

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/31/69 para 63

Full recommendation:

Despite some positive amendments in 2013, the Islamic Penal Code continues to justify serious human rights violations perpetrated by government officials, including members of the judiciary. Many provisions in the penal code violate the country's international human rights obligations by criminalizing the peaceful exercise of fundamental rights or other acts that are not internationally recognized as crimes. The penal code also continues to discriminate against girls, women and religious minorities. The Special Rapporteur encourages the Government to consider additional reforms to the penal code in line with the country's international legal obligations.

Assessment using Impact Iran human rights indicators¹

The revised version of the Islamic Penal Code,² adopted in 2013, maintains numerous provisions which criminalise the exercise of the right to freedom of expression, association and peaceful assembly, in contravention of international human rights law and standards. To name a few, under the Penal Code, the establishment or leadership of a group that “aims to perturb the security of the country” is criminalized,³ as well as a variety of acts considered propaganda⁴ or conspiracy against the state (which has been interpreted to include peaceful protests).⁵ Encouragement to “violate public morals”⁶ as well as satire are also penalized.⁷ Similar vaguely worded provisions punish acts such as swearing at⁸ or insulting⁹ “the Great Prophet of Islam” as well as “sowing corruption on earth”¹⁰ with the death penalty. These restrictions fail to meet requirements of international standards that limitations are necessary and proportionate, and in pursuit of one of a limited number of narrowly-drawn legitimate aims, per Article 19 of the ICCPR. This grants authorities’ significant discretion to impose overbroad and vague restrictions on individuals’ rights in violation of the country’s international human rights obligations.

The authorities frequently resort to these provisions in order to intimidate, arrest and

¹ CCPR.18.1.S.1; CCPR.19.2.S.1; ESCR.3.S.1
CCPR.18.1.P.1;

² The Islamic Penal Code available at: http://rc.majlis.ir/fa/law/print_version/845048

³ Article 498 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁴ Article 500 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁵ Article 610 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁶ Article 639 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁷ Article 700 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁸ Article 262 Islamic Penal Code 2013, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

⁹ Article 513 Islamic Penal Code 2013, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

¹⁰ Article 286 Islamic Penal Code 2013

prosecute individuals who peacefully exercise their rights to freedom of expression, association and assembly including journalists and media workers, trade unionists, and lawyers.^{11 12 13 14} NGOs have reported a pattern of violations to the aforementioned human rights targeting disproportionately members of minority or marginalised groups.^{15 16}

Additionally, the Iranian Islamic Penal Code (2013) contains provisions which directly discriminate between girls and boys under the criminal justice system. One of the most telling examples is the age of criminal responsibility, which is set at nine lunar years for girls (equivalent to eight years, nine months) and fifteen lunar years for boys (equivalent of fourteen years, seven months).¹⁷ According to Article 638 of the Penal Code, girls as young as 9 years old can be sentenced to prison if they do not wear the compulsory *hijab*. Iranian authorities have been arresting and detaining women for not wearing a *hijab* or wearing an improper *hijab*.^{18 19 20}

The Islamic Penal Code also prescribes different penalties depending on the religion of the perpetrator and/or the victim of some crimes. Harsher penalties are applied to non-Muslim individuals for the same offence.²²

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.²³ Additionally, as many discriminatory provisions are

¹¹ See more : ARTICLE 19, Small Media, Human Rights Activists in Iran, Impact Iran, Human Rights Committee, 129th session (Geneva) 29 June – 24 July 2020,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICJ_IRN_42315_E.pdf

¹² See more: Iran Human Rights, <https://www.iranhr.net/en/reports/23/>

¹³ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/controlled-and-pursued-labor-activism-in-contemporary-iran/>

¹⁴ See more: Ensemble Contre la Peine de Mort, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

¹⁵ “Alireza Farshi has been released from Evin,” HRNA News Agency. 11 April 2020. <https://www.hra-news.org/2020/hranews/a-24375/>

¹⁶ “Iran arrests 29 linked to protests against compulsory hijab laws”, New York Times, 2 February 2018. <https://tinyurl.com/ybmdozuy>

¹⁷ Criminal responsibility, Articles 140, 146 and 147 of the Islamic Penal Code, 2013 <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

¹⁸ Center for Human Rights in Iran, <https://www.iranhumanrights.org/2019/08/arrests-prison-sentences-fail-to-stem-growing-public-opposition-to-irans-mandatory-hijab-law/>

¹⁹ Iran Human Rights Monitor, <https://iran-hrm.com/index.php/2020/06/16/women-arrested-for-removing-hijab-in-photos-posted-on-social-media/>

²⁰ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24897&LangID=E>

²¹ See more: Minority Rights Group, https://minorityrights.org/wp-content/uploads/2019/09/MRG_CFR_Iran_EN_Sept191.pdf

²² Examples: Article 224 (p) and Note 1 to Article 234, Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

²³ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020,

enshrined into Iranian law, avenues of complaints for the violation of an individual's human rights is limited in the Islamic Republic of Iran.

Since the recommendation to consider additional reforms to the Penal Code in line with Iran's international obligations was made by the UN Special Rapporteur on the Islamic Republic of Iran (May 2016), the State has not made amendments to its Penal Code. As of December 2020, there is no readily available information that might suggest that the Islamic Republic of Iran is considering additional reforms to the penal code in line with the country's international legal obligations.

Recommendation Status:

This recommendation has **NOT** been implemented.