

Universal Periodic Review – 20th Session**CSW – Stakeholder Submission****ISLAMIC REPUBLIC OF IRAN****Introduction**

1. Christian Solidarity Worldwide wishes to draw attention to Iran's domestic human rights situation, and specifically the situation of freedom of religion or belief, over the period 2009-2013, and the treatment of religious minorities in Iran.
2. Despite assurances given by Iran during its last Universal Periodic Review (2010), the intervening years have seen a deterioration in the treatment of religious minorities, and particularly the Baha'i and evangelical Christian community. Since 2010, there has been a significant increase in house raids, interrogations, arrests with lengthy prison sentences, and church closures. This is in addition to the death sentence for apostasy, given to a Christian pastor in 2010, and most recently, the extra-judicial murder and violent attacks against members of the Baha'i community.

Scope of International Obligations

3. Iran has ratified the International Declaration of Human Rights, International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights without reservation. It is also party to the International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights.
4. Iran has signed but not ratified the Rome Statute of the International Criminal Court. Iran has also signed, with reservations, the optional protocol of the Convention of the Rights of the Child and its Optional Protocol on the Sale of Children.
5. Iran has not ratified the Optional Protocols to the International Covenant on Civil and Political Rights, The Convention on the Elimination of All Forms of Discrimination against Women, and The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
6. During its last UPR Iran promised to 'fully support' Recommendation 24, namely, to "continue to consider greater interaction with international human rights mechanisms".

Recommendations:

7. Iran should ratify the Optional Protocols to the International Covenant on Civil and Political Rights and other outstanding statutes.
8. Iran must also uphold without reservation the rights outlined in the international statutes to which it is party.

Constitutional and Legislative Framework

7. The Iranian Constitution articulates the equality of all citizens. Article 19 states that “all people of Iran enjoy equal rights, whatever their ethnic group or tribe” and Article 13 recognises Christianity, Judaism and Zoroastrianism as minority religions. Other positive articles include those relating to Freedom of expression (article 23), Freedom of association (article 24), as well as gender equality (article 20) and the protection of the rights of women (article 21).
8. Nevertheless, many of the above-mentioned rights are undermined by other stipulations within the constitution, guided by Article 12 of the constitution that declares Islam to be the State’s official religion and that “All laws and regulations must conform to the principles of Islam.” Stipulations such as “within the precepts of Islam” and “unless they attack the principles of Islam”, often mean that the rights of women, and ethnic and religious minorities can be curtailed if they do not seem to fit within a strict interpretation of Shia Islam. The Baha’i community is not recognised as an official religion, and is denied equal rights as Iranians in the areas of education and employment.
9. Article 167 of the Constitution allows for judges to deliver verdicts “on the basis of authoritative Islamic sources and authentic fatwa”, 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, converts from Islam are regularly threatened with apostasy charges and the death penalty on the basis of a constitutional appeal to traditional Islamic jurisprudence.
10. In 2008, there were proposed changes to the Islamic Penal Code that was passed by the Iranian Parliament, which sought the death sentence for a male apostate and hard labour for a female apostate. Credible sources report that the latest version of the bill does not stipulate death for apostasy. While this is a positive development, it does not ensure protection for those who may still face such a charge, since Article 214 of the Criminal Procedure Code of Iran incorporates the provisions of Article 167.
11. In 2010, a Christian pastor was handed the death sentence for apostasy, before being released in 2012, following an international outcry.
12. During its last UPR, Iran said it would uphold Recommendation 8 and “reconsider the inclusion of “apostasy”, “witchcraft” and “heresy” as capital offences in its updated penal code”.

Recommendations:

15. That Iran revise its legal framework in order to ensure that apostasy, witchcraft and heresy no longer rank as capital offences.
16. That Iran amend Article 13 to provide official recognition for the Baha’i, and other unrecognised religions.
17. That Iran clarifies the role of and scope of Sharia law.

18. That Iran ensures that the treatment of religious minorities is commensurate with the international legal obligations to which Iran is party.

Institutional and Human Rights Infrastructure

19. Despite Iran having an Islamic Human Rights Commission, Shirin Ebadi, human rights activist and Nobel Prize Laureate, claimed that it "is not considered to be particularly concerned with human rights abuses".
20. As a theocracy, Iran's institutional structures are varied and complicated, with Islamic Courts working alongside a more traditional judicial system. The Iranian regime uses various bodies, including the Revolutionary Guards, the Ministry of Intelligence and National Security of the Islamic Republic of Iran (VEVAK), the Basij, and the judiciary. All of these branches of government are primarily charged with preserving the nation's Islamic integrity and eliminating any that are deemed to be undermining this. CSW has documented the harassment and intimidation of religious minorities, such as the Bahais, Christians, Sufi-Dervishes and Sunni Muslims by the above-mentioned groups.
21. The judiciary has increasingly been used by the regime to control its citizens. As the body responsible for implementing the Islamic Penal Code and Sharia Law, it has committed several violations of international legal obligations. The Islamic Revolutionary Courts are often used to imprison Christians — particularly converts from Islam — on account of their choice of faith.
22. The Guardian Council of twelve Islamic jurists, six of whom are appointed by the Supreme Leader, has the right to veto parliamentary and presidential candidates. This, in effect, means that only candidates deemed loyal to the regime's strict Islamic interpretation are selected to stand. This was recently demonstrated in the country's 2013 Presidential elections, where several candidates – including former President Rafsanjani – were barred from contesting the elections. While conservative, regime backed candidates continue to be selected, it is unlikely that there will be any significant improvements in human rights.
19. Following its last UPR, Iran agreed to uphold Recommendation 121, and "take measures to ensure that security forces, including police, armed forces and Basij, do not use excessive force against those exercising their right to freedom of expression, association and assembly."

Recommendations:

24. Iran should establish a national human rights mechanism for receiving complaints regarding human rights violations by police and officials.
25. Iran should consider revoking the right of the Guardian Council to veto electoral candidates.
26. Iran should undertake reform of the judiciary to ensure a greater independence from the executive.

27. Iran must ensure greater accountability for the country's security forces.**Interaction with International Human Rights Mechanisms**

28. Iran is party to over 15 international human rights treaties. During its previous UPR, Iran agreed to uphold recommendations from the United States, Chile, Czech Republic and Luxembourg to extend an invitation to UN special procedures mandate holders to visit the country. Despite Iran having issued a standing invitation in 2002 and numerous requests for visits by special rapporteurs in the past few years, none have been able to visit since 2005. Furthermore, none of the recommendations made by rapporteurs who previously visited Iran have been acted upon.
29. CSW particularly notes Iran's continuing failure to address the Special Rapporteur on the situation of human rights in Iran's, request for a country visit. Dr Mohammad Javad Larijani invited UN thematic human rights mechanisms to Iran again following the presentations of the Special Rapporteur's 2012 report, but failed to specify any dates.
30. Given the lack of formal human rights dialogues with other countries, CSW welcomes the recent visit by a delegation of eight members of the European Parliament to meet with senior officials in Iran, where human rights, amongst other issues, were discussed. CSW also welcomes the visits to Iran by parliamentarians from the United Kingdom, including the Chair of the Iran All Party Parliamentary Group.

Recommendations:

31. The Government of Iran should confirm a date for a visit to the country by the Special Rapporteur on the situation of human rights in Iran.
32. The Government of Iran should respond to all requests from Special Procedures.
33. The Government should also act upon recommendations made by previous Special Rapporteurs, and implement recommendations made in recent country reports by the Special Rapporteur on the situation of human rights in Iran.

Right to Freedom of Religion or Belief

34. Despite promises made during President Rouhani's electoral campaign that he would uphold the rights of religious minorities and to release political prisoners, they continue to be targeted under the new regime.
35. There has been longstanding persecution of religious minorities, with a marked increase since 2009. Religious minorities are viewed with suspicion and seen as threatening the Islamic integrity of a theocratic system bent on enforcing a strict version of Shia Islam. Despite Iran being party to various international covenants, which provides for freedom of religion or belief, Christians, Baha'is Sufi Dervishes, and Sunni Muslims have been killed, tortured and imprisoned on account of their faith.
36. Christians live in daily fear of harassment and intimidation from the intelligence services as a campaign of harassment and arrests has continued. House churches are raided; pastors and house church members continue to be arrested in their homes, during services, or at social gatherings, including at a picnic.

CSW – Stakeholder Submission

37. Even government-sanctioned churches have been ordered to end their services. The last Farsi-speaking church in Tehran was forced to close in 2013, after sustained pressure and harassment from local authorities. In December 2013, nine Christians were arrested for celebrating Christmas and New Year in their homes. In January of this year, another Christian was sentenced to one year's imprisonment.
38. In order to justify lengthy sentences, the government is increasingly charging Christians with crimes that are political in nature, and that are generally linked to national security or espionage. The authorities are known to particularly target Christian converts from Islam who are labelled as 'apostates' - meaning those who abandon Islam. In reality they are being imprisoned for exercising the right to adopt a faith of their own choice as outlined in article 18 of the ICCPR, to which Iran is party, which states that "no one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice."
39. Recent arrests have targeted several former Muslims, including Pastor Behnam Irani of the Church of Iran denomination and Assemblies of God Pastors Farshid Fathi and Saeed Abedini who are held in some of the worst prisons in the country.
40. Anyone deemed apostate faces pressure from the state, social pressure and rejection by their families and communities, and live within a real climate of fear. This pressure can include the annulment of marriages, denial of permission to travel, termination of citizenship, confiscation of identity papers, the consequent loss of social and economic rights, house-searches, and cycles of interrogation, arbitrary detention, sustained torture and court action for various supposed crimes.
41. On October 2011, Pastor Yousef Nadarkhani was sentenced to death for apostasy. He was arrested in his home city of Rasht in 2009, soon after questioning the Muslim monopoly of religious instruction for children, which he felt was unconstitutional. On 8 September 2012, and following an international outcry, a court in Rasht acquitted Pastor Nadarkhani of apostasy, but sentenced him to three years for evangelising Muslims. Since he had already spent close to three years in Lakan Prison, the pastor was released after posting bail; however, he was returned to prison on 25 December 2012 on the orders of prison authorities, and then released again on 7 January 2013.

Treatment of Baha'is

42. Iran's policy towards the Bahá'í community could arguably be described as amounting to genocide by attrition. Since the creation of the Islamic republic, approximately 200 Baha'is have been killed and 10,000 dismissed from government and university jobs. The Baha'i faith is not officially recognised and so Baha'is do not have any legal status or identity. They are continually denied due process and other civil and economic and social rights, such as access to further education, which has been in force for over thirty years.
43. The government continues to make extensive use of the mass media and other means to systematically denigrate and vilify the Baha'i. Arrests have also continued. In December 2012, news emerged of the detention of a Baha'i mother and her nine month old baby. Mona Majidi was handed a six-month sentence and is the third Baha'i mother to be detained in Semnan Prison along with her child. It was later reported

CSW – Stakeholder Submission

that the five month old son of one of the mothers, Taraneh Torabi, was suffering from an intestinal infection, while the eleven month son of Zohreh Nikayin had been hospitalised with an ear infection. Both women had been in prison with their children since September 2012, but were released on parole in December 2013. On the morning of 8 January 2013, thirteen teams of security agents are reported to have searched the homes of thirteen Baha'is in the town of Qorveh, in Kurdistan province, seizing religious books and images, mobile phones, cameras, computers and laptops. Also in January 2013, two Baha'i men were arrested and a Baha'i woman was summoned to serve a prison sentence that had been handed down earlier.

44. Seven Baha'i leaders who were arrested in 2008 and each given twenty year jail terms for "forming an illegal cult" in 2010, remain imprisoned. The seven were all members of a national-level ad-hoc group that assisted in meeting the needs of Iran's 300,000-strong Baha'i community. Despite Iran promising to uphold recommendations 50 and 117 in their last UPR, which would ensure a fair and transparent trial for the Bahia leaders, it appears not to have carried out.
45. 2013 witnessed the first religiously-motivated murder of a Baha'i in 15 years, following a speech by Supreme Leader Ayatollah Khamenei a week earlier that had denigrated the community. On 3 February 2014, three members of a well-known Baha'i family sustained knife injuries when they were attacked in their Tehran home by a masked assailant.
46. Following its last UPR, Iran agreed to uphold Recommendation 9, which seeks to "Ensure that its legislation and practice conform fully with requirements of article 18 of the ICCPR and with its other obligations under international human rights law." Other recommendations to which Iran acquiesced include: 48 and 49, which seek to provide freedom of religion and the protection of religious minorities.

Recommendations:

47. Iran must respect its obligations under international law, to ensure the full enjoyment of freedom of religion and belief for all its religious minorities.
48. Iran must ensure that all members of religious minorities detained on account of their faith are released immediately, including those held on false political charges.
49. Iran must end the use of inflammatory hate speech targeting religious minorities and ensure the return of all suspended rights to the Baha'i community in particular.