



The foundations and manifestations of the rights arising from the human dignity of prisoners in Iranian law and international documents

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Abstract

Human dignity, as one of the most fundamental principles of human rights, has a central place in the protection of prisoners, because even after conviction and temporary deprivation of liberty, the inherent personality and dignity of a person are still preserved. This principle is explicitly emphasized in international human rights documents, including the Universal Declaration of Human Rights (Articles 1 and 5), the International Covenant on Civil and Political Rights (Article 10), the Basic Principles for the Treatment of Prisoners (adopted by the UN General Assembly in 1990), and the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), and prohibits any inhuman or degrading treatment, torture, or cruel punishment. In the legal system of the Islamic Republic of Iran, human dignity is also recognized as a fundamental belief and law in the Constitution (especially Articles 2, 38, and 39). Article 38 prohibits any torture to obtain confessions or information, and Article 39 prohibits the violation of the dignity and honor of detainees and prisoners. In addition, the Executive Regulations of the Prisons and Security and Educational Measures Organization (approved by the Judiciary with subsequent amendments), as the most comprehensive domestic document, has explained the practical examples and manifestations of respecting the human dignity of prisoners in various areas, including staff behavior, detention conditions, health, nutrition, communication rights, treatment, prohibition of discrimination, maintaining dignity during inspections, and contact with family. Also, laws such as the Law on Respect for Legitimate Freedoms and Protection of Citizen Rights (approved in 2004) and some principles of the Islamic Penal Code have also been effective in supporting this dignity. This article, with a comparative approach, examines the philosophical, jurisprudential, and legal foundations of the human dignity of prisoners and analyzes its manifestations at both national and international levels. The results show that although the theoretical foundations of Iranian law and international documents are largely aligned, implementation challenges and differences in some interpretations and procedures still require strengthening monitoring and guarantee mechanisms so that the human dignity of prisoners can be fully and effectively realized.

Keywords: Human dignity, prisoners' rights, Iranian Constitution, international human rights documents, Prisons Organization Regulations, Prohibition of Torture and Inhumane Treatment

Received: 15 October 2023

Revised: 18 December 2023

Accepted: 25 December 2023

Introduction

With the emergence of human societies, the issue of dealing with violators of social order in the form of punishment for crimes arose. Following that, numerous and diverse punishments were formed and applied

in dealing with criminal phenomena, including the death penalty, imprisonment, fines, whipping, etc. Today, under the influence of criminological teachings and criminal policy and social developments, etc., countries have tended to convert the death penalty to imprisonment. Although the application of imprisonment (whether as the main punishment or as an alternative to other punishments) has been influenced by the political approach and ideology of governments, which is different in liberal and authoritarian societies. (Heyoud 232: 1389) However, today, the application of imprisonment indicates the extent of the application of this punishment compared to other punishments, and despite the tendency to reduce imprisonment in laws, imprisonment is still common. Therefore, due to the importance of the need to observe the rights of prisoners, numerous regulations and various sciences have been foreseen in the field of prison management.

Among the rights of prisoners, the observance of which is important and which makes this research necessary, is that a prisoner who has been sentenced to imprisonment for committing a crime should not be punished more than the amount prescribed by law and his other human rights should not be ignored. Because excessive punishment violates his human rights and is contrary to the principle of his human dignity. While serving his sentence, the prisoner has rights that must be respected by governments and authorities. These rights are known as "rights arising from the human dignity of prisoners" and have long been the focus of experts. One of the goals of imprisonment is to reform the offender and prevent recidivism. Achieving these goals requires respecting his fundamental rights and the principle of human dignity, because otherwise, in addition to the fact that actions contrary to the prisoner's rights will be illegal and immoral, the balance and proportionality of crime and punishment will be lost and the aforementioned goals will not be achieved. The resocialization and reform of criminals is subject to the adoption of measures such as humanizing punishment and bringing the imprisonment sentence closer to the conditions of life outside prison. (Oliyy, 2001, 19)

This principle has also been emphasized in the domestic laws of Iran, considering the precedents and teachings of Islam contained in the book, tradition, hadiths, deeds and sayings of the infallibles. Although the requirement of imposing punishments is to deprive the offender of some social rights, this must be clear and definite. (Firouzi 114:2006). Respecting the rights of prisoners in Iran, in addition to being foreseen in domestic laws according to Islamic teachings, will lead to achieving the goals of criminal policy in the field of reforming the offender, preventing recidivism, preventing crime and deviation, etc. In the international dimension, it also leads to interaction with the world community and international credibility and introducing Islamic human rights, and it will also be a criterion for measuring the observance of human rights by various human rights organizations in Iran (Karmi 1:2016)

In this article, while stating, examining, and analyzing the aforementioned principles and articles, we are in a position to examine and answer these questions: Are these regulations sufficient to observe the rights arising from the human dignity of prisoners, or are other legal articles and supplementary or corrective regulations needed in this regard? And if the regulations are sufficient, are there sufficient and effective guarantees for implementation and monitoring in this regard, or should they be considered?

In the Iranian laws, there are many cases that deal with this issue, from the principles of the Constitution to the articles of the Islamic Penal Code and the Criminal Procedure Code, and especially the executive regulations of the Prisons Organization and the country's security and educational measures, etc. However, since the laws of our country are based on the regulations of the holy Islamic law, this article will first address the verses of the Holy Quran and the jurisprudential, narrative and rational foundations, etc. regarding the concept of imprisonment, human dignity and the rights of prisoners, etc. Then the regulations and laws of Iran will be examined. The result of the search and studies on the subject of the research in question Despite the existence of sources and references that were related to the subject of the research, nothing was found specifically and specifically regarding the criticism of the "right to human dignity of prisoners in domestic laws", so given the importance of this matter, we intend to conduct research on the above subject. Therefore, given the importance of the right to respect for human dignity in its absolute form, the importance and necessity of the human dignity of prisoners as people who have been removed from the social environment and whose freedom has been restricted can be examined in a special way.

After studies, it was determined that there has been no coherent, combined (quantitative and qualitative) book, article, or research work on this specific topic, along with library studies that cover all aspects of the issue; however, some of the research background includes: an article titled "Human Dignity in the Constitution of the Islamic Republic of Iran", Mohammad Jafar Habibzadeh, 2006; which deals with human dignity and the principles related to it in the constitution. Another article titled "Indicators of Human Dignity in the Islamic System", Seyyed Ebrahim Hosseini, 2018; which deals with the inherent dignity and value of man in the Islamic system and the indicators of human rights and citizenship rights. Also, another article titled "Human Dignity and Human Rights; A Study of the Category of Dignity in International Human Rights Documents" Seyyed Mohammad Javad Qorbi, 2019; In which it examines the meaning, examples, and judicial and interpretative procedures of the principle of human dignity in international human rights documents, for which there is no general international consensus regarding this principle.

Theoretical Approach

➤ **Human Dignity in Islam**

Human dignity is one of the issues that has been considered as a human right since ancient times in all societies and religions. Accordingly, this matter has been and is of special attention in Islamic teachings and teachings, including the Holy Quran, the narrations and opinions of the Infallibles (AS), and Shiite and Sunni jurists. In Islam, human growth and happiness and the enjoyment of all his material and spiritual capacities are considered under the teachings and rule of religious values. One of the ways to achieve human excellence is to pay attention to the rights arising from the human dignity of individuals (whether prisoners or non-prisoners), including the right to life, security, individual and social freedoms, prohibition of torture, the right to health, growth and rationality, and avoidance of superstitions and ignorance, etc., which are the basis for establishing justice and the growth of human virtues and respecting the dignity and honor of humans. It should be noted that the examples listed regarding human dignity are not exclusive and absolute, but are allegorical, relative, subject to negation and questionable. In Shiite jurisprudence (on which the laws of our country are based), we encounter two types of dignity: inherent dignity and acquired dignity.

➤ **Inherent dignity**

The meaning of the inherent dignity of man in the religious teachings of Islam is the honor, nobility, and dignity that all humans have in terms of their humanity (humans are humans), regardless of skin color, race, religion, class, cultural and social differences, etc., and therefore they are entitled to live respectfully, and no one has the right to deprive them of these rights without the order of the Sharia and the law. (Zakirian 22:1392). Inherent dignity is something without which it is impossible to imagine human humanity. Therefore, inherent dignity is the respect and dignity that a person enjoys because he is a human being, it is inseparable and abstract from the existence of a person and has no connection with religion, belief, etc. of the individual, and it cannot be taken away from him even by the commission of a crime. (Muntaziri 37:1394) As can be seen, according to some jurists, the inherent dignity of a person cannot be taken away from him under any circumstances, even if a crime is committed, although some have correctly considered the condition of the law and the Sharia for the possibility of taking it away. Therefore, in general, inherent dignity (greatness, dignity, position, prestige, etc.) is not specific to religion, Islam, faith, race, class, skin color, etc., and cannot be taken away from a person from birth to death. Each of these two types of honor (inherent or acquired) includes all human beings. Not only does color, race, tribe, etc. have no effect on it, but criteria of true superiority such as faith, knowledge, jihad, etc. also have no role in it. Therefore, the Holy Quran has introduced all the children of Adam (AS) as being subject to this honor.

And indeed, we have honored the children of Adam and carried them on land and sea, and have provided them with good things, and have favored them over many of those whom we have created. Surah Al-Isra, verse 70 (Jawadi Amuli, 1381:273)

Professor Martyr Morteza Motahari also believes in this regard: It is clear from (We have honored) that the meaning is not that in a society we had with man, we respected him and placed him above other creatures,

but rather that in fact we honored his creation, meaning we placed this dignity, honor, and greatness in his nature and creation. In fact, dignity, honor, and greatness are part of the nature of man, and if man finds himself as he is, he finds dignity and honor. (Mutahari 23:1375)

Therefore, in light of what has been said, what is important about inherent dignity (which is specific to all humans) is that, as long as humans do not deprive themselves of it by choice and by committing a crime, they have this dignity. Even in the event of committing a crime and betrayal, although they lose some of the fundamental rights that form the basis of this dignity according to law and Sharia, observance of other rights arising from their dignity will not be lost. For example, a person who has been sentenced to imprisonment for committing a crime still enjoys other aforementioned rights such as the right to visitation, health, proper nutrition, etc.

➤ **Acquired dignity (value)**

The meaning of acquired dignity is to achieve high ranks as a result of effort and the use of talents, forces, positive qualities, etc., which will lead to a superior status and position in the sight of God Almighty. The noble verse 13 of the Holy Surah Al-Hujurat, emphasizing that divine piety is the source of human dignity, says: We created you from male and female and made for you tribes and ... that we may know you truly that the most honored of you in the sight of God is the most pious of you.

Professor Mohammad Taqi Jafari says in this regard: Although everyone has equal status and dignity (inherent dignity), man is able to pass the stages of human perfection and rise to high ranks by observing piety and preserving his essence in the attraction of divine perfection and by using his positive talents. (Jaffari 1370: pp. 282-280)

Imam Khomeini (RA) also considered the inherent dignity of man, including personal and relative dignity, in the arc of descent and the course of human development and creation, and believes that praising man for having the attribute of dignity is in fact praising the Most Gracious God because as a result of divine action, man has inherently been given superiority and virtue over other external and internal beings. However, in the arc of ascension, which is the path of human perfection from the depths of imperfection to the nearness of the Almighty, it is about acquired dignity, and praising man with the attribute of dignity is due to his voluntary actions that actualize the potential dignity of his existence and can even achieve virtue and superiority over the angels close to God (Imam Khomeini: 1372 pp. 54-55) and (Imam Khomeini: 1370 p. 102)

Therefore, in a summary of inherent and acquired dignity, it can be said that the rights arising from dignity, respect, and human value (inherent dignity) such as the right Life, the right to freedom of expression, the prohibition of torture, etc. are God-given, inherent, and natural things that include all human beings and cannot be taken away due to race, religion, and other individual and social characteristics and characteristics of a person. A person may not succeed in acquiring acquired dignity, and may not be able to acquire dignity and value due to sin and lack of piety, and may even go down a downward path and distance himself from his nature and inherent dignity. Another point is that what has been said about the inability to take away inherent dignity due to race, religion, religion, Islam, faith, etc. should not lead to the impression that taking away inherent dignity is not possible at all, because as a result of committing a crime, betrayal, and crime, this (inherent) dignity will be limited and even lost in some instances of the relevant rights. In the explanation of the article, the right to freedom of movement, etc., as one of the rights arising from human dignity, is limited and revoked as a result of committing a crime and resulting in imprisonment, or the right to life is revoked as a result of committing a crime that is subject to self-retribution or execution. Of course, this understanding may have differences with the Western concept of human rights, which is the subject of a detailed and separate study and research.

Therefore, it is observed that some of the inherent dignity of humans is restricted and even revoked as a result of betrayal and crime, but it is necessary to mention two points here:

First: These restrictions and deprivation of rights arising from the inherent dignity of humans are only possible as a result of committing a crime and betrayal and in accordance with the law, and compliance with the principle of legality of crimes and punishments is necessary here.

Second: The deprivation or restriction of some of the described rights in cases specified by law does not in any way violate other relevant rights, therefore, a person sentenced to prison and imprisonment, except for a legal conviction, still enjoys other rights arising from human dignity, such as health and hygiene, study and visits, and the enjoyment of a suitable place, etc.

The Imam of Islam and Muslims, Sayyid Mahdi Tabatabaei, considers treating prisoners with love and kindness based on the behavior of the Prophet (PBUH) and Imam Ali (AS) as the same as following the commands of Islam, and he says:

The duty of the prison guard is always to be kind and good to the prisoner, and only the judge in the court can issue a sentence according to the crime of the criminal, which usually leads to a sentence and punishment, and they try to ensure that people do not stay in prison for too long. Imam Ali (AS) says: "There is no imprisonment for a charge except for blood, and imprisonment after knowing the truth is oppression." If the prison guard treats a prisoner harshly and dares to insult him, this person is also a criminal and the officer must punish him according to Islamic commands. (Tabatabai 247:1396)

The Holy Quran emphasizes mercy and consideration for the condition of the captive and prisoner, and helping him. In the blessed Surah Al-Hilati, which is one of the honors of the Ahl al-Bayt, which is infallible and pure, and was revealed in honor of Imam Ali (AS), Imam Siddiqah Tahirah (AS), and their infallible son, one of the cases is helping a prisoner. "And they feed the food with a grain to the needy, the orphan, and the captive," Surah Al-Hilati, verse 8.

This is the Islamic morality and culture and the attitude that Islam and the leaders and prelates of Islam have had in tolerating prisoners and have acted upon it and have ordered us to act upon it. So we understand that the general view of Islam regarding prisoners is that they should not be treated with a spirit of revenge, humiliation, or breaking their morale.

The necessity of respecting the principle of human dignity of prisoners from the perspective of Islam

In Islam, there are numerous verses and repeated narrations related to the necessity of respecting human dignity and the conditions under which some rights arising from his dignity are forfeited under certain conditions. Among them are the noble verses of Al-Isra/70/70: "...And indeed We have honored the children of Adam... Al-Hujurat/13 Al-A'raf/79... Those are like animals, but they are in error... Al-Ahzab/61... Those who are called are only a failure, so take him and kill him... Al-Imran/32 and 28 Al-Ma'idah/67-68 and An-Nisa/310... If you avoid the major sins that you are forbidden from, We will remit from you your minor sins and admit you to a noble and noble station. An-Nisa/144 - 141 and At-Tawbah/73

From the perspective of the Holy Quran, all human beings are equal in human rights and in this regard there is no difference between Muslims and non-Muslims. However, an unbeliever has shortcomings and deficiencies, not in their inherent dignity, but in terms of human growth and elevation. Therefore, even an unbeliever, although he has not gone through the stages of growth and development, as long as he has not committed a crime, betrayal, or other harm, enjoys all human rights (inherent dignity) and the rights arising from his dignity must be respected by the Islamic government. Above that, even in the event of committing a crime and being sentenced to imprisonment and prison, other rights arising from dignity must be respected, except for legal restrictions. What degrades a person from his human status to the level of animality is excessive attachment to the world, polytheism, disbelief, and hypocrisy, and consequently, murder, betrayal, and harming others. In these cases, a person is considered to lack human dignity and some of his fundamental rights, including the right to freedom and movement, are taken away from him, and depending on his actions, this can even go as far as his death and murder. But what is important is that by committing a crime and betrayal within the limits of the law (Shariah), some of the rights arising from human dignity are lost and not respected, but other rights arising from his dignity are still to be respected.

For example, if a person who committed a murder is sentenced to self-retribution, no one has the right to torture or insult him. Or in our discussion, the rights arising from the human dignity of a prisoner, the imprisoned person still has the right to enjoy a suitable environment, the right to visit, the right to health, and the prohibition of torture and insult, to work, to reform, and Martyr Motahari says in this regard: ... Therefore, although there are verses in the Holy Quran that clarify what a praised and condemned person is, this does not refer to the denial or increase of the inherent dignity of a person. ... (Motahari 1373: pp. 11-16) Imam Ali (AS) addressed Malik Ashtar and said: ... Fill your heart with mercy, love, and kindness towards people, because all of them are either you or your fellow human beings (Nahj al-Balaghah, 53).

Principles and Manifestations of Respecting the Human Dignity of Prisoners in Iranian Domestic Laws

As previously mentioned, the domestic laws and regulations of our country are derived from Islamic jurisprudence and Sharia and contain provisions in the field of respecting the rights arising from the human dignity of prisoners, some of the most important of which are mentioned and criticized here.

Principles 2 (Clause 6) -12-13-14-20-21-38 and 39 of the Constitution emphasize respecting dignity and values, freedom, preventing the violation of human dignity and respect, equality of all persons before the law, and observing justice, etc.

In the Islamic Penal Code, the legislator has paid special attention to respecting the rights arising from the human dignity of prisoners in the Islamic Penal Code since 2013. (Articles 56-57 and 62).

In addition to the approach of de-imprisonment, the legislator in the Islamic Penal Code has considered respecting the rights arising from the human dignity of the prisoner in some way, because by granting conditional release or enjoying a semi-liberty system and being under the supervision of an electronic system, etc., under legally prescribed conditions, in order to achieve the goals of reform and rehabilitation and preventing recidivism, etc., his rights arising from human dignity are also respected in some way.

International Documents

International documents are a set of treaties, declarations, covenants, and conventions that are developed at the global (mainly under the auspices of the United Nations) or regional level and their main purpose is to regulate relations between states, protect human rights, world peace, international trade, the environment, disarmament, and similar issues.

Among them, international human rights documents are the most important and well-known category that was formed after World War II, and especially after the crimes of the Holocaust. These documents attempt to determine minimum common human standards for all human beings regardless of race, gender, religion, nationality, or geographical location.

1- Universal Declaration of Human Rights (1948)

This document is the most important and well-known international document in the field of human rights, which was adopted on December 10, 1948 by the United Nations General Assembly in Paris. The Declaration consists of 30 articles and recognizes the following fundamental rights:

- The right to life, liberty and security of person
- Prohibition of slavery and the slave trade
- Prohibition of torture and cruel treatment
- Equality before the law
- The right to a fair trial
- Freedom of opinion, expression, religion and assembly
- The right to work, education, health and an adequate standard of living

- The right to participate in political life and to freely choose one's government

Although the Declaration is not directly legally binding (as it is a General Assembly resolution), many of its provisions are today considered customary international law and have been accepted by almost all countries as a moral and legal standard. December 10 of each year is designated as International Human Rights Day.

2- International Covenant on Civil and Political Rights

This Covenant was ratified in 1966 and entered into force in 1976. Unlike the Declaration, this document is binding and the countries that have signed it are obliged to implement it. Iran has also signed this Covenant but has not yet fully acceded to it.

The core rights covered are:

- Right to life (prohibition of arbitrary execution)
- Prohibition of torture and inhuman treatment
- Prohibition of slavery
- Right to liberty and security of person
- Prohibition of arbitrary detention
- Right to a fair and public trial
- Freedom of thought, conscience, religion and expression
- Freedom of assembly and association
- Right to vote and to participate in free elections
- Prohibition of discrimination

This Covenant has an optional protocol that allows for individual complaints to the UN Human Rights Committee.

3- International Covenant on Economic, Social and Cultural Rights

This Covenant was also ratified in 1966 and entered into force in 1976. It focuses on the rights of the second generation of human rights (positive or socio-economic rights):

- The right to work and just working conditions
- The right to form unions and to strike
- The right to social security
- The right to an adequate standard of living (food, clothing, housing)
- The right to physical and mental health
- The right to education (free and compulsory primary education)
- The right to participate in cultural life and to benefit from scientific advancement

The Covenant shall be implemented progressively and to the maximum extent possible.

Other important international human rights documents

- Convention on the Suppression of Genocide (1948)
- International Convention on the Elimination of Racial Discrimination (1965)
- Convention on the Elimination of Discrimination against Women

- Convention on the Rights of the Child (1989) – the most widely observed treaty in the history of the United Nations
- Convention against Torture (1984)
- Convention on the Rights of Persons with Disabilities (2006)

Difference between binding and non-binding instruments

- Non-binding (declarations): mostly have a moral and political aspect → Universal Declaration of Human Rights
- Binding (covenants and conventions): after ratification and entry into force, they create legal obligations for member states

International human rights instruments, along with regional instruments (such as the European Convention on Human Rights, the African Charter on Human Rights, and the American Convention on Human Rights), constitute the main framework of modern human rights. Despite challenges in implementation (such as non-compliance by some states, weak monitoring mechanisms, and contradictions with domestic laws), these instruments remain the most important global authority for the defense of human dignity.

Human Dignity of Prisoners in Iranian Law and International Documents

Human dignity is one of the fundamental principles of human rights, which is based on the inherent dignity of man and has been emphasized in all reputable legal systems of the world as a basis for protecting the rights of individuals, even in conditions of deprivation of liberty. This concept indicates that a person, regardless of his crime or social status, has inalienable value and must be treated with respect and humanity. In the field of prisoners' rights, human dignity means preventing torture, degrading treatment, and providing basic needs such as health, education, and contact with family. This principle is not only rooted in international human rights documents, but is also reflected in the domestic laws of countries, including Iran. However, its implementation is often accompanied by challenges. In these theoretical foundations, we first examine international documents, then analyze Iranian law, and finally compare and conclude. This article is based on authoritative legal sources and aims to provide a theoretical framework for a better understanding of this issue.

Human dignity in the philosophy of law originates from perspectives such as Kant (who considers man as an end in himself) and religious teachings (such as Islam, which considers man the noblest of creatures). In modern law, this principle serves as a basis for preventing the abuse of state power. For prisoners, who are in a vulnerable position, preserving dignity is not only a moral obligation, but also a means of rehabilitation and crime reduction. The United Nations emphasizes that prisoners, except for the restrictions imposed by imprisonment, enjoy all human rights. This approach makes prison a place not for revenge, but for reform.

• International instruments and the human dignity of prisoners

International human rights instruments have placed human dignity as a central principle in the treatment of prisoners. The Universal Declaration of Human Rights (1948), in its preamble and article 1, emphasizes the inherent dignity of all human beings, and its article 5 prohibits torture and cruel, inhuman or degrading treatment. This declaration is the basis for other instruments and states that no one should be subjected to treatment that violates his human dignity.

The International Covenant on Civil and Political Rights (ICCPR, 1966), to which Iran is also a party, explicitly states in article 10: "All persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person." This article emphasizes that the purpose of imprisonment is the social rehabilitation and rehabilitation of prisoners, not excessive punishment. The UN Human Rights Committee, in its interpretations, considers this principle as an inviolable rule even in emergency situations and obliges states to ensure appropriate conditions of imprisonment, including the prevention of violence, access to medical care, and respect for privacy.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984), to which Iran is a party, prohibits torture in its entirety and obliges states to prevent, investigate and punish it. Article 1 of the Convention defines torture as any act intentionally causing severe physical or mental pain, and Article 16 covers other inhumane treatment. For prisoners, this means prolonged solitary confinement, inadequate prison conditions, and lack of access to a lawyer. In its reports, the Committee against Torture emphasizes the need for training prison staff and independent monitoring. The Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules, 2015), adopted by the United Nations, provide a practical framework for maintaining dignity. Rule 1 states: "All prisoners shall be treated with respect for their inherent dignity and worth as human beings." These rules include prohibitions on discrimination, provision of food, health, exercise, education, and contact with the outside world. Body searches must also be conducted with respect for privacy, and doctors must provide reports on prisoners' health. The Basic Principles for the Treatment of Prisoners (1990) also emphasise that prisoners enjoy the human rights set out in the Universal Declaration and the Covenants, except for the necessary restrictions of detention.

Other instruments, such as the Principles for the Protection of All Persons under All Forms of Detention (1988) and the Beijing Rules for Juvenile Justice (1985), focus on specific aspects, such as the rights of children and detainees. Taken together, these international instruments recognise dignity as not only a right but also a state obligation that must be guaranteed by international monitoring. Reports by organisations such as Amnesty International and Human Rights Watch highlight widespread violations in some countries, but they also provide a basis for reform.

•Human Dignity of Prisoners in Iranian Law

In Iranian law, human dignity is rooted in Islamic teachings that consider humans to be objects of God and is reflected in the Constitution of the Islamic Republic of Iran (1979, with amendments in 1989). Article 22 of the Constitution states: "The dignity, life, property, rights, residence, and occupation of individuals are immune from attack, except in cases prescribed by law." Article 39 explicitly states: "Insulting the dignity and honor of a person who has been arrested, detained, imprisoned, or exiled by law is not permissible in any way and under any circumstances and is punishable by law." This principle directly protects the dignity of prisoners and prohibits any degrading treatment.

The Executive Regulation of the Prisons Organization and Security and Educational Measures (1400), approved by the Judiciary, emphasizes the preservation of human dignity. The regulation refers to the observance of prisoners' rights, including health, education, employment, and family visits, in several articles, such as Article 342. It also prohibits unnecessary fingerprinting, strip searches, and the admission of sick prisoners. The Islamic Penal Code (1392), in Article 58, focuses on the reform and education of prisoners and suggests alternative punishments such as community service to preserve dignity.

The Instruction on the Protection of Dignity and Human Values in the Judiciary (1400), issued by the Head of the Judiciary, emphasizes the strengthening of citizenship rights and the improvement of interactions. The instruction considers dignity to be the foundation of judicial justice and is consistent with the Bangalore Principles. The Prisons Organization's circular on prisoners' rights also insists on the respectful treatment of prisoners, the prohibition of torture, and the provision of basic needs.

From the perspective of Imami jurisprudence, prisoners' rights are based on Islamic justice and mercy. Scholars such as Ayatollah Bahjat emphasize the observance of the rights of defense and dignity. The Civil Rights Law (2017) also refers to the prohibition of degrading treatment in prisons in Article 58. However, domestic and international reports indicate challenges such as prison overcrowding, lack of access to treatment, and cases of rights violations.

Conclusion

In conclusion, the study of the foundations and manifestations of the rights arising from the human dignity of prisoners shows that this concept plays a central role as a fundamental basis in human rights, both in the Iranian legal system and in international documents. In Iranian law, human dignity is manifested based on

the principles of the Constitution (such as Principles 2, 39, and 38) that emphasize the preservation of dignity, the prohibition of torture, and the reformation of criminals, as well as the Executive Regulations of the Prisons Organization and Security and Educational Measures (which specify examples of humane treatment such as the right to treatment, education, and the preservation of dignity), and the Law on Respect for Legitimate Freedoms and the Protection of Citizen Rights. These principles are rooted in Imami jurisprudence, which considers prison as a secondary and subsidiary punishment and focuses on the reformation and treatment of criminals while preserving human values.

In international instruments, human dignity is prominent as an essence of human rights in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights, the European Convention on Human Rights (1950), and the Basic Principles for the Treatment of Prisoners (adopted by the UN General Assembly in 1990). These instruments guarantee aspects such as the prohibition of cruel, inhuman or degrading treatment or punishment, the right to a fair trial, freedom of expression, and protection of prisoners from abuse, with the ultimate goal of preventing recidivism through respect for human dignity. Despite convergence in principles (such as a common emphasis on justice, equality, and the prohibition of torture), there are challenges in practical implementation in Iran, where international standards can serve as a model for strengthening domestic law. Ultimately, compliance with these rights not only helps to preserve human dignity, but also leads to global convergence of criminal law and a reduction in crime, and requires continued efforts to achieve greater harmonization between legal systems.

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