



**British Institute of  
International and  
Comparative Law**

## Harry Weinrebe Annual Lecture

# Human Rights in Iran: where are we now?

10<sup>th</sup> December 2018

On the 70<sup>th</sup> Anniversary of the Universal Declaration of Human Rights, BIICL held its Annual Harry Weinrebe Memorial Lecture, which is supported by the Dorset Foundation. Chaired by Professor David Harris (Nottingham University), the address was given by Professor Javaid Rehman, the United Nations Special Rapporteur on the Situation of Human Rights in Iran.

The Special Rapporteur discussed his first report on the situation of human rights in Iran to the UN General Assembly, offering first a brief background of his work and the overall political context in Iran. He noted that Iran regards his mandate by the Human Rights Council as unlawful and illegitimate. Consequently, he has not been allowed to visit the country. Besides, he raised two points on the current situation in Iran. On the one hand, the US's decision to withdraw from the Joint Comprehensive Plan of Action on Iran in May 2018 resulted in the re-imposition of sanctions, which have seriously impacted Iran's economy and financial system. Additionally, the sanctions are likely to have a negative impact on the realisation of the human rights of the most vulnerable communities. On the other hand, since December 2017 there has been a widespread civil and political unrest, related to protests due to large-scale unemployment, inflation, rising living-costs, administrative mismanagement and political and judicial corruption. Professor Rehman observed that human rights violations have occurred in the course of demonstrations, such as arbitrary arrests and deaths in detention.

Focusing on some of his core concerns, the Special Rapporteur stressed failings in the criminal justice system, failures in due process and violations of the rule of law. In particular, Professor Rehman expressed concerns with regard to violations of the right to life due to the use of capital punishment. He acknowledged that there have been some improvements, such as through raising the thresholds of possession for death sentences under anti-narcotics legislation. Nevertheless, he highlighted that the execution of juvenile offenders remains a current practice in Iran, in accordance with an application of the age of majority under Islamic law linked to puberty, being nine years for girls and fifteen for boys. Professor Rehman noted that Iran's reservation to the Convention of the Rights of the Child, even if it refers to Islamic law in general, does not allow Iran to execute persons who were under eighteen years of age at the time the crime was committed. In this regard, he observed that Iran's Penal Code of 2013 broadened

the margin of appreciation for judges to determine alternative punishments. However, Professor Rehman remarked that the fact that the burden of proof still rests with the minor poses practical difficulties, even more so when confessions were obtained through torture, ill-treatment or deception.

In his address, the Special Rapporteur also noted large-scale arrests and arbitrary detentions of human rights and civil rights supporters and their lawyers. Other critical issues highlighted were torture and cruel, inhuman and degrading treatment in prisons. He noted that academics have been detained and that many scholars have reported to be at risk. The arrest of dual nationals and the difficulties in granting them due process was also brought to the discussion, as well as the freezing of assets of specific individuals. Furthermore, Professor Rehman observed violations to freedom of expression, given the ban to certain social networks and websites, and to women's rights, as domestic violence, discrimination and the imposition of a dress code are currently taking place in Iran. Ethnic communities, he noted, also face discrimination and prosecution.

Finally, Professor Rehman highlighted a number of his recommendations, including ending the execution of minors and the ratification of key human rights conventions (including their respective protocols), such as the Convention Against Torture, the Convention on the Elimination of Discrimination against Women, and the Convention on Enforced Disappearances. He also emphasised the importance of being granted access to visit Iran and expressed serious concern with regard to the human rights implications of the sanctions against Iran. He noted that his upcoming work will tackle the rights of persons with disabilities, as well as LGBT rights.

The address by Professor Rehman was followed by a vivid round of questions and comments in which issues such as the execution of Iranian political prisoners and concerns of double standards were raised.

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