

# SUMMARY REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF IRAN

This report provides updated information and data on **the use of the death penalty in Iran** since its last review by the Working Group on the Universal Periodic Review (UPR) in 2019 (3<sup>rd</sup> cycle), for the country's upcoming review in January 2025 (4<sup>th</sup> cycle).

## FACTS AND FIGURES

- Iran is a retentionist country and has remained for years the **highest executing State per capita**. Since 2008, Iranian authorities have executed at least 8,582 people, an average of more than 500 executions per year. At least 834 persons were executed in 2023, a nearly 200% increase compared to 280 in 2019, the year of the latest UPR. The number of executions in 2023 is the **highest since 2015**. From January to mid-November 2024, over 700 persons have been executed in Iran.
- Iran is the world's **top executioner of women**, with at least 22 executed in 2023, the highest number since 2014. From January to mid-November 2024, at least 21 women have been executed, confirming that trend.
- Iran is one of the last remaining countries to **sentence child offenders to death**. At least two child offenders were executed in 2023, one of them at the age of 17. At least 85 child offenders could be on death row in Iranian prisons.
- Most executions are **secret**. The authorities did not announce 85% of all 2023 reported executions, i.e. 709 executions.
- Iran is one of the few countries to carry out **public executions**. Their number dropped significantly during the COVID-19 pandemic. In 2022, two people were publicly hanged. The number more than tripled in 2023, with seven public executions.
- The Penal Code prescribes several **execution methods**. Hanging has been the only method used since 2008 (except for 2020).
- Persons belonging to **ethnic and ethno-religious minorities**, in particular Baluchis and Kurds, are grossly over-represented among individuals sentenced to death and executed, often on drug-related or national security charges. In 2023, Baluch people accounted for around 20% of executions, while representing between 2 and 6% of the Iranian population. Between 2010-2023, at least 154 people were executed for affiliation with banned political and armed groups. Of those, 49% were Kurdish, 29% were Baluch and 16% were Arab.
- In 2023, a majority of the over 800 executions were for non-violent drug-related offences, often affecting the **poorest and most marginalised communities**, in particular the Baluch minority.
- In spite of this, in March 2023, the UNODC signed a partnership programme<sup>1</sup> enhancing its cooperation with the Islamic Republic of Iran on the fight against drug trafficking. **UNODC has remained silent** on the execution of hundreds of alleged drug offenders annually while providing operational support to Iran's law enforcement, whose war on drug results in scores of executions for non-violent offences, in serious violation of Iran's human rights obligation.
- Following the outbreak of the nationwide "Woman, Life, Freedom" protests, officials publicly threatened protesters with the death penalty. In 2023, at least **eight protesters** were executed in relation to their participation in the protests, following summary trials.

## Recommendations:

- **Immediately impose a moratorium on the use of the death penalty.**
- **Publish (or at least communicate to OHCHR) data on the use of the death penalty, including but not limited to, the number of people sentenced to death, the number of people on death row, the nature of the offences and the reasons why they were convicted, the courts that convicted them, the number of executions carried out, as well as information on planned executions, disaggregated by age, gender, disability, ethnicity and religion of those convicted and executed.**
- **Release all political prisoners, including imprisoned human rights defenders, lawyers and anti-death penalty activists and cease the criminalisation of human rights advocacy, including on the issue of the death penalty.**

<sup>1</sup> See <https://www.unodc.org/islamicrepublicofiran/en/unodc-and-iran-enhance-cooperation-in-the-field-of-drugs-and-crime.html>

## LEGAL FRAMEWORK

### National

- Chapter III of the Constitution of the Islamic Republic of Iran contains provisions related to the rights of the people, including Article 22: *“The dignity, life, [...] of people may not be violated, unless sanctioned by law”*.
- Codified laws relating to the death penalty can be found in the 2013 Islamic Penal Code (IPC) and the Anti-Narcotics Law and its 2017 Amendment. There are also uncoded laws.
- IPC sets out four types of punishments, three of which can lead to death sentences: *hudud*, *qisas* and *ta'zir*.
- Article 167 of the Constitution can be invoked by the judge to pronounce *hudud* punishments: in the absence of codified law, they have to base their judgment on authoritative Islamic sources and *fatwa* that can carry **mandatory death sentences**.
- The IPC allows the judge to make a **decision based on his exclusive opinion**, without any reference to laws and codes, when there is no confession or witness testimony in a case. This is known as *elm-e-qazi* or “knowledge of the judge.”
- Citizens are **not equal before the law** and are not treated equally before courts; men have more rights than women, Muslims have more rights than non-Muslims, and Shia Muslims have more rights than Sunni Muslims.
- The Head of Judiciary, who appoints the Chief of the Supreme Court and all judges, is directly selected by the Supreme Leader, making the judiciary a power that is **neither independent nor impartial**. In a 2022 report<sup>2</sup>, the UN Special Rapporteur on human rights in Iran concluded that *“the judiciary acts as a repressive organ instead of an independent body towards which individuals can seek recourse”*.
- The **death penalty for drug-related offences** was introduced in 1980 in Iran. A 2017 Amendment introduced a mechanism to limit the use of the death penalty and commute death sentences to life imprisonment. Since 2021, its effects have been reversed in practice, with drug-related executions rising from an average of 26 per year in the years following the adoption of the amendment (2018-2020) to at least 471 in 2023.
- All drug charges and security-related charges are under the jurisdiction of the **Revolutionary Courts**, which were responsible for imposing the death sentences of 512 (61%) of those executed in 2023.
- The IPC retains the death penalty for child offenders.
- Article 147 of the IPC sets the **age of criminal responsibility** at 8.7 years for girls, and at 14.6 years for boys.

### Recommendations:

- **Review and amend legislation to ensure that no offence that does not meet the threshold of “most serious crimes” under international law can be punishable by death, and to abolish mandatory death sentences, in line with Iran’s obligations under the ICCPR.**
- **Prohibit in all circumstances the use of the death penalty for individuals who were under the age of 18 at the time of the alleged offence.**
- **Implement structural fundamental reforms to ensure complete independence and impartiality of the judiciary, entrenching the principles of rule of law and separation of powers.**
- **Dismantle the Revolutionary Courts; ensure due process and fair trial rights in line with international law.**
- **Immediately repeal Note to Article 48 of the Code of Criminal Procedure to guarantee everyone facing criminal charges prompt access to an independent lawyer of their choice.**
- **Adopt laws ensuring that statements obtained under torture or duress, or in violation of the right to access a lawyer of one’s own choosing, are not admissible before courts.**
- **Adopt legislation to define torture as a crime in line with ICCPR and establish procedures for the automatic investigation of all allegations of torture and other ill-treatment.**
- **Amend laws in order to ensure a clear distinction between murder and manslaughter.**
- **Set a legal cap on diya.**

<sup>2</sup> See A/HRC/49/75: Situation of human rights in the Islamic Republic of Iran – Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, 13 January 2022. Available at: <https://documents.un.org/doc/undoc/gen/g22/005/44/pdf/g2200544.pdf>

## **International**

- Iran is party to the ICCPR, the ICERD, the CRC and the CRPD.
- Iran has not ratified the CEDAW, nor the CAT nor the Second optional protocol to the ICCPR aiming at the abolition of the death penalty (OP2).
- Since 2007, Iran has continually voted against the United Nations General Assembly's Resolution calling for a universal moratorium on the use of the death penalty.
- During its last UPR, Iran partially accepted 2 recommendations among the 40 relating to the death penalty; "Reduce the number of offences punishable by death, commencing with drug-related offences, as well as prohibit the use of the death penalty against those who were minors at the time the crime was committed (Cyprus)" and "Continue reforms to the Penal Code in order to restrict the death penalty to the most serious crimes, which would be progress towards the full abolition of the death penalty (Spain)". None of these recommendations have been implemented.
- As of July 2024, despite repeated calls from the Special Rapporteur on Iran and numerous thematic mandates, only one Special Procedure was invited to visit the country; the United Nations Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

### **Recommendations:**

- ***Ratify the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.***
- ***Cooperate fully with all United Nations human rights mechanisms including the UN Special Rapporteur on human rights in the Islamic Republic of Iran, thematic special procedures and the Independent International Fact-Finding Mission on the Islamic Republic of Iran (FFMI); permit unfettered access to the country; and provide all information necessary to allow the fulfilment of their mandates.***
- ***Implement and fully respect the provisions of its international human rights obligations.***

## **THE USE OF THE DEATH PENALTY IN IRAN**

- In 2023, the Islamic Republic authorities not only intensified the use of the death penalty, but also expanded the scope of charges for which the death penalty was implemented. For the first time in 10 years, two men were executed for blasphemy and one man for adultery charges. In addition, two dual-nationals were hanged.
- In murder cases where the defendant is sentenced to *qisas* (retribution in kind), the plaintiff bears the responsibility of choosing whether or not the death sentence will be carried out. A representative of the next of kin must be present at the execution. They are encouraged to carry out the execution themselves.
- Secret executions are carried out without the family or the lawyer being informed.
- Testimonies reveal systematic denial of due process and legal representation, unfair trials, torture and forced confessions.
- Torture is widely used against suspects after their arrest and in the pre-trial phase. Death row prisoners have testified that they were tortured in order to confess to the crime they were charged with. Almost all prisoners arrested for drug-related offences have been kept in solitary confinement and subjected to physical and psychological torture in the investigation phase.
- Iran is one of the few countries to carry out public executions.
- Most of the women executed were sentenced to *qisas* for murder committed in a context of gender-based violence. The mandatory death penalty for murder prevents the recognition of extenuating circumstances linked to the history of violence and abuse endured by these women.

### **Recommendations:**

- ***End the practice of forced confessions and torture.***
- ***Put a permanent end to public executions.***
- ***Ensure the right of anyone sentenced to death to seek pardon or commutation, in line with Iran's ICCPR obligations.***
- ***Pending legal reform, immediately halt the executions of all child offenders and ensure that all child offenders on death row are automatically granted fair retrials in line with principles of juvenile justice and without possible sentencing to death.***
- ***Remove the mandatory sentencing regimes so that judges may individualize sentencing and courts may properly consider mitigation evidence for every person charged with a capital offence, including evidence of trauma, domestic and gender-based violence, as well as psycho-social and intellectual disabilities.***

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