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3.3. Individuals perceived to have committed blasphemy and/or apostasy, including converts and atheists

COMMON ANALYSIS
Last update: January 2025

This profile covers persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostasy), as well as persons considered to have spoken sacrilegiously about God or sacred things (blasphemy). It includes individuals who have converted from Islam to a new faith, based on their genuine inner belief (e.g. converts to Christianity), as well as those who disbelieve or lack belief in the existence of God (atheists).

For the situation of Christians by birth, please refer to Christians.

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For practical guidance on interviewing applicants claiming having **converted** to another religion than Islam, including ***sur place*** claims, please refer to the EUAA Practical Guide on Interviewing Applicants with Religion-based Asylum Claims, 4.1. Conversion to another religion.

See also and CJEU, Bundesamt für Fremdenwesen und Asyl v JF, C-222/22, Third Chamber, judgment of 29 February 2024[13].

For practical guidance on interviewing applicants claiming to be considered as apostates, blasphemers, and/or atheists, including ***sur place*** claims, please refer to the EUAA Practical Guide on Interviewing Applicants with Religion-based Asylum Claims, 4.2. Leaving one's religion to adhere to an atheistic, agnostic or non-religious system of belief, and 4.3. Religious minorities.

The analysis below is based on the following EUAA COI report and Queries: Country Focus, 4.10.2, 4.10.4; COI Atheists; COI Musicians. Country Guidance should not be referred to as source of COI.

In Iran, it is illegal or unrecognised to self-identify as ‘non-religious’. Although apostasy is not codified as a crime in the Penal Code, Iranian law, including the Penal Code, is used to prosecute persons based on their religious affiliation and views deemed critical or derogatory towards Islam. Iranian authorities do not allow conversion from Islam to another religion. Apostasy, including conversion to another religion than Islam, and blasphemy are seen as offences against the religion. Most Iranians are considered Muslims. Numerous individuals in younger generations consider themselves atheists or agnostics.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, could be exposed are of such severe nature that they would amount to persecution. More specifically, blasphemy is punished by death under Iranian law. Apostates might face prosecution for insulting Islam and promoting atheism. In 2023, two individuals accused on these grounds were executed by hanging. Individuals under this profile furthermore face arbitrary detention and torture. Converts from Islam are subjected to arrest, imprisonment and prosecution. At times converts are targeted by their families and their extended family members and society at large (ill-treatment, disinheritance).

The severity and/or repetitiveness of other acts that individuals considered to have committed blasphemy and/or apostasy could be subjected to and whether they occur as an accumulation of various measures, should be also taken into account. Individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, might be confronted with severe social stigma, hatred and violence from society. Iranian authorities openly marginalise, harass or incite hatred or violence against non-religious individuals. They also face confiscation of property. Apostates must either lie with respect to their conviction to receive a national identification card or be denied access to services, such as insurance, education, banking, and, most recently, public transportation. Unrecognised religious minority groups face barriers accessing education and employment in government jobs.

Step 2: What is the level of risk of persecution?

A well-founded fear of persecution would in general be substantiated for individuals considered by the Iranian authorities to have committed blasphemy and/or apostasy, including converts.

Please refer to Christians for the risk-assessment for Christians by birth.

The individual assessment of whether there is a reasonable degree of likelihood for atheists to face persecution should take into account risk-impacting circumstances, such as:

- €**Nature and visibility**: atheists publicly adopting non-religious behaviours, such as not going to the mosque, face a higher risk. The nature, the repetitiveness and the visibility of the non-religious practice, be it in Iran or abroad, should be taken into account.
- €**Home area and residence**: atheists originating or residing in an area where Islamic norms and laws are traditionally respected face a higher risk.
- €**Perception of Islamic codes in the family**: atheists belonging to a family where Islamic norms and laws are traditionally respected face a higher risk.
- €**Political background**: atheists with a (perceived) political profile face a higher risk.
- €**Ethnic background**: atheists belonging to an ethnic minority face a higher risk. Please refer to Ethnic minorities.
- €**Gender**: in regard of the general situation of women in Iran, female atheists face a higher risk than their male counterparts. Please refer to Women and girls.

It should be highlighted that no applicant under this profile can reasonably be expected to abstain from their religious practice in order to avoid persecution1.

Step 3: Is there a ground for persecution?

Where well-founded fear of persecution is substantiated for an applicant falling under this profile, this is highly likely to be for reasons of religion, as individuals considered to have committed blasphemy and/or apostasy, including converts and atheists, would be seen as insulting Islam.

- 13

  CJEU, *Bundesamt für Fremdenwesen und Asyl* v *JF*, C-222/22, Third Chamber, judgment of 29 February 2024, https://curia.europa.eu/juris/document/document.jsf?text=&docid=283282&pageIndex=0&doclan

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  CJEU, *Bundesrepublik Deutschland* v *Y and Z*, joined cases C-71/11 and C-99/11, judgment of 5 September 2012, para. 80, https://curia.europa.eu/juris/document/document.jsf?docid=126364&doclang=en

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