



**Call for Input—Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran:
Women and the Death Penalty**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

Iran Human Rights

and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

Iran Human Rights (IHRNGO) is a non-profit NGO with its base in Oslo, Norway. IHRNGO has active and supporting members in Iran, North America and several European countries. IHRNGO is committed to promote human rights in Iran, through reporting, monitoring and advocacy. Reporting about the death penalty in Iran has been the main focus of IHRNGO in the past 10 years. Because of its sources inside Iran, IHRNGO is able to produce accurate reports about the death penalty in Iran. Besides the death penalty, promoting due process and rule of law, and defending the human rights defenders constitute the core activities of IHRNGO. IHRNGO is a member of the Steering Committee of the World Coalition Against the Death Penalty and a member of Impact Iran.

The World Coalition Against the Death Penalty is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

This submission has been endorsed by ECPM (Together Against the Death Penalty), a French non-governmental organisation that fights against the death penalty worldwide and in all circumstances by uniting and rallying abolitionist forces across the world. The organisation advocates with international bodies and encourages universal abolition through education, information, local partnerships and public awareness campaigns. ECPM is the organiser of the World Congresses Against the Death Penalty. In 2016, ECPM was granted consultative status with ECOSOC.

EXECUTIVE SUMMARY

1. This report responds to the Call for Input issued by the Special Rapporteur on the human rights situation in the Islamic Republic of Iran regarding gender-related killings and other forms of violence against women and girls. This report focuses primarily on: the death penalty; legislation, policies, and practices concerning the criminal justice system that directly or indirectly discriminate on the basis of gender, impacting the right to life.
2. This report draws heavily upon a forthcoming report by Iran Human Rights (IHRNGO) on women and the death penalty in Iran, IHRNGO's 2021 "Women and the Death Penalty in Iran", covering the period of 2010 through October 2021,¹ "A Gender Perspective of the Death Penalty in Iran",² "Qarchak Prison: Hell for Women and Children in Iran,"³ as well as Iran Human Rights and ECPM's annual reports on the death penalty,⁴ and IHRNGO's news reports and articles on the death penalty,⁵ executions.⁶

I. Death sentences and executions

3. Iranian authorities are not transparent regarding death sentences and executions and there are no official statistics about individuals on death row. Access to information is more limited through unofficial sources for women than men due to several factors: there are fewer human rights defenders in death row wards of women prisons than men's prisons and wards to report cases; and families are less likely to publicise death penalty cases involving women due to societal taboos, shame and stigmatisation of women that do not respect gender norms.
4. In a review of Iranian media over a two-year period (February 2022- January 2024), IHRNGO identified 41 women on trial or convicted of death penalty charges. The charges against 38 of those were murder or accessory to murder, two adultery charges and one drug-related offence. Of the 38 murder cases, 29 (76%) were for allegedly killing their husband/fiancé/ lover/spouse in a temporary marriage. At least 10 women suffered domestic abuse/violence and one woman was a child bride.⁷In such cases, the gender-related mitigating factors are not recognized; the mandatory death penalty for murder prevents the recognition of extenuating circumstances linked to the history of violence and abuse endured by these women.
5. In 2024, three women political prisoners were sentenced to death for charges of *baghy* (armed rebellion) by the Revolutionary Courts. Sharifeh Mohammadi, a workers rights

¹ Iran Human Rights, Women and the Death Penalty in Iran, 10 Oct. 2021, https://iranhr.net/media/files/Women_and_the_Death_Penalty_2021.pdf.

² IHRNGO "A Gender Perspective of the Death Penalty in Iran: <https://iranhr.net/en/reports/40/>

³ Qarchak Prison: Hell for Women and Children in Iran, <https://iranhr.net/en/reports/39/>

⁴ See, e.g., Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2023, https://iranhr.net/media/files/Iran_Human_Rights-Annual_Report_2023.pdf.

⁵ Iran Human Rights, News and Articles, <https://iranhr.net/en/articles/#/all/all/1>.

⁶ Iran Human Rights, News and Articles, Executions, Women, <https://iranhr.net/en/articles/#/20/29/1>.

⁷ IHRNGO "A Gender Perspective of the Death Penalty in Iran: <https://iranhr.net/en/reports/40/>

activist in Rasht Central Prison⁸, Pakhshan Azizi, a Kurdish civil activist in Evin Prison⁹ and Varisheh Moradi, a Kurdish women's rights activist in Evin Prison¹⁰, are all currently on death row. Usually, a lower rate of women's executions are reported by official sources than men's executions: In 2023, 9% of women's executions were reported compared to 17% in men's executions.¹¹ In 2022, 12.5% of women's executions were reported compared to 12.2% in men's executions.¹² In 2021, 11.76% of women's executions were reported compared to 16.77% in men's executions.¹³

6. At least 235 women were executed between 2010-November 2024. Of those, 108 were sentenced to *qisas* (retribution-in-kind) for murder, 107 were on death row for drug-related offences, 4 were sentenced to death for security-related charges and the charges against 16 of the women are unknown.¹⁴
7. Of the 108 executions recorded for murder, the details of 73 of the cases have been established and 35 are unknown. 69% of the 73 women were charged with the murder of their husband/fiancé/ lover/spouse in a temporary marriage.¹⁵
8. 8 of the women were confirmed child brides, with 3 of them being under 18 years of age at the time of their alleged offence (child offenders).¹⁶
9. 11 of the women are confirmed to have suffered from domestic violence at the hands of their partners.¹⁷
10. Although most death row prisoners and executed individuals are men, their female relatives—mothers, wives, daughters, and others—often face unique gender-based challenges. While comprehensive data on this issue is lacking, these women frequently encounter difficulties such as paying diya, securing guardianship of children, and dealing with property and inheritance matters.

II. Detention conditions and death row prisoners

11. As not all Islamic Republic prisons have women's wards, women are transferred to more distant prisons making it more difficult for their relatives to visit. As most of the death row

⁸ <https://iranhr.net/en/articles/6779/>

⁹ <https://iranhr.net/en/articles/6817/>

¹⁰ <https://iranhr.net/en/articles/7122/>

¹¹ Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2023, https://iranhr.net/media/files/Iran_Human_Rights-Annual_Report_2023.pdf.

¹² Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2022, https://iranhr.net/media/files/Rapport_iran_2022_PirOr2V.pdf

¹³ Iran Human Rights and ECPM, Annual Report on the Death Penalty in Iran 2021, https://iranhr.net/media/files/Annual_Report_on_the_Death_Penalty_in_Iran_2021_BwW7LPR.pdf

¹⁴ IHRNGO "A Gender Perspective of the Death Penalty in Iran: <https://iranhr.net/en/reports/40/>

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

prisoners are from the marginalized communities, their families might not have cars or the means to make the journey for visits.¹⁸

12. According to IHRNGO research, when a woman is arrested, she is more likely to be abandoned by her family due to the perceived shame she has brought upon them. Without anyone to support them and follow up their case outside prison, women in these situations are not only more mentally and emotionally vulnerable but also more likely to be convicted and executed. Without financial support, they are also more likely to face exploitation inside prison in order to purchase basics like drinking water and sanitary products from the prison commissary.¹⁹
13. The sanitary conditions in women's prisons are generally dire across the country. IHRNGO has documented conditions in Qarchak Prison in Tehran, designed as a poultry farm, where political prisoners were sent as punishment and which houses the highest number of women on death row. The halls or wards are within industrial sheds without windows, creating a hot, stuffy and virus-ridden environment. The prison also lacks a proper sewage system due to its original intended use which often overflows into the public spaces in wards, blocking access to the yard. Each Hall has enough space for fewer than 100 prisoners but normally houses 150 and up to 600 prisoners, when there is insufficient room for prisoners to sleep. The water at the prison is not sanitary or safe to drink. Prisoners have to pay extortionate amounts to buy drinking water from the prison commissary. Each ward has three or four toilets, with one reserved for the ward representative. The hot water is often cut off with women forced to shower themselves and their children with cold water which causes colds amongst the children in particular.²⁰
14. While prisons are required to provide basic hygiene products, that is not the case in all prisons, particularly when it comes to sanitary towels for women. In prisons that abide by the laws, each woman receives one pack of sanitary towels, an insufficient supply for one cycle. The alternative is to purchase more from the prison commissary, which the majority of women cannot afford.

III. Legislation, policies, and practices concerning the criminal justice system that discriminate on the basis of gender

15. Without separation of powers, the Islamic Republic judiciary is not only not independent, but the head of the Judiciary and judges are hand-selected for their ideological loyalty to the Supreme Leader. Importantly, as with the leadership, judges are also required to be men. This has direct consequences for women when they are judged.

Divorce law

16. Under Iranian law, only the male spouse may initiate a divorce unless one of three exceptions applies: the spouses have a prenuptial agreement authorizing the divorce under different terms;

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ Qarchak Prison: Hell for Women and Children in Iran, <https://iranhr.net/en/reports/39/>

the husband refuses or is unable to pay living expenses; and continuation of marriage causes hardship upon the wife.²¹ In effect, however, women from poor and marginalized communities are unable to initiate a divorce as they do not have the means to go to court and when they do, the courts rule against them.²²

17. Divorce laws and policies implicate the right to life. Women trapped in abusive marriages may see killing their abusers as the only means of escape. Yet courts do not take a defendant's history of abuse at the hands of her victim into account when determining the applicable sentence.²³

Trial procedures

18. Women who experience gender-based violence or other crimes face additional discriminatory provisions at trial, thereby discouraging them from reporting such crimes in the first instance. Where other evidence is not available, courts may rely on the testimony, but the witnesses may only be two men, as a woman's testimony is valued as half of a man's.²⁴
19. These trial procedures implicate the right to life. These procedures create an often insurmountable barrier to establishing accountability for perpetrators of gender-based violence. Further, potential perpetrators of gender-based violence are aware of these procedural barriers that foster a climate of impunity. Hence, gender-based violence is both more prevalent and less likely to be reported. Women who survive gender-based violence may feel compelled to take matters into their own hands to protect themselves or others from future violence, and Iranian courts may sentence women to death for such conduct.

Diya

20. Iran's *qisas* (retribution in kind) system includes a provision authorizing a murder victim's family to accept *diya* (blood money) in lieu of execution. On an annual basis, the Judiciary announces an "indicative amount" of *diya*, but there is no upper limit capping the amount that the family may demand. Moreover, *diya* for a woman murder victim is half the *diya* for a man.²⁵ And a family that elects to go forward with the execution must also compensate the offender's family for the loss of the offender's life.
21. *Diya* practices have several discriminatory effects. First, victims' families often demand *diya* much higher than the indicative amount, and women who commit murder often lack funds of their own and are often unable to raise sufficient funds to pay *diya*. Second, women who kill their abusive spouses face heightened challenges because of the overlap between the victim's family and their own and because of likely estrangement between the woman-offender and the victim's family. Third, when a man commits femicide, the victim's family faces the choice of receiving a "discounted" *diya* because the victim was female or agreeing to the execution and having to pay the offender's family a full *diya* for the execution itself. Such incentives favor men who murder women and literally diminish the value of a woman's life.²⁶

²¹ IHRNGO "A Gender Perspective of the Death Penalty in Iran: <https://iranhr.net/en/reports/40/>

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ *Ibid.*

Age of marriage

22. The legal age of marriage is 13 for a girl and 15 for a boy but a child's father or paternal grandfather can obtain a court order to marry the child off below the legal age. Parents of girls often agree for them to marry at an early age due to the family's economic circumstances.²⁷
23. Legal provisions authorizing child marriage implicate the right to life. A significant proportion of women and girls sentenced to death and executed for murdering their spouses were child brides who experienced domestic violence,²⁸ including sexual exploitation and sexual abuse.²⁹

IV. Suggested recommendations

24. The co authors suggest the following recommendations:

For the Islamic Republic of Iran

- Abolish the death penalty and replace it with a fair and proportionate sentence aligned with international human rights standards.

In the meantime:

- On an annual basis, publish data about all persons sentenced to death, living on death row, and executed, disaggregated by age, age on the date of the alleged offense, sex/gender, ethnicity, nationality, crime of conviction, court of conviction, date of arrest, date of charge, when the person first met with legal counsel, how the person obtained legal counsel, relationship to any victim or codefendants, status of any appeals or pardon requests, ages of any dependent children, measures taken to ensure the right to consular notification (if applicable), current location or date and place of execution.
- On at least an annual basis, publish information of men, women and juvenile facing capital charges, disaggregated by country of origin, about protections afforded to foreign nationals in conflict with the law, particularly regarding access to counsel, the right to consular notification, and access to interpretation, as well as the extent to which foreign nationals charged with capital crimes exercise those rights.
- Eliminate the death penalty for non-violent offences, including blasphemy, adultery, alcohol consumption, consensual sexual conduct between people of the same sex and drug charges.
- Ensure that all sentencing authorities in capital cases, including courts overseeing *qisas*, take into account a woman defendant's experiences with child marriage and other forms of gender-based violence, particularly at the hands of her father, spouse, or close relative in determining whether to sentence her to death for killing.
- Remove the mandatory sentencing regimes so that judges may individualize sentencing and courts may properly consider mitigation evidence for every person

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

charged with a capital offence, including evidence of trauma, domestic and gender-based violence, as well as psycho-social and intellectual disabilities.

- Commute the sentences of women sentenced to death for killing close family members who perpetrated gender-based violence including domestic violence, against them and for persons sentenced to death for drug trafficking (including women) and other offenses that do not involve the loss of human life.
- Ensure women's participation in decision-making process and access of women to all categories of employment.
- In collaboration with civil society and relevant international human rights institutions, develop and implement systematic training to ensure that judges, prosecutors, defense counsel, police, and other individuals in positions of power within the criminal legal system are knowledgeable about gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offense.
- Implement a campaign to combat stereotyping and gender and racial discrimination on state media regarding people in conflict with the law, particularly regarding protesters and people charged with political offenses.
- Cooperate fully with the Special Rapporteur on the situation of human rights in Iran and the UN Fact Finding Mission; permit unfettered access to visit the country; and provide all information necessary to allow the fulfilment of the mandates.
- 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.
- Accept and implement observations / recommendations from international human rights mechanisms and in the framework of the UPR review in relation with the respect of the right to life and women's rights.

For civil society and the media

- Continue research and data-collection on gender bias in the application of capital punishment.
- Collaborate with women's rights and LGBTQIA+ organizations to cross-fertilize expertise and strengthen efforts on gender issues in capital punishment.
- In collaboration with relevant international human rights institutions, develop and implement systematic training to ensure that judges, prosecutors, defense counsel, police, and other individuals in positions of power within the criminal legal system are knowledgeable about gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offense.
- Ensure communication about death penalty cases does not perpetuate stereotyping and gender and racial discrimination.

For the United Nations

- Ensure that all United Nations Human Rights mechanisms working in the Islamic Republic of Iran including the Independent International Fact-Finding Mission on the Islamic Republic of Iran take into account the reality of women and LGBTQ+ people facing the death penalty.
- Continue efforts to encourage research and advocacy on gender bias at work in the application of capital punishment.