



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Jubilee Campaign, a non- governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **Arbitrary detentions in the Islamic Republic of Iran**

With this submission, Jubilee Campaign seeks to elucidate the concerning situation regarding human rights and freedoms that is occurring in the Islamic Republic of Iran.

### **Limits to freedoms of speech and Assembly**

In the Islamic Republic of Iran, the basic human rights to free speech and free assembly have been encroached upon and violated at the hands of the government, especially towards protesters and critics of the government's economic policies. In late December 2017 alone, when protests grew more common, the officials arrested approximately 7 000 protesters, most of which came from a few select groups: college students, journalists, lawyers, and activists. Iranian police arrested Sina Ghanbari, a youth, he died in incarceration under unclear circumstances, although the government of Iran claims his death was by suicide. The death of Ghanbari was not an anomaly, of the thousands that were arrested for their involvement in the economic protests of late 2017 to early 2018, another eight died while in prison, with details of their stories missing just like Ghanbari's.

Those that are not arrested are harassed by government officials during the protests with live ammunition, tear gas, water cannons, and flogging.

### **Persecution and arbitrary arrests of Iranian Christians and religious Minorities**

The Bahai population in Iran is estimated to more than 300,000. Individuals of the Baha'i faith are consistently targeted for arbitrary arrests, and for those that remain in free society, facing discrimination when applying to jobs and schools is one of the most pertinent forms of persecution. This discrimination is not only permitted, but is also promoted by the government of Iran, which routinely broadcasts and distributes anti-Baha'i propaganda. When the Baha'i individuals themselves are not targeted, such targeted persecution occurs in the form of arson of Baha'i owned buildings, homes, stores, and cemeteries.

While Judaism, Christianity, and Zoroastrianism are protected to a small extent under Iranian law, Iranian Christians, of which many are converts from Islam, are not protected at all. They suffer immensely, since Christians from a Muslim background are not recognized by the government and face reprisals when their conversion is found out.

World Watch Report 2019 reveals that in 2017, 72 Christians were attacked and 69 were arrested. The following year in 2018, 104 Christians were attacked and 67 were arrested. Iranian Christians who convert from Islam face the greatest discrimination and are repeatedly detained for crimes against "national security." Article Eighteen, a non-governmental organization, estimates there are nearly one million converts to Christianity in Iran (Islamic Republic of). Since the state is governed by Islamic laws, the majority of Christian activity is strictly illegal, and the converts are accused of committing apostasy. Few of the Iranian Christians that are arrested are eventually released, and those that are released pay a very large sum of money for bail, sometimes even selling their homes and businesses to do so, leaving them in an even more precarious situation.

The government of the Islamic Republic of Iran are using "national security" as a reason to hinder peaceful religious practice in contravention of international standards. Article 18 of the Universal Declaration of Human Rights is non-derogable right and limitations can only be invoked in regard to the manifestation of one's beliefs. According to the United Nations Special Rapporteur on religious freedom Ahmed Shaheed, "There can be no limitation on a person's rights change, adopt, have or indeed not have a religion or belief (forum internum)". Even when limited, the cases of permissible limitation on the public manifestations of one's religion must meet a strict three-part test. The limitation must: a) "be clearly defined in law", b) "serve a legitimate aim in a democratic society", c) "be proportional to the harm that it seeks to prevent."

### **Ways in which the Islamic Republic of Iran contravenes this:**

#### *Clearly defined in law*

Though apostasy is illegal in the Islamic Republic of Iran it is not mentioned in the criminal code. Instead it is enforceable by domestic courts under shari'a law, which applies to Muslims, making it impossible for a Muslim to change belief or to not believe legally. The right to change one's religion or belief is non-derogable and therefore cannot be drafted out by law. The actions therefore by the Islamic Republic of Iran are unlawful.

#### *Serve a legitimate aim in a democratic society*

The government of the Islamic Republic of Iran has arrested Christians and Bahai under the pretext of "national security," this charge is used more often than explicitly saying apostasy. The fact that the majority of these cases are concluded without the right to due process, call the "national security" interest into question. Another allegation placed on religious minorities for their practice of religious faith is that they are, "spreading propaganda against the regime." The Working Group on Arbitrary detention has already voiced their concerns regarding such general charges, calling them:

"vague and overly broad that they could, as in the present case, result in penalties being imposed on individuals who have merely exercised their rights under international law."<sup>1</sup>

The Working Group on Arbitrary Detention further adds that the determination of what constitutes an offence under these provisions, "appears to be left entirely to the discretion of the authorities."

In November 2018 two Christian converts, Behnam Ersali and Davood Rasooli were scheduled to meet in Mashhad. Six plain-clothes officers entered the home where Ersali was staying without legal permission and arrested him along with another person who was later released. Two plain clothed police arrested Davood Rasooli the same day at 6:00 AM in the morning. They were both taken to unknown locations. These type of arrests for religious practice are ubiquitous in Iran.<sup>2</sup>

#### *Be proportional to the harm that it seeks to prevent*

This point is difficult to fulfil when the "harm it seeks to prevent" is framed in the Islamic Penal Code of Iran in "vague" terms, as found by the Working Group on Arbitrary Detention. Where the "harm" is not specified it is impossible to deduce its proportionality.

### **Women in society**

The discrimination against women that occurs in Iran is deeply encoded within customary laws and the judicial system, especially in such areas as marriage and divorce, as well as child custody. Women's ability to travel, find a job, purchase a home, and attend events are strictly monitored in accordance to their relationship with their husbands. Other things such as school subjects and clothing leave no room for choice either, as the government regulates these areas as well.

Beyond lacking self-determination within the realm of personal livelihoods, women also face restrictions within the political sector, albeit more covertly. A woman may choose to run for parliament or president as she chooses; however, the strictly-male Guardian Council rejects female candidates with little negotiation.

While historically, many women have stood silently while suffering such institutional discrimination, since 2017, a few notable women's freedom activists have made public

<sup>1</sup> A/HRC/WGAD/2018/83, para. 58.

<sup>2</sup> "Arrest of Converts Shows Close Surveillance of Christians in Iran, Advocate Says." *Morningstar News*, 26 Nov. 2018, <[morningstarnews.org/2018/11/arrest-of-converts-shows-close-surveillance-of-christians-in-iran-advocate-says/](http://morningstarnews.org/2018/11/arrest-of-converts-shows-close-surveillance-of-christians-in-iran-advocate-says/)>[accessed 22 August 2019].

statements of protest regarding their treatment in Iran. For example, in late 2017, one woman, Vida Movahedi, waved a white flag in the streets of Tehran while refusing to wear the mandatory headscarf. And while she was arrested shortly after, she sparked a new movement among the women of Iran, and by the end of 2018, almost 115 women's rights activists in Iran were widely known for their arrest on charges similar to Movahedi's. Nasrin Sotoudeh, an Iranian human rights lawyer, who represented many of the women arrested for refusing to wear a headscarf was arrested in June 2018 and was only in, March 2019, handed a new sentence of 38 years in prison and 148 lashes, according to her husband. She, similarly to the religious minority cases, was found guilty of vague charges, of "spreading propaganda" and "insulting Iran's supreme leader."

### **Recommendations to the government of Iran:**

We urge Human Rights Council to call on the Islamic Republic of Iran to take the following measures:

- Recognize the plight of all Iranian citizens, including but not limited to: activists, women, religious minorities such as individuals of the Baha'i or Christian faith.
- Guarantee equal social, economic, political, civil, and educational rights to all individuals, including women and minorities.
- End all arbitrary detainment and arrests of religious minorities for practicing their faith.
- Ensure due process for those arrested.
- Remove the vague terminology of the Islamic Penal Code in regards to articles 524, 554 and 610 of the Islamic Penal Code as suggest by the Working Group on Arbitrary Detention.
- Restructure or eliminate Iran's apostasy laws from domestic courts or any court in consideration of the validity of all religions and in the name of international religious freedom and right of each individual to choose belief.
- Promote equality in marriage.
- End all government involvement in economic protests, with the exception that the protests become violent and require intervention to prevent injury and/or disorderly conduct.