

# LEGAL STUDIES

## Human Rights Research Report: Iran's Execution of Juvenile Offenders

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### Overview:

Iran has one of the world's highest execution rates recorded annually, only preceded by China, and although it is not the only nation to incorporate the death penalty into its legal system, it remains one of the only countries in the world to use capital punishment on juvenile offenders. In 2008, 282 people were put to death with at least 9 of those being children; however it is well known that exact figures are far higher as many executions go unreported. Presently there are at least 150 juveniles on the death row in Iranian prisons, accused of crimes that range from murder to homosexuality.

Most executions are carried out by hanging, using the 'suspension' method, where the condemned is hoisted up by a winch or made to stand on a crate which will be kicked from under them. The prisoner suffers for several minutes before dying from asphyxiation in a process used specifically to prolong suffering. If the execution is public, the condemned prisoner is often hoisted into the air by a crane and the body may be left hanging for several hours. It is also common practice not to notify the lawyers or the family of a child before they are executed, with the parents often being told to simply collect the body after the hanging.

### International & Domestic Legal Measures:

Iran has been a member state of the UN since 1945 and is a signatory to international treaties including the Universal Declaration of Human Rights (1948), and the United Nations Convention on the Rights of the Child (1990). However, ongoing human rights abuses in Iran are blatant violations of the country's responsibility as a signatory to these agreements. Capital punishment alone breaches Article 3 of the UDHR, which states that 'Everyone has the right to life'. More specifically the execution of minors is an obvious breach of Article 37(a) of the UNCRC, which states 'Neither capital punishment nor life imprisonment...shall be imposed for offences committed by persons below eighteen'.

Many Iranians disagree with the use of capital punishment and in recent years even members of the government and judiciary have expressed support for at least reducing, if not abolishing, the death penalty for children. In 2006 a draft law that would ban executions for juveniles was debated by the Iranian parliament, though no apparent progress has been made since. Another domestic measure took place in October 2008, when the Assistant Attorney General for Judicial Affairs in Iran issued a statement announcing a moratorium on the execution of juvenile offenders. Unfortunately, a subsequent statement later clarified that the moratorium would not apply to 'Qesas' crimes, (in which the victims can seek retribution). The majority of known child offenders facing execution in Iran fall into this category.

### International & Domestic Non-Legal Measures:

A movement within Iran to end the executions for child offenders is being led by Iranian human rights activists, although many have been harassed by the authorities and subjected to travel bans, with attempts to hold protest rallies blocked. Despite the challenges, the domestic movement to end child executions has seen some success. One recent example is the case of 17 year old Nazanin Fatehi, who escaped execution after a widespread campaign by Iranian activists and international NGOs including Amnesty International. She was accused of stabbing a man who had tried to rape her and was sentenced to be hanged; however, the extensive media attention influenced judges in a Tehran criminal court to clear her of murder.

Other international organisations that campaign for human rights and the abolition of the death penalty include The Society for Protecting the Rights of the Child, founded by Iranian lawyer and Nobel Peace Prize Laureate Shirin Ebadi. It is an independent, non-profit organisation with the objective of promoting the principles of the CRC in Iran. The Foundation for Democracy in Iran and the Stop Child Executions Organisation are also NGOs which aim to encourage internationally recognised standards of human rights in Iran.

### **Likelihood of Eliminating the Abuse:**

Iran is a very conservative, theocratic nation which follows the strict codes of Shari'ah law; therefore it is difficult to eliminate human rights abuses like capital punishment which play a significant role in Iran's legal system. Domestically, protestors and activists for human rights are often imprisoned, tortured or killed because their views are seen as subversive and insubordinate. Any change to the law and methods of punishment within Iran would have to be supported by an increase in pressure and from the international community. The death penalty itself is a grave violation of basic human rights but it is even more heinous when a nation executes its own children, the most helpless and vulnerable members of society.

### **Bibliography:**

United Nations – Universal Declaration of Human Rights

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<http://www.amnestyusa.org/all-countries/iran/child-executions-in-iran/page.do?id=1221001>

Stop Child Executions

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