

Inhuman sentencing of child offenders in Iran

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Iran (third report – CCRP/C/IRN/3)

In Iran, child offenders may be sentenced to death, life imprisonment and to corporal punishment.

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 (1991). Minors are exempt from criminal responsibility. A minor is defined as someone who has not reached puberty, which is specified under article 1210 of the Civil Code as 15 lunar years for boys and 9 lunar years for girls (i.e. 14 years and 7 months and 8 years and 9 months respectively).

The death penalty

Many laws prescribe the death penalty in Iran, including for persons under 18 at the time of the offence. Offences eligible for the death penalty under the 1991 Penal Code include adultery in various circumstances, sodomy, lesbianism, *moharebeh* (civil unrest), theft (fourth offence) and murder (arts. 82, 83, 74, 110-12, 121, 122, 125, 131, 132, 190, 195, 201, 219). Insulting Islam and denigrating the Prophet Muhammad (art. 513) also carry the death penalty in the Penal Code but this is not specified in Shari'a law (*Ta'azirat punishments*). The death penalty has also been applied for apostasy, though this is not prescribed in law.¹

Other laws authorising the death penalty include the Armed Forces Offences Law, the Law for Punishment of Disrupters of the National Economic System (1990), the Law for Amendment of the Anti-Narcotics Law & Annexation of Other Articles To It (1997), a 1975 amendment to a consumer law (1967), the Law for Punishment of Disrupters of Oil Industry, the Law for Punishment of Disrupters of Water, Electricity and Telecommunication Facilities, the Law for Punishment of Disrupters of Flight Security, the Law for Punishment of Offences concerning Railways, and the Law for Increase of Punishment for Arms Smuggling.²

Executions can be carried out by hanging, firing squad, electrocution, beheading, throwing off a cliff, crucifixion, or other methods chosen by a judge. Further details of how executions should be carried out, by whom, and what action to take if a person tries to flee are specified in the Islamic Penal Code and the Directive on Implementation Regulations for Sentences of Retribution-in-Kind, Stoning, Murder, Crucifixion, Death Penalty and Flogging.

Corporal punishment

The Islamic Penal Code prescribes various forms of corporal punishment as a sentence, exempting minors (as defined above). However, the Islamic Penal Code states that “bodily punishment” to correct the behaviour of minors may be necessary in certain situations (art. 49, Note 2).

Older children may be sentenced to lashing for a range of offences related to sex, false accusations and alcohol consumption.

The Penal Code specifies that lashing for males accused of adultery and alcohol related offences should be carried out on the bare body, “severely”, except on the hands or face, while standing. For a female, it should be carried out while sitting with a cloth tied to her body (art. 100).

A sentence to lashing followed by a sentence to death by stoning is also possible (art. 98).

¹ Article 214 of the Criminal Procedure Code states that in the absence of codified law judges must make a judgment based on authoritative Islamic sources (FIDH, 2009)

² International Federation for Human Rights - FIDH (2009), IRAN/ Death Penalty: A state terror policy, Paris, p. 13

The Penal Code orders other forms of corporal punishment for retaliation for injury, including amputation (art. 269). In retaliation for injury to limb, the limbs must be equally healthy and not artificial. Retaliation should result in equal loss and must not exceed the crime; it should not lead to death or the loss of a different limb (Islamic Penal Code, art. 272). Similar punishments are prescribed for ears, eye, nose, tongue, lips and teeth (Penal Code arts. 283-292). Theft is punished by amputating four fingers on the right hand for the first offence and half of the left foot for the second offence (arts. 201, 202).

Ta'azirat corporal punishments are administered for insulting, swearing or using profane language, insulting state employees, crimes against public morality by an unmarried man or woman, excluding adultery, publicly violating a religious taboo, publishing or being in receipt of media violating public morals, and publishing false information.

Life imprisonment

The Islamic Penal Code authorises life imprisonment for theft (third offence) (art. 201) and for ordering or forcing another person to commit murder (art. 211). There is no explicit prohibition on this sentence for persons under 18.

In 2005, the **Committee on the Rights of the Child** urged the Government of Iran to immediately halt the imposition and execution of the death penalty and all forms of torture and other cruel, inhuman or degrading treatment or punishment, including amputation, flogging or stoning, for offences committed by persons under 18. It recommended that full approval and implementation of the new Bill on the Establishment of Juvenile Courts be prioritised and that the state party undertake a comprehensive review of domestic legislation to ensure full compliance with the Convention's principles. (CRC/C/15/Add.254, Concluding Observations on Iran's second report, paras. 4, 8, 9, 29, 30, 45, 46, 72 and 73 and on the initial report in 2000, CRC/C/15/Add.123, paras. 29, 30, 37, 38, 53 and 54).

The **Human Rights Committee** recommended that Iran revise its domestic laws to limit the number of offences punishable by death and to reduce the number of executions. It urged Iran to halt public executions, ensure that offenders are provided with all necessary guarantees - including the right to a fair trial (art. 14 of Covenant) - and provide human rights training for all members of the police, armed forces and security forces. It further declared that: "Effective measures should be adopted to ensure the strictest observance of articles 7 and 10 of the Covenant. All complaints of extrajudicial executions, disappearances, torture and ill-treatment should be duly investigated, the culprits should be punished and measures should be taken to prevent any recurrence of such acts. Severe forms of punishment incompatible with the Covenant should be removed from law and practice..." (CCPR/C/79/Add.25, Concluding observations on second report, paras. 5, 8, 11, 18 and 19).

A number of recommendations were made to Iran concerning capital punishment of children in the examination of Iran under the **Universal Periodic Review** process in 2010. Iran accepted two (to consider the abolition of juvenile execution and to respect the minimum standards and provisions of the ICCPR and CRC while the death penalty is maintained). Iran did not support recommendations to abolish the death penalty or to immediately halt the execution of juveniles.

In light of the clear international human rights consensus against the imposition of capital punishment, life imprisonment and corporal punishment on child offenders, and previous recommendations made to the state party, we hope the Human Rights Committee will urge the Government of Iran to:

- **Repeal all provisions authorising corporal punishment as a sentence for persons under 18 at the time of the offence, including for minors under the age of criminal responsibility.**
- **Explicitly prohibit sentences of corporal punishment, capital punishment and life imprisonment for persons under 18 at the time of the offence.**

To read CRIN's detailed report on *Inhuman Sentencing of Children in Iran*, visit:
<http://www.crin.org/violence/search/closeup.asp?infoID=23447>