

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 38

Full recommendation:

The Committee strongly urges the State party to repeal article 301 of the Islamic Penal Code, and ensure that all perpetrators of murders committed in the name of so-called “honour” receive penalties commensurate with the gravity of their crimes. The Committee urges the State party to carry out prompt and thorough investigations into all these cases, to prosecute perpetrators and to ensure that those found guilty are given appropriate sentences.

Assessment using Impact Iran human rights indicators¹

An honour killing is defined as a murder committed or ordered by a husband, a father, a brother or another relative as a punishment to a family member who is seen to have damaged the family’s reputation by their actions.

The Iranian legal framework is permissive of the perpetration of honor killings as it does not specifically criminalise such crimes. The Islamic Penal Code (2013) stipulates that the *qisas* punishment (retribution in kind) that applies to a perpetrator of a murder, does not apply to a father or a paternal grandfather who kills his own child. As such, they are not subject to proportional punishments but rather reduced sentences. For instance, the father, if found guilty, may face between three and 10 years in prison.² Such exemptions and absence of deterrent punishment may well exacerbate the risk of honour killings.³

Additionally, the Islamic Republic of Iran does not have laws which specifically criminalise domestic violence, which may well facilitate the perpetration of honour killings. Article 630 of the Islamic Penal Code (2013) allows husbands to commit murder against their wife if the husband catches their wife committing a *zina* offence (adultery and fornication) with another man.⁴ Article 1105 of the Iranian Civil Code recognises the husband as the head of the family, which means that his orders must be respected by his wife and children.⁵ ‘Disobedience’ can be used as a legal ground for battery.⁶

¹ CCPR.9.1.S.3; CRC.19.1.S.1

CCPR.9.1.P.3; CRC.19.1.P.1

CCPR.9.1.O.3 ; CRC.19.1.O.1

² Penal Code, arts. 301 and 348. See note 25.

³ See Articles 299 to 303 of the Islamic Penal Code (2013)

⁴ Iran Human Rights Documentation Centre <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

⁵ Amnesty International, 2015, <https://www.amnesty.org/download/Documents/MDE1311112015ENGLISH.pdf>

⁶ Iran Human Rights Documentation Centre https://iranhrdc.org/wp-content/uploads/pdf_en/LegalCom/Womens_Rights_Commentary_389929723.pdf

Although the Islamic Republic of Iran adopted legislation further protecting children and adolescents from violence in June 2020, the law does not challenge the aforementioned provisions of the Islamic Penal Code (2013).⁷ The law also requires social workers from the State Welfare Organisation to investigate the situation of children in “extreme danger” from abuse.⁸ However, there is no readily available information as to the number of investigations that have been carried out and whether or not they were adequately adjudicated.

Honor killings generally fall under the law of *qisas* (retribution in kind). However, in practice, the family often refuses to file a complaint or pursue punishment for cases of honor killings.^{9 10} Even if the government intervenes, homicide prosecutions for crimes under *qisas* require a complaint in order for the prosecution to pursue typical homicide sentences which will prosecute the crime under the law of *ta'zir* (crimes for which fixed penalties are not provided under Islamic law).¹¹ In such cases, punitive sentences can be set much lower than they would be under the law for non-familial adult offenders.¹² Even when families of victims join cases as plaintiffs and the perpetrators of violence are found guilty and sent to prison, the offenders are often released soon afterwards or serve no prison term at all, because the family formally forgives them, resulting in the retribution being legally settled.¹³ In effect, the murder of a child due to a father’s act of domestic violence, including “honor killings,” receives a lesser punishment than a murder where the victim and assailant are not related. The result is reduced accountability for those guilty of filicide.

There are no readily available and official statistics or data on the prevalence of honour killings in the Islamic Republic of Iran, nor on investigations and prosecutions carried for such crimes. However, recent cases indicate that the practice still occurs in the country and light sentences for perpetrators have been reported.¹⁴

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Parliament’s Article 90 Commission (based on Article 90 of the Constitution, which offers a mechanism for citizens to file complaints against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in

⁷ Human Rights Watch, <https://www.hrw.org/news/2020/06/23/iran-child-protection-law-positive-insufficient>

⁸ Ibid.

⁹ Iran Human Rights Documentation Center, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/>

¹⁰ Suuntaus Project, Finnish Immigration Service- Country Information Service, ‘Violence against women and honour-related violence in Iran’, 26 June 2015, https://migri.fi/documents/5202425/5914056/61597_Suuntaus-raportti_VakivaltaIran_finalFINAL_kaamosversio_EN.pdf/04123eff-529a-457a-aa0d-d5218d046ffe

¹¹ Penal Code, Book 3, arts. 301, 302. In the absence of a family member as plaintiff, the government can act in place of the family member, but the prosecution then moves away from *qisas* charges and shifts to *tazir* charges, which is under the Islamic Penal Code Book 5 (1997), including arts. 610, 612 and 616, carry much lighter sentences

¹² Ibid

¹³ Iran Human Rights Documentation Center, consultation with Iranian lawyer Hossein Raeesi (20 February 2015).

¹⁴ Radio Farda, <https://en.radiofarda.com/a/iranian-father-s-light-sentence-for-honor-killing-rekindles-controversy-over-islamic-penal-code-/30808734.html>

the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.¹⁵ There is no readily available information that might suggest that complaints of honour crimes are received by these bodies, investigated and adjudicated. There is no National Human Rights Institution able to receive complaints and carry investigations in the Islamic Republic of Iran, including for cases of human rights violations of children.

The Islamic Republic of Iran has not repealed Article 301 of the Islamic Penal Code and has not ensured that all perpetrators of murders committed in the name of so-called “honour” receive penalties commensurate with the gravity of their crimes. There is no readily official and available information that might suggest that the Islamic Republic of Iran has carried out prompt and thorough investigations into all these cases. The aforementioned information suggests that not all perpetrators are prosecuted and that those found guilty are not given appropriate sentences.¹⁶

Recommendation Status:

This recommendation has **NOT** been implemented.

¹⁵ Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en

¹⁶ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/>