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Corporal punishment of children in Iran: Briefing for the Universal Periodic Review, 48th session, Jan./Feb. 2025

From End Corporal Punishment, July 2024

This submission provides an update on the legality of corporal punishment of children in Iran since its review in the third cycle UPR in 2019. Corporal punishment prohibition is still to be fully achieved in the home, alternative care settings, some day care, schools and as a sentence for crime.

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Iran, corporal punishment of children is lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child and other human rights treaty bodies.

We hope the Working Group will note with concern the legality of corporal punishment of children in Iran. We hope states will raise the issue during the review in 2025 and make a specific recommendation that Iran accelerates its efforts to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defence allowing its use, as a matter of priority.

1 Review of Iran in the 3rd cycle UPR (2019) and progress since

- 1.1 Iran was reviewed in the third cycle of the Universal Periodic Review in 2019 (session 34). Recommendations to prohibit corporal punishment in all settings were made and supported by the Government.¹
- 1.2 Following the review, no legislation to explicitly prohibit corporal punishment of children in all settings has been adopted.

¹ 17 December 2019, A/HRC/43/13, Report of the Working Group, paras. 121(140) and 121(143)



1.3 We hope the Working Group will note with concern the legality of corporal punishment of children in Iran. We hope states will raise the issue during the review in 2025 and make a specific recommendation that Iran intensify its efforts to enact a law to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of urgency.

2 Legality of corporal punishment in Iran

Summary of current law and opportunities for achieving prohibition

Prohibition is still to be achieved in the home, alternative care settings, some day care, schools and as a sentence for crime.

The legal defences for the use of corporal punishment by parents/guardians in article 1179 of the Civil Code 1935, article 158 of the Islamic Penal Code 2013 and article 7 of the Child Protection Law 2002 should be repealed and prohibition enacted of all corporal punishment in childrearing, however light.

Alternative care settings – Prohibition should be enacted in legislation applicable to all alternative care settings (foster care, institutions, places of safety, emergency care, etc), including through repeal of the legal defences for its use in the Civil Code 1935, the Islamic Penal Code 2013 and the Child Protection Law 2002.

Day care – Corporal punishment is unlawful in kindergartens. Legislation should now be enacted to prohibit it in all forms of early childhood care (nurseries, crèches, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc), including through explicit repeal of the legal defences for its use in the Civil Code 1936, Islamic Penal Code 2013 and Child Protection Law 2002.

Schools – The clear policy against corporal punishment in the Schools Executive Directive should be confirmed through law reform which clearly prohibits corporal punishment in all education settings, public and private, at all levels.

Sentence for crime – All provisions authorising corporal punishment as a sentence for offences committed by persons under 18, including for minors under the age of criminal responsibility, should be repealed – including in the Islamic Penal Code 1991, the Directive on Implementation Regulations for Sentences of Retribution-in-Kind, Stoning, Murder, Crucifixion, Death Penalty, and Flogging 2003 and the Penal Code 2013 – and all judicial corporal punishment prohibited.

2.1 **Home (lawful):** Corporal punishment is lawful in the home. Article 1179 of the Civil Code 1935 (amended 1991) states: "Parents are entitled to punish their children but they must not abuse this right by punishing their children beyond the limits of correction." The Islamic Penal Code 1991 as amended up to 2012 explicitly provided for the right of parents to impose corporal punishment, stating in article 49: "Children, in case of committing an offence, are exempt from criminal liability; and their correction is the responsibility of their guardians or, if appropriate, the Juvenile Correction and Rehabilitation Center. Note 1: A child is a person who



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has not reached the age of puberty as stipulated in Islamic *Shari'a*. Note 2: If, in order to correct child offenders, corporal chastisement is deemed necessary, it must be moderate and expedient." Article 59 stated: "The following acts shall not be considered an offence: (1) The acts committed by parents and legal guardians of minors and insane people in order to chastise or protect them provided that chastisement and protection are exercised within the customary limit...." This provision appears to be reiterated in the Islamic Penal Code 2013, with article 158 stating that it is not an offence when parents or legal guardian discipline their children "provided that the disciplinary measures are within the bounds of religion and custom" (unofficial translation). Articles 88 to 95 reportedly concern children's rights, but we have yet to see the text of these articles.²

2.2 The Act on Protection of Children and Adolescents 2002 prohibits "all kinds of abuse leading to physical, mental or moral damage to the child endangering their physical or mental health" (art. 2), but states that "actions under the framework of article 59 of Islamic Punishment Laws ratified on 07/09/1370 (1991) and article 1179 of civil law ratified on 19/01/1314 (1935) are excluded from this law" (art. 7).

2.3 In March 2013, a Bill to amend the Act on Protection of Children and Adolescents was approved and submitted to Parliament.³ According to the Government's 2013 report to the Committee on the Rights of the Child, this Bill broadens the concepts of torture and inhuman treatment of children to include continuous bullying of them and further protects children by punishing "excessive misinterpretation" of the Civil and Penal Code articles allowing "reasonable punishment or punishment for correction or protection purposes".⁴ In August 2014, the Children and Adolescent Protection Bill was still under discussion in Parliament, and bills on Juvenile Justice and Child Protection had also been drafted.⁵ The Government reported to the Committee on the Rights of the Child in 2015 that the Bill on Protection of Children and Adolescents was under consideration in Parliament, in its "final stages of adoption".⁶ In July 2018, the Parliament voted to adopt the outline of the Bill before moving on to discussing the details of the Bill's articles.⁷

2.4 In reporting to the Universal Periodic Review of Iran in 2014, the Government stated that the Law on the Protection of the Rights of the Family had been approved and enacted.⁸ We have not seen the text of the Act, but a Family Protection Bill under discussion in 2011 did not include protection for children from all corporal punishment. In 2015, a bill to protect women from all forms of violence was being finalised.⁹

2.5 Alternative care settings (lawful): Corporal punishment is lawful in alternative care settings under provisions for "correction" of children in the Civil Code 1935 (art. 1179), the Islamic Penal Code 2013 (art. 158) and the Child Protection Law 2002 (art. 7) (see under "Home"). The Law on Protection of Children and Adolescents with no Guardian (the adoption law) was adopted in October 2013. We have yet to see the full text but according to Government reports it prohibits abuse of children which causes harm or endangers their health:¹⁰ there are no indications that it prohibits all corporal punishment.

² 4 August 2014, A/HRC/WG.6/20/IRN/1, National report to the UPR, para. 88

³ Report to CRC, Advance Unedited Version, page

⁴ Report to CRC, Advance Unedited Version, page 25

⁵ 4 August 2014, A/HRC/WG.6/20/IRN/1, National report to the UPR, para. 92ff

⁶ 13 November 2015, CRC/C/IRN/Q/3-4/Add.1, Reply to list of issues, paras. 15 and 86

⁷ See <http://www.tehrantimes.com/news/425909/Law-on-children-s-right-Preventing-child-abuse-or-merely-imposing>, accessed 13 August 2018

⁸ 4 August 2014, A/HRC/WG.6/20/IRN/1, National report to the UPR, para. 88; see also opening statement to the UPR

⁹ 13 November 2015, CRC/C/IRN/Q/3-4/Add.1, Reply to list of issues, para. 38

¹⁰ 8 July, CRPD/C/IRN/1, Initial state party report, para. 80



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- 2.6 Day care (lawful):** Corporal punishment is prohibited in day care centres (kindergartens) in article 8(23) of the Amended Regulations for Establishment, Management and Dissolution of All Forms of Day Care Centres 2008, which in the context of rules and regulations refers to the "absence of any kind of humiliation and any kind of punishment and corporal punishment of children". Article 7 sets out the conditions and responsibilities of staff in the centres and refers to the "absence of any kind of corporal punishment which causes physical and emotional harm to the child" (art. 7(11)) and to the "absence of any kind of punishment and threatening in cases such as ineffectiveness of education, toilet and hygiene, and also incompatibility of the child and the day care centre's programme such as nutrition and rest" (art. 7(12)).
- 2.7 Corporal punishment is lawful in other early childhood care and in day care for older children under provisions for "correction" of children in the Civil Code 1935 (art. 1179), the Islamic Penal Code 2013 (art. 158) and the Child Protection Law 2002 (art. 7) (see under "Home").
- 2.8 Schools (lawful):** A Government Directive advises against the use of corporal punishment in schools but there appears to be no explicit prohibition in legislation. The Schools Executive Directive ratified by the Higher Council of Education on 10 August 2000 states that "disciplining students must be conducted in a manner that students realize how they have been at fault and encourage them for demonstration of positive behaviour" (art. 75). Article 76 of the Directive sets out disciplinary measures which may be taken, and these do not include corporal punishment. Article 77 states: "Any other type of disciplining including verbal abuse, corporal punishment, and assigning classwork/homework as a measure for disciplining is prohibited and to be avoided."
- 2.9 The Students Parliament established by the Ministry of Education developed and ratified a Charter on the Rights of Students which states that "students have lofty human dignity and must be treated with respect" (art. 1) and that "students must be protected from any and all physical and mental abuse and harassment and all treatment that is socially damaging and defamatory in nature" (art. 2). We have yet to ascertain the legal force of the Charter.
- 2.10 Penal institutions (unlawful):** Corporal punishment is prohibited in juvenile correction centres. Article 169 of the Executive Regulations of the Prisons Organisation, Correction and Security Measures 2005 states: "Aggressive behaviour, verbal abuse of the accused and convicts or administering harsh and insulting disciplinary measures are forbidden in any manner in institutions and prisons."
- 2.11 Sentence for crime (lawful):** Corporal punishment is lawful as a sentence for crime. Article 49 of the Islamic Penal Code 1991 as amended to 2012 stated that if a minor commits a crime, the parent/guardian is responsible for his/her "correction", including "corporal chastisement" which "must be moderate and expedient". A minor is defined as a person who has not reached puberty as stipulated under Islamic Shari'a (art. 49, note 1); according to article 1210 of the Civil Code 1935, this is age 15 for boys and 9 for girls. Children who have reached puberty will be punished under the Penal Code, which includes provision for corporal punishment – lashings and amputation – crimes relating to sex, false accusation, alcohol and bodily injury.
- 2.12 The Islamic Penal Code as amended to 2012 specified how the lashing is to be administered for adultery – for a male, on the bare body, "severely, other than his head and face and private parts" while standing, for a female whilst sitting "and her clothes are tied to her body" (art. 100). Not less than three "pious people" must be present (art. 101). Lashing may be postponed for a pregnant or breast-feeding woman, and for a sick person or an



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excessively menstruating woman (arts. 92 and 93). A person may be sentenced to both lashing and death, in which case she or he is lashed before being stoned to death (art. 98). In the case of false accusation, lashing should be struck “moderately on the customary clothes” and not on the face, head or private parts (arts. 155 and 156); a further 74 lashes is given if the accusation is repeated (art. 158). For alcohol related convictions, a male is lashed while naked and standing, except on the face, hands and private parts, a female while sitting and clothed (art. 176). Further details about how flogging should be implemented are specified in the Directive on Implementation Regulations for Sentences of Retribution-in-Kind, Stoning, Murder, Crucifixion, Death Penalty, and Flogging 2003 (arts. 27 to 35).

- 2.13 *Ta'zir* corporal punishments (lashing) are ordered for insulting, swearing or using profane language, insulting state employees, crimes against public morality by an unmarried man or woman, excluding adultery, publicly violating a religious taboo, publishing or being in receipt of media which violates public morals, libel, and publishing false information (arts. 608, 609, 637, 638, 640, 697 and 698). The Code defines *Ta'zir* as “the chastisement or punishment which its type and amount is not determined by *Shari'a* but left to discretion of the judge, such as imprisonment, fine and lashes; the number of lashes must be less than the number stipulated for *had* punishment” (art. 16).
- 2.14 In 2013, the Government reported to the Committee on the Rights of the Child that the Head of the Judiciary has issued a “circular to prohibit applying *qisas* (death or corporal punishment for the crime of murder) on children and adolescents”.¹¹ As at March 2013, a draft Bill on Prosecution of Crimes Committed by Children which states that irrespective of their sex, children up to 9 years old are exempt from criminal liability, children aged 9-12 may be subject to training-corrective measures, children aged 12-15 may be subject to training-punishment measures and children aged 15-18 might be subject to minimized punishments.¹² It appears that these reforms might limit but would not prohibit all corporal punishment of children.

3 Recommendations by human rights treaty bodies

- 3.1 **CRC:** The Committee on the Rights of the Child has on three occasions recommended that Iran prohibit all corporal punishment of children: in 2000, 2005, and 2016.¹³
- 3.2 **HRC:** The Human Rights Committee recommended the abolition of judicial corporal punishment in 1993 and 2011.¹⁴
- 3.3 **CRPD:** In 2017, the Committee on the Rights of Persons with Disabilities recommended that Iran enact legislation to prohibit all corporal punishment of children with disabilities.¹⁵

¹¹ [March 2013], Advance Unedited Version, Third state party report, page 91

¹² Report to CRC, Advance Unedited Version, Third state party report, page 80

¹³ 29 January 2016, CRC/C/IRN/CO/3-4 Advance Unedited Version, Concluding observations on third/fourth report, paras. 31, 47, 53, 54, 55 and 56; 31 March 2005, CRC/C/15/Add.254, Concluding observations on second report, paras. 45, 46, 47, 48, 72 and 73; 28 June 2000, CRC/C/15/Add.123, Concluding observations on initial report, paras. 37, 38, 39 and 40

¹⁴ 29 November 2011, CCPR/C/IRN/CO/3, Concluding observations on third report, para. 16; 3 August 1993, CCPR/C/79/Add.25, Concluding observations on second report, paras. 5, 11 and 19

¹⁵ 12 April 2017, CRPD/C/IRN/CO/1, Concluding observations on initial report, Advance unedited version, paras. 32 and 33



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