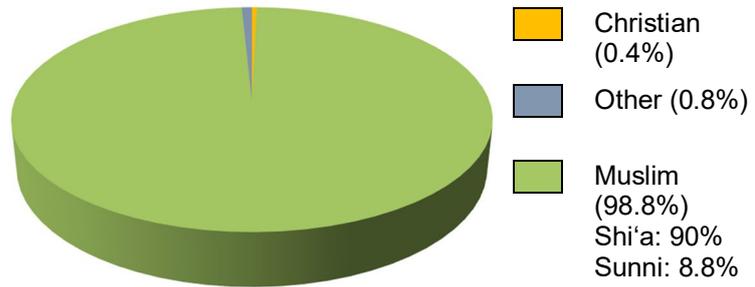


IRAN



Area: 1.65 million km ²	Population¹: 81.8 million	Political system: Autocracy ²	Major Language(s): Persian ³
--	--	--	---

Legal framework on freedom of religion and actual application

Iran is a constitutional, theocratic republic established as such by the Islamic revolution of 1979 when the Persian Shah was toppled. The constitution states that the Islamic school of Ja'fari Shi'ism is the official religion of the country. It recognises Christians, Jews, and Zoroastrians as protected religious minorities with the ability to worship freely and form religious societies. Two seats in the parliament are reserved for Armenian Christians – the majority of the country's Christians are ethnic Armenians – and one each for Assyrian Christians, Jews and Zoroastrians.⁴ The Catholic Church in Iran is present with six dioceses – Awhaz (Chaldean), Ispahan (Armenian), Ispahan (Latin), Salmas, Teheran, Urmya (all Chaldean).

The state is subordinate to the authority of the Shi'a clergy, who rule through the Rahbar, the religious leader nominated for life by the Assembly of Experts – 86 theologians elected by the people for a term of eight years. The Rahbar, or Grand Ayatollah, presides over the Council of Guardians of the Constitution consisting of 12 members of which six are appointed by him and six by the judiciary authority. This council exercises control over the laws and governing bodies of the State, including the President of the Republic, who is elected by direct suffrage for a four-year term and can only serve for a maximum of two consecutive and one non-consecutive four year term.

The primacy of Islam affects every sector of society. Non-Muslims are excluded from senior political or military positions and in addition may not serve in the judiciary, security services, or as public school principals. In Iran, one of the principal obstacles to full religious freedom is "apostasy". Conversion from Islam to another religion is not explicitly banned in the constitution but it is difficult because of the powerful Islamic traditions within the country and the legal order founded on Islamic law. For all cases not mentioned explicitly within the constitution, the judges have the option, under article 167, to refer *Qur'anic* laws. The sentencing of cases of apostasy – including death sentences – falls within this legislative technicality.

The government enforces gender segregation throughout the country. Women of all religious groups are expected to adhere to "Islamic dress" in public including covering their hair.⁵

Incidents

According to a report by the UN's Human Rights Council, Iranian Christians of Muslim background continue to face arbitrary arrest, harassment and detention. A common accusation against these individuals is action or propaganda against the State.⁶ They also risk being prosecuted for the crime of apostasy. The annual report of the U.S. Commission on International Religious Freedom (USCIRF) states numerous incidents of Iranian authorities raiding church services in 2015. Church members were threatened, arrested and imprisoned, particularly Evangelical Christian converts.

As of February 2016, about 90 Christians were either in prison, detained, or awaiting trial because of their religious beliefs and activities. Iranian human rights groups reported a significant increase of violence against Christians in prison.⁷ Pastor Behnam Irani, a former Muslim and now pastor of an evangelical church, has been held in an Iranian prison since 2011. He was originally sentenced to six years in prison for reportedly forming an evangelical congregation in the city of Karaj. In September 2014, Irani was sentenced to serve an additional six years in prison after being convicted of committing crimes against Iranian national security.

Another prominent Christian pastor, Saeed Abedini, was released in January 2016 after more than three years in jail. The pastor was exchanged as part of a prisoner swap between the U.S. and Iran. According to Christian rights activists, another evangelical pastor, Yousef Nadarkhani, was detained again in May 2016 together with his wife and another church member. Pastor Farshid Fathi, who has been imprisoned in Iran since 2010 because of his Christian faith, has been given an early release in December 2015. He had previously expected to remain in prison until December 2017.⁸

One positive development is that Iran offered entry to Iraqi Christians persecuted by the terror group "Islamic State" in August 2014. Also in 2014, Shi'a scholars for the first time translated the Catholic catechism into Farsi, which observers saw as a positive sign since the Churches have been forbidden to use the Persian language for fear of proselytism.

Adherents of the Baha'i faith reportedly continue to face systematic discrimination, harassment, and targeting. In January 2016, 24 Baha'i were sentenced to a total of 193 years of prison in connection with the exercise of their faith. As of December 2015, at least 80 members of the Baha'i community were reportedly detained for religious reasons.⁹ In addition, according to reports, the economic pressure on Baha'is in Iran has grown considerably. In the past few months, the Chamber of Commerce of Sari regularly shut down Baha'i-owned businesses. In several cases, the reason given for this action was that they had closed in observance of a Baha'i religious holiday.¹⁰

Authorities prevent Sunni Muslims from constructing mosques in Tehran and conducting separate Eid prayers. In July 2016 municipal employees destroyed a Sunni prayer hall in Tehran allegedly for functioning without the required permits. The government continued to target members of Sufi mystical orders.¹¹

There was little government restriction of, or interference with, Jewish religious practice. The government, however, continued to employ anti-Semitic and anti-Israel propaganda in official statements and media outlets.¹²

Shi'a religious leaders, who did not fully support government policies or the supreme leader's views, also faced intimidation and arrest. Dissident Shi'a cleric Ayatollah Hossein Kazemini Boroujerdi, serving an 11-year sentence on unspecified charges, was reportedly tortured and denied access to medication for health problems. In October 2015 he was reportedly moved into solitary confinement.¹³

Prospects for religious freedom

The victory of Hassan Rouhani in the Presidential elections in June 2013 brought a slight improvement regarding the respect of some civil rights. Iran appeared on place 169 of the 2016 World Press Freedom Index, an improvement of four places compared to the Index of 2015. But overall, Rouhani has failed on his promise to improve the climate for religious freedom, particularly for religious minority communities.

Religious freedom conditions continued to deteriorate, especially for Baha'is, Christian converts, and Sunni Muslims. Since 2013 the number of members of religious minorities imprisoned has increased. Despite some positive amendments in 2013, the Islamic Penal Code continues to justify serious human rights violations. Given the theocratic character of the State that links religion and politics, fundamental improvements cannot be expected as long as the current system is in place.

¹ <https://www.cia.gov/library/publications/the-world-factbook/geos/ir.html> CIA, July 2015

² https://en.wikipedia.org/wiki/Democracy_Index, cf. <http://www.bbc.com/news/world-middle-east-14541327>: The Supreme Leader - the highest power in the land - appoints the heads of the judiciary, military and media. He also confirms the election of the president.

³ Spoken: Persian Azerbaijani Kurdish Lurish Semnani Gilaki Mazandarani Tati Turkmen Arabic Baloch Talysh Georgian Armenian Neo-Aramaic

⁴ http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_Iran.pdf

⁵ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238454>

⁶ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-69_en.doc

⁷ http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_Iran.pdf

⁸ http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_Iran.pdf

⁹ http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A-HRC-31-69_en.doc

¹⁰ http://www.uscirf.gov/sites/default/files/USCIRF_AR_2016_Tier1_Iran.pdf

¹¹ <https://www.hrw.org/world-report/2016/country-chapters/iran>

¹² <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238454>

¹³ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238454>