

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 48

Full recommendation:

The Committee recommends that the State party take the necessary measures to ensure full respect for the right of children to freedom of expression, association and peaceful assembly, and that those rights not be subjected to undue and vague limitations but that restrictions to those rights comply with international standards. The Committee urges the State party to review its legislation in order to ensure that children under the age of 18 years are exempt from criminal responsibility for such content-based offences.

Assessment using Impact Iran indicators¹

Iran's Penal Code contains multiple provisions that criminalise free expression. Content-based offenses such as propaganda against the State, insulting Islam (i.e. blasphemy), creating anxiety and unease in the public's mind, and spreading false rumors carry with them penalties including prison, flogging, and even death.² The Penal Code also makes it a crime to criticise state officials.³ Iranian law fails to define these terms, leaving them open to subjective and arbitrary interpretation.⁴

Major restrictions on print media are regulated under the Press Law (of 1986, amended in 2000) and the Islamic Penal Code (of 1991, ratified in 1996 and amended in 2013), as well as other statutes such as the Theologians' Law and the Public and Revolutionary Courts' Procedural Law (of 1999).⁵

ARTICLE 19 highlights the serious interference of editorial independence that is maintained under the Press Law.⁶ Under this law, the press are obliged to pursue at least one of five "legitimate objectives," which include "to campaign against manifestations of imperialistic culture" and "to propagate and promote genuine Islamic culture and sound ethical principles," and the press must "not undermine the realisation of the other goals or the principles of the Islamic Republic" (Article 2).⁷ Article 3 of the law holds that the press must restrict publications to "constructive criticism, while duly observing Islamic teaching and the best interest of the community," and avoiding "insult, humiliation and detrimental effects." Importantly, distribution

¹ CRC.12.1.S.1; CRC.12.1.P.1; CRC.12.1.O.1; CCPR.21.1.S.1; CCPR.21.1.P.1; CCPR.21.1.O.1

² ARTICLE 19, Computer Crimes in Iran: Online repression in practice (5 December 2013), available at: <http://www.article19.org/resources.php/resource/37385/en/computer-crimes-in-iran:-online-repression-in-practice>

³ Ibid.

⁴ ARTICLE 19 and PEN International, Joint Submission to the UN Universal Periodic Review of the Islamic Republic of Iran (15 March 2014), available at: <http://www.pen-international.org/wp-content/uploads/2013/05/Iran-submission.pdf>

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

of any domestic and foreign news should “increase public awareness and protect society’s interests” (Article 5).⁸ Similarly, vaguely phrased Penal Code offenses such as “acting against national security,” “membership in an illegal organisation” and “participation in an illegal gathering” criminalise and harshly punish a wide range of association, peaceful assembly, as well as expression that is protected under the CRC.⁹ These laws and their application conflict with Articles 26 and 27 of the Constitution that protect freedom of assembly and peaceful association that is “not detrimental to the fundamental principles of Islam.”¹⁰

These provisions and others are regularly used to justify the arrests of journalists, bloggers, student activists, protesters, and human rights defenders.¹¹ The criminalisation extends to girls from the age of 9 lunar years and boys from the age of 15 lunar years and has led to arrests and prosecutions.¹² Under the law there is no subscribed leniency or sentence mitigation for children facing security or political charges. Security forces including the police, ministry of intelligence, Basij (national militia), and Revolutionary Guards are permitted to arrest children. Investigations in these cases are conducted directly by security officials and not the special units for child offenders. These children are often detained and interrogated by the Ministry of Intelligence or Revolutionary Guards in special security wards, which are not monitored by the prison’s administration.¹³

The government’s reaction to the November 2019 protests is perhaps the most glaring recent example of Iranian authorities using ambiguous laws to arrest and pass sentences on individuals peacefully assembling and practicing free expression, as approximately 7,000 protestors were arrested, including children as young as 15.^{14 15 16}

Recommendation Status:

This recommendation has **NOT** been implemented.¹⁷

⁸ Ibid.

⁹ Penal Code, Book 5 (1997), arts. 498, 499, 610, 611, and 1375.

¹⁰ Iranian Constitution, arts. 26 and 27

¹¹ See, [UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Report on the situation of human rights in the Islamic Republic of Iran \(13 March 2014\)](#)

¹² Amnesty International: <https://www.amnesty.org/en/latest/news/2019/12/iran-thousands-arbitrarily-detained-and-at-risk-of-torture-in-chilling-post-protest-crackdown/>

¹³ Iran Human Rights Documentation Center, consultation with Iranian lawyer Hossein Raeesi (February 2013).

¹⁴ Amnesty International: <https://www.amnesty.org/en/latest/news/2020/09/iran-detainees-flogged-sexually-abused-and-given-electric-shocks-in-gruesome-post-protest-crackdown-new-report/>

¹⁵ Amnesty International: <https://www.amnesty.org/en/latest/news/2019/12/iran-thousands-arbitrarily-detained-and-at-risk-of-torture-in-chilling-post-protest-crackdown/>

¹⁶ Human Rights Watch: <https://www.hrw.org/news/2020/07/10/iran-death-penalty-protest-related-charges>

¹⁷ For more please see: Impact Iran submission to the Committee on the Rights of the Child, review of the 3rd and 4th periodic reports of the Islamic Republic of Iran: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=IRN&Lang=EN