



International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under the Optional Protocol, concerning communication No. 2745/2016*, **

<i>Communication submitted by:</i>	V.R. and N.R. (represented by Daniel Norrung)
<i>Alleged victims:</i>	The authors and their son
<i>State party:</i>	Denmark
<i>Date of communication:</i>	27 February 2016 (initial submission)
<i>Date of adoption of decision:</i>	14 July 2016
<i>Subject matter:</i>	Deportation to the Islamic Republic of Iran
<i>Procedural issue:</i>	Substantiation of claims
<i>Substantive issues:</i>	Right to life; torture, cruel, inhuman or degrading treatment or punishment; freedom of religion
<i>Articles of the Covenant:</i>	6, 7 and 18
<i>Article of the Optional Protocol:</i>	2

1.1 The authors of the communication are V.R. and N.R. and their son, D., all of whom are Iranian nationals born, respectively, in 1983, 1984 and 2013. The authors were asked to leave Denmark voluntarily within 15 days of 17 August 2015, following the rejection of their asylum request. They claim that the State party would violate their rights under articles 6, 7 and 18 of the Covenant if they were deported back to the Islamic Republic of Iran. The authors are represented by counsel. The Optional Protocol entered into force for the State party on 23 March 1976.

1.2 On 3 March 2016, the Committee, acting through its Special Rapporteur on new communications and interim measures, decided not to issue a request for interim measures of protection under rule 92 of the Committee's rules of procedure, and determined that no

* Adopted by the Committee at its 117th session (20 June-15 July 2016).

** The following members of the Committee participated in the examination of the present communication: Yadh Ben Achour, Lazhari Bouzid, Sarah Cleveland, Olivier de Frouville, Ahmed Amin Fathalla, Yuji Iwasawa, Ivana Jelić, Photini Pazartzis, Mauro Politi, Sir Nigel Rodley, Víctor Manuel Rodríguez-Rescia, Fabián Omar Salvioli, Yuval Shany and Margo Waterval.



observations from the State party were needed to ascertain the admissibility of the communication.

The facts as presented by the authors

2.1 V.R. and N.R. met in 2003 in the Islamic Republic of Iran and started a relationship without the knowledge of their parents.

2.2. In 2005, N.R.'s parents arranged for her to marry someone else, A. After the wedding, the authors continued their relationship in secret for six years until A. discovered it. The authors managed to flee the Islamic Republic of Iran and went to Romania. On an unspecified date, A. found out that they were in Romania. In Romania, on an unspecified date, the authors were refused asylum. They decided to go back to the Islamic Republic of Iran given that A. thought that they were in Romania. They stayed there for a short period of time.

2.3 On an unspecified date in 2012, the authors travelled to Denmark. While in a "refugee camp", in April 2012, they became interested in Christianity. They found solace and peace in prayers and singing psalms. On an unspecified date, the authors were transferred to a "refugee camp" in Vipperød. They could not go to church there as they lacked the financial means to cover the cost of travel. After they were transferred to a "refugee camp" in Jelling (Jutland), they went to a church almost every Sunday. The authors were baptized in June 2014.

2.4 On 12 April 2012, the authors applied for asylum in Denmark. Their application was rejected by the Danish Immigration Service on 19 December 2013. On an unspecified date, they appealed the rejection before the Danish Refugee Appeals Board. During the appeal proceedings, they mentioned that they had converted to Christianity and that they feared returning to the Islamic Republic of Iran because of their conversion. The authors note that they did not mention their conversion to Christianity during the initial stages of the asylum proceedings as they did not know it would have any bearing on the decision in the case.

2.5 On 19 September 2014, the Danish Refugee Appeals Board rejected the authors' appeal and found that they would not risk persecution or abuse in the Islamic Republic of Iran. The Board noted, inter alia, that the authors mentioned their conversion to Christianity only after the Immigration Service's negative decision and that their, especially V.R.'s, knowledge about Christianity was only general and superficial. Consequently, the Board could not accept that their conversion was genuine and that they would perform Christian acts of worship in the Islamic Republic of Iran. On 9 March 2014, the authors requested to reopen their asylum case owing to their conversion, but it was rejected by the Board on 17 August 2015 as they had not adduced any new significant information. The authors were asked to leave the country voluntarily within 15 days.

The complaint

3. The authors claim that their deportation to the Islamic Republic of Iran would constitute a violation of their rights under articles 6, 7 and 18 of the Covenant. They contend that their conversion to Christianity was genuine and that "the mere formal conversion in itself constitutes a high risk for the authors" to be tortured or severely harassed. They also fear persecution from A.

Issues and proceedings before the Committee

Consideration of admissibility

4.1 Before considering any claims contained in a communication, the Committee must, in accordance with rule 93 of its rules of procedure, decide whether it is admissible under the Optional Protocol to the Covenant.

4.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement. It also notes that the authors claim that domestic remedies have been exhausted and considers that the requirements of article 5 (2) (b) of the Optional Protocol have been met.

4.3 The Committee notes the authors' claim that their deportation to the Islamic Republic of Iran would breach their rights under articles 6, 7 and 18 of the Covenant. In particular, the authors claim that they risk being subjected to torture and ill-treatment upon return.

4.4 The Committee recalls paragraph 12 of its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant. The Committee has also indicated that the risk must be personal¹ and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.² In making this assessment, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.³ The Committee further recalls its jurisprudence indicating that considerable weight should be given to the assessment conducted by the State party,⁴ and that it is generally for organs of States parties to review or evaluate facts and evidence in order to determine whether such a risk exists unless it is found that the evaluation was clearly arbitrary or amounted to a manifest error or denial of justice.⁵

4.5 In the light of the above and taking into account the information provided by the authors, the Committee observes that the authors have not convincingly identified any irregularity in the decision-making process in the framework of their asylum proceedings in the State party or sufficiently substantiated why the decisions of the State party's authorities were clearly arbitrary or manifestly erroneous, or amounted to a denial of justice. In this connection, the Committee notes that the material before it does not permit it to conclude that the examination by the State party's asylum authorities of the authors' claim

¹ See, for example, communications No. 2007/2010, *X. v. Denmark*, Views adopted on 26 March 2014, para. 9.2; No. 282/2005, *S.P.A. v. Canada*, decision adopted on 7 November 2006; No. 333/2007, *T.I. v. Canada*, decision adopted on 15 November 2010; No. 344/2008, *A.M.A. v. Switzerland*, decision adopted on 12 November 2010; and No. 692/1996, *A.R.J. v. Australia*, Views adopted on 28 July 1997, para. 6.6.

² See, for example, communications No. 2007/2010, *X. v. Denmark*, Views adopted on 26 March 2014, para. 9.2; and No. 1833/2008, *X. v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

³ *Ibid.*

⁴ See, for example, communications No. 1957/2010, *Lin v. Australia*, Views adopted on 21 March 2013, para. 9.3; and No. 2344/2014, *E.P. and F.P. v. Denmark*, Views adopted on 2 November 2015, para. 8.4.

⁵ See, for example, communication No. 2344/2014, *E.P. and F.P. v. Denmark*, Views adopted on 2 November 2015, para. 8.4.

concerning their fears and risks upon return to the Islamic Republic of Iran suffered from any such defects.⁶

4.6 In these circumstances, and in the absence of any other pertinent information on file, while not underestimating the concerns that may legitimately be expressed with respect to the general human rights situation in the Islamic Republic of Iran, the Committee concludes that in the present case the authors have failed to sufficiently substantiate their claims for the purposes of admissibility and, accordingly, declares the communication inadmissible under article 2 of the Optional Protocol.

5. The Committee therefore decides:

- (a) That the communication is inadmissible under article 2 of the Optional Protocol;
 - (b) That the present decision shall be communicated to the State party and to the authors.
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⁶ See, for example, communication No. 2198/2012, *V.D. v. the Russian Federation*, decision adopted on 30 March 2016, para. 5.5.