



BAR HUMAN RIGHTS  
COMMITTEE OF  
ENGLAND AND WALES

**Report of the Bar Human Rights Committee  
of England and Wales**

**on Human Rights in Iran  
and the Draft Citizenship Rights Charter**

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## Abbreviations

BHRC	Bar Human Rights Committee of England and Wales
CAT	Convention against Torture, New York, 10 December 1984
CCPR	Human Rights Committee
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the International Convention on the Elimination of All Forms of Racial Discrimination, New York, 18 December 1979
CESCR	Committee on the International Covenant on Economic, Social and Cultural Rights
Charter	The Citizenship Rights Charter (Draft), Tehran, November 2013
CRC	Convention on the Rights of the Child, New York, 20 November 1989
GA	General Assembly
ICCPR	International Covenant on Civil and Political Rights, New York, 16 December 1966
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination, New York, 7 March 1966
ICESCR	International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966
UDHR	United Nation Declaration on Human Rights
UN	United Nations

## **The Bar Human Rights Committee (BHRC)**

1. The BHRC is the international human rights arm of the Bar of England and Wales. Established in 1991, it is an independent committee of the General Council of the Bar of England & Wales. The Committee functions as an independent, legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.
2. The BHRC's objectives include upholding the rule of law and internationally recognised human rights norms and standards, and supporting practicing lawyers, judges and human rights defenders. In carrying out this work, the BHRC has secured a reputation for legal expertise in the protection of human rights. The BHRC's reports and written submissions provide valuable tools to legal practitioners around the world and are read widely by policy makers within national and international bodies, thereby assisting in the development of the law.

### **General Comments on the Draft Citizenship Rights Charter**

3. The BHRC regards the publication of The Draft Citizenship Rights Charter (the Charter)<sup>1</sup> as a positive step for human rights in the Islamic Republic of Iran. It provides an opportunity for consultation and sends the message that human rights are part of the President's policy plan for legal reform. It is an opportunity to engage in a dialogue.
4. On the occasion of the publication of the Charter and the President's expressed commitment to prioritising human rights, the BHRC would like to take the opportunity to contribute to the human rights dialogue. We seek to set out Iran's international treaty obligations, followed by identification of the relevant Articles in the Constitution of Iran. From the outset, the BHRC would like to acknowledge that it has not had the opportunity to visit Iran or to assess first-hand the human rights situation in Iran, we therefore rely primarily on reports of the UN to identify areas of concern requiring improvement in human rights. Finally the relevant provisions of the Charter itself are assessed for their contribution to the improvement of human rights.
5. Before moving on to consider individual issues, we would like to address several general matters.
6. Iran has signed and ratified a number of international treaties under which it has clear human rights obligations.<sup>2</sup> It is noted that the present Charter does not seek to introduce new rights and it should be judged according to what it purports to do. According to Article 1-6, the Charter is as a

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<sup>1</sup> The Draft Charter of Citizens' Rights was released by President Rouhani on 26 November 2013 and is currently under review. It sets out the policy and plan for Iran's legal reform project which it states will be compliant with the human rights set out in the Charter.

<sup>2</sup> Acknowledgment under Article 1-1 of the Charter, of existing obligations under international treaties is applauded. In order to fulfil these obligations, care needs to be taken to ensure that these norms are reflected in both the Charter and laws, as well as in practice by all public authorities.

“plan and policy” stating the citizen’s rights which are to be prioritised in reform programmes. Most of the words in the Charter already exist under the Constitution – it is hoped that by adopting the policy plan it will help improve implementation and promote true equality for all. Whilst the Charter does not automatically rectify human rights gaps in national law. It is a **policy plan and roadmap for future legal reform.**

7. The BHRC welcomes the commitment under Article 6 and throughout the Charter to ensure that laws are **compatible with human rights**, in addition to the priority given to these rights over other considerations. The practical impact of such a provision is reliant on the definition of these rights, the scope of any restrictions placed upon these rights and the balance between these rights and the public interest.
8. To ensure that the Charter is not just words it is important that **all public authorities** are aware of their duty to respect rights and work together to enforce them. Under Article 3-8 of the Charter, the desire for citizens to “enjoy a happy life accompanied with hope for a better future” is endearing and whilst the present Charter is a step in the right direction, a better future can only be achieved if public authorities adopt a genuine commitment to guaranteeing citizens their freedoms and rights free from discrimination. The BHRC thus applauds Article 1-6 which recognises this and proposes a multi-faceted approach to implementing and guaranteeing the prioritised rights. The creation of the “Commission of Citizens’ Rights” envisaged under Article 13, to be made up of different public authorities is a promising start, but it is important to ensure that all public authorities are aware of their obligations and ensure that the rights of citizens are guaranteed, respected, protected and promoted.
9. This said, there is room for improvement. The wording is at times **vague** to the extent that some rights may be illusory, additionally the extensive qualification of rights with the use of phrases such as ‘public interest’,<sup>3</sup> in conformity with the principles of Islam<sup>4</sup> or in accordance with national law; interpreted too widely, the risk is that they will have the effect of extinguishing the very essence of the right. The structure of the Charter further adds to the lack of clarity and inconsistent statement of policy, for example in respects as to who is entitled to the prioritised rights.
10. The BHRC notes that the Charter sets out what it refers to as rights belonging to Iranian **citizens**. The definition of a ‘citizen’ is not found in the Charter, presumably it is to be deduced from

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<sup>3</sup> For example under Articles 3-36 and 3-90 the definition of “public interest” will be instrumental as to how a citizen’s rights are guaranteed in practice.

<sup>4</sup> For example Article 3-78 states that citizens “enjoy economic, social and cultural rights in conformity with the criteria of Islam and the law.” It is unclear whether this clause applies to specific rights or to all rights. Whichever the case, it is important that it does not act in a way which restricts the guarantee of rights in practice to the extent that they are deemed ineffective.

national law.<sup>5</sup> However, the BHRC finds it difficult to understand the rationale behind focusing on the rights of Iranian citizens alone. International law obligations (as well as those set out in the Iranian Constitution) apply to all within the jurisdiction of Iran irrespective of their country of origin, nationality, residence status or ethnicity.

11. Whilst some qualified rights can be legitimately limited to citizens, such as the right to vote in Presidential elections, other qualified rights cannot in such a discriminatory manner be restricted to a country's own citizens. If Iran is committed to legal reform which will realise human rights for all in Iran, the BHRC considers the exclusive focus on citizens as an ineffective method of reform. For example, if reforming the justice system to ensure that the prohibition on the use of torture to extract confessions is enforced in practice, there is no logic in carrying out this reform in two phases – first for citizens and then for non-citizens. For these reasons the BHRC recommends that the roadmap for legal reform and improvement of human rights protection applies to all those within the jurisdiction of Iran and accordingly proceeds to assess the Charter on this basis.
12. The BHRC supports the commitment under Article 7 to **raise awareness** of the rights amongst the three different levels. Education and information dissemination is an important part of any programme and policies seeking to raise the profile of human rights.
13. Article 3-42, together with Articles 3-43, 3-44, 3-45, 3-46, 3-47, 3-48 is a realisation that **economic growth** and increased investment requires respect for the rule of law in both the regulation of commercial activity and also the relationship between the state and private individuals (and legal persons). A strong human rights protection and respect for the rule of law is important for the economy as well as individuals; they instil confidence in the protection mechanisms and the application of laws without discrimination.
14. Finally as noted under Article 3-51, **participation** of citizens in the political, economic and cultural decisions of a state are important for creating a society conducive to progress in all these spheres. Such participation needs to be non-discriminatory. Additionally the right to good administration as stated under Article 3-35, is key to facilitating and realising the guarantee of rights. Once again implementation in practice of these norms is significant to the evaluation of a genuine commitment to them.

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<sup>5</sup> For example whilst Article 3-91 is a welcome provision, as with other provisions, its practical effect is dependent on who falls within the definition of citizen for the purpose of the present Charter. It is recommended that the scope of the Charter is extended to cover all those in the jurisdiction of Iran.

## Key Human Rights Issues

15. The BHRC now turns to consider a number of key issues raised as priorities in the Charter. These include the rights of women, non-discrimination and equality, freedom of expression, torture, death penalty and the rights of children.

### The Rights of Women

16. The rights of women and girls are detailed under Convention on the Elimination of Discrimination against Women (CEDAW) (which Iran has yet to ratify) However these rights can be found in international treaties which Iran has signed and ratified. These include the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). At the forefront of these provisions is the obligation to ensure that women are not discriminated against in any sphere of their life.<sup>6</sup>

17. In addition to issues of equality between women and men, in its 2011 Report on Iran,<sup>7</sup> the Human Rights Committee (CCPR) identifies two aspects of women's rights. First it notes the current inequality of women in personal status matters (marriage, family, inheritance, divorce, custody, pre-approved absences, transmission of nationality)<sup>8</sup> and also calls for the introduction of specific criminal provisions on domestic violence.<sup>9</sup> The absence of specific criminal provision relating to domestic violence and marital rape (an obligation under Art.10 ICESCR), is also noted by the UN Committee on Economic Social and Cultural Rights (CESCR) in their 2013 Report.<sup>10</sup>

18. With reference to the Charter, the BHRC welcomes under Article 3-97 the commitment to supporting personal autonomy of men and women and ensuring that forced marriages are eradicated, including social and legal pressures put on individuals to accept arranged marriages. It

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<sup>6</sup> The BHRC notes that equality between men and women is a Constitutional right under Article 3 [State Goals], "3(14) securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law"; and Article 20 [Equality Before Law]" All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria." What the BHRC is concerned with is how this right is implemented in practice. Under Article 21 [Women's Rights] the Constitution provides that the "government must ensure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals: 1) create a favorable environment for the growth of woman's personality and the restoration of her rights, both the material and intellectual; 2) the protection of mothers, particularly during pregnancy and child-rearing, and the protection of children without guardians; 3) establishing competent courts to protect and preserve the family; 4) the provision of special insurance for widows, aged women, and women without support; 5) the awarding of guardianship of children to worthy mothers, in order to protect the interests of the children, in the absence of a legal guardian."

<sup>7</sup> Consideration of reports submitted by State parties under article 40 of the Covenant, Concluding observations of the Human Rights Committee on the Islamic Republic of Iran, CCPR/C/IRN/CO/3, 29 November 2011

<sup>8</sup> §9

<sup>9</sup> §11

<sup>10</sup> Concluding observations on the second periodic report of the Islamic Republic of Iran, adopted by the Committee at its fiftieth session, E/C.12/IRN/CO/2, 10 June 2013

is evident that this practice is not something which can be dealt with within the legal framework alone. It is an issue which also requires the attention of non-legal measures, including engagement with society and awareness raising about this right. Here the BHRC notes that forced marriages do not only affect women but that men through family and societal pressure are also forced into marriages. Under Article 3-99 the BHRC welcomes the recognition of the obligation to respect the rights of women. It is however concerned that these rights are restricted “according to the law” or subject to Sharia principles. The restrictions placed on the rights of women tend to flow from these very national laws. The BHRC also notes with interest the global rise of Muslim women relying on the words of the Holy Koran in an attempt to reset the rights of women in accordance with the original intentions of the Prophet Mohamed. Accordingly, any legal reform programme must ensure that laws do not negate these rights. Finally under Article 3-100, the BHRC welcomes the commitment to support and protect abused women and girls, which presumably includes victims of domestic violence and marital rape and the adoption and implementation of appropriate laws to prevent and protect women.

## **Non-Discrimination and Equality**

19. In its 2006 voluntary pledges and commitments to the UN, Iran included a commitment to protect against and prevent discrimination in law and practice which it described as an ‘ugly phenomenon’.<sup>11</sup>
20. The typical wording of non-discrimination clauses can be found in most if not all IHRL Treaties. Focusing on those Treaties which Iran is a member of, the wording appears as follows.

In the Charter of the United Nations (UN),

Article 1

[...] 3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

In the UN Declaration on Human Rights (UDHR),

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In the ICCPR,

Article 2

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<sup>11</sup> The Islamic Republic of Iran’s voluntary pledges and commitments in accordance with General Assembly resolution 60/251 of 15 March 2005, New York, May 8, 2006, §2.4

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In ICESCR,

Article 2

[...] 2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

21. Whilst the Constitution provides for non-discrimination in Article 19 stating that “All people of Iran, whatever their ethnic group or tribe to which they belong, enjoy equal rights; colour, race, language, and the like, do not bestow any privilege”;<sup>12</sup> it clearly falls short of including the full panoply of non-discrimination characteristics set out in the international treaties.
22. In the 2010 Committee on the Convention on the Elimination of Racial Discrimination (CERD) Report on Iran,<sup>13</sup> it is noted that Article 19 of the Iranian Constitution is not consistent with Article 1 Convention on the Elimination of Racial Discrimination (ICERD).<sup>14</sup>
23. Non-discrimination in the Charter is also inconsistent and lacking in clarity. The requirements of Iran under its Treaty obligations are clear. If the government and its authorities desire to show their commitment to human rights they must set out their policy clearly so that it can be effectively reflected in the law and practice.
24. Discrimination issues appear to arise in the context of religion and certain ethnicities. The BHRC notes that in addition to Islam there are three religious minorities recognised under Article 13 (Zoroastrian, Jewish, and Christian) although it is noted that their freedom to practice and manifest their beliefs can be restricted within the limits of the law.
25. In General Assembly (GA) Resolution 68/184 of 2013,<sup>15</sup> the GA noted that there is continued discrimination against ethnic, linguistic or other minorities (Arabs, Azeris, Balochis and Kurds) and reports of alleged torture, imprisonment and violation of due process rights of persons from these groups.<sup>16</sup> He highlights harassment (in the form of arrests and detention) of persons belonging to the recognised religions (in particular Christians and Sunnis).<sup>17</sup> Additionally he

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<sup>12</sup> The BHRC also notes Article 14 (Non-Muslims' Rights) states that “the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.”

<sup>13</sup> Consideration of reports submitted by State parties under article 9 of the convention, concluding observations of the Committee on the Elimination of Racial Discrimination on the Islamic Republic of Iran, CERD/C/CO/8-19, 20 September 2010

<sup>14</sup> §8

<sup>15</sup> Resolution adopted by the General Assembly on 18 December 2013, 68/184 Situation of human rights in the Islamic Republic of Iran, A/RES/68/184, 4 February 2014

<sup>16</sup> §5(h)

<sup>17</sup> §5(j)

reports on human rights violations against non-recognised religious minorities, particularly the Baha'is (including systematic arrest, detention, restricted education rights, business closures, lack of proper investigation of murders or of attacks.<sup>18</sup> He concludes by recommending that Iran aims to eliminate all forms of discrimination, including in access to education.<sup>19</sup>

26. The 2011 CCPR Report on Iran highlights the restrictions and conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities – including minority language schools and publications.<sup>20</sup>
27. The 2013 CESCR Report on Iran underlines the discrimination against non-recognised religious minorities, negatively affecting their enjoyment of economic, social and cultural rights.<sup>21</sup> In particular it notes the widespread and entrenched discrimination of Baha'is in education and employment (contrary to Article 2 ICESCR).<sup>22</sup>
28. Article 26 of the Iranian Constitution provides for the freedom of association of various groups including religious societies. However this right is limited to only Islamic societies or those pertaining to one of the recognised religious minorities and subject to additional limitations.
29. The BHRC believes that the right to practice and manifest ones beliefs is a fundamental freedom which should not be unduly interfered with. As noted, the Constitution adopts a restrictive approach as to which religions this freedom extends to and consequently limits which religions are protected. Notably, it excludes non-Abrahamic religions and other beliefs such as the Baha'is (the largest non-Muslim faith group) and also others which are widely recognised and protected in other countries around the world including Hinduism and Sikhism. This narrow view means that other groups are left exposed to potential discrimination and limited freedoms. It should be noted that whilst this freedom is not absolute and can in certain limited circumstances be interfered with, it is disproportionate and thus unlawful to punish an entire group of people for the acts of individuals who fall within the group.
30. Further, inalienable or inherent characteristics (such as a person's beliefs or ethnicity), should not be used as a ground for discrimination and second class protection of rights. Non-interference with a person's beliefs is not sufficient for a state to satisfy its obligations under this right, it must also include protection of the right to exercise and manifest ones beliefs, as well as social and cultural traditions.
31. The list of non-discrimination grounds in Article 1-1, noticeably excludes reference to religion and/or faith as well as nationality. The BHRC further notes that although protection of religion

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<sup>18</sup> §5(k)

<sup>19</sup> §§5(e) and 6(f)

<sup>20</sup> §30 See also General Comment No. 22: The right to freedom of thought, conscience and religion ( Art. 18), CCPR/C/21/Rev.1/Add.4 27 Sep 1993

<sup>21</sup> §6

<sup>22</sup> §8

appears throughout the Charter, as does reference to the diverse cultural and ethnic groups; what is required is increased clarity and consistency to ensure that equality exists in practice. Article 3-21 sets out a welcome non-discrimination provision, but once again it is not clear whether all religions and beliefs are encompassed. Does reference to ‘religion’ refer only to those limited religions recognised in the Constitution? In accordance with international treaty obligations, the BHRC recommends that such a provision be extended so as to reflect a genuine commitment to equality for all citizens irrespective of their beliefs.

32. Article 3-116 is a welcome commitment. However it is contradicted by the next provision and also the narrow definition adopted of religion and belief. It is not clear whether Baha’is, Sikhs, Hindus and other beliefs are included in this provision. Article 3-117, despite being headed “minorities and ethnic groups”, only refers to the right of those limited religions recognised in the Constitution as having a right to hold and attend ceremonies. Whilst there is no definition provided, the right to enjoy “spiritual health” under Article 3-4, must also include the freedom to manifest ones beliefs. Additionally, the guarantee of a right to the tools necessary for the practice and manifestation of a group’s life under Article 3-23, should be guaranteed without discrimination. The same applies to 3-24, 3-25, 3-26 and 3-27.
33. The BHRC welcomes the non-discrimination provision under Article 3-80 which states that all “citizens of the Islamic Republic of Iran are equal before the law and are entitled to equal protection of the law without discrimination.” However, the position of non-Iranian nationals is not clear and once again the effectiveness of such a provision is dependent on its manifestation in practice, including its interactions with other provisions of the Charter and of the law.

## **Freedom of Expression**

34. Freedom of expression is a hallmark of a functioning democracy, contributing to accountability of both state and non-state actors and as such promoting respect for the rule of law. This freedom appears in numerous International Treaties, including the ICCPR and ICESCR.
35. In GA Resolution 68/184, the GA welcomes the release of prisoners of conscience and political prisoners, but notes that more remain in detention.<sup>23</sup> The BHRC notes that imprisonment is a serious consequence to impose on an individual for exercising their freedom of expression and as such should only be imposed for the most serious offences. The GA goes on to note that widespread censorship and restrictions on access to online information exist in Iran<sup>24</sup> which should ensure that pledges for greater freedom are fulfilled.

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<sup>23</sup> §4

<sup>24</sup> §5(e)

36. In the 2011 CCPR Report on Iran, the Committee notes with concern the imposed closure of newspapers and magazines, the arrest of journalists and others, as well as the continued monitoring and blocking of websites contrary to Art.19 ICCPR.<sup>25</sup>
37. In its 2013 Report the CESCR also notes the closure of publications and newspapers in minority languages. It recommends protection of diversity and favourable conditions for members of minority groups to develop, express and disseminate their identity, history and culture, language, traditions and customs.<sup>26</sup> It also calls upon Iran to develop a comprehensive non-discrimination law.<sup>27</sup>
38. The BHRC notes that Article 24 of the Constitution provides for publications and the press to have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law. It is therefore important for such laws to not be drafted too broadly that they in effect negate the very essence of the right.
39. The restriction, “in compliance with the law”, placed on the freedom of expression and opinion under Article 3-11 is potentially worrying. Article 3-13, in a similar vein to 3-11, refers to the “framework of announced legal criteria” which should not contradict these rights. It should be ensured that these rights are not disproportionately or arbitrarily interfered with by the national law, including any sanctions imposed. This freedom also includes the right to access information without any undue censorship of published material and restrictions placed on freedom of speech.
40. The commitment to establishing a free and independent media under Article 3-14 is applauded. BHRC urges the government to ensure that political, social and cultural variations are truly supported, protected and respected in practice.
41. It is not sufficient for freedom of the press and media to be respected (Article 3-16). This needs to be accompanied with a genuine commitment to enabling the free, unrestricted and unmodified access to such media by the citizens.
42. Once again the restrictions placed on the privacy rights by the national law are critical to evaluating whether these rights are illusory or real in practice (Article 3-31).

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<sup>25</sup> §27

<sup>26</sup> §30, referring also to General Comment 21/2009

<sup>27</sup> Referring to General Comment GC 20/2009

## **Torture and other Prohibited Treatment**

43. The prohibition against torture, cruel, inhuman and degrading treatment is absolute. In no circumstances must an individual be subjected to such prohibited treatment.<sup>28</sup>
44. In GA Resolution 68/184, the GA notes the application of torture and cruel, inhuman and degrading treatment or punishment including amputations, flogging and blinding.<sup>29</sup> He calls for elimination of such treatment and punishment.<sup>30</sup>
45. The 2011 CCPR Report expresses concern about the imposition of corporal punishment (flogging, amputation, etc...),<sup>31</sup> the use of torture in detention facilities<sup>32</sup> and the extremely high and rising number of executions for vaguely defined offences.<sup>33</sup>
46. The Constitution of Iran, under Article 38 prohibits the use of torture “for the purpose of extracting confession or acquiring information” and any testimony or confession obtained under torture are devoid of value and credibility. Anyone who violates of Article 38 is liable to punishment in accordance with the law.
47. Article 3-92 of the Charter mirrors Article 38 of the Constitution in that it prohibits the use of torture for the extraction of confessions or acquisition of information. Whilst the BHRC welcomes the provision on the prohibition of torture, it is however concerned that it does not go far enough to prohibit the use of torture in all instances. In addition, it is not clear how penalties including, stoning and amputation are consistent with Iran’s international treaty obligations to prohibit torture.

## **Death Penalty**

48. In GA Resolution 68/184, the GA notes the alarming frequency of the imposition of the death penalty without internationally recognised safeguards,<sup>34</sup> together with the imposition of death penalty for vague crimes and not reserved for the most serious offences.<sup>35</sup>
49. Most recently in her press briefing notes on Iran, the Spokesperson for the UN High Commissioner for Human Rights, expressed deep concern for the

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<sup>28</sup> Iran has not signed or ratified the Convention against Torture (CAT), nevertheless the prohibition appears in international treaties which it has ratified including the ICCPR.

<sup>29</sup> §5(a)

<sup>30</sup> §6(a)

<sup>31</sup> §16

<sup>32</sup> §14

<sup>33</sup> §12

<sup>34</sup> §5(b)

<sup>35</sup> §5(d)

“reported spike in executions in Iran since the beginning of this year. In just over seven weeks, at least 80 people have been executed. Some reliable sources indicate the figure could be as high as 95.

The majority of these executions were for drug-related offences, which do not meet the threshold in international law of “most serious crimes” for which the death penalty may be applied. A number of individuals were also executed in secret and at least seven people have been executed in public this year.”<sup>36</sup>

50. Presumably the qualification applied to the right to life under Article 3-1 refers to the application of the death penalty. The BHRC is opposed to the application of the death penalty in any circumstances. At the same time it recognises that the imposition of the death penalty is closely tied to the history of a given society which can only be changed through education and gradual change. Therefore until the death penalty can be abolished, the BHRC supports the UN calls for a moratorium to be introduced. The BHRC notes that according to the UN these executions are not imposed only for the most serious crimes and that executed individuals include political prisoners and those belonging to minority groups. The BHRC highlights that it is imperative for those facing the possibility of the death penalty, that they be guaranteed a fair trial and the highest due process standards in compliance with Iran’s international obligations.

## **Children**

51. The CRC provides that a child is someone aged under 18 years old. Article 37 prohibits states from sentencing those who were children at the time of committing an offence to death.

52. In both the GA Resolution 68/184<sup>37</sup> and the CCPR 2011 Report on Iran,<sup>38</sup> grave concern is expressed about the continued imposition of the death penalty on those who were under the age of 18 at the time the offence was committed.

53. The BHRC calls upon the government of Iran to reconsider this policy and implement legal reform so that it is in compliance with its international obligations, in particular the CRC.

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<sup>36</sup> Geneva, 21 February 2014

<sup>37</sup> §5(c)

<sup>38</sup> §13

## The Future

54. In conclusion, whilst the BHRC welcomes the intentions of Iran and their commitment to promote human rights, it also recognises that there is a long road ahead. So as to ensure that any legal reform is effective practice, the BHRC makes the following recommendations:
1. To promote the rights of **women** and equality by protecting them from forced marriages and domestic violence and ensuring that national laws and interpretation of Sharia principles do not negate their rights.
  2. To ensure that all those within the jurisdiction of Iran are protected and granted rights without **discrimination**. The first step to achieving this is to adopt a non-discrimination clause which is in compliance with international treaty obligations and includes the full panoply of groups including religion (which is to be given a broader meaning).
  3. To ensure genuine freedom of **expression** by resisting disproportionate interference with the freedom. This includes reducing censorship of all media including the internet, extending access to uncensored information and facilitating a free media.
  4. To extend the prohibition of **torture** beyond only questioning and to ensure that any treatment is in compliance with international treaty obligations, including criminal sanctions.
  5. To work towards the abolition of the **death penalty**. Until that point to enforce a moratorium on executions and to ensure that the right to a fair trial and due process are enforced to the highest standard.
  6. To amend its criminal law so that **children** (aged under 18 years at the time of committing the offence) cannot be sentenced to death.
55. Under Article 4, the Charter also sets in motion the establishment of “**The National Centre for Citizenship Rights**” whose role, it appears, will be to evaluate the compatibility of laws with human rights. The creation of such a Centre could be a useful contribution to the promotion of human rights in Iran; needless to say that the composition, powers and independence of the Centre will play a role in how effective it is in reality. The BHRC would welcome the opportunity to engage with the Centre and other authorities in Iran to provide, where appropriate, guidance and training on the international human rights standards.

London, 7<sup>th</sup> March 2014