

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/71/418 para 81

Full recommendation

Continues to urge the authorities to consider examining the views they have shared about the root causes of drug abuse and crime in the Islamic Republic of Iran, as well as their views about the deterrent effects of the country's drug policies.

Assessment using Impact Iran human rights indicators¹

The Government of the Islamic Republic of Iran generally considers drug-trafficking a serious offence requiring the death penalty under certain circumstances and claims its anti-narcotic regulations and heavy sentences act as effective deterrents.² However, the Government reviewed its anti-narcotic law and amended it in 2017, notably reducing the number of crimes that can be sentenced with the death penalty.

Between 2010 and 2017, 3,224 individuals were reportedly executed for drug-related crimes.³ According to Iranian officials, between 70% and 80% of executions per year were related to drug offences.⁴ The high rate of executions can be attributed to the previous anti-narcotic law, which permitted the death penalty for a wide range of crimes. For example, under Article 4 of the previous version of the law, a person carrying 5 kg or more of narcotics could be sentenced to death.

In November 2017, an amendment made to the law on drug trafficking entered into force, replacing the mandatory death penalty with a prison term of up to 30 years for non-violent drug-related offences and increasing the quantity of drugs required for a death sentence to be imposed. The amendment significantly reduced the number of death penalties issued for drug-related crimes since 2017.⁵ However, mandatory death sentences for numerous drug-related offences remain and the law transformed a number of crimes into capital crimes for first-time offenders in specific circumstances.⁶ At least 30 people were executed on drug-related charges in 2019 and 25 in 2020.⁷ On May 3, Iran Human Rights reported that during the first four months of 2021, 22

¹CCPR.6.1.S.1; CCPR.6.1.O.1; CCPR.6.2.O.3

² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, September 2016, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F71%2F418&Language=E&DeviceType=Desktop>.

³ ECPM, Iran Human Rights, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

⁴ The statement was made in 2014 and continued until 2017: < <https://www.mashreghnews.ir/news/305059/> >

⁵ ECPM, Iran Human Rights, <https://www.ecpm.org/wp-content/uploads/Rapport-iran-2020-gb-070420-WEB.pdf>

⁶ Drug trafficking law, articles 8 and 45.

⁷ https://iranhr.net/media/files/Rapport_iran_2021-gb-290321-BD.pdf

out of 82 executions were carried out as a result of drug-related charges - a 300% increase compared to the first trimesters of the two previous years.⁸

Despite the existence of several means and mechanisms that accept complaints regarding the violation of rights in Iran, such as the Judge's Disciplinary Court, the Article 90 Parliamentary Commission and, in general, any appeals courts including the Supreme Court, there is little evidence to suggest that these complaints are properly investigated and adjudicated. Iran does not have any administrative processes or independent human rights monitoring mechanisms in place to ensure that the application of the death penalty complies with international human rights standards.

In its latest General Comment on Article 6, the Human Rights Committee explicitly stipulated that the term “the most serious crimes” must “be read restrictively and appertain only to crimes of extreme gravity, involving intentional killing. Crimes not resulting directly and intentionally in death [...], although serious in nature, can never serve as the basis, within the framework of Article 6, for the imposition of the death penalty.”⁹ The Human Rights Committee has consistently underscored that drug-related offences do not meet the threshold of “most serious crimes” and that the death penalty should not be applied to them.¹⁰

While the Government of the Islamic Republic of Iran has reconsidered its anti-narcotics laws and decreased the number of crimes carrying the death penalty, it continues to execute numerous persons for drug-related crimes, in contradiction with international human rights standards. This suggests that the Islamic Republic of Iran has not fully reconsidered its views about the deterrent effects of its drug policies.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.

⁸ <https://iranhr.net/en/articles/4721>

⁹ General comment No.36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf

¹⁰ CCPR/C/PAK/CO/1, para. 17; CCPR/C/THA/CO/2, para. 17; CCPR/C/KWT/CO/3, para. 22; A/71/372, para. 48; and Human Rights Committee, general comment No. 36.