

## Concluding Observation Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 54

### Full recommendation:

*In light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of Sustainable Development Goal 16.2 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee strongly urges the State party to immediately repeal all provisions which authorize or condone cruel, inhuman or degrading treatment of children. It also recommends that the State party put an end to public executions, which have an irreversible negative effect on the mental health of children who witness them, by implementing the above-mentioned decree. Furthermore, the Committee urges the State party to ensure that LGBTI children are not subjected to cruel and degrading treatment such as electric shocks and the administration of hormones and strong psychoactive medications, and that those responsible for these acts are held accountable.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

#### a. Committee strongly urges the State party to immediately repeal all provisions which authorize or condone cruel, inhuman or degrading treatment of children.

Iran's penal law provides for about 149 offenses that are punishable by flogging, according to the Abdorrahman Boroumand Foundation.<sup>2</sup> Flogging for each individual offense can range from 10 lashes to over 100. These punishments would constitute torture under Article 19 and 37(a) of the Convention. Based on the age of majority in the Penal Code, girls above the age of 9 lunar years and boys above the age of 15 lunar years can be flogged for criminal offenses, although revisions in the 2013 Penal Code provide for some mitigation. (For explanation of mitigations, see section 148 on child executions). It is currently unclear whether these revisions have impacted sentencing.<sup>3</sup>

As all Iranian laws have religious (Shia Islam) roots, many cases of acts of violence against children are not recognized as violence and are attributed to the right of a parent to discipline their child, this includes violence in child-rearing situations and parents or guardians disciplining children within the household. After a particularly gruesome incident in 2016, where a father beheaded his child, Government officials and international organizations highlighted these deficiencies in Iran and the government pledged to enforce protective laws on children exposed to violence.<sup>4</sup> For this reason, the Iranian government prepared a bill entitled "The Law on Protection and Protection of Children and Teenagers from Violence" and submitted it to parliament for due process. This law had been submitted in 2012 but was stalled in Parliament. It was resubmitted by President Rouhani's government in 2016 and was ultimately approved by the Guardian Council on June 7<sup>th</sup> 2020. The new law introduces several updates to a previous law passed in 2003, in the form of new procedures for social workers to investigate the situation of

<sup>1</sup> CRC.37.1.S.1; CRC.37.1.P.1; CRC.37.1.O.1

<sup>2</sup> Abdorrahman Boroumand Foundation, Flogging Interactive, available at: <https://iranrights.org/projects/flogging>.

<sup>3</sup> 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

<sup>4</sup> Human Rights Watch

children under “extreme danger” (article 33) from abuse and exploitation, as well as by criminalizing several forms of female genital mutilation.

Despite the above highlighted improvements, the new law has been found lacking in some regards and human rights organizations have pointed out that, even with these protections in place, if the murder that prompted lawmakers to draft the bill in the first place had occurred after its passing, the father of the young child who was murdered would still face a minor sentence (3-10 years).<sup>5</sup> Additionally the bill doesn’t deal with issues of children affected by armed conflict.

There is insufficient information to argue for the positive effects of the new child protection law, yet there is evidence that the recent COVID-19 pandemic has exacerbated cases of child abuse in Iran. Iran’s welfare organization has speculated that (as of August 13, 2020) child abuse instances had grown fivefold since the beginning of the pandemic.<sup>6</sup> Additionally, there are reports of children being sentenced to flogging for acts considered to be criminal offenses, such as alcohol consumption.<sup>7</sup>

### **b. Put an end to public executions**

Public executions are still practiced in the Islamic Republic of Iran and every year a number of public executions are recorded. In 2018, 13 individuals were reportedly executed in public spaces in Iran.<sup>8</sup> According to the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, there were at least 12 public executions between 1 January and 31 October 2019.<sup>9</sup> The Human Rights Committee has opined that public executions are contrary to Article 7 of the International Covenant on Civil and Political Rights<sup>10</sup> and therefore, inevitably render the execution arbitrary in nature, thus on violation of Article 6.<sup>11</sup>

### **c. Ensure that LGBTI children are not subjected to cruel and degrading treatment such as electric shocks and the administration of hormones and strong psychoactive medications, and that those responsible for these acts are held accountable.**

Human right organizations have reported on Iranian authorities’ recurring practices regarding the use of a range of coercive medical procedures designed for LGBTI individuals of any age. These procedures include conversion or reparative therapies, hormone treatments and sex reassignment and sterilization surgeries.<sup>12</sup> A fatwa by the then Supreme leader Ayatollah Khomeini in 1986 established the legal framework for diagnosing Trans people with what is called “Gender Identity Disorder”. Though being Trans is not a crime in Iran, Trans people are forced to choose between being diagnosed with GID, which leads to coerced gender reassignment surgeries or sterilization, and criminal prosecution and the possibility of arbitrary arrest. LGBTI individuals who exhibit same-sex desires and/or gender non-conformity are often diagnosed with

<sup>5</sup> [Atlantic Council](#)

<sup>6</sup> [Atlantic Council](#)

<sup>7</sup> [Amnesty International](#)

<sup>8</sup> <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

<sup>9</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/021/53/PDF/G2002153.pdf?OpenElement>

<sup>10</sup> Concluding Observations: Democratic Republic of Korea (2001), para. 13

<sup>11</sup> Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 40

<sup>12</sup> 6RANG. Submission to the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, March 2019.

GID and forced to undergo sexual reassignment surgeries or sterilization as well as other so-called “reparative” treatments without being given accurate information on the risks of such procedures. NGO sources have also documented the use of electric shock therapies, prescribing psychoactive medication, hypnosis, among other reparative therapies on gay and lesbian individuals, including underage adolescents.<sup>13 14</sup>

Recommendation Status:

This recommendation has **NOT** been implemented.<sup>15</sup>

---

<sup>13</sup> 6Rang, Reparative Therapies on Gays and Lesbians through Cruel, Inhumane and Humiliating Treatments Has Increased in Iran, July 13, 2018

<sup>14</sup> 6Rang, Submission to the third periodic review of the Islamic Republic of Iran by the UN Committee on the Rights of the Child, 2015.

<sup>15</sup> 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