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Submission of **Middle East Concern** (MEC) under “Call for Input to the report of the Special Rapporteur on Minority Issues to the UN General Assembly on institutional arrangements of states that enable minority rights to flourish”.

MEC was founded in 1991, and seeks to promote Freedom of Religion or Belief in the Middle East and North Africa, with a focus on the Christian communities.

Date of submission: 10 May 2024

Board of Reference:

Lord David Alton **UK**, Dr Donald Argue **USA**, Rev Daniel Bianchi **Argentina**, Robyn Claydon **Australia**, Julia Doxat-Purser **UK**, Dr Joseph D’Souza **India**, Rt Rev Derek Eaton **New Zealand**, Dr Bertil Ekstrom **Brazil**, Annelie Enochson **Sweden**, Rev Afeef Halasah **Jordan**, Rev Edward Hovsepian **Iran**, Dr Ehab al-Kharrat **Egypt**, Rev Bob Lopez **Philippines**, Murray Louw **South Africa**, Dr Don McCurry **USA**, Dr Paul Marshall **USA**, Rev Youssef Ourahmane **Algeria**, Rev Ihsan Ozbek **Turkey**, Revd Ariovaldo Ramos **Brazil**, Dr Uziel Santana **Brazil**, Dr Jack Sara **Palestine**, Peter Tarantal **South Africa**, Mats Tunehag **Sweden**, Dr Dudley Woodberry **USA**

INTRODUCTION (focus and breadth of submission)

1. This submission focuses on question 5 in the list of key questions:

5. Are there legal, administrative or other barriers that prevent persons belonging to minorities to participate effectively in cultural, religious, social or economic public life?

The submission concerns such barriers as they affect Christians. The focus is limited to barriers to participating in religious life, and to countries in the Middle East and North Africa. Covering all such barriers faced by Christian communities in all countries in the region is beyond the scope of this submission. Rather, it sets out some of the key barriers faced in some of the region's countries, namely Algeria, Iran and Türkiye, all three of which are State Parties to the International Covenant on Civil and Political Rights. The focus is primarily on rights violations against and the plight of converts to Christianity from Islam. Across the submission are details of violations of the right to freedom of religion or belief and various other rights, such as the right to freedom of peaceful assembly and of association.

ALGERIA

Prosecutions

2. Since December 2020, there have been at least 52 prosecutions against Christians, with at least 26 new prosecutions concerning the peaceful practice of Christian faith in the last 17 months alone. Those targeted are converts from Islam to Christianity, mostly first generation converts. All but one Christian tried to date was convicted. Several of those prosecuted have served time in prison. While at the present time none are in prison, there are numerous current cases where prison sentences have been handed down: in those cases decisions in, or the hearing of appeals are awaited and the sentences are not operational pending the appeals.
3. In all cases currently in the court system (and in almost all cases going back to 2020), prosecutions are under Ordinance 06-03, enacted in 2006, which discriminates against non-Muslim religious worship. It sets out the 'Conditions and Rules of Practice of non-Muslim Religious Rituals'. It provides the authorities with the legal basis through which both church leaders and ordinary church members have been targeted. Charges common in these cases include: establishing a place of worship without permission; organizing a religious assembly in an unauthorized place; conducting non-Muslim worship without prior permission; and 'shaking/agitating the faith' of a Muslim through the production, storing or distribution of material.
4. In the four most recent prosecutions, first instance court proceedings took place and prison sentences were handed down in the absence of the defendants, who had no knowledge of the proceedings. This lack of due process has caused heightened worry amongst Christians.
5. One such case¹ is that of Reverend Youssef Ourahmane, the Vice-President of the Église Protestante d'Algérie (EPA: the association representing most Protestant churches in Algeria). He was prosecuted under Ordinance 06-03: on charges of establishing a place of worship without permission; and organizing a religious assembly in an unauthorized place. At first instance, he was sentenced in his absence in Tizirt in Tizi-Ouzou province to two years in prison and fined DZD 100,000 (approx. equiv. USD 750). He was informed in mid-September 2023 of the court decision. In November 2023 in his initial appeal he was convicted and sentenced to one year in prison and fined the same amount as at first instance. In his further appeal, to the provincial court of appeals in Tizi-Ouzou, on 2 May 2024 he

¹ Of those prosecuted in current criminal cases, only Reverend Ourahmane has provided instructions for his name and specifics regarding him and his case to be raised publicly. Others have requested otherwise, for fear of reprisals from the Algerian authorities.

was convicted and sentenced to one-year in prison, plus an additional suspended six-month prison sentence, and the same fine as previously.² He filed an appeal to the Supreme Court.³ His sentence is not currently in force, pending the appeal.

Church closures

6. Since November 2017, the authorities in Algeria have acted systematically to close Protestant churches. As of 2018, at least 46 churches have closed, meaning almost all Protestant churches in Algeria are now closed. Many were sealed shut by the authorities.
7. With concern alone to those that are registered with the EPA, only one of the 43 such churches is currently operational- in a greatly limited way, out of fear of the authorities. During interrogations, officers have declared the authorities aim to close all of these churches. Churches have chiefly closed through the issuance of formal orders for closure, either issued by a court, or provincial governor. Many have closed under other forms of pressure by the authorities and due to anticipated targeting.
8. The official reason for the closure of churches by the authorities is the absence of a permit as is required under Ordinance 06-03 to meet for non-Muslim worship. However, despite numerous applications *not a single permit* has been granted to a Protestant church by the commission responsible for these licenses- the National Commission for Non-Muslim Worship- since the Ordinance was enacted more than 18 years ago (please note the connection between this and the charges against Revd Ourahmane).

Legal status of the EPA

9. The situation of Christians is further hindered by the lack of legal status of the EPA, which registered in Algeria in 1974, but had to renew that registration after a 2012 change in the law. The EPA applied for re-registration in 2013 and has been stifled by the authorities ever since.

Further

10. Oral Statements on these subjects during Human Rights Council sessions, this year by the World Evangelical Alliance (HRC 55th session)⁴, and last year by the WEA with the World Council of Churches (HRC 52nd session)⁵ are linked below. Also linked below for further background information is the 2022 submission on Algeria by MEC, the two said organizations and the EPA to the Human Rights Council's Universal Periodic Review Working Group.⁶

IRAN

No place to worship;

Criminal prosecutions, imprisonments, other harassment and pressures

11. Christians who actively express their faith – especially converts from Islam – are subject to rights violations by the State, including of their right to freedom of religion or belief, and their rights to freedom

² <https://www.meconcern.org/2024/05/03/algeria-pastors-sentence-upheld/>

³ It is not uncommon for such appeals to take upwards of 18 months or two years to be scheduled.

⁴ <https://un.worldea.org/wea-calls-on-algeria-to-overturn-convictions-of-pastor-youssef-ourahmane-and-other-christians/>

⁵ <https://un.worldea.org/wea-wcc-call-on-algeria-to-allow-forcibly-closed-churches-to-reopen/>

⁶ <https://un.worldea.org/algeria-freedom-of-religion-or-belief-report-to-the-upr-41st-session/>

of peaceful assembly and of association. In connection with the peaceful practice of their faith, they are interrogated (sometimes violently), arrested, prosecuted, imprisoned, as well as subjected to further punishments and pressures.⁷

12. Zoroastrianism, Judaism and Christianity are the only minority faiths recognized under domestic law or afforded rights under Iran's constitution. The Christian community is confined in the eyes of the authorities to ethnic Armenians, Assyrians, and a small expatriate community: these groups are relatively free to practice their faith.⁸ Christian converts from Islam are numerically the largest Christian community in Iran, but are not recognized by the State and are frequently targeted by the authorities and, in some cases, by their extended families and society. The Iranian authorities do not permit converts to attend the churches of the Armenian and Assyrian communities, who are themselves prohibited from holding services in Persian (a measure to further dissuade converts from attending). Converts are targeted for involvement in informal meetings in private homes, known as "house-churches", which forces converts to remain isolated and disconnected from other Christians.
13. Christians are typically targeted with trumped-up charges under sections 498, 499, 500 and 513 of the Islamic Penal Code.⁹ As examples, the Iranian authorities view membership of a house-church as an "action against national security", punishable by from three months up to five years in prison under section 499. The establishment or directing of these house-churches – also considered a "national security" crime – carries a penalty of from two up to ten years' imprisonment under section 498. The imposing of lengthy prison sentences including the maximum sentences for these "crimes" is common.
14. Whilst high numbers of violations have been reported for many years, this submission will focus on more recent activities. MEC is aware of over 160 arrests of Christians in 2023 alone.¹⁰ Before the end of 2023, at least 17 of the Christians arrested in 2023 had received prison sentences of between three months and five years, or non-custodial punishments such as fines, flogging, and in one case the community-service of digging graves. Meanwhile, at least nine Christians were pardoned and released from prison in 2023, though the majority were already nearing the end of their sentences relating to the peaceful practice of their faith.¹¹
15. Public sources¹² reference eight Christians currently imprisoned in Iran under sentences relating to the peaceful practice of their faith. Six of the eight are serving prison sentences of five years or more¹³- two of those six are serving 10-year terms. The actual number of Christians serving prison sentences for faith-related activities in Iran is higher.¹⁴ At the end of March 2024, MEC was aware through reliable contacts and sources that the actual number was at least 14, including an additional case, that is not publicly referenced, of a Christian who is imprisoned under a 10-year prison sentence.
16. Further, at least eight additional Christians have been sentenced to imprisonment and await a summons to commence their prison terms. Additionally, a Christian convert, previously imprisoned under a one-year term, is now serving two years in internal exile.

⁷ Most issues dealt with in this submission on Iran, as well as further rights violations and obstacles faced by Christians in Iran are addressed in depth in the 2024 Annual Report of MEC, Article 18, CSW and Open Doors on Rights Violations Against Christians in Iran: <https://www.meconcern.org/2024/02/19/annual-report-rights-violations-against-christians-in-iran-2024/>

⁸ Amongst impediments, they can face imprisonment if they promote Christianity among people from a Muslim background or have them attend church services.

⁹ The full text of the sections mentioned may be found at page 27 of the aforementioned 2024 Annual Report.

¹⁰ Numbers could in actuality be significantly higher, with cases not being reported even privately by individuals concerned for reasons such as fear of repercussions from the State.

¹¹ See for example <https://articleeighteen.com/news/12739/>

¹² See <https://articleeighteen.com/prisoners-list>

¹³ The other two are serving two-year prison terms.

¹⁴ Some cases are not reported publicly, including because of the fear of those imprisoned or their family members of reprisals from the authorities.

17. Case example: of Mehdi Akbari and three fellow-Christian converts (one man, Mehdi Rokhparvar; and two women, Fatemeh Sharifi and Simin Soheilinia).¹⁵ Mr. Akbari is currently serving a 10-year prison sentence in Evin prison for “acting against national security” by “forming an illegal evangelical Christian group” (concerns a house-church). He and the others were arrested on 28 January 2019 following raids on their homes in Tehran by intelligence agents. All four were then detained at Evin Prison, placed in solitary confinement and interrogated for 30 days before their eventual release on bail on 18 March 2019. Mr. Akbari and the others were all tried on the aforementioned charge, in June 2020. Mr. Akbari has been imprisoned since being sentenced in October 2020. The two women also received 10-year prison sentences, while Mr. Rokhparvar received a 5-year prison term. The men were taken to Evin prison while the women were released on bail. Mr. Akbari’s two subsequent appeals, to the Court of Appeal, and the Supreme Court were unsuccessful. Mr. Rokhparvar remained imprisoned until released in February 2023. Mr. Akbari was a single parent to his only son who had cerebral palsy and died in 2021 at the age of 18, in a care facility where he had stayed after his father’s imprisonment.¹⁶

Continuing pressures

18. Pressures at the hands of the authorities on individuals and their families continue even post-release from imprisonment, or after arrest or detention, including:

- monitoring and harassment;
- denial of employment;
- denial of education and the gaining of qualifications;
- the laying of new charges or reopening of cases;
- enforced Islamic re-education classes, during which converts are pressured to return to Islam;
- serving additional punishments after prison, such as terms of exile, flogging, fines, travel bans, and deprivation of social rights including membership of any group;
- the imposing of community-service orders, for example grave-digging or washing dead bodies before burials; and
- coercion to leave Iran through threats.

Further

19. A wealth of further information on most issues dealt with above on Iran, and on further rights violations and obstacles faced by Christians in the country is found in the 2024 Annual Report of MEC, Article 18, CSW and Open Doors on Rights Violations Against Christians in Iran.¹⁷ For additional information, please see the 2022 report of MEC, Article 18, the World Evangelical Alliance and Open Doors to the Human Rights Committee (136th session).¹⁸

Fleeing from Iran and challenges that await

20. The pressures make it increasingly difficult for Christians to remain in Iran. Many flee from Iran, only to find new considerable challenges await, as documented in the 2023 report by MEC, Article 18, CSW and Open Doors entitled [The Plight of Iranian Christians Claiming International Protection in Türkiye](#).¹⁹

¹⁵ For further details, please see: <https://www.churchinchains.ie/prisoner-profiles/mehdi-akbari/>

¹⁶ Due to bureaucracy and a hefty bail-demand, Mr. Akbari’s temporary release was delayed and his son’s funeral had taken place before the temporary release (5 days, later extended to 10 days) was sanctioned.

¹⁷ <https://www.meconcern.org/2024/02/19/annual-report-rights-violations-against-christians-in-iran-2024/>

¹⁸ <https://un.worldea.org/iran-freedom-of-religion-or-belief-joint-report-to-the-human-rights-committee-136th-session/>

¹⁹ See <https://articleeighteen.com/reports/13404/>

Funerals

21. Amongst problems faced by Christian converts whose faith is not recognized by the State are preclusions as to funerals and burials. In 2013, when the husband of a deceased lady (both Christian converts from Islam) requested permission for his wife to be buried in a Christian cemetery, the request was refused, despite the provision of written confirmation from the Anglican Bishop of Iran that the lady was Christian.²⁰

TÜRKIYE

Reservation to Article 27 ICCPR

22. Türkiye ratified the ICCPR with a reservation to article 27 on the rights of ethnic, religious, or linguistic minorities, stating it: “reserves the right to interpret and apply the provisions of Article 27 of the ICCPR in accordance with the related provisions and rules of the Constitution of the Republic of Türkiye and the Treaty of Lausanne of 24 July 1923 and its Appendixes.” The reservation results in minority communities that are not specifically mentioned in the 1923 Treaty of Lausanne (such as the Protestant Christian community), being marginalized and subject to the whims of national and local authorities.

Expatriate Protestant Christians forced to leave, precluded from re-entry to Türkiye

(violations of articles 12, 13, 14, 17, 18, 23 and 26 ICCPR)

23. Since January 2019, over 100 expatriate Protestant Christians in Türkiye have been designated as security threats and have resultingly been denied residency or have had their residency permits cancelled, and in effect are precluded from re-entering Türkiye²¹. None of them was convicted of any crime and they were living and working in Türkiye legally and peaceably, in some cases for decades.

24. The impact is much wider when family members are taken into consideration. Several of those targeted are married to Turkish citizens, with children, compelling even Turkish citizens to emigrate to keep their families together. In some cases families are living apart, with family members remaining in Türkiye separated from those forced to live in another country.

25. Those targeted have been designated security threats by the Interior Ministry and issued either G-87 or N-82 immigration restriction codes by the Directorate-General for Migration Management. No specific reasons for the security designation decisions and residency decisions have been provided.

26. The only common feature amongst the more than 100 targeted is the peaceful exercise of their Protestant Christian faith. Those targeted and their lawyers have had limited access to the intelligence reports, even during court proceedings, but court decisions indicate that they relate either to attendance at Protestant Christian conferences or alleged missionary activity.

27. *Decisions are thus not merely immigration matters but involve clear violations of human rights, including the right to freedom of religion or belief and rights pertaining to family, and the home. These decisions are at odds with a 2015 Turkish Council of State decision which set out there was no evidence to support classifying missionary activity as a threat to public order or national security (decision of Council of State Administrative Law Division dated 28/01/2015, and numbered E:2013/797, K:2015/126).*

²⁰ See <https://articleeighteen.com/features/14590/>

²¹ The security designation codes underpin decisions as to the cancellation of residency permits and the refusal of residency applications. They also operate as *de facto* bans from re-entry to Türkiye: recipients of the codes are required to apply for a visa to enter the country but in practice applications from those who are the subject of the codes are invariably refused.

28. In most cases the appeals of those designated security threats have been denied in the Turkish courts. After exhausting avenues of appeal in Türkiye a number of those targeted have been making applications to the European Court of Human Rights.
29. The targeting of foreign Christians as detailed above makes it difficult for local Protestant churches to function. It heightens the existential threat to churches caused by other forms of violations, such as relate to the training of clergy (see below). The human rights report of the Association of Protestant Churches in Türkiye, as published in 2021, concludes that: the “frequent cases in which foreign clergy and church members were deported, denied entry into Turkey, refused residence permits, or denied entry visas” have left many churches “in exceedingly difficult situations”.²²
30. More details on these issues and on specific cases of people targeted are linked below.²³

Training of Christian clergy not permitted

(violations include of article 18 ICCPR)

31. Turkish legislation does not make provision allowing for the training of Christian clergy either in private establishments for higher religious education or through the public education system.²⁴
32. A 1971 law prohibited privately owned schools of higher education, which forced the closure of the Orthodox Halki Seminary. This has effectively prevented the Ecumenical Patriarchate from training their own priests within Türkiye. Attempts to have the seminary reopened have been unsuccessful despite many appeals.²⁵
33. The Protestant community attempts to resolve this issue by providing on-the-job training, giving seminars within Türkiye, arranging for study abroad, as well as utilizing the support of foreign clergy which is now much less available for the reasons outlined above.

The Christian community and the problem of legal status

(violations of articles 18 and 26 ICCPR)

34. State control of religion and an inadequate legal framework restrict opportunities for religious groups to have satisfactory legal status in Türkiye.
35. The present situation does not allow for churches, including those recognized under the 1923 Lausanne Treaty, to obtain a legal identity as “religious congregations,” and this has consequences regarding their status before the law, leaving churches unable to buy or hold title to property or to press claims in court. Instead, they rely on independent foundations to hold and control each religious property.²⁶

²²Association of Protestant Churches (February 22, 2021), 2020 Human Rights Violation Report <http://www.protestankiliseler.org/wp-content/uploads/2021/02/2020-Human-Rights-Violation-Report-.pdf> at page 7

²³ See for example: <https://www.thetimes.co.uk/article/turkeys-protestants-under-threat-as-danger-to-security-lzknj5cf6> ; and <https://www.dw.com/en/protestant-pastors-fear-deportation-from-turkey/a-53967865> ; and <https://www.worldwatchmonitor.org/2020/07/turkey-orders-deportation-of-turkish-pastors-wife-in-string-of-expulsions/>

²⁴ Article 24 of the Constitution regulates religious instruction and education with the following statement: “Education and instruction in religion and ethics shall be conducted under State supervision and control.” Institutions that provide religious education can be opened by the State. According to Article 3 of Law No. 5580 on Private Educational Institutions “education institutions identical or similar to ones which provide religious education cannot be opened.” The state therefore has the monopoly on both opening religious schools and determining obligatory or optional courses regarding religious education.

²⁵ See <https://aegeanmonthly.com/2024/05/01/halki-seminary-held-hostage/>

²⁶ See <https://www.state.gov/reports/2022-report-on-international-religious-freedom/turkey/>

36. Protestant churches have attempted to acquire a limited legal identity by establishing associations and foundations, but without adequate provisions for legal status they lack formal recognition and are exposed to public suspicion and arbitrary treatment by the authorities.
37. The vagueness regarding legal status leaves the Christian community vulnerable in the event of criminal action, as the community - and indeed the local authorities – are in doubt about their legal rights, contributing to arbitrary treatment by the authorities and a reluctance to report abuses.

Further

38. For more information on this barrier, as well as others faced by the Protestant community please see the 2021 report of MEC, the World Evangelical Alliance, the European Evangelical Alliance, and the Protestan Kiliseler Derneği (Association of Protestant Churches – Turkey) to the Human Rights Committee (132nd session).²⁷ The annual reports of the latter named organization are also valuable sources as to the issues faced by the Protestant community.²⁸ As is the extensive report of MEC and International Christian Concern entitled Turkey: Challenges facing Christians 2016 – 2020.²⁹

²⁷ <https://un.worldea.org/turkey-freedom-of-religion-or-belief-submission-to-the-human-rights-committee-132nd-session/>

²⁸ For example, Association of Protestant Churches (February 22, 2021), 2020 Human Rights Violation Report <http://www.protestankiliseler.org/wp-content/uploads/2021/02/2020-Human-Rights-Violation-Report-.pdf>

²⁹ <https://www.persecution.org/wp-content/uploads/2020/12/Turkey-Report-Final-Draft-1.0.pdf>