

INHUMAN SENTENCING OF CHILDREN IN THE ISLAMIC REPUBLIC OF IRAN

Summary

The Islamic Penal Code 2013 (IPC) came into force in May 2013, replacing the 1991 Penal Code. The new Code amends the law with regards to the death penalty, life imprisonment and corporal punishment, but these forms of sentencing remain lawful for offences committed while under the age of 18.

This report was initially prepared for CRIN in 2011, but was updated in November 2015. For more information about CRIN's inhuman sentencing campaign, visit www.crin.org/home/campaigns/inhuman-sentencing or contact us at info@crin.org.

Introduction

There is no separate juvenile justice law in Iran. Sentencing of children and young people convicted of an offence is provided for primarily in the Islamic Penal Code 2013 (IPC 2013). The Child Protection Law 2002 prohibits abuse of all persons below the age of 18,¹ but does not address children in conflict with the law.

Under the IPC 2013, the age of maturity is nine lunar years for a girl and 15 lunar years for a boy.² A lunar year is approximately 354 days, so the minimum age of criminal responsibility for boys and girls are approximately 8 years and 9 months for girls and 14 years and six months for boys. Under these ages, no child can be held criminally responsible.³ Non-mature children may, however, be subject to "security and correctional measures".⁴

Legality of inhuman sentencing

Death penalty

The Islamic Penal Code 2013 retains the death penalty for a large number of offences and where the penalty is prescribed under *hadd* or *qisas*, it can be applied for offences committed while under the age of 18.

The IPC 2013 sets out the punishments that may be applied to children and juveniles, which do not include the death penalty,⁵ but an exemption is retained for *hadd* and *qisas*



1 Child Protection Law, Articles 1 and 2.

2 Islamic Penal Code 2013, Article 146. A lunar year is approximately 354 days, so the minimum age of criminal responsibility for boys and girls are approximately 8 years and 9 months for girls and 14 years and six months for boys.

3 Islamic Penal Code 2013, Article 147. An English translation of the first two books of the new Penal Code is available at: <http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html>

4 Islamic Penal Code 2013, Article 148.

5 Islamic Penal Code, Articles 89-95

offences. For these offences, mature persons younger than 18 can only be sentenced under the juvenile provisions where they do not understand the nature of the offence committed or its prohibition or if there are doubts about the maturity or development of the child's reasoning. The effect of this provision is to give judges the discretion as to whether to apply juvenile penalties, which exclude the death penalty, or to apply standard penalties for *hadd* and *qisas* offences, which would permit the death penalty for a number of offences.⁶ In reaching a decision on issues of maturity or development, the court is permitted but not required to seek the opinion of the Forensic Medicine Department or use any other means.⁷

A number of *hadd* offences carry the death penalty. The majority of these offences are related to sexual activity criminalised under the Islamic Penal Code. *Zina* - that is sexual intercourse between a man and a woman who are not married to each other - committed with a step-mother, of a non-Muslim man with a Muslim woman and by force are all punishable by death.⁸ The punishment for *zina* of a man and a woman who meet the conditions of *ihsan* is stoning to death.⁹ For a man, *ihsan* is defined as a status whereby a man is married to a permanent and pubescent wife with whom he has had vaginal intercourse and with whom he "can have vaginal intercourse with ... whenever he so wishes." For a woman, *ihsan* is defined as the status of a woman whereby she is married to her permanent and pubescent husband, has had vaginal intercourse while "she was sane and pubescent" and is able to have vaginal intercourse with her husband.¹⁰

Several specifically defined offences related to homosexual intercourse also carry the death penalty in certain circumstances, including *livat* and *tafkhez*.¹¹

The offence of *Sabb-e nabi*, swearing at the Prophet, carries the death penalty and includes swearing at any of the twelve Shi'ite Imams or the Holy Fatima.¹² Where the offence is committed "in a state of drunkenness, or in anger, or slip of the tongue, or without the paying attention to the meaning of the words, or quoting someone else" then the offence is not considered to have been committed.¹³

Definitions

Hadd - offences for which punishment is fixed under *Shariah* (IPC, Article 15)

Qisas - punishment for intentional bodily crimes against life, limbs, and abilities" (IPC, Article 16)

Diya - "[a] monetary amount determined by law to be paid for unintentional bodily crimes against life, limbs and abilities for intentional crimes when for whatever reason *qisas* is not applicable." (IPC, Article 17)

Ta'zir - punishment that does not fall under the categories of *hadd*, *qisas*, or *diya*.

Zina - "sexual intercourse of a man and a woman who are not married to each other, and also provided that the intercourse is not done by mistake." (IPC, Article 221)

Livat - "the penetration of a man's sex organ (penis), up to the point of circumcision, into another male person's anus." (IPC, Article 233)

Tafkhez - "putting a man's sex organ (penis) between the thighs or buttocks of another male person." (IPC, Article 235)

Musahegeh - "where a female person puts her sex organ on the sex organ of another person of the same sex." (IPC, Article 238)

Qazf - a false accusation of *zina* or *livat* (IPC, Article 245).

Moharebeh - "drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere

Moharebeh, is punishable by death by hanging or crucifixion.¹⁴ Any group that "wages armed rebellion against the state" is considered to be moharebs and may be sentenced to death if they use their weapons.¹⁵

Where a person is convicted of the same offence by *hadd* three times, the punishment on the fourth conviction must be death.¹⁶ In the case of theft, the IPC 2013 specifically provides that the fourth offence is punishable by death, including if the offence is committed while in prison.¹⁷

The *qisas* offence of murder also carries a death sentence.¹⁸

A death sentence must be carried out "at the break of dawn" unless otherwise specified by the court and must be carried out by prison or disciplinary authorities. For *qisas* offences, the next of kin of the victim has the right to carry out the sentence personally or to appoint a representative to do so

⁶ Islamic Penal Code, Article 91

⁷ See FIDH, Death penalty in Iran: A state terror policy, October 2013, p. 7. Available at: <https://www.fidh.org/en/region/asia/iran/death-penalty-in-iran-a-state-terror-policy-14075>.

⁸ Islamic Penal Code, Article 224.

⁹ Islamic Penal Code 2013, Article 225.

¹⁰ Islamic Penal Code 2013, Article 226.

¹¹ Islamic Penal Code 2013, Articles 234 and 236.

¹² Islamic Penal Code 2013, Article 262.

¹³ Islamic Penal Code 2013, Article 263.

¹⁴ Islamic Penal Code 2013, Article 282.

¹⁵ Islamic Penal Code 2013, Article 287.

¹⁶ Islamic Penal Code 2013, Article 136.

¹⁷ Islamic Penal Code, Article 278.

¹⁸ Islamic Penal Code 2013, Article 298.

on their behalf.¹⁹ For execution by stoning, three ‘believers’ must be present for the execution.²⁰ Crucifixion is carried out by tying a convict with his or her back to a cross facing the *Qebleh* (in the direction of Mecca) with feet “slightly above the ground”. After three days, the body is brought down. If the sentenced person is still alive after three days, he or she may be set free.²¹

Corporal punishment

The Penal Code 2013 has imposed some limitations on the sentencing of children physical punishment, but corporal punishment remains a lawful penalty for offences committed while under the age of 18.

The new Islamic Penal Code sets out specific penalties that may be imposed on children aged nine to 15 years²² and those aged 15 to 18 years²³ when they are convicted of *ta’zir* offences. Corporal punishment is not listed among these penalties. However, these provisions do not apply to *hadd* or *qisas* offences unless the child does not realise “the nature of the crime committed or its prohibition or there is uncertainty about [the child’s] full mental development”.²⁴ Where a child does not fulfil this test, the IPC 2013 provides for corporal punishment for a large number of *hadd* and *qisas* offences.

Under certain circumstances, the offence of *zina*, that is sexual intercourse between a man and woman who are not married to each other, is punishable by up to one hundred lashes.²⁵ Several distinct forms of homosexual intercourse are punishable by lashes, specifically *livat*, *tafkhez* and *musaheqeh*.²⁶ The penalty for “procuring” or “pandering”, defined as “connecting two or more people together in order to commit *zina* or *livat* carries a sentence of 75 lashes.”²⁷ Falsely accusing another person of *zina* or *livat* is punishable by 80 lashes²⁸ and “consuming intoxicants” carries a sentence of 80 lashes.²⁹

Moharabeh is punishable by amputation of the right hand

and left foot at the discretion of the judge³⁰ and as a *hadd* punishment, this may be imposed if the offence is committed by a person under the age of 18.

The Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging sets out the procedure for administering corporal punishment. Flogging must be administered by a woven leather belt of approximately one meter in length and one and a half centimeter in width.³¹ The sentenced person’s hands and feet must be tied³² and the sentence should be carried out in a moderate temperature either indoors or outside.³³ The regulations set out a hierarchy for offences in terms of how much force must be used in carrying out the lashes: floggings for the offence of adultery or *tafkhez* must be more forceful than for the consumption of alcohol and floggings for the consumption of alcohol more forceful than for *qazf* or pandering.³⁴

Women must be fully clothed and in a sitting position during a flogging,³⁵ while men are flogged in a standing position. For sodomy and the consumption of alcohol, men must wear no clothing other than that covering “private organs”, while for *qazf* or pandering, flogging must be administered over regular clothing.³⁶

Life imprisonment

The Penal Code 1991 prescribed life imprisonment for theft (third offence)³⁷ and for forcing another person to commit murder.³⁸ The IPC 2013, retains life imprisonment for theft as a third offence and for *moharebeh*.³⁹

19 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 15. An English translation is available at: <http://www.iranhrdc.org/english/english/human-rights-documents/iranian-codes/1000000517-english-translation-of-regulatory-code-on-sentences-of-qisas-stoning-crucifixion-execution-and-flogging.html>

20 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 21.

21 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 24.

22 Islamic Penal Code 2013, Article 88.

23 Islamic Penal Code 2013, Article 89.

24 Islamic Penal Code 2013, Article 90.

25 Islamic Penal Code 2013, Article 225, 228, 229, 230, 232.

26 Islamic Penal Code 2013, Articles 233, 234, 235, 236, 237, 238, 239 and 240.

27 Islamic Penal Code 2013, Articles 242, and 243.

28 Islamic Penal Code 2013, Articles 245 and 250.

29 Islamic Penal Code 2013, Article 265.

30 Islamic Penal Code 2013, Article 279, 280, 281, 282.

31 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 27.

32 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 28.

33 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 29.

34 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 30.

35 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 32.

36 Regulatory Code on Sentences of Qisas, Stoning, Crucifixion, Execution and Flogging, Article 33.

37 Islamic Penal Code 1991, Article 201.

38 Islamic Penal Code 1991, Article 211.

39 Islamic Penal Code 2013, Articles 278 and 375. *Moharebeh* is defined as “drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere of insecurity.”

Inhuman sentencing in practice

Death penalty

Recent figures vary between sources, but between 1999 and March 2009, at least 42 executions of juvenile offenders were recorded.⁴⁰ Since then, FIDH has reported that one child offender was executed in 2010, seven in 2011, one in 2012 and five in 2014. At least 14 people executed in 2014 are believed to have been under the age of 18 at the time they allegedly committed the offence for which they were sentenced.⁴¹

Other sources have provided slightly different figures. Amnesty International reported that it received reports that at least 14 people were executed in Iran during 2014 for offences committed while under the age of 18.⁴² This figure marked an increase on 11 suspected child offenders executed in 2013⁴³ and the two executions of child offenders reported by official sources in 2012.⁴⁴

In 2011, Iran Human Rights reported the execution of four juveniles,⁴⁵ while Amnesty put the figure at three confirmed executions of child offenders, with unconfirmed reports of a further four.⁴⁶ In 2010, Amnesty reported that Iranian authorities had acknowledged the execution of one person for an offence committed while a child.⁴⁷ “Mohammad A” was executed in July 2010 for the alleged rape of two boys committed while he was under the age of 18.⁴⁸ At the time, the organisation had compiled a list of 140 cases in which people had been sentenced to death for an offence allegedly committed while under the age of 18, though it was not able to confirm whether sentences were ever carried out or what happened to those sentenced.⁴⁹

Corporal punishment

The Abdorrahman Boroumand Foundation documented at least 48 cases of people being sentenced to flogging for offences committed while a child between 2000 and 2011. Of these sentences, 33 were carried out on boys and 15 on

girls.⁵⁰ This figure is likely to seriously underestimate the true prevalence of corporal punishment as a criminal sentence, as flogging is underreported and no official government data is available.

Progress towards prohibition and elimination

Law reform needed

All provisions authorising courts to sentence children to death, corporal punishment or life imprisonment for offences committed while under the age of 18 should be repealed and legislation enacted to explicitly prohibit these practices.

Law reforms under way

Iran enacted a new Penal Code in 2013, but though the reforms changed the law with regards to the imposition of inhuman sentencing of children, the death penalty, life imprisonment and corporal punishment all remained lawful for offences committed by children.

National campaigns

CRIN is not aware of any national campaigns against inhuman sentencing in Iran.

As part of CRIN’s work on the inhuman sentencing campaign, we have submitted reports and alternative reports to the international human rights mechanisms as they have reviewed States involved with the campaign, with the aim of ensuring that the practices are recognised as illegal under international law and of exerting pressure on States to reform their laws. In March 2014, CRIN made a submission as part of the Universal Periodic Review of Iran⁵¹ and in March 2015, contributed to a joint alternative report on behalf of 21 international and Iranian human rights organisations ahead of the pre-sessional Working Group of the Committee on the Rights of the Child.⁵²

40 FIDH, Iran death penalty: A state terror policy, p. 27. Available at: https://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf.

41 FIDH, Iran death penalty: A state terror policy, 2014.

42 Amnesty International, “Death Sentences and Executions in 2014”, 31 March 2015, p. 47.

43 Amnesty International, Death Sentences and Executions in 2013”, 27 March 2014, p. 33.

44 Amnesty International, “Death Sentences and Executions in 2012”, September 2013, p.

45 Iran Human Rights, “Death Penalty in Iran 2011”, March 2012, p. 21.

46 Amnesty International, “Death Sentences and Executions in 2011” May 2012, p. 38.

47 Amnesty International, “Death Sentences and Executions in 2010”, March 2011, p. 26.

48 Amnesty International, “Death Sentences and Executions in 2010”, March 2011, p. 29.

49 Amnesty International, “Death Sentences and Executions in 2010”, March 2011, p. 29.

50 Abdorrahman Boroumand Foundation, Flogging Interactive, available at: <https://iran-rights.org/projects/flogging>.

51 CRIN, Inhuman sentencing of children in Iran, March 2014. Available at: www.crin.org/node/39396.

52 Joint Alternative Report by Civil Society Organisations on the Implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, March 2015. Available at: www.crin.org/node/41141.

National and international law conflicting with human rights

The Constitution

A small number of provisions of the Constitution potentially conflict with inhuman sentencing of child offenders,⁵³ though the Constitution clearly foresees the legality of the death penalty and limits the prohibition on torture to its use to extract confessions or acquire information.

Article 22

The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.

Article 38

All forms of torture for the purpose of extracting confession or acquiring information are forbidden. Compulsion of individuals to testify, confess, or take an oath is not permissible; and any testimony, confession, or oath obtained under duress is devoid of value and credence. Violation of this article is liable to punishment in accordance with the law.

Article 39

All affronts to the dignity and reputation of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.

International human rights treaties

Iran has ratified or acceded to the following international treaties:

- Convention on the Rights of the Child (1994)
Reservations: “The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to the Islamic Shariah, and preserves the right to make such particular declaration upon its ratification” “The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.”
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2007)
- International Covenant on Civil and Political Rights (1975)
- International Covenant on Economic, Social and Cultural Rights (1975)

- International Convention on the Elimination of Racial Discrimination (1968)
- Convention on the Rights of Persons with Disabilities (2009)
Declaration: “...with regard to Article 46, the Islamic Republic of Iran declares that it does not consider itself bound by any provision of the Convention, which may be incompatible with its applicable rules.”

Iran has not accepted any international complaints or communications mechanisms.

Status of treaties

International treaties must be approved by the Islamic Consultative Assembly⁵⁴ and provided that they are concluded in accordance with the Constitution, have the force of law.⁵⁵ The reservation made when Iran ratified the Convention on the Rights of the Child, however, would make enforcement of the Convention in the domestic legal system difficult.⁵⁶

Recommendations from human rights treaty monitoring bodies

Committee on the Rights of the Child

The Committee on the Rights of the Child held its pre-session Working Group on Iran in June 2015 and is due to conduct the full review in January 2016.

(CRC/C/15/Add.254, 31 March 2005, Concluding Observations on the second periodic report of the Islamic Republic of Iran, paras/ 29, 30, 72 and 73)

The Committee notes the statement made by the delegation of the State party during the consideration of the second periodic report that in view of the Bill on the Establishment of Juvenile Courts currently pending before Parliament, executions of persons for having committed crimes before the age of 18 have been suspended. The Committee deplores the fact that such executions have continued since the consideration of the State party's initial report, including one such execution on the day the second report was being considered.

The Committee urges the State party to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures

⁵³ See Constitution of the Islamic Republic of Iran. Available in English at: https://www.constituteproject.org/constitution/Iran_1989?lang=en.

⁵⁴ Constitution of the Islamic Republic of Iran, Article 77.

⁵⁵ Civil Code of the Islamic Republic of Iran, 1928, Article 9. Available at: <http://rc.majlis.ir/fa/law/show/97937>.

⁵⁶ For more information, see CRIN, Access to justice for children: Islamic Republic of Iran, February 2015. Available at: www.crin.org/node/41975.

to convert them into penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention.

The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law, in particular the Bill on the Establishment of Juvenile Courts mentioned in paragraph 8 above. However, it deplores the information referred to in paragraph 29 above that, despite the statement of the delegation made during the consideration of the second periodic report that, in view of that Bill, executions, torture and other cruel, inhuman or degrading treatment or punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the consideration by the Committee of the State party's initial report. The Committee remains concerned at the existing poor quality of the rules and practices in the juvenile justice system, reflected, inter alia, in the lack of statistical data, the limited use of specialized juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture and other cruel or inhuman punishment and in particular of the death penalty.

The Committee reiterates its recommendation contained in paragraph 9 above that the State party take, as a matter of the highest priority, the necessary measures for the approval and implementation of the Bill on the Establishment of Juvenile Courts and ensure that it complies with the provisions of the Convention, in particular articles 37, 39 and 40, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System, in the light of the day of general discussion on the administration of juvenile justice, held by the Committee in 1995. In this respect, the Committee urges the State party, in particular:

- (a) To suspend immediately, for an unlimited period of time, the imposition and execution of the death penalty for crimes committed by persons under 18, and to take all measures to implement paragraph 30 of the present concluding observations;
- (b) To suspend immediately the imposition and execution of all forms of torture and other cruel, inhuman or degrading treatment or punishment, such as amputation, flogging or stoning, for crimes committed by persons under 18;

(c) To continue to improve the quality and availability of specialized juvenile courts and judges, police officers and prosecutors;

(d) To develop and implement alternatives to custodial sentences;

(e) To ensure that persons under 18 are provided with legal assistance of good quality throughout the process;

(f) To develop and implement adequate support, counselling and other services so as to promote integration into society of juveniles who have been in conflict with the law and in particular those who have been deprived of their liberty;

(g) To train judges and other professionals also in the area of social rehabilitation of children;

(h) To seek technical assistance from and cooperation with, among others, OHCHR and UNICEF.

(CRC/C/15/Add.123, 2000, Concluding Observations on the initial report of the Islamic Republic of Iran, paras.50, 51, 58, 59, 60, 61, 74 and 75)

In light of articles 6 and 37 (a) of the Convention, the Committee is seriously disturbed at the applicability of the death penalty for crimes committed by persons under 18 and emphasizes that such a penalty is incompatible with the Convention.

The Committee strongly recommends that the State party take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18.

In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons who committed crimes while under 18 can be subjected to corporal punishment under Note 2 of article 49 of the Islamic Penal Law, or can be subjected to a variety of types of cruel, inhuman or degrading treatment and punishment such as amputation, flogging and stoning, which are systematically imposed by judicial authorities. Concurring with the Human Rights Committee (CCPR/C/79/Add.25), the Committee finds that application of such measures is incompatible with the Convention.

The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment under Note 2 of article 49 of the Islamic Penal Law and the imposition of amputation, flogging, stoning and other forms of cruel, inhuman or degrading treatment and punishment to persons who may have committed crimes while under 18.

In light of articles 19 and 39 of the Convention, the Committee is concerned that legislation provides for corporal punishment within the family, under Note 2 of article 49 and article 59 of the Islamic Penal Law and article 1179 of the Civil Code.

The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family and in the schools. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and the schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to: receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identifying, reporting and managing cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.

The Committee is concerned that persons under 18 may be prosecuted for crimes in the same manner as adults, without special procedures; are potentially liable for the same penalties as adults; may be subject to deprivation of liberty without due process under article 49 of the Islamic Penal Law; and, apart from facilities in some large cities, may be held in detention with adults. Furthermore, the Committee is concerned that the right of juvenile delinquents to protective and rehabilitative measures is not guaranteed.

The Committee recommends that the State party establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. Particular attention should be paid to ensure that deprivation of liberty is only used as a measure of last resort, children have access to legal aid, and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. The Committee recommends that the State party seek assistance from OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the Coordination Panel on Juvenile Justice, among others.

Human Rights Committee

(CCPR/C/IRN/CO/3, 29 November 2011, Concluding Observations on the third periodic report of the Islamic Republic of Iran, paras. 12, 13, 16, 23)

“The Committee continues to be deeply concerned about the extremely high and increasing number of death sentences pronounced and carried out in the State party, the wide range and often vague definition of offences for which the death penalty is applied, and the large number of capital crimes and execution methods. The Committee is also concerned about the continued use of public executions, as well as stoning, as a method of execution. It also notes with concern the high rate of State executions in ethnic minority areas (arts. 6 and 7).

“The State party should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6, paragraph 2, of the Covenant and the Committee’s general comment No. 6 (1982) on the right to life. It should ensure that, whenever it is imposed, the requirements of articles 6 and 14 of the Covenant are fully met. It should also ensure that everyone sentenced to death, after exhaustion of all legal avenues of appeal, has an effective opportunity to exercise the right to seek pardon or commutation of sentence from the relevant authorities. The State party should furthermore prohibit the use of public executions, as well as stoning as a method of execution.

“The Committee is gravely concerned about the continued execution of minors and the imposition of the death penalty for persons who were found to have committed a crime while under 18 years of age, which is prohibited by article 6, paragraph 5, of the Covenant (art. 6).

The State party should immediately end the execution of minors, and further amend the draft juvenile crimes investigation act and the Bill of Islamic Criminal Code with the aim of abolishing the death penalty for crimes committed under the age of 18. The State party should also commute all existing death sentences for offenders on death row who had committed a crime while under the age of 18.

“The Committee is concerned about the continued imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, enmity against God (mohareb) and certain sexual acts. It is also concerned that corporal punishment of children is lawful in the home, as a sentence of the courts and in alternative care settings (art. 7).

“The State party should amend the Penal Code to abolish the imposition of corporal punishment by judicial and administrative authorities. The State party should also explicitly prohibit all forms of corporal punishment in child-rearing and education, including by repealing the legal defences for its use in article 1179 of the Civil Code, articles 49 and 59 of the Penal Code and article 7 of the Law on the Protection of Children.

“The Committee is concerned about discrimination against members of the Christian minority, including arrests based on charges of proselytizing and a ban on conducting Christian services in Farsi. The Committee also notes with concern that individuals who have converted from Islam have been arrested, and that article 225 of the draft Penal Code is aimed at making the death penalty mandatory for convicted male apostates (art. 18).

“The State party should take steps to ensure full respect for the right to freedom of religion or belief, including ensuring that legislation and practices fully conform to article 18 of the Covenant. This also entails that the right of everyone to change his or her religion, if he or she so chooses, is unconditionally and fully guaranteed. The Committee also urges the State party to revoke article 225 of the draft Penal Code. The Committee recalls its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.”

Universal Periodic Review

Second cycle

During the second cycle of the Universal Periodic Review, Iran noted but did not accept 16 recommendations from States to abolish, institute a moratorium on or review sentences of death for offences committed by children.⁵⁷ States made a further 20 recommendations to abolish the death penalty, impose a moratorium or introduce greater restrictions on the death penalty.⁵⁸ Portugal and Estonia also recommended that Iran ratify the second optional protocol to the International Covenant on Civil and Political Rights. Iran noted recommendations from the Czech Republic to abolish all corporal punishment under the Penal Code and from Israel

to repeal all laws permitting corporal punishment of children and to explicitly prohibit the practice.

First cycle

During the first cycle of the Universal Periodic Review, Iran accepted a recommendation from Kazakhstan to “consider the abolition of juvenile execution”, but did not accept recommendations from 17 other States to abolish the sentence for children.⁵⁹ Iran also accepted a recommendation from New Zealand to “reconsider the inclusion of apostasy, witchcraft and heresy as capital offences in its updated penal code”, but did not accept recommendations from a further nine States to institute a moratorium or to abolish the death penalty.⁶⁰

57 A/HRC/28/12, 22 December 2014, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran; A/HRC/28/12/Add.1, 2 March 2015, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran (Addendum). Relevant recommendations were made by: Canada, Belgium, Australia, Czech Republic, Hungary, Iceland, Ireland, Italy, Lithuania, Luxembourg, Norway, Paraguay, Spain, United Kingdom, Austria.

58 A/HRC/28/12, 22 December 2014, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran; A/HRC/28/12/Add.1, 2 March 2015, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran (Addendum). Relevant recommendations were made by: Switzerland, Luxembourg, Cyprus, Macedonia, Uruguay, Argentina, Costa Rica, Estonia, France, Germany, Italy, Latvia, Montenegro, Portugal, Germany, Paraguay, Slovakia, Slovenia, Israel.

59 A/HRC/14/12, 15 March 2010, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran; A/HRC/14/12/Add.1, 3 June 2010, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran (Addendum). Relevant recommendations were made by: Italy, Netherlands, Australia, New Zealand, Israel, Chile, Japan, Czech Republic, Austria, Estonia, Slovenia, Ireland, Canada, UK, France, Spain, Hungary.

60 A/HRC/14/12, 15 March 2010, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran; A/HRC/14/12/Add.1, 3 June 2010, Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran (Addendum). Relevant recommendations were made by: Luxembourg, Slovakia, Israel, Brazil, Germany, Belgium, Italy, France, Belgium.

About CRIN (www.crin.org)

Our goal: A world where children's rights are recognised, respected and enforced, and where every rights violation has a remedy.

Our organisation: CRIN is a global research, policy and advocacy organisation. Our work is grounded in the United Nations Convention on the Rights of the Child.

Our work is based on five core values:

- We believe in rights, not charity
- We are stronger when we work together
- Information is power and it should be free and accessible
- Societies, organisations and institutions should be open, transparent and accountable
- We believe in promoting children's rights, not ourselves.

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