



Global Initiative to  
**End All Corporal Punishment  
of Children**

## IRAN

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 7<sup>th</sup> session, 2010**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Iran, despite the repeated recommendations of the Committee on the Rights of the Child and the Human Rights Committee. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the home, penal institutions and alternative care settings, and as a sentence of the courts.**

## **1 Legality of corporal punishment in Iran**

1.1 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.” Article 49 of the Penal Code (1991) states that the correction of children convicted of an offence is the responsibility of their guardians and the accompanying note states: “If, in order to correct the minor offender, bodily punishment is necessary, the punishment must have a limit and be appropriate.” Article 59 of the Code states that “the actions made by parents and legal guardians of minors and insane people in order to correct or safeguard them” are not offences. The Child Protection Law (2003) prohibits abuse (article 2) but states in article 7 that actions under article 59 of the Penal Code and article 1179 of the Civil Code are excluded from this law.

1.2 Corporal punishment is reportedly prohibited in **schools** but we have no details of applicable law.

1.3 In the **penal system**, corporal punishment is lawful as a sentence for crime. Under article 49 of the Penal Code, a minor convicted of an offence should be corrected by the guardian (see above) or at a correctional centre, including by way of “bodily punishment”. A minor is defined as “a person who has not reached the age of maturity as stipulated by Islamic Jurisprudence” (article 49, note 1). The Penal Code also allows for punishments of lashing, amputation, stoning to death and crucifixion. Corporal punishment is also lawful as a disciplinary measure in penal institutions.

1.4 Corporal punishment is lawful in **alternative care settings**, where the article 1179 of the Civil Code, articles 49 and 59 of the Penal Code and article 7 of the Child Protection Law apply (see above).

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 The **Committee on the Rights of the Child** has twice made recommendations to Iran concerning corporal punishment. In 2005, in its concluding observations on the state party’s second report, the Committee called for immediate suspension of sentences of amputation, flogging, stoning and other cruel, inhuman or degrading punishments. The Committee expressed concern about article 1179 of the Civil Code and article 59 of the Penal Code and recommended prohibition of corporal punishment in the family, schools and other institutions (CRC/C/15/Add.254, paras. 46, 48 and 73). The Committee made similar recommendations in 2000 (CRC/C/15/Add.123, Concluding observations on initial report, paras. 37, 38, 39 and 40).

2.2 In 1993, the **Human Rights Committee** recommended that severe forms of punishment be “removed from law and practice” (CCPR/C/79/Add.25, para. 19).