

## Concluding observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 92(a)

### Full recommendation:

*Increase the age of criminal responsibility for girls, and ensure that girls and boys are treated on equal terms under the whole criminal justice system.*

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

Article 20 of the Constitution of the Islamic Republic of Iran guarantees that all citizens of Iran, men and women, enjoy the equal protection of the law and of rights, “in conformity with the Islamic criteria.” Article 21 emphasizes that “the government must ensure the rights of women in all respects, in conformity with Islamic criteria”.<sup>2</sup> While these provisions supposedly safeguard the human rights of women and protect them from discrimination, such legal guarantees only exist as long as they are in conformity with “Islamic criteria.” The phrase “in conformity with Islamic criteria” is open to interpretation and has often resulted in provisions that discriminate or have a discriminatory impact on various grounds, including gender.

The Iranian Islamic Penal Code (2013) is largely based on the state’s interpretation of Islamic *Sharia*<sup>3</sup> precepts and 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 in solar years) and fifteen lunar years for boys (equivalent of fourteen years, seven months in solar years).<sup>4</sup> The Islamic Republic of Iran has not increased the age of criminal responsibility for girls nor does it seem that the Government has been considering such change.

Other provisions under the Iranian criminal justice system discriminate between girls and boys. To name a few, a girl over the age of nine, or a woman’s testimony, is valued at half that of a man’s<sup>5</sup>, or not even considered<sup>6</sup>, in some proceedings. The Islamic Penal Code (2013) also

<sup>1</sup>CCPR.2.1.S.1

CCPR.2.1.P.1; CCPR.2.1.P.2

<sup>2</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandaportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>3</sup> According to article 98 of the Constitution, the Guardian Council, which combine of 12 member (6 directly appointee of the Supreme Leader, and other 6 members indirectly appointee of the Supreme Leader) is in charge of interpretation of the Constitution and also according to article 94, the same Council is incharge to examine all legislation decision that is made by the parliament in order to make sure that the law is not against the Sharia principles.

<sup>4</sup> 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/>

<sup>5</sup> Islamic Penal Code, 2013, Articles 74, 75 199, English Translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-one-book-two/>

<sup>6</sup> Islamic Penal Code, 2013, Article 119, English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-one-book-two/>

penalizes women and girls over the age of nine who do not comply with the Islamic dress code in public, notably with wearing the compulsory *hijab*.<sup>7</sup>

The Government of the Islamic Republic of Iran has not implemented measures to achieve de facto equality between girls and boys under the whole criminal justice system.

There are a number of mechanisms where Iranian citizens can report violations of their rights in the Islamic Republic of Iran, including the Article 90 Commission of the parliament,<sup>8</sup> or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.<sup>9</sup> However, and as aforementioned, gender discrimination is inherent to the criminal justice system and legal framework in the Islamic Republic of Iran. Consequently, there is little opportunity for one's complaint concerning gender discrimination to be adequately addressed and properly adjudicated in compliance with international standards. There is no independent National Human Rights Institution competent to receive complaints from children, including girls, in the Islamic Republic of Iran. With regards to illegal acts of violence against women under Iranian law, there is no readily available information that might suggest that complaints are adequately addressed, investigated and adjudicated.

Girls and boys are not treated on equal terms under the whole criminal justice system in the Islamic Republic of Iran.

Recommendation Status:

This recommendation has **NOT** been implemented.

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<sup>7</sup> Islamic Penal Code, 2013, Article 638, Iran Human Rights Documentation Center, <https://iranhrdc.org/islamic-penal-code-of-the-islamic-republic-of-iran-book-five/>

<sup>8</sup> The Article 90 Commission was established to receive the citizens' complaints against government institutions and has the responsibility to review them and transmit cases for judicial procedure accordingly.

<sup>9</sup> These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"