freedom of association and the right to manifest one's religion or belief even in private.

Many Christians are currently serving lengthy sentences on unfounded and excessive charges related to 'national security,' 'extremism' and 'propaganda.' Legal processes are often presided over by judges notorious for miscarriages of justice and are marred by repeated delays to trials. Lawyers seeking to assist them are regularly prevented from accessing their clients and are often harassed and jailed themselves.

Despite the notable releases in 2023 of nine unjustly detained Christians as part of a general amnesty, members of this religious community, and particularly the converts who form the majority of adherents, continue to experience discrimination, harassment, arbitrary and often cyclical arrest and detention, lack of due process, lengthy imprisonment, excessive fines, denial of education or employment, psychological and physical torture, flogging and confiscation of property, among other violations.

Among those released in the 2023 amnesty was Pastor Yousef Nadarkhani, who the authorities target repeatedly. In 2012 he was acquitted of apostasy, escaping a death sentence following an international outcry. Following his release in 2013, he was assaulted and arrested again along with three other members of the Church of Iran denomination during a series of raids by security agents on Christian homes in Rasht in May 2016, and sentenced to six years

imprisonment. In 2021 the UN Working Group on Arbitrary Detention concluded that his detention was arbitrary. Pastor Nadarkhani was granted a temporary leave in April 2022, before being released on 26 February 2023.

In January 2022 a disturbing precedent of double jeopardy was set. In a gross violation of Article 14.7 of the ICCPR, which prohibits retrying an individual for a crime for which they have 'already been finally convicted or acquitted,' Pastor Matthias (Abdulreza Ali) Haghnejad, who had been released on 30 December 2021 after a Supreme Court judge ruled that attending house-churches and promoting Christianity should not have been considered 'actions against national security' and ordered a review of his six-year sentence, was re-arrested on charges for which he had been acquitted on appeal in December 2014 by the Supreme Court, and faces a six-year sentence.

The sustained campaign of repression has forced many Christians to flee their country. For example, in August 2020 Pastor Victor Bet-Tamraz and his wife Shamiram Isavi were informed that their appeals against sentences of ten and five years respectively had failed. The pastor and his wife had been convicted of national security-related crimes for normal church activities. Pastor Bet-Tamraz was charged with 'conducting evangelism' and 'illegal house church activities,' while Shamiram Isavi was charged with 'membership of a group with the purpose of disrupting national security' and 'gathering and colluding to commit crimes against national security'. The couple subsequently fled Iran and are now safe in a European country.

After concerns were raised by UN experts regarding Iran's 'continued systematic persecution' of Christians, the government responded that it had taken legal action against members of 'enemy groups' and 'private churches' that belong to a 'Zionist Christian cult' with 'anti-security purposes.'

Violations targeting other religious and belief minorities

The Baha'i community, Iran's largest non-Muslim religious minority, does not enjoy official recognition. Along with the Sufi Dervish community, Baha'is have been increasingly targeted with hate speech, and face a raft of discriminatory and repressive policies, including with regard to access to education and burial sites.

In late 2020 two Iranian courts ruled that ancestral land belonging to Baha'i families in the village of Ivel in Mazandaran province could be confiscated because of the community's 'perverse ideology,' which nullified the 'legitimacy in their ownership' of any property.⁴ In January 2024 the Baha'i International Community (BIC) reported that approximately 1,200 Baha'is are currently facing ongoing court proceedings, or have already been sentenced and are awaiting summons to serve prison sentences.⁵

4 Baha'i International Community, 'Overview of Persecution of Iranian Baha'is', July 2021, https://www.bic.org/sites/default/files/pdf/iran/use_this_iran_overview_of_persecutions_july_2021_final.pdf

5 Baha'i International Community, 'Overview of Persecution of Iranian Baha'is', 12 January 2024 <https://www.bic.org/focus-areas/situation-iranianbahais/persecution-bahais-in-iran-updates-reports>

Anti-Baha'i and anti-Semitic rhetoric are widely used by the clerical establishment, despite a decline in the use of anti-Semitic narratives by government officials following the 2014 nuclear deal between Iran and the P5+1 countries (China, France, Russia, the United States, the United Kingdom and Germany), that was later abrogated by the Trump administration.

Executions

Iran remains one of the few countries to execute minors, homosexuals and women claiming self-defence against rapists. Most victims are hanged, often in public. A large proportion of those executed are members of minority religious or ethnic groups, particularly Sunni Muslims, Arabs and Kurds. Political opponents are often accused of being foreign agents or spies, while many from minority ethnic and religious communities often face execution following conviction on drug-related charges. There has also been an increase in executions of protestors demanding reform in the wake of the death of Zina Mahsa Amini. Many are executed following trials that fall short of international fair trial standards.

Recommendations

To the government of Iran:

- Amend Article 13 of the Constitution to ensure that all religious minorities are recognised, and that Article 18 of the ICCPR is not contravened in national laws or by practices that penalise apostasy or legislate against changing one's belief.
- Protect and fulfil the right to freedom of religion or belief for all citizens, in line with Article 18 of the ICCPR to which Iran is a party.
- Bring domestic laws and practices into conformity with its international obligations, to enact the UN Standard Minimum Rules for the Treatment of Prisoners, and end the use of fast-tracked and revolutionary courts, which lack due process and issue excessive sentences.
- Immediately and unconditionally release all individuals detained on account of their religion or belief or in relation to the defence of human rights, including those detained on charges of blasphemy or apostasy, and on vague national security charges related to their religion or belief.
- Ensure due process in all cases involving religious minorities, and that judges found responsible for violations of human rights do not preside over trials, and are brought to justice accordingly.
- Return places of worship, properties, land and materials seized from religious minority communities under national security-related or faulty judicial rulings.
- Guarantee the right to counsel for all individuals charged with national security-related crimes and the right to select a lawyer of their choice, ensuring legal professionals are not harassed or imprisoned for performing their professional duty.
- Amend Article 13 of the constitution to ensure recognition for every religious and belief group, and particularly, the sizeable Baha'i community.

To the government of the United Kingdom:

- Call on Iran to ensure that perpetrators of torture, physical and/or sexual violence against detainees are brought to justice.
- Call on Iran to respect and fulfil the right to freedom of religion or belief for every citizen, regardless of their ethnic or linguistic group, including converts from other religions, and amend Article 13 of the Constitution to ensure that all religious minorities are recognised, and that Article 18 of the ICCPR is not contravened in national laws or by practices that penalise apostasy or legislate against changing one's belief
- Encourage Iran to bring its domestic laws and practices into conformity with its international obligations, to enact the UN Standard Minimum Rules for the Treatment of Prisoners, and to end the use of fast-tracked and revolutionary courts, which lack due process and issue excessive sentences.
- Call for an immediate halt to executions and the initiation of a moratorium on the death sentence.
- Call for the immediate, unconditional release of all who remain imprisoned on account of their religion or belief, along with everyone who is currently detained arbitrarily, centring their plight during all levels of dialogue.
- Press Iran to return places of worship, properties, land and materials seized from religious minority communities under national security-related or faulty judicial rulings.
- Urge Iran to guarantee the right to counsel for all individuals charged with national security-related crimes and the right to select a lawyer of their choice, ensuring legal professionals are not harassed or imprisoned for performing their professional duty.
- Sanctions applied for human rights violations should continue to remain independent of negotiations on the revival of the Joint Comprehensive Plan of Action (JCPOA). An expansion of the list of individuals should also be considered.

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