

Major & Co Solicitors
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Legal Framework

The constitution of the Islamic Republic of Iran does not fully protect rights of religious minorities including Christians who belong to non-Eastern Orthodox denominations such as Protestants and Catholics.

The judicial system according to Article 4 of the constitution is based on Islamic principles and in those areas which are not covered by post revolutionary legislation, judges should act on the basis of their own knowledge of Islamic law. This has resulted in misinterpretation of the constitution and misapplication of both national and international legislation; for example although Article 26 allows Christians to form gatherings and associations, associations of Christians for prayer and Bible study which are labelled by the government as house churches have been criminalised by reference to the recent Islamic Penal Code and attendees of opposite sex have wrongfully been convicted of having inappropriate relationships with each other. Some judges have wrongfully referred to Protestant Christians as Zionist Christians and attendance at Christian conferences outside the country or having relationship with overseas Christian ministries have also been criminalised and judges have sentenced Christians on charges of actions against national security from 1 to 8 years of imprisonment such as Farshid Fathi who has been sentenced to six years of imprisonment and is currently serving his sentence; even sharing one's belief which is protected by Article 13 has been criminalised by the Judiciary. Article 13 also allows Christians of any denomination to act in accordance with their religion in personal and religious matters which is partly defined in Article 12 ; however, drinking wine at the Holy Communion has been criminalised. The government officials have not allowed Christians who have converted from Islam to Christianity as permitted by Article 18 of the International convention on political and economic rights, to register their marriage in accordance with Christian ceremonies and have in cases forced them to conduct Islamic funeral services for their Christian family members, this is against Article 13. The authorities have wrongfully confiscated properties belonging to christians including their Bible. They have restricted attendance of church services to Christian members only and have been monitoring them closely. Many Christians over the past few years have been arrested and harassed by the Intelligence Service and the police on Christmas day; this shows failure to respect one of the most popular and respected Christian ceremonies. The increasing public speeches made by the authorities against Christians in media will increase public hatred and estrangement towards Christians and is against Article 14 of the Constitution.

I propose that the government of Iran should draft and implement a bill which would set out in detail rights of Christians of all denominations and members of other religious minorities in accordance with the international convention on human rights and the International Convention on Political and Economic Rights; it should also draft a protocol for public authorities such as officers of the Intelligence Service as well as any Media organisation, the police, members of the judiciary to ensure that members of religious minorities and those who have converted from Islam are treated with respect, are not punished for their faith or actions related to their faith and are not discriminated against by the authorities as well as by members of the public. It should put in place punitive measures and effective complaint system for any form of abuse of these rights; it should recognise all religious minorities including Christians of all denominations and require the judiciary to reconsider the sentences which have been wrongfully made as explained earlier. It should also facilitate newly formed churches to obtain licence to run services from church buildings and should also allow them to publish the Bible in Farsi approved by Farsi speaking Christian theologians.

As Iran is taking positive steps towards complying with its international obligations it is time for

Iran to not only commit verbally to its International Human Rights obligations but also to take legal measures to implement these commitments and actively guarantee and protect rights of religious minorities in Iran and providing equal platform for members of any recognised religion in matters such as practising one's faith, sharing the faith with others, employment, freedom, access to justice, education, other civil matter