

NATIONS UNIES
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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandate of the Special Rapporteur on freedom of religion or belief

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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on freedom of religion or belief pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 14/11.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding the imminent deportation of Ms. X of the Bahá'í faith, and her daughter, Ms. Y, from Cyprus to their country of nationality, the Islamic Republic of Iran.

According to the information received:

Ms. X arrived in Cyprus with Mr. T and their daughter, Ms. Y on 27 February 2010 from the Islamic Republic of Iran. Around 10 October 2010, Ms. X reported her husband's violence to the police and was taken to a safe house in Paphos. The social services later took Ms. X to a flat in Larnaca where she rented the place herself in order to move out of her husband's vicinity.

Subsequently, Ms. X filed for a divorce from Mr. T. She applied for refugee status on 14 October 2010, file number F10/02355 R. Ms. X received financial assistance of 800 Euros a month from the social services while her application was being processed. Ms. X converted from Islam to the Bahá'í faith in December 2010. Ms. X's divorce from her husband was finalised on 11 January 2011. On 20 September 2011, Ms. X received a letter stating that her asylum application had been rejected.

On 14 October 2011, Ms. X applied for an official review of her case but the original decision was upheld on 1 March 2012. Reportedly, Ms. X was also informed that her financial assistance will cease, she received the last installment on 19 April 2012. Currently, Ms. X's case will automatically go to the Supreme Court after 75 days from the second rejection. It is expected that her case will have a hearing in the Supreme Court on 14 May 2012.

Concerns have been expressed for the danger of Ms. X and her daughter to be deported to the Islamic Republic of Iran as Ms. X will be considered as an apostate

following her conversion to the Bahá'í faith, hence risking life imprisonment unless she recants. At the same time, Ms. X ex-husband's family has threatened to take the custody of her eight year-old child away through the courts in the Islamic Republic of Iran.

While I do not wish to prejudge the accuracy of these allegations, I should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case of Ms. X and Ms. Y.

I would like also to appeal to your Excellency's Government to take all necessary steps to ensure that the right to freedom of religion or belief is respected and protected, as recognized in article 18 of the Universal Declaration of Human Rights (UDHR) and article 18 of the International Covenant on Civil and Political Rights (ICCPR).

I would like to recall article 33 of the Convention relating to the Status of Refugees, which provides that "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Moreover, I would like to emphasize that paragraph 8 of the General Assembly resolution 65/211 recognizes with concern the situation of persons in vulnerable situations, including [...] refugees, asylum-seekers and internally displaced persons [...], as regards their ability to freely exercise their right to freedom of religion or belief. Moreover, my predecessor has emphasized that a post-departure conversion "should not give rise to a presumption that the claim is fabricated and the immigration authorities should evaluate the genuineness of the conversion on a case-by-case basis taking into account the applicant's past and present circumstances" (A/HRC/6/5, para. 31).

In view of the urgency of the matter, I would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. X and Ms. Y in compliance with the above international instruments.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide information concerning the legal grounds for the rejection of the application of the refugee status of Ms. X and her daughter and how these measures are compatible with international norms and standards as stated.

4. Please provide information on the measures taken by your Excellency's Government to ensure the freedom of religion or belief and the rights of the religious minorities are protected.

I undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief