

Mandates of the Working Group on the issue of discrimination against women in law and in practice; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences.

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Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 23/7, 17/2, 25/24, 17/5, and 23/25.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the situation of Ms. **Razieh Ebrahimi**, who is at risk of imminent execution after reportedly having been sentenced to death under "*qesas*" ("retribution-in-kind") for killing her husband in 2010 at the age of 17, as well as concerns related to the persistence of legislative provisions which directly discriminate against women and girls in the Islamic Republic of Iran.

According to the information received:

In 2010, Ms. Razieh Ebrahimi, believed to have been 17 years old, allegedly admitted killing her husband while he was asleep and later burying his body in the backyard. She had reportedly "snapped" after suffering years of abuse, both physically and psychologically, at his hands. Ms. Ebrahimi allegedly married her husband at the age of 14.

In the same year, Branch 17 of the Criminal Court in the south-western city of Ahvaz convicted Ms. Ebrahimi of murder and sentenced her to death. The

execution of Ms. Ebrahimi was reportedly due to be implemented several months ago, but was halted after she told the authorities that she had committed the above-mentioned crime when she was 17 years old. The lawyer of Ms. Ebrahimi subsequently submitted a retrial request to the Supreme Court on the grounds that she was less than 18 years old at the time of the crime and did not understand the consequences of her actions. The Supreme Court has allegedly refused this request.

The revised Islamic Penal Code, which entered into effect in 2013, prohibits the execution of minors for certain crimes, except murder. According to article 91 of the 2013 amended Penal Code, a judge may sentence a boy who is 15 years old or older or a girl who is 9 years old or older to death for certain crimes if he/she determines that the child understood the nature and consequences of the crime. In accordance with this provision, the court may rely on “the opinion of a forensic doctor or other means it deems appropriate” to establish whether a defendant understood the consequences of his/her actions.

Sentences of “*qesas*” are allegedly not open to pardon or amnesty by the Supreme Leader of the Islamic Republic of Iran. Once a “*qesas*” sentence has been upheld by the Supreme Court, it can be implemented at the request of the family of the victim at any time. It has been reported that the family of Ms. Ebrahimi’s husband have chosen not to pardon her or to accept compensation in exchange for giving up the right to claim retribution for his death.

Furthermore, it has been reported that, since 2009, Iran has executed at least 10 child offenders, making it the country with the world’s highest number of child executions and one of only four countries known to have executed juvenile offenders in the past five years. Of the 10 child offenders, two have allegedly been executed this year.

Ms. Ebrahimi is allegedly currently in prison in Ahvaz, awaiting execution.

We express grave concern that the death penalty has been imposed against Ms. Ebrahimi, who was believed to be less than 18 years old at the time of the alleged crime, which is in contravention of international human rights law. We are also concerned about the reported high number of executions of child offenders in the Islamic Republic of Iran. Further concern is expressed that Ms. Ebrahimi had no access to an effective remedy regarding her retrial request to the Supreme Court. Concern is also expressed that the alleged history of abuse suffered by Ms. Ebrahimi at the hands of her husband was reportedly not given due consideration during sentencing and that the legal system has allegedly failed to recognize persistent domestic violence as falling under the grounds of self-defence. This constitutes de facto discrimination. In domestic violence, the threat of violence by a persistently violent male partner has a cumulative impact as part of a

pattern of behaviour and a woman's violent response should be interpreted as a defensive response to the cumulative acts of violence.

Lastly, we express our concern at the ongoing practice of child marriage, where girls as young as 14 years old can marry in the Islamic Republic of Iran. As children do not have the capacity to consent to marriage, child marriage is in essence marriage without the right to refuse. Girls who marry young are also more vulnerable to intimate partner violence and sexual abuse than those who marry later in life. This is especially true when the age gap between the child bride and the spouse is large.

While we do not wish to prejudge the accuracy of these allegations, the above-mentioned alleged facts indicate a *prima facie* violation of the right not to be arbitrarily deprived of his or her life and the rights to physical and mental integrity as set forth in the International Covenant on Civil and Political Rights (ICCPR), ratified by the Islamic Republic of Iran on 24 June 1975, the right to the highest attainable standard of health of young girls (article 12); right to education (article 13); and right to work (article 6) under the International Covenant on Economic, Social and Cultural Rights, ratified by Iran on 24 June 1975.

We would like to stress that the practice of child marriage undermines a number of rights guaranteed under the Convention on the Rights of the Child (CRC), ratified by Iran on 13 July 1994, including the rights to protection from all forms of physical and mental violence, injury or abuse, including sexual abuse (article 19); sexual exploitation (article 34); and exploitation (article 36).

We would also like to draw the attention of your Excellency's Government to the fact that any judgments imposing the death sentence and execution of juvenile offenders are incompatible with the international legal obligations undertaken by your Excellency's Government under various instruments, including articles 6(5) of ICCPR and 37(a) of the CRC.

Furthermore, article 6.4 of the ICCPR establishes that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. In addition, according to article 5 of the United Nations Safeguards Protecting the Rights of those Facing the Death Penalty, capital punishment may only be imposed following trials that scrupulously respect the guarantees of due process and fair trial as stipulated in international human rights law.

With this in mind, we reiterate the recommendation of the 2005 Concluding Observations from the Committee on the Rights of the Child (CRC/C/15/Add.24) to Iran, where the Committee expressed its deep concern at the "very low ages and the related practice of forced, early and temporary marriages" in the State and recommended that Iran "take the necessary steps to prevent and combat forced, early and temporary

marriages” (paragraph 23). The same concern was reiterated by the Human Rights Committee (CCPR/C/IRN/Q/CO.3) in its 2011 Concluding Observations to Iran where the Committee noted that the minimum age for marriage differentiates on the basis of sex.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter and of the irreversibility of the punishment of the death, we call upon your Excellency’s Government to halt the execution of Ms. Ebrahimi and place a moratorium on all executions against children and juveniles under the age of 18 in the Islamic Republic of Iran. We also call upon your Excellency’s Government to urgently review the case of Ms. Ebrahimi in order to secure a pardon to ensure that an appeal hearing or a right to a retrial be granted in which her age be given full consideration as regards the sentence to be imposed and in which the extenuating circumstances relating to her age and her alleged ongoing abuse at the hands of her husband should be fully taken into consideration.

We would also encourage your Excellency’s Government to review its domestic legislation, so that the age of majority is set at 18 years, and that minimum age requirements conform to all the principles and provisions of internationally accepted standards, in particular, the CRC and the ICCPR.

We further encourage your Excellency’s Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to withdraw its reservation to the CRC.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the imposition of the death penalty against Ms. Ebrahimi, and indicate how they comply with international human rights laws prohibiting the imposition and implementation of the capital punishment against juvenile offenders.
3. Please provide information on each stage of the judicial and post-conviction proceedings against Ms. Ebrahimi, and indicate how they comply with the guarantees of fair trial and due process, as enshrined, inter alia, in article 14 of ICCPR.

4. Please provide information as to whether the Court had the discretion to give a lesser sentence in the case of Ms. Ebrahimi and whether there are any provisions for appeal or pardon from this judicial decision.
5. Please provide information as to whether there are any proposals to reform legislative provisions permitting child marriage, the age of majority of girls, non-inclusion of murder in cases of persistent violence against women in marriage among offences for which the death penalty will not be imposed on minors.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. Razieh Ebrahimi in compliance with the above international instruments and standards.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of
discrimination against women in law and in practice

Gabriela Knaul
Special Rapporteur on the independence of judges and lawyers

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic
Republic of Iran

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Rashida Manjoo
Special Rapporteur on violence against women, its causes and
consequences