



JUBILEE CAMPAIGN
ECOSOC Special Consultative Status (2003)

**Submission to the United Nations Human Rights Committee
regarding
Islamic Republic of Iran
for the 129th session
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LIST OF ISSUES PRIOR TO REPORTING**

Submission by
Jubilee Campaign

Jubilee Campaign is a non-governmental organization in consultative status with the Economic and Social Council since 2003. Our work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children - to protect them from bodily harm and sexual exploitation.

I. Introduction

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Islamic Republic of Iran as a contribution to the List of Issues Prior to Reporting to be raised by the Human Rights Committee.

II. International Covenant on Civil and Political Rights

Article 6

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentations.

Article 9

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and accordance with such procedure as are established by law.

Article 18

1. Everyone shall have 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. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary.

III. Freedom of Religion

According to the United States Department of State’s 2018 International Religious Freedom report, the Constitution of Iran establishes in the very beginning that Islam- specifically, Shariah interpretation and application- is the guiding religion of the state and is the foundation for all of the nation’s legislations and regulations, and all citizens’ fundamental economic, social, and political rights are derived from and are “in conformity with Islamic criteria.”¹ The 2012 Penal Code of Iran, while abolishing the provision of the death penalty for the crime of apostasy- religious conversion- that was present in the 1991 Penal Code, does not prevent individual courts from basing their judgements on Shariah law; this has led to the continuation of death sentences being issued as recent as 2010 in the case of Iranian Christian pastor Youcef Nadarkhani.² Nadarkhani was originally charged and sentence to death for converting to Christianity and for conducting house worship in September 2010, but was eventually acquitted of his charges due to the court’s inability to prove that Nadarkhani was a practicing Muslim prior to his conversion- if Nadarkhani was not originally a follower of Islam, he would have adopted Christianity rather than converted to Christianity. Due to the vagueness behind his charges, he was released in 2012, but has since been re-arrested in 2016 and sentenced to 12 years imprisonment for “propagating house churches” and “promoting Zionist Christianity.”³

According to Iranian law, children born to a Muslim father are automatically registered as Muslim.⁴ This law has remained problematic as children born to Christian converts are still registered as Muslim due to their religious ancestry and are not given the chance to change their religion on legal documentation. Pastor Nadarkhani’s children have been affected by Iranian religious laws as well: according to Church in Chains:

“Youcef and Tina’s sons have been denied high school certificates as the state refuses to recognize them as Christians and exempt them from Islamic education. The boys are not recognized as Christians because their parents are converts from Islam, not Christians from ethnic Armenian or Assyrian families, and are considered apostates.”⁵

¹ United States Department of State, *Iran 2018 International Religious Freedom Report*, 21 June 2019, available at: <https://www.state.gov/wp-content/uploads/2019/05/IRAN-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> [accessed 28 May 2020].

² Church in Chains, *Youcef Nadarkhani*, last updated October 2019, available at: <https://www.churchinchains.ie/prisoner-profiles/youcef-nadarkhani/> [accessed 28 May 2020].

³ *ibid.*

⁴ United States Department of State, *Iran 2018 International Religious Freedom Report*, *supra* note 1.

⁵ Church in Chains, *Youcef Nadarkhani*, *supra* note 2.

Only historical Christians such as the Armenian and Assyrian Christians are allowed to establish schools and institutions with Christian-based instruction. Children such as Youcef's sons, because they are not from these historical communities, are still considered Muslim and therefore must attend schools that teach Islamic curriculums according to the regulations posed by the Ministry of Education- all schools, including public and private, must include Shia Islamic instruction in their teachings, and all children attending such schools are required to pass a test on Shia Islamic proficiency in order to enter university.⁶ Therefore, not only are Youcef's kids unable to graduate high school due to their refusal to partake in Islamic education, they are also restricted from applying to higher education.

Similar to non-historic Christian communities, the Baha'i faith is not formally recognized as a legal religion, and they remain heavily persecuted within the social and educational sectors as well.⁷ According to the United States Department of State, Iranian laws restrict Baha'i followers from forming their own religious schools, and they are even expelled from school and prevented from attending college if their religious affiliation is disclosed.

Christians and Baha'i face a heavy load of persecution. In the political sector, as they are not recognized as legal entities by the state, they are barred from holding public office including military and security professions. In social life, Christians and Baha'i practitioners are ostracized by family and consistently face the threat of being turned in to authorities for religious conversion and denomination, forcing them to remain clandestine about their religious affiliation.⁸ Members of both communities are often arbitrarily detained and accused of subversion to the state, and both are subject to violence within the broader Iranian community: according to Open Doors, during the reporting period from November 1 2018 to October 31 2019, 282 Christians were attacked for their religious belief, 194 were arrested, and 23 churches were ambushed.⁹ Both communities experienced an increase in instances of arbitrary detention; whereas many Christians are convicted for religious-based crimes such as evangelism, Baha'i practitioners are targeted as enemies of the state:

“USCIRF documented a particular uptick in the persecution of Baha'is and local government officials who supported them in 2019. Iran's government blamed Baha'is- without evidence- for widespread popular protests, accusing the community of collaboration with Israel, where the Baha'i World Centre is located. Iran's government also continued to promote hatred against Baha'is and other religious minorities on traditional and social media channels.”¹⁰

⁶ United States Department of State, *Iran 2018 International Religious Freedom Report*, *supra* note 1.

⁷ *ibid.*

⁸ Open Doors World Watch Research, *Iran: Country Dossier- February 2020 Update*, available at: <http://opendoorsanalytical.org/wp-content/uploads/2020/01/Iran-WWL-2020-Country-Dossier-February-update.pdf> [accessed 28 May 2020]

⁹ *ibid.*

¹⁰ United States Commission on International Religious Freedom, *Annual Report 2020*, April 2020, available at: https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf [accessed 28 March 2020].

While many Christian detainees are arrested for their supposed proselytism, there was one instance in which an Iranian Christian convert was imprisoned for her participation in a political protest in response to the downing of a Ukrainian passenger flight by Iran's Islamic Revolutionary Guard Corps in January 2020.

IV. Arbitrary Deprivation of Life

Though these reports have not been corroborated, there have been numerous claims that the government of Iran has engaged in extrajudicial killings, notably of political protesters. According to the United States Department of State, Reuters reported in late December 2019 that the ruler of Iran commanded the nation's security forces to take whatever measures necessary to end the days-long protest in response to the rise in fuel prices- Reuters reported that a total of 1500 people traced back to the demonstrations were killed by government security forces; Amnesty International reported a much smaller number of victims- though equally alarming and inhumane- at 304 victims.¹¹

Iranian law permits court judges to issue the death sentence on appealed cases, which discouraged individuals to appeal any charges brought against them, even if they were untrue or unjust. Moreover, Iranian law also permits the execution of juveniles- age 9 for girls and age 13 for boys.¹² According to Amnesty International, in early 2019, multiple teenagers were awaiting execution for crimes they committed before the age of 18: 20-year-old Mohammad Kalhori who was charged with the murder of his schoolteacher when he was 15 years old in 2014, 27-year-old Barzan Nasrollahzadeh who was charged with "enmity against God" at the age of 17 in 2010, and 22-year-old Shayan Saeedpour who was charged with murder during a fight when he was 17 in 2015.¹³ Also in 2019, two 17-year-old boys were clandestinely flogged and executed for their charges of rape- neither their families nor their lawyers were informed of their upcoming execution and were horrified to hear from Iran's Legal Medicine Organization that their sons were dead and that the families needed to claim the bodies.¹⁴ According to the United States Department of State:

"Although the majority of executions during the year were reportedly for murder, the law also provides for the death penalty in cases of conviction for 'attempts against the security of the state,' 'outrage against high-ranking officials, 'moharebeh (which has a variety of broad interpretations, including 'waging war against God') fisad fil-arz (corruption on earth, including apostasy or heresy), rape, adultery, recidivist alcohol use, consensual same-sex sexual conduct, and 'insults against the memory of Imam Khomeini and against the supreme leader of the Islamic Republic.'"¹⁵

¹¹ United States Department of State, *Iran 2019 Human Rights Report*, available at: <https://www.state.gov/wp-content/uploads/2020/03/IRAN-2019-HUMAN-RIGHTS-REPORT.pdf> [accessed 28 May 2020].

¹² United States Department of State, *Iran 2019 Human Rights Report*, *supra note 12*.

¹³ Amnesty International, "Iran: Stop imminent execution of three prisoners arrested as teenagers", 22 February 2019, available at: <https://www.amnesty.org/en/latest/news/2019/02/iran-stop-imminent-execution-of-three-prisoners-arrested-as-teenagers/>

¹⁴ Amnesty International, "Iran: Two 17-year-old boys flogged and secretly executed in abhorrent violation of international law", 29 April 2019, available at: <https://www.amnesty.org/en/latest/news/2019/04/iran-two-17yearold-boys-flogged-and-secretly-executed-in-abhorrent-violation-of-international-law/>

¹⁵ United States Department of State, *Iran 2019 Human Rights Report*, *supra note 12*.

It is also important to mention that in addition to the security forces, terrorist groups also regularly engage in arbitrary killings; in February 2019, a suicide bomber from Jaish al-Adl launched his attack on a bus filled with IRGC members, killing 27 individuals and injuring 13.

V. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 38 of the Constitution of Iran states that “all forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.” Despite such provision, multiple reports have revealed that during pretrial detention, physical and mental torture has been employed as a tool to extract confessions of guilt, and that such torture extends to the time period spent in prison throughout the sentences.¹⁶ According to the United States Department of State:

“Commonly reported methods of torture and abuse in prisons included threats of execution or rape, forced tests of virginity and ‘sodomy,’ sleep deprivation, electroshock, including the shocking of genitals, burnings, the use of pressure positions, and severe repeated beatings.”

Other forms of torture occurred, including what the government refers to as ‘corporal punishment’ in the form of blinding, stoning, flogging, and amputation; in one incident a man who was convicted of theft had his hand amputated as punishment, and another man was flogged 100 times for consuming alcohol and “insulting Islamic sanctities.”¹⁷

In 2018, workers’ rights advocate Esmail Bakhshi and human rights journalist Sepideh Gholian were tortured and coerced into making confessions by the Intelligence Ministry. Since their release in December of the same year, Bakhshi has taken to social media to detail the severe torture he experienced during his days in custody of the Intelligence Ministry, stating “they tortured me and beat me with their fists and kicked me until I was going to die. They beat me so much I couldn’t move in my cell for 72 hours...I turned into a washed-up rat. My hands are still trembling. I still get severe panic attacks.”¹⁸

VI. Women’s Rights

Women and Iran face institutionalized discrimination in many sectors, in particular criminal procedures: the Penal Code of Iran stipulates that the age of criminal responsibility- the age at which an individual can be formally tried and charged as an adult- corresponds to the age of puberty, meaning that girls as young as nine years old can face criminal punishment, whereas the age of criminal responsibility is fifteen.¹⁹ Moreover, the Penal Code includes another problematic

¹⁶ United States Department of State, *Iran 2019 Human Rights Report*, *supra* note 12.

¹⁷ *ibid.*

¹⁸ *ibid.*

¹⁹ Ceasefire Center for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International, *Beyond the Veil: Discrimination against women in Iran*, September 2019, available at: https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf [accessed 1 June 2020].

provision that inherently discriminates against women²⁰- if a man witnesses his wife engaging in consensual adultery, he does not face criminal prosecution if he injures or kills his wife; moreover fathers and grandfathers are also granted some immunity in the Penal Code in the case that they kill daughters.

“It should be mentioned that *qisas* [retaliation for acts] is also applied discriminatorily according to religious identity: if a Muslim or member of a recognized minority religion (Christianity, Judaism or Zoroastrianism) kills a follower of an unrecognized religion, the family of the victim is not entitled to *qisas*.²¹

Moreover, throughout criminal procedure, women’s testimonies are valued less than a man’s testimony, and according to legal stipulations placed in Iran’s Civil Procedure Law, “a women’s testimony is often required to be supported by a man’s testimony in order to be considered.”²²

Throughout 2019, and as has occurred several times in past years, women activists continued to be targeted for their refusal to wear a hijab, as they are repeatedly detained for their women’s rights activism- the State Department reveals that these activists also face unjust travel bans, passport revocation, and interference in women’s meetings.²³ In addition, family members of these identified female activists, and even individuals who have offered legal counsel to these activists have also been arrested and even been subjected to lashes as a form of punishment. Women activists that have been detained have reported that they were never granted access to legal counsel, despite that such right is granted in Article 48 of the Criminal Procedure Law.²⁴

“Most women political prisoners are kept in a dedicated section of the women’s ward in Evin Prison in Tehran. This includes women who have been sentenced for activities such as criticizing the government on social media, speaking out on human rights issues or practising a non-recognized faith. Although conditions in Evin are likely better than in prisons outside the capital, the women’s ward is known to be cramped, dirty and lacking in natural light and proper medical supplies, in violation of international standards.”²⁵

In January 2020, 21-year-old Iranian Christian convert Mary Mohammadi was detained in Tehran for her participation in a protest following Iran’s Revolutionary Guard Corps ’downing of a Ukrainian passenger flight. Mary was arrested during such protest for “disrupting public order by participating in an illegal gathering,”²⁶ and was sentenced in April to three months in prison and ten lashes- Mary noted that during her court hearing she was repeatedly interrogated by the judge regarding her religious affiliation, despite its having no relation to her charges. Prior to her trial, Mary states that police repeatedly physically assaulted her while in custody, strip searched, and

²⁰ *ibid.*

²¹ *ibid.*

²² *ibid.*

²³ United States Department of State, *Iran 2019 Human Rights Report*, *supra* note 12.

²⁴ Ceasefire Center for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International, *Beyond the Veil: Discrimination against women in Iran*, *supra* note 20.

²⁵ *ibid.*

²⁶ Church in Chains, “IRAN: Mary Mohammadi released on bail but hearing postponed”, last updated 3 March 2020, available at: <https://www.churchinchains.ie/news-by-country/middle-east/iran/iran-mary-mohammadi-released-on-bail-but-hearing-postponed/> [accessed 28 March 2020].

starved her. Mary was officially sentenced to three months of imprisonment and ten lashes, and she is currently located at Qarchak Prison, another prison whose notoriety for the human rights abuses that occur within its walls is similar to Evin Prison. It has been reported that Mary experiences severe blood clots and seizures, but has repeatedly been denied medical treatment; in one instance, her hunger strike forced the prison authorities to send her to a hospital for treatment, but after receiving a hysterectomy, the authorities swiftly ushered her back to Qarchak Prison despite medical practitioners' advice that her recovery period should have been spent in the hospital under constant care and supervision.²⁷

In addition to facing discrimination in treatment throughout criminal procedures, women also face heavy restrictions on political participation. Women are not permitted to run for president, and in 2019, each of the 137 who registered as candidates for the race were immediately disqualified by the Guardian Council.²⁸ Moreover, despite that women are legally allowed to run for Parliament, they face similar disapproval from the Guardian Council, though the Council does not have the authority to reject them- the last elections ended in the election of 18 women to Parliament; though this may seem a small number when considering the thousands that register as candidates in past elections, this is the highest number of women represented in Iran's Parliament to date.²⁹ The obstacles that women face in running for political positions include: that they have to "go up against the objections of religious leaders, many of whom hold interpretations of scripture that inhibit women from serving in public functions, and family disapproval."³⁰

VII. Gender Violence

According to Center for Human Rights Iran³¹, multiple forms of gender violence and discrimination exist in Iran: assaults and acid attacks against women activists, child marriage [20% of girls younger than 18 years old], and domestic violence. In a survey conducted in 2004 by the Women's Centre for Presidential Advisory, the Interior Ministry and the Ministry of Higher Education- the most recent and most comprehensive report on violence against women to date- reveals that 66 per cent of women surveyed reported being the victims of violence during their first years of marriage, that about 5 per cent faced domestic violence that placed them in near-death situations, and that about 10 per cent hoped that their husbands would die so that they can be free of domestic abuse; interestingly, the 32 books in which the survey and reports were included have since disappeared from the Ministries.³² Domestic violence in Iran goes unpunished, as there are no laws that criminalize such acts of violence; moreover, spousal rape also is not penalized according to Iranian legislation.

²⁷ Ceasefire Center for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International, *Beyond the Veil: Discrimination against women in Iran*, *supra* note 20.

²⁸ United States Department of State, *Iran 2019 Human Rights Report*, *supra* note 12.

²⁹ *ibid.*

³⁰ *ibid.*

³¹ Center for Human Rights in Iran, "Stop Violence Against Women", 25 November 2019, available at: <https://iranhumanrights.org/2019/11/stop-violence-against-women/>

³² Ceasefire Center for Civilian Rights, Centre for Supporters of Human Rights and Minority Rights Group International, *Beyond the Veil: Discrimination against women in Iran*, *supra* note 20.

Female genital mutilation and cutting in Iran still occurs in the highest proportions in five provinces- Kurdistan, Hormozgan, Western Azerbaijan, Kermanshah, and Lorsetan- and usually despite Iranian legislation strictly criminalizing it. Female genital mutilation is performed outside of medical facilities and in informal methods, with little resistance or condemnation from the Iranian government, according to an Iranian rights activist.³³

³³ *ibid.*