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Iran's Legislative Criminal Policy Developments on Religious Minorities, Women and Children in the Light of Human Rights Standards

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Abstract: *The present article examines Iran's legislative criminal policy developments regarding women and victimized children in the light of human rights standards. One of the most important issues of human rights standards is the protection of children and women as vulnerable groups. This is particularly very sensitive and important in criminal law. The key question raised in this regard is how can Iran's legislative criminal policy developments regarding religious minorities, women and victimized children in the light of human rights standards be evaluated? The present article is a descriptive-analytic one and uses the library method to investigate the question referred. The results of the study indicate that in the field of legislation, criminal law, especially in the area of sentencing women, has become closer to human rights standards more than before, but it is still distant from human rights standards and is accompanied by many gaps in the case of children such as lack of retribution for a father who kills his child. But unfortunately there are still many gaps in the rights of religious minorities.*

Keywords: *Legislative Criminal Policy, Women, Children, Human Rights.*

INTRODUCTION

The issue of penalties is one of the most important criminal law issues that is closely related to human rights issues. Particularly in the case of vulnerable groups such as women, children, and religious minorities, the issue of human rights compliance has been highly sensitive. An important question to be addressed is how has Iran's legislative criminal policy changed in religious minorities, especially women and victimized children in the light of human rights standards? More precisely, how have citizenship rights changed in penal policy developments regarding penalties for women's and religious minorities' rights? How have been the changes in the differential policies on children? The present study, in order to examine and answer the questions raised above, first examines citizenship rights and criminal policy developments in support of victimized children, and then examines criminal policy developments regarding women's rights in the light of human rights standards.

Penal policy developments in support of religious minorities in the light of human rights standards

With regard to the Twentieth Principle of the Constitution, which guarantees all human rights to all peoples of the nation, there must be no discrimination between the majority of the community and religious minorities. This is accepted with toleration in the Twentieth Principle and by mentioning the phrase "like these" that seems to focus on religious differences it is followed by negation of any ethnic or tribal and religious prosecution. In addition, paragraphs 8 and 9 of Principle 14 and Principles 22, 28, 29, 30, 31 and 41, and other principles that address the people and nation of Iran and determine some rights for them also include religious minorities.

One of the most important criminal protections in recent years which has been subject to many challenges was the equalization of blood money between Muslims and non-Muslims that in Article 554 of the Islamic Penal Code in 2013 based on the government view of the Supreme Leader, the blood money of crime against religious minorities recognized in the Islamic Republic of Iran Constitution is determined to be same as blood money of Muslims. Of course, as mentioned in the text of the article, with regard to the difference in the amount of non-Muslim blood money among the jurists, this article is based on the government's view of the Supreme Leader (Habibzadeh, 2014: 73). It should be noted that, despite this progress in equality of blood money of Muslims with non-Muslims, this equality applies to recognized minorities in the constitution, but in case of other non-recognized religious minorities, the issue of discrimination in equality of blood money or basically lack of blood money for them is still remained.

Despite the stated support, there are still legislative gaps and defects (global discrimination) about victims of religious minorities in criminal legislative policy.

Lack of criminalization about committing crimes against religious minorities (violation of rights of victim of religious minorities)

A. Ghazf (false accusation of adultery or sodomy) and putting curse on the human sanctities of religious minorities

Whereas, pursuant to Article 262 of the Islamic Penal Code of 2013, putting ghazf on each of the Imams or Hazrat Fatemeh Zahra (AS) or cursing them is considered as Sab Al-Nabi (insulting the Prophet) and is sentenced to death but in case of human sanctities of religious minorities such as Holy Mary, any kind of cursing lacks any criminal conviction and thus no punishment is envisaged in other holy people in other religions.

B. Usury

Note 3 of Article 595 of the Islamic Penal Code, the Section of Tazirs approved in 1996, If a Muslim receives lucre from a religious minority, he shall not be subject to the penalties provided for in this article. Non-criminalization of usury is discrimination and inequality in crimes committed against religious minorities (Hosseini, 2008: 69)

Legislative defects in criminal policy on victims of religious minorities

Differences in the application of criminal penalties: The commission of a crime in the case of a victim from a religious minority is unfortunately subject to the lenient legislative criminal policy that is most commonly found in Islamic Penal Code, the most significant of this difference in the punishment and discrimination in it can be divided into two sections.

A. Hodud crimes

Although Article 19 of the Constitution stipulates that the Iranian people have equal rights and that no color, race, language, and so on like will not give rise to privilege, conversely religion can be a reason for privilege and discrimination. Regarding the articles of the Islamic Penal Code in 2013, in matters related to adultery, sodomy, tafkhiz (intercultural sex) and mosaheghe (lesbianism) and punishment for ghazf, if the victim is from a religious minority, the legislature has made the punishment subject to legal reduction or alleviation, for example, regarding Paragraph C of Article 224 of Islamic Penal Code approved in 2013 If a non-Muslim man commits adultery with a Muslim woman, whether being married or not, it results in the execution, but if a Muslim man commits adultery with a non-Muslim woman, the punishment in the case of not being married shall be 100 lashes and this discrimination cannot be justified. Regarding the punishment for sodomy, tafkhiz and

mosaheghe, respectively, if the offender is a religious minority, the penalty shall be execution in each case, and if the victim is a religious minority, the punishment for the offender, except for the mentioned cases, shall be one hundred lashes according to Islamic Penal Code adopted in 2013 (compulsion, reluctance, condition of marriage) and has been legislated in the same way for tafkhiz and mosaheghe.

Regarding the punishment for ghazf, according to Note 1 of Article 250 of the Islamic Penal Code approved in 2013, if the person who has been subject to ghazf is non-Muslim, the punishment for the person who has committed ghazf shall be reduced from 80 lashes stipulated in Article 250 of Islamic Penal Code approved in 2013 to 31 to 74 lashes and it considers Islam one of the conditions of marriage (Rahimnejad, 2008: 36). These are all indications of religious discrimination in legislative criminal policy, which contradict both international and constitutional documents. The dignity of human beings give rise to divine and religious affirmations, and there must be no difference between human beings in any way, and the religious difference cannot be justified for not supporting the human personality of people.

B. Premeditated crime against person regarding victim of religious minorities

Regarding the issue of premeditated murder of non-Muslims by Muslims in the Islamic Penal Code of 2013, it has been repeated again under the title of the types and definitions of crimes in Chapter One of Book Three under the issue of Qisas (retribution) of the former codes. According to Article 301 of the Islamic Penal Code of 2013, equality in religion is mentioned as conditions of retribution, and although retributing or not retributing a Muslim for premeditated crime against a non-Muslim has been not addressed, but it is deduced from the manner in which the article is written and Article 38 that a Muslim is not retributed for a non-Muslim.

This is one of the disputes among the jurisprudents, but their famous claim for this case is lack of retribution (Habibzadeh, *ibid.* 2009) and this is followed in Islamic Penal Code. But there are new and opposing views regarding that believes in equality in the punishment of premeditated crime against person, ie retribution when the murderer is Muslim and the victim is of a religious minority (non-Muslim). One of the contemporary Marjas and religious jurisprudents that has accepted this view is Ayatollah Sanei who believes in the retribution of Muslims against non-Muslims (Sanei, 2005). He argues that, by virtue of the verse "ولكم في القصاص حياه يا اولى الالباب" (And there is for you in legal retribution [saving of] life, O you [people] of understanding, that you may become righteous.) in premeditated cases of murdering a non-Muslim by a Muslim, the Muslim person is sentenced to retribution and, as his property is respected and there is no difference between Muslims and non-Muslims as betrayer and thief in punishment for betrayal and theft of his property, and also there is no difference for premeditated murder of him (non-Muslim) which involves respect for his honorable life, and the proof of retribution is firm and followed. He eventually concludes by rejecting the famous saying that the famous saying is subject to objection in terms of the narrative and jurisprudential rules, referring to the preference of the narrations which are in accordance with the Qisas (retribution) verses, and hence he has adopted the above-mentioned sentence, retribution of a Muslim murderer against premeditated murder of a non-Muslim (Sanei, 2008). It should be noted that the majority of jurisprudents have commented on retribution of a Muslim for murder of a non-Muslim (religious). However, due to the lack of criminal protection in the legislative criminal policy for the victims of religious minorities, unfortunately, this has increased the possibility of crime-proneness against religious minorities and practically has propagated religious discrimination in reducing the punishment of retribution to discretionary imprisonment and blood money and perhaps with awareness of Muslim offenders of aforementioned rules, which is not unexpected, with specific-intent crime and obvious and explicit criminal bad intention, they commit premeditated murder of a non-Muslim and are easily exempted from the punishment of retribution! Numerous examples of cases in the courts of justice confirm this and the respectable judges exempt Muslim offenders (killers) from retribution for legal explicitness based on the famous saying of the jurisprudents.

Considering the above mentioned, at the end of the discussion, it can be concluded that the criminal legislative policy for the victims of religious minorities, despite the new approaches, still has legal gaps and defects and criminal protections are not complete for them, and as previously mentioned, this is in conflict with the

principles of the Constitution and international documents and can be a pretext that is mentioned in the annual reports of the Human Rights Commission as a violation of human rights in Iran.

It should also be noted that discrimination in respect of victims of religious minorities also exists in terms of adjective law and, despite Article 2 of the Criminal Procedure Code approved in 2013 (Amendment in 2015) that stipulates the Criminal Procedure Codes shall guarantee the rights of both parties to a lawsuit, but according to Article 177 of the Islamic Penal Code, one of the conditions for legal witness, which is part of the proof in Hodud crimes (paragraph B), is faith that its jurisprudential meaning is Islam and being Muslim and this will deprive non-Muslims of providing proof to prove criminal proceedings.

Criminal policy developments in support of victimized children in the light of human rights standards

Generally speaking, a child or a minor is someone who has not reached the required physical and mental growth in terms of age to live independently and socially. Saghira (minor) is from the root of Saghira, which means small (Ansari and Taheri, 2005), and is referred to someone who has not reached the age of religious maturity. (Ja'fari Langroodi, 1999: 406) According to Article 147 of the Penal Code of 2013, puberty age for girls and boys is full 9 and 15 years old in lunar calendar, respectively. According to the versions of the Protective and Educational Measures Act of 1960 (according to Article 728), about different age ranges and levels of criminal responsibility or appropriate protective and educational measures for them, decisions are made in accordance with Articles 88 to 95. On the other hand, in these articles stated about child delinquency, about the ages of 9 to 18 years old in Hijri solar calendar, regardless the gender of the offender, the reaction they receive is the same way.

Protection of the right to life

The previous Islamic Penal Code did not mention the retribution of crime against fetus and it was addressed in the section of blood money (Article 493-487) determining the amount of blood money at different stages of fetal development and its related regulations. In the new law, in the retribution section of Article 306, deliberate crime against fetus, even after blowing the soul, has spoken that it does not lead to retribution in this regard. But the perpetrator is convicted of both the payment of blood money and the discretionary punishment in the Book Five. The discretionary imprisonment includes both Article 612 for imprisonment of 3 to 10 years for a person who is not retaliated for any reason and Articles 622 and 623. However, according to Article 306, retribution is fixed if "the fetus is born alive and has the capability of surviving and the crime results in its defect or death after birth or causes its defect to remain after birth".

The first and foremost right of a child to his or her body is the right to life and to maintain it. The right that is being attacked today in a variety of ways by individuals and in many cases from parents. In this section, we review the rules on filicide in Iranian law and provide suggestions in this regard to improve the criminal justice in punishing offenders.

- **Filicide¹**

Children are sometimes more at risk of dying in the family, where it should be the safest place for them. In many cases, children are far more likely to be killed and physically assaulted by their families than by strangers. Iran's penal law focuses on the father-child relationship, and rights of the guardianship of father and paternal grandfather on the child more than the emotional relationship with mother, and in this respect, the killing of a child has a special sentence. According to the Islamic Penal Code, a father or paternal grandfather who kills his child will not be punished and will be sentenced to pay the blood money for the heirs of the victim and tazir (Goldouzian, 2003: 48)

- **Sentence of filicide in law**

The victim being neglected in the event of a crime committed by father or paternal grandfather, according to the Penal Code of 2013 under Articles 301 and 309 the retribution of a father for the murder of his child is cancelled. The legislature has briefly discussed this issue in the conditions of retribution, along with other

¹ We mean underage children, and the issue of adults is out of our discussion.

conditions, and not stipulated any other punishment. According to jurisprudential sources and jurisprudence, as mentioned, according to the narrations, the denial of retribution is only for father or paternal grandfather, and mother, despite some reasons such as postpartum depression, physical and psychological problems during pregnancy and after that may lead her to kill her child, is not subject to this sentence and her act deserves retribution. On the other hand, both parents are the reason for the existence of their children and contribute to their upbringing, while the exemption of grandfather from retribution is unfair considering the realities and conditions in society.

Anyway, from the victimological point of view, the sentence of this article also promotes domestic violence and child abuse and promotes a kind of private revenge-based justice.

In the earlier law, the legislature in Article 220, in addition to determining the payment of blood money, provided discretionary punishment for the father and paternal grandfather. However, in the current law, no separate article has been made for this matter and, according to the general rule, they will be sentenced to the payment of blood money and in accordance with Article 612, they will be sentenced to discretionary imprisonment in case of failure to execute the retribution.

Pursuant to Articles 301 and 302 of the Islamic Penal Code and non-mention of mother among the persons exempted from retribution, if a child is killed by their mother, it shall be prosecuted as a murder and the child's avengers of blood may request retribution, blood money or pardon for the mother.

Criticism of father's and paternal grandfather's exemption from retribution for filicide and the need to increase current punishment

It is not just the father who wants his child's happiness. The mother feels the same way about her child, this feeling even exists in paternal grandmother and maternal grandparents. Moreover, it is not just the father who is the breadwinner of the family. Even in the past, there have been cases where mother and brother were breadwinners of the family. At present, women are engaged in the economic areas along with the men, even beyond men, and have an important role to play in the livelihood of families. But can such things be documented as an exemption from a horrific crime of murder? The negative answer seems closer to right. Although no one denies the dignity of father, the dignity is a matter of interpretation, and if we want to consider it as a criterion, it may be possible to say that the punishment for all offenses committed by a father against his child should also be abolished. Because lashing, imprisonment, pecuniary punishment and so on can be interpreted as contradictory to the dignity of father. After all, mothers also have dignity, and this interpretation must be attributed to her too (Setayande, 2014: 26).

It seems that considering motivation as purely abstract and subjective in order to issue the sentence of retribution or deletion and elimination is not an accurate criterion. In fact, the legislature has also been aware of the fact that the sentence has been uttered without mentioning any benevolent motive and has included the exemptions in all cases. Pursuant to Articles 301 and 302 of the Islamic Penal Code and non-mention of mother among the persons exempted from retribution, if a child is killed by their mother, it shall be prosecuted as a murder and the child's avengers of blood may request retribution, blood money or pardon for the mother.

Pursuant to Articles 301 and 302 of the Islamic Penal Code and non-mention of mother among the persons exempted from retribution, if a child is killed by their mother, it shall be prosecuted as a murder and the child's avengers of blood may request retribution, blood money or pardon for the mother. Some have looked at it from a feminist perspective and have said that every right a father has to his child the mother has too and so mothers should have the same right too.

But it must be remembered that killing and exemption from retribution is not a right to pursue and expand the circle of holders of the right. Abolition of retribution in murder is an exceptional and irregular sentence that should be limited as much as possible. Therefore, it should be said that not only should not mothers have this right, but fathers should also be excluded from the sentence and the sentence should be completely cancelled in order to support victims or victim-based view. This, of course, is a jurisprudential debate and needs the comments of respected jurists.

Criminal policy developments in the field of women's rights in the light of human rights standards

In this discussion, criminal policy developments in the field of women's rights in the light of human rights standards are examined.

Retribution

If a man deliberately kills a woman, the woman's avengers of blood can retribute the man, provided they pay half the man's blood money to him. While if a woman kills a man, the woman will be retributed without paying and receiving any blood money. This issue has been debated from the past. This problem existed in the Islamic Penal Code of 1991 (Articles 209, 257 and 273), but the Islamic Penal Code of 2013, by adopting three strategies, which also have the jurisprudential support, has tried to adequately solve the problem.

- **The possibility of forcing a male criminal to pay a woman's blood money**

The Islamic Penal Code of 2013 has been regulated in accordance with this jurisprudential comment. Although the legislature states in Article 382 of this law: "Whenever a Muslim woman is intentionally killed, the right to retribution is constant, but if the killer is a Muslim man, the avengers of blood must pay him half the full amount of blood money before the retribution ..." and Article 388 also states this about the retribution of a member of body: "Muslim men and women are equal in retribution of members of body and a man is sentenced to retribution for the harm he inflicts on a woman, but if the blood money for the crime against the woman is equal to or more than one-third of the full blood money, the retribution is performed after paying half of the blood money of the member of body sentenced to retribution. The sentence also applies if the victim is a non-Muslim woman and the criminal is a non-Muslim man ... "

But earlier in Article 360 it provides as a general rule: "In cases where the execution of retribution requires payment of the difference of blood money to the person to be retributed, the holder of the right of retribution is free to either receive or reject the difference of blood money provided in the law even without consent of the criminal"

It is noteworthy that, in terms of requirements of legislation, the difference between Articles 360, 382 and 388 and mentioning these articles in two separate headings is inaccurate and that these three articles should be brought together or that the legislature should have added a note to Articles 382 and 388 and written: "the sentence of Article 360 also applies to this case".

- **Possibility of counting woman's marriage portion or debt of her or avenger of blood instead of the difference of blood money**

One of the good examples of the Islamic Penal Code adopted in 2013 is its Article 430. According to this article: "In cases of necessity for paying the difference of of the blood money, if the perpetrator owes money to the victim or the holder of the right to retribution, the debt can be counted as the difference of blood money with the consent of its owner, although without the consent of the perpetrator."

This article sets out a strategy whereby a woman's avenger of blood or the victim can retribute the criminal man- whether he is the victim's husband or not- without payment of blood money. Thus if the husband has not paid the marriage portion to his wife (assuming that the criminal is her husband) or the criminal man indebted to the wife or her avengers of blood, and half of the man's blood money will be calculated from the wife's marriage portion and the amount of money the criminal owes to her or to her avengers of blood. Although even if the law did not specify this requirement, civil liability rules regarding set-off (tahator) would apply the same, but it is useful and appreciated to mention this. The only thing that remains is that set-off is forcible and do not need the consent of creditor and debtor; however, contrary to the criminal's consent which is not a must, the law requires the consent of the holder of the right to retribution, what is the reason for this?

- **Possibility of paying blood money from Bayt al-mal (government)**

There is a view, in the case of the killing of a woman by a man, that if the woman's avenger of blood wants to retribute the man but cannot afford to pay him half of his blood money, half of the blood money will be paid

from bayt al-mal and in fact the government will help the woman's avenger of blood by paying half of the blood money.

In Article 384 of the Islamic Penal Code, this was explicitly stated that expediency was not obliged: "If the avengers of blood request retribution, if they fail to pay, the difference of the blood money will be paid from bayt al-mal."

The Guardian Council did not approve this note, eventually the Islamic Penal Code has accepted this limitedly and stipulates: "Article 428 - in cases where a crime disrupts public order and security or injures public sentiment and the expediency is to execute retribution but the one who wants the retribution cannot afford to pay the difference of the blood money or share of other holders of the right to retribution, the amount shall be paid from bayt al-mal at the request of the public prosecutor and with the approval of the chief justice." It is clear that this article is not about murder and crime against a woman by a man, however, one of the most obvious cases where the issue of expedition is raised is this case.

Another point is that the legislature has allowed less retribution in a crime having degrees with criminal's consent. Article 390 states: "If the crime against a member of body is of degrees, the victim may, with the consent of the perpetrator, retribute a part of the crime, such as limiting the injury of Mozeha (an injury that removes thin skin on the bone and reveals the bone) to Motelahema (an injury that causes a deep cut in flesh but does not reach the thin skin on the bone), and limiting the amputation of the arm from elbow to the wrist, and forbear to retribute the other part or compromise."

Blood Money

"Blood money, including both ordained and not ordained, is a property determined by the law for inflicting unintentional crime against a person, members of body and interests or intentional crime in cases that have no retribution for any reason in the holy Shari'a."

Article 448 states in the definition of the ordained blood money: "Ordained blood money is a certain amount of property determined in the holy Shari'a for inflicting unintentional crime against a person, members of body and interests or intentional crime in cases that have no retribution for any reason."

Blood money is divided into two types of main and compromisable. The main blood money is a punishment for deliberate crimes without conditions of retribution (such as crime against an insane by a sane person, crime against a child by the father ...) and the pseudo-deliberate crimes and mere mistake crimes. The amount of this blood money is specified in the Shari'a, but in deliberate crimes with conditions of retribution, the avenger of blood or victim can either retribute the criminal or compromise with the payment of blood money. The amount of this blood money is not specified in the Shari'a and depends on the agreement of the parties.

Although there is a difference in the amount of blood money between men and women, this does not mean discrimination. The fact that according to the Shari'a, the blood money of a man and a woman are equal up to one third of full blood money and the blood money of the woman is split in half from one third and higher indicates a reason for this. Some points have been mentioned about the reason for this difference, but the common point among all these explanations is that the difference in bloody money between the for men and women should not be attributed to the difference in their human status and value. The many and clear verses of the Quran that point to the equality of men and women in spiritual status or give valuable images of the chosen women leave no hesitation to accept this fact. Anyway, the Islamic Penal Code of 2013 has tried to solve this problem by adopting some solutions.

Compensating the difference of woman's blood money from the Fund for the Provision of Physical Damage

According to Article 550 of the Islamic Penal Code of 2013, the blood money of a woman is half a man's blood money. Article 560- "The blood money of a man and a woman shall be equal in their members of body and interests to less than one-third of the full blood money of a man, and if it is a third or more, the amount of woman's blood money shall be reduced by half. But the change in the new law provides compensation for the difference of a woman's blood money from the Fund for the Provision of Physical Damage: "Article 551- The blood money of a neuter person who is more similar to men is same as the blood money of men and the blood

money of a neuter person who is more similar to women is same as the blood money of women, the blood money of a neuter in whom neither of the characteristics or nature of male or female prevail over the other is half the bloody money of a man plus half the blood money of a woman. Note: In all crimes where the victim is not a man, the difference in the amount of blood money up to the blood money of a man shall be paid from the Fund for the Provision of Physical Damage".

Regarding Article 551, these points are noteworthy:

- A. In terms of requirements of legislation, mentioning this in the Note to Article 551 is not appropriate at all. It is an article alone not a note to another article. Even assuming that it is mentioned as a note, it should not be the note of an article that is about blood money of neuter. With the current situation, the ambiguity arises as whether the purpose of this article is merely the blood money of neuter in whom neither of the characteristics or nature of male or female prevail over the other- which is a rare case- or this can be generalized to the blood money of woman by citing the phrase "the victim is not man"?
- B. Although this note refers to victim, the purpose is the general meaning that includes the killed one as well, as Article 551 is mentioned under the first chapter in the second part of the book of blood money entitled "blood money of person". Article 551, which deals with blood money, is absolute and therefore includes blood money for murder and blood money for a crime less than murder of the both. However, it is necessary to add the word the killed one to eliminate any ambiguity.
- C. The legislature has in many cases referred to the payment of blood money from bayt al-mal; for example, Article 474 provides:

"In a quasi-deliberate crime, if there is no access to the criminal due to death or escape, the blood money shall be paid from the criminal's property and if the property is not adequate, it shall be paid from bayt al-mal."

Article 475 about mere mistake crime states:

"In mere mistake crime if the criminal is responsible for paying the blood money if it is not possible to access the criminal due to death or escape, the blood money for the crime shall be paid from their property and if the criminal has no property, the blood money shall be paid from bayt al-mal."

According to the Supreme Court's decision, women's and men's blood money is the same, and the Fund for the Provision of Physical Damage is required to pay a difference in the amount of blood money between men and women. According to the supreme court decision as a unified judicial precedent no. 777- May/21/2019: "with regard to provisions of Article 289 of Islamic Penal Code adopted in 2013 regarding the division of crimes against person, members of body or interest and the generality of regulations in the note under Article 551 this code, given the obligation of the Fund for the Provision of Physical Damage to pay the difference in amount of blood money between female and male, is obligatory; therefore, in all crimes against women, whether against their life or their members of body, the difference in amount of blood money shall be paid from the fund, and accordingly, the verdicts of appeal courts of Lorestan and Golestan will be recognized as right and legal according to majority of the verdicts to the extent consistent with this opinion. This verdict is binding according to the later part of Article 471 of Criminal Procedure Act adopted in 2013 in similar cases for branches of the country's supreme court and courts and other authorities including judicial or non-judicial."

It is worth noting that there is a difference between paying a woman's blood money from bayt al-mal and paying the difference in amount of a woman's blood money from the Fund for the Provision of Physical Damage. In fact, the legislature has acted in favor of women in paying the difference in amount of woman's blood money. Because it takes a long process to pay the blood money from bayt al-mal, for example, in accordance with the above two articles after the criminal dies or escapes when there is no access to them and they (the criminal) have no property to pay the blood money from, it comes to paying the blood money from bayt al-mal while there is no such a lengthy process in paying the difference in amount of a woman's blood money from the Fund for the Provision of Physical Damage. As soon as it is proved that a woman is killed or victim and the crime against her is intentional with no conditions of retribution, receiving the difference in amount of blood money from the

Fund for the Provision of Physical Damage is necessary and paying or not paying the blood money by the criminal does not matter.

The Islamic Penal Code of 2013, on the one hand, does not consider women as *aghele* (a certain relatives of offender who are responsible for paying blood money for the crime), as it stipulates in Article 468: "*Aghele* includes father, son and male relatives from paternal and maternal sides or paternal side in order of inheritance classes..." and on the other hand, it interprets the word *al-aghrabo fal-aghrab*, and as a result woman will not be the ones to pay blood money. Article 435 provides:

"When in a deliberate crime, access to the offender is not possible because of death or escape, the blood money for the crime shall be paid from the offender's property at the request of the right holder and if the offender has no property, in case of deliberate murder, the avengers of blood may take the blood money from *aghele* and in case of absence of *aghele* or lack of access to them or their lack of financial ability, the blood money shall be paid from *bayt al-mal*, and in cases other than murder, the blood money will be paid from *bayt al-mal*..."

It is clear that this is an adjective development not a substantive one it means that the law has clarified and explained the concept of a word which may have been interpreted in other ways.

Conclusion

Concerning the human rights situation at the legislative level, criminal rights in some cases, such as the protection of victimized minorities, victimized children and victimized women, are subject to shortcomings. Overall, Iran's criminal policy, especially in the penal system, appears to be weak and have gaps compared to international documents on child abuse by parents. Some legal articles encourage parents abusing their children to continue their behavior. For example, in "not considering those measures of parents that are to discipline and punish as conventional", the concepts of "discipline and punishment" and "as conventional" are words that are not defined and everyone has different understanding of. Ambiguity and synopsis in such terms - if the case is prosecuted judicially and penally- usually make the courts acquit the accused by resorting to principles such as the principle of interpretation in favor of the accused or assuming the parents' goodwill to the child and etc.

Concerning women's rights in penal policy developments as another example that there has been many debates over its compatibility with citizenship rights, it should be said that one of the differences between men and women is in retribution that the blood money of women is half that of men. If a man kills a woman, the woman's avengers of blood can retribute him if they give him half the blood money. Also, according to some opinions, they cannot force a man to pay blood money. This was reflected in previous laws. The legislature in the Islamic Penal Code of 2013 has tried to eliminate some of the differences and criticisms by using appropriate jurisprudential opinions. Some of the legislature's new solutions in the area of retribution include the possibility of obligating a male criminal to pay a woman's blood money, the possibility of counting the difference in amount of blood money from debts of the man to the holder of the right to retribution (the woman or her guardian), the possibility of paying the difference in amount of blood money to the criminal man from *bayt al-mal* in order to retribute the criminal man and in the section of blood money we can refer to the payment of difference in amount of woman's blood money from the Fund for the Provision of Physical Damage. An important critique of the law is providing the compensation for the difference in amount of woman's blood money from the the Fund for the Provision of Physical Damage, which is inappropriate due to its non-governmental nature and the purpose of its establishment. Unfortunately, in our country the issue of criminal protection of religious minorities, and in particular victims of religious minorities, in spite of special social respect for these minorities, is almost unknown and less addressed. While the protection of victims in general is indispensable and undeniable based on rational, value, and religious foundations. Concerning the victims of religious minorities, this protection must be taken into account in particular.

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