



**Submission for the Report to the General Assembly on Eliminating
Intolerance and Discrimination Based on Religion or Belief and the Achievement of
Sustainable Development Goal 16 (SDG 16)**

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Submitted by:

Open Doors International is a non-governmental organisation that supports communities of Christians in more than 60 countries, where their fundamental rights are violated because of their faith.

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1. Minority faith adherents face discrimination, persecution and violence in too many places in the world. Whether coming directly from the state or from state's inability or unwillingness to prevent violations of fundamental rights, states have a primary duty and responsibility to protect individuals with no distinction of any kind, including religion or belief. If UN member states strive to achieve SDG 16, ensuring the elimination of all forms of intolerance and discrimination based on religion or belief should be a priority on their and the United Nations' agenda.
2. The following is a non-exhaustive list of examples of policies and practices that, according to our research, cause and foster discrimination and violence against minority religions. Our research focuses on Christian communities affected by violations of fundamental rights due to their faith, however most of the laws and practices in this submission largely affect other minority religions existing in the countries mentioned.

Constitutional provisions discriminating based on religion or belief

3. Discrimination based on religion or belief can derive directly from constitutional provisions: constitutions may recognise rights only for selected religious groups, for the majority religion, or only for those religious groups that were granted official registration. States that are signatory to the International Covenant on Civil and Political Rights (ICCPR) should model their constitutional provisions on FoRB on art. 18 of the Covenant and ensure that the two do not conflict.
4. Article 13 of the **Iranian Constitution** states that "*Zoroastrian, Jewish, and Christian Iranians are considered the only recognized religious minorities. They may exercise their religious ceremonies within the limits of the law. They are free to exercise matters of personal status and religious*

*education and they follow their own rituals.*¹ The Iranian Government interprets these three recognized minorities to refer only to historical ethnic communities in Iran – such as the Assyrian and Armenian Christian communities – which can exist because they constitute a historical heritage for the nation. All other religious minorities remain unrecognized by law and are afforded no rights under the Constitution.

Civil rights violations

5. Discrimination against minority faith adherents can be so entrenched in a country's legal system and societal practices that it highly affects one's public and private life. In **Egypt**, ID cards are essential to access post-secondary education, obtain a job, travel and vote, among other things. The law requires religious affiliation on the cards, which applicants choose from one of the "heavenly religions" (Islam, Christianity and Judaism). Choosing no religious affiliation is not an option, therefore faith adherents from other religions are forced to pick one of the three listed religions or have no ID card. For any individual who wishes to change their religious affiliation from "Muslim" to another, it is practically impossible to ensure that change on their identification document. Despite being permitted by the Civil Status Law, government officials in the Civil Status Department regularly refuse Egyptian citizens the option of changing their religious affiliation from Islam because they believe that Sharia prohibits apostasy.² On the other hand, changing religious affiliation to Islam is reportedly very easy.³
6. In **Iran**, being a non-Muslim brings an unlimited number of limitations and unfair discrimination to one's private and public life. Systemic discrimination and restrictions occur in marriage matters – a Muslim woman is not allowed to marry a non-Muslim man;⁴ and inheritance – a non-Muslim cannot inherit from a Muslim.⁵ Access to higher education and employment is also restricted for minority faith adherents – especially concerning jobs in the public sector.

Blasphemy and apostasy laws

7. Evidence shows that blasphemy laws, especially when prescribing punishments for offenses against one specific religion, are often used indiscriminately against minority faith adherents and can be an instrument used to silence any critique of the majority religion.
8. Article 98(f) of the **Egyptian Penal Code** criminalizes the propagation of "*extremist thoughts with the aim of instigating sedition and division or disdain and contempt any of the heavenly religions*" and "*prejudicing national unity or social peace*". Under this law, blasphemy charges are common against religious minorities, and they are often used as a pretext for mobilization and attacks against minority faith communities. For example, a Coptic Christian was sentenced to three years of prison for a "blasphemous" Facebook post, and a Coptic teacher was charged with blasphemy for assigning students a set of questions about Mohammed at school.⁶ Although the Egyptian blasphemy

¹ "Constitution of the Islamic Republic of Iran", Art. 1, 13, December 1979.

² "Justice Denied, Promises Broken: The Situation of Egypt's Minorities Since 2014", Minority Rights Group International, January 2019, pp. 9-10. Available at: https://minorityrights.org/wp-content/uploads/2019/01/MRG_Rep_Egypt_EN_Jan19.pdf.

³ "Prohibited Identities: State Interference with Religious Freedom", *Human Rights Watch*, November 2007, pp. 1-9. Available at: <https://www.hrw.org/report/2007/11/11/prohibited-identities/state-interference-religious-freedom>.

⁴ "The Civil Code of the Islamic Republic of Iran", Art. 1059.

⁵ *Ibid.*, Art. 881 bis.

⁶ See "<https://www.worldwatchmonitor.org/2018/12/%C2%AD%C2%AD%C2%ADegypt-copt-sentenced-to-three-years-in-prison-for-blasphemous-facebook-post/>", and "<https://www.worldwatchmonitor.org/2018/03/coptic-teacher-charged-with-contempt-of-religion-for-questions-about-muhammad/>".

law requires the accused manifest a specific intent to blaspheme, which is uncommon in existing blasphemy laws in other countries, its scope is to protect religions and is thus contrary to international religious freedom standards which protect the rights of the individual. Article 176 of the Penal Code addresses incendiary speech and incitement to religious hatred and violence, thus making article 98(f) unnecessary in its current form and in any other revised forms.

9. In **Sudan**, the new transitional Government has repeatedly committed itself to the promotion of freedom of religion or belief, however the continued existence of provisions such as article 125 (blasphemy law) and article 126 (apostasy law) of the 1991 Penal Code, annul the very existence of protection of the right to freedom of religion or belief in practice.⁷
10. In **Iran**, minority faith adherents are charged and prosecuted on the basis of article 220 of the Iranian Penal Code and article 167 of the Constitution. These sections require judges to rely on non-codified law – namely authoritative Islamic sources and *fatwas* – to convict and sentence individuals to crimes and punishments not codified by the existing law.⁸ The Iranian Supreme Court relies on Sharia and a *fatwa* issued by the Ayatollah Khomeini to consider apostasy as a criminal offence.⁹

Anti-conversion laws

11. In **India** anti-conversion laws currently exist in eight states: Odisha (1967), Madhya Pradesh (1968), Arunachal Pradesh (1978), Chhattisgarh (2000), Gujarat (2003), Himachal Pradesh (2006), Jharkhand (2017) and Uttarakhand (2018).¹⁰ The laws contribute to the corrosion of the right to FoRB because of their extensive misuse, vague terms, and lack of clarity in proper enforcement. The alleged purpose of the laws is to prohibit conversions by force, fraud or inducement, but the effect is that civilians and police officers often misuse the laws and use them to restrict the religious freedom of individuals from minority religions, especially Christians and Muslims. Law enforcement officers are regularly misinterpreting anti-conversion laws and sections of the Indian Penal Code, such as sections 153A and 295A, often arresting or charging non-Hindu faith adherents for conducting constitutionally protected religious ceremonies. Common prayer meetings and religious ceremonies are disrupted under the premises of being conversion ceremonies for non-Hindus, and faith leaders are arrested and charged for engaging in conversion activities even in states where there are no anti-conversion laws, by simply appealing to specific sections of the Penal Code to support their charges.¹¹ These laws are applied discriminatorily against minorities while often not applied to conversion activities of the majority, for example of Hindu groups seeking to convert individuals to Hinduism through ceremonies often involving coercion.

⁷ In particular, Article 126 of the 1991 Penal Code prescribes death penalty to whoever converts from Islam to another religion or no religion, unless they “repent” within a period decided by the court. See Art. 126, *Sudan Criminal Act 1991*.

⁸ See <https://www.hrw.org/news/2011/09/30/iran-christian-pastor-faces-execution-apostasy>.

⁹ “Codifying Repression: an Assessment of Iran’s New Penal Code”, *Human Rights Watch*, August 2012, pp. 31-35.

Available at: https://www.hrw.org/sites/default/files/reports/iran0812webwcover_0.pdf.

¹⁰ The anti-conversion law in Arunachal Pradesh is not fully implemented due to a lack of subsidiary rules; and In Rajasthan the State’s Parliament passed an Anti-conversion law in 2006, but the State’s governor never signed off the legislation, and as of today the law is not enforced in this state. If implemented, the law would be one of the most problematic because it expressly exempts “reconversion” to Hinduism. See “State anti-conversion Laws in India”, *Library of Congress*, available at: <https://www.loc.gov/law/help/anti-conversion-laws/india.php>.

¹¹ For instance, a Pastor in Uttar Pradesh was beaten up by Hindu nationalists and then arrested by the police and charged under Section 151 of the Penal Code. Uttar Pradesh does not have an Anti-conversion law in force, but still minority religions followers can be accused and mistreated for ‘illegally’ converting others. See:

<https://www.worldwatchmonitor.org/coe/indian-pastor-beaten-up-then-detained-after-11-hindus-convert-to-christianity/>.

Registration laws

12. In **Egypt**, the Church Construction and Renovation Law (Law 80/2016) doesn't give any right of appeal to the local governor's decisions on licenses and permits. Additionally, the law gives to security agencies (namely the National Security Agency, General Intelligence Service, and the Administrative Control Authority) a role in the registration approval process that is non-existent in the approval of mosques, which shows that church matters are treated as a national security issue. The law also requires that a church should be proportional to the size and needs of its community – without specifying the meaning of “proportional” and “needs” – while no such requirement is needed for the construction of mosques.¹²

Customary practices

13. In **Egypt**, episodes of sectarian disputes and violence – including violence against churches; alleged defamation of Islam, amongst others – are usually settled through a mechanism of extralegal binding arbitration called customary reconciliation councils. The councils, some fixed by local authorities and others called in a more ad hoc manner, are often comprised of local prominent families and public officials, including at times security officials. Inherited norms rather than codified law govern the councils' proceedings. In case of sectarian dispute or violence it is common for the police not to arrest suspects, and if they are arrested, they are often released by the public prosecutor in favor of participation in the customary reconciliation councils. Even when someone is murdered, the cases remain outside the judicial system and the councils' decisions binding without a right of appeal. The majority faith community often imposes its own terms and coerces the minority participant to relinquish its rights, regardless of whether the participant is the victim. Historically, the prosecutor has been all too willing to accept the councils' results even when such results contradict the law and violate protections under the Constitution. Despite intentions for peaceful reconciliation, these councils perpetrate a climate of impunity and encourage further attacks. Such practices have become a means to evade the rule of law and are encouraged and supported by judicial and law enforcement officers.¹³

Economic, social and cultural rights violations

14. Article 17 of the **Indian Constitution** abolishes untouchability and outlaws caste-based discrimination, reinforced by article 15, which explicitly prohibits discrimination based on religion, race, caste, sex, or place of birth. However, the caste system is deeply ingrained in the Indian society, hence caste categories are legally recognized to implement a form of affirmative action called reservations: a quota-based system that classifies individuals and communities as “Scheduled Castes” provided by a Presidential Order of 1950. 15% of all places in educational institutions, as

¹² See

<https://static1.squarespace.com/static/5947e4266a49635915ac0a31/t/5bf47b38758d46657aeffeb/1542748985497/March+2017+-+Church+Construction+Law+Translation.pdf>.

¹³ “According to Which Customs: the Role of Customary Reconciliation Sessions in Sectarian Incidents and the Responsibility of the State”, *Egyptian Initiative for Personal Rights*, June 2015. Available at: <https://eipr.org/en/press/2015/06/%E2%80%9Cwhose-customs-role-customary-reconciliation-sectarian-disputes-and-state>.

well as jobs, are reserved for the Scheduled Castes. Scheduled Castes include only Hindus, Sikhs and Buddhists, and excludes Dalits – the lower caste in the Hindu social system – belonging to other religions and Hindu Dalits who convert to another religion. Numerous recommendations from different commissions within the Indian Government have asked to wipe all references of “faith” from the reservations system, but until now these recommendations have not been implemented. Christian and Muslim Dalits continue therefore to face a double vulnerability based on both their social status and their faith.¹⁴

National security laws

15. In **Iran**, religious minority adherents are often arrested and charged with national security-related crimes. The Iranian judiciary is known for using articles such as 498, 499 and 500 of the Iranian Penal Code to prosecute minority faith adherents for their peaceful religious activities on the basis that such activity constitutes a national security threat.¹⁵ Christian communities are particularly vulnerable to these charges if they open their doors to inquiring Muslims, actively proselytize, or hold a religious meeting in Persian. Common charges for such arrests are “collusion against national security”, “propaganda against the state”, and “spreading Zionist Christianity.” Moreover, article 48 of Iran’s Criminal Procedures Regulations, states that individuals charged for crimes against internal and external security must select their attorney from a list of approved lawyers by the head of the judiciary—a direct violation of article 35 of the Iranian Constitution, which recognizes the right to have an attorney of one’s choice.¹⁶

Gender based discrimination based on religion or belief

16. The intersecting vulnerabilities faced by women and girls – including on the basis of their religion – is increasingly attracting international attention. However, of great concern is that the international human rights provisions upholding freedom of religion or belief do not specifically mention gender equality, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) makes no mention at all of FoRB. Our research found “the greatest pervasive threat or experience of violence facing Christian women and girls is sexual violence”, and that forced marriage is also a severe reality and threat across all regions studied.¹⁷

17. Our research also found that in Nigeria teenage girls who are converts to Christianity or whose family cannot afford to feed them are particularly vulnerable to coerced under-age marriages in the 10 of 36 states which have not adopted the Child Rights Act of 2003 and further complicated in states where Sharia law is deemed superior to civil law. The lack of domestication into law of CEDAW and the “*Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa*” is an open avenue for gender-based discrimination, including discrimination based on religion or belief, in Nigeria.

¹⁴ “We’re Indians too: An analysis of escalating human rights violations against religious minority communities in India”, *Open Doors*, January 2019.

¹⁵ “The Islamic Penal Code of the Islamic Republic of Iran, Book Five”, an English translation is available at: <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>.

¹⁶ See <https://iranhumanrights.org/2018/06/iranian-human-rights-attorneys-speak-out-against-state-approved-list-of-20-lawyers-for-national-security-cases/>.

¹⁷ Fisher H, Miller EL and Mayer E (2020) *WWL 2020 Gender-specific religious persecution: Analysis and implications*, Open Doors International / World Watch Research Unit. Available at <http://opendoorsanalytical.org> PW: freedom.