

# Foundations and Manifestations of Rights Derived from the Human Dignity of Prisoners in Iranian Criminal Law

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## Abstract

Today, imprisonment—whether as a principal punishment or as a result of converting other punishments such as the death penalty and others (under the influence of criminological doctrines)—has become the focus of attention in criminal systems and legal frameworks around the world. Since the subject of imprisonment is the incarcerated individual, paying attention to the rights of prisoners during the enforcement of their sentences is of special importance. Considering the foundations of observing the rights derived from the human dignity of prisoners in domestic laws and their manifestations, failure to uphold these rights, in addition to resulting in criminal, civil, administrative, or disciplinary penalties for the offenders (enforcers), signifies a weakness in the judiciary, a defect in the penal system, and a loss of national and international credibility regarding the treatment of prisoners. By examining and analyzing the existing regulations in this field—which is the objective of the present study—it will be possible, while preserving the rights derived from prisoners' dignity, to critique and reform relevant regulations and the judicial system, predict monitoring mechanisms, ensure enforcement guarantees for violations of these rights, and enhance both national and international credibility of the country. This research is conducted through a descriptive–analytical method based on library resources, documents, and specialized websites. Throughout the study, the author seeks to examine domestic laws and analyze the most significant legal provisions to address and remedy possible substantive and procedural deficiencies within these regulations. Although, quantitatively, the existing laws appear sufficient, qualitatively and practically—in terms of enforcement guarantees and supervisory aspects—it is necessary for private institutions and non-governmental organizations active in this field to assist official and governmental supervisory bodies.

**Keywords:** human dignity of prisoners, imprisonment, prisoners' rights, human rights, human dignity in Islam

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## 1. Introduction

Although the enforcement of imprisonment has historically been influenced by the political orientations and ideologies of states—differing between liberal and authoritarian societies (Heywood, 2010)—today, the application of imprisonment represents the most extensive form of punishment compared with other penal measures. Among the prisoners' rights during the enforcement of sentences—whose observance highlights the necessity of this study—is that an individual convicted to imprisonment for committing an offense should not be punished beyond what is prescribed by law, nor should his other human rights be disregarded (Zakerian, 2021).

According to Immanuel Kant, a lawful state is fundamentally a state of freedom, whose purpose is to allow individuals to live in their private spheres as they wish. Kant believed in the universality of the moral principle; thus, he held that respect for human dignity is absolute. Only through such respect are freedom, equality, autonomy, and intrinsic human dignity preserved. As Kant states, “Act in such a way that you treat humanity, whether in your own person or in the person of another, always as an end and never merely as a means” (Fernando, 2009). To realize human dignity, Kant acknowledged both negative and positive duties. The importance and influence of Kant's theory of respect for human dignity, which constitutes the moral justification for human conduct, are evident. Kant believed that man should not sacrifice moral values and self-respect for his animalistic desires but must always, with awareness of the greatness of his moral nature, seek his true essence (Mousazadeh, 2005). Furthermore, he argued that free will represents the highest degree of existence and the quality upon which all forms of perfection rest (Mousazadeh, 2005).

From the perspective of certain philosophers and legal theorists, in a civil state grounded in justice, human rights are guaranteed, and each citizen bears a duty and commitment to respect the rights of others. Legal provisions impose restrictions on personal freedom that are legitimate because they rectify injustices and wrongs inherent in the state of nature and thereby increase overall freedom (Hayden, 2013).

In Iran, the protection of prisoners' rights has been explicitly recognized in domestic laws based on Islamic teachings. Observance of these rights contributes to achieving the objectives of criminal policy, including offender rehabilitation, prevention of recidivism, and deterrence of crime and deviation. On the international level, such observance facilitates constructive engagement with the global community, strengthens international credibility, and presents Islamic human rights to the world, serving as a benchmark by which international human rights organizations assess Iran's human rights record (Karami, 2016). The Charter of the United Nations, in Article 1(3), declares that “the promotion of respect for human rights and fundamental freedoms for all without distinction” is among the purposes of the United Nations.

The Preamble of the *Universal Declaration of Human Rights* recognizes the inherent dignity and equal rights of all members of the human family as the foundation of freedom, justice, and peace, reaffirming the faith of the United Nations' member states in these human values. The *International Covenant on Civil and Political Rights* (1966) and the *International Covenant on Economic, Social and Cultural Rights* (1966), which operationalize the principles of the *Universal Declaration of Human Rights* and carry binding obligations, emphasize respect for the inherent dignity and equal rights of all human beings, as well as the promotion of justice, freedom, and global peace (Fernando, 2009).

Similarly, the *Cairo Declaration on Human Rights in Islam* (1990), adopted by the Council of Foreign Ministers of the Organization of the Islamic Conference, is a non-binding document that underscores the necessity of respecting human dignity, honor, and individuality. It considers dignity a divine endowment bestowed upon humankind as God's vicegerent on earth (Mousazadeh, 2005).

This study aims to analyze and interpret the legal principles and major statutory provisions governing the rights derived from prisoners' human dignity, addressing key questions: Are the current regulations sufficient to protect these dignity-based rights, or is there a need for supplementary or corrective legal provisions? Furthermore, if the existing laws are deemed adequate, are there effective enforcement mechanisms and supervisory procedures in place, or should new mechanisms be developed?

To answer these questions, it must be noted that numerous provisions in Iranian statutory law—from the Constitution to the *Islamic Penal Code*, the *Code of Criminal Procedure*, and particularly the *Executive Regulations of the Prisons and Security*

and *Corrective Measures Organization*—address this issue (Zarā'at, 2011). Despite the existence of related sources, there remains a noticeable gap in the specific critique of “the right to human dignity of prisoners in domestic laws.” Therefore, given the significance of this issue, this research seeks to fill that gap by focusing on the necessity of upholding dignity-based rights for prisoners.

Considering the absolute importance of the right to human dignity, special attention must be given to prisoners—individuals who have been removed from society and whose freedom has been curtailed. Preliminary studies revealed that no comprehensive, integrated research—whether quantitative, qualitative, or library-based—has yet examined all dimensions of this issue. Some relevant prior studies include the article “*Human Dignity in the Constitution of the Islamic Republic of Iran*” by Mohammad Jafar Habibzadeh and Esmail Rahimi Nejad (Habibzadeh & Rahimi Nejad, 2007), which discusses the concept of human dignity and its related constitutional principles. Another is “*Indicators of Human Dignity in the Islamic System*” by Seyed Ebrahim Hosseini (Hosseini, 2018), which explores the intrinsic worth of humans in Islam and the indicators of human rights and citizenship rights. Similarly, “*Human Dignity and Human Rights: A Review of the Category of Dignity in International Human Rights Instruments*” by Seyed Mohammad Javad Qurbi (Qurbi, 2020) examines the concept, examples, and interpretive practices surrounding the principle of human dignity in international human rights instruments, emphasizing the lack of global consensus on this principle.

Therefore, examining the rights arising from the human dignity of prisoners in Iranian criminal law through a comprehensive and integrative framework represents the innovative contribution of this study. Accordingly, for a deeper understanding of the subject, the study first defines the concept of human dignity, then analyzes relevant Iranian statutes and regulations, and concludes with findings and practical recommendations.

## 2. Human Dignity in Islam

In Islam, the growth and prosperity of human beings and the enjoyment of their material and spiritual capacities are emphasized under the guidance and sovereignty of divine values. One of the ways to achieve human perfection is to respect the rights arising from human dignity—for both prisoners and non-prisoners—including the right to life, security, individual and social freedoms, prohibition of torture, the right to health, intellectual and rational development, and avoidance of superstition and ignorance. Observance of these rights ensures justice, the promotion of human virtues, and respect for the honor and worth of individuals. It should be noted that the enumerated examples of human dignity are not exhaustive or absolute but rather illustrative, relative, revocable, and gradational (Mousazadeh, 2005).

In Shi'a jurisprudence—upon which the legal system of Iran is based—two types of human dignity are recognized: *intrinsic dignity* and *acquired dignity*.

Intrinsic dignity, as defined in Islamic teachings, refers to the honor, nobility, and worth that all human beings possess by virtue of being human (*insān bimā huwa insān*)—regardless of race, color, religion, class, or cultural and social differences. Therefore, every person is entitled to live with respect, and no one has the right to deprive others of these rights without legal or religious justification (Zakerian, 2021).

Acquired dignity (also known as moral, volitional, legislative, or legal dignity) refers to attaining higher levels of spiritual and moral excellence through effort, the use of talents, and the exercise of positive human attributes, which leads to elevated status before God (Javadi Amoli, 2005).

Islam and its leaders have always emphasized leniency toward prisoners and have instructed Muslims to do the same. The general view of Islam toward prisoners is that they must never be treated with a spirit of vengeance, humiliation, or psychological degradation (Hashemi Shahroudi, 2016).

The Qur'an—in verses from *Al-Isra* (17:70), *Al-Hujurat* (49:13), *Al-Ma'idah* (5:67), *Al-Ahzab* (33:61, 66), *Aal-e Imran* (3:28, 32), *Al-Baqarah* (2:30), *An-Nisa* (4:141, 144), and *At-Tawbah* (9:72)—affirms that all human beings are equal in their fundamental rights. There is no distinction between Muslims and non-Muslims in this respect. However, when an individual commits treachery, crime, or harm against others, he forfeits certain aspects of dignity and may lose access to some fundamental rights derived from human dignity. In cases of intentional homicide, for example, the perpetrator's right to freedom of movement is lawfully restricted, and under certain conditions, the punishment of *qisas* (retribution) may apply. Nevertheless,

the essential point is that a criminal is not deprived of all rights derived from human dignity—only those specifically prescribed by law or *Shari'a*. Even a murderer awaiting trial and punishment must not be subjected to torture, insult, humiliation, or kept in inhumane conditions (Karami, 2016).

### 3. Foundations of Respecting Human Dignity of Prisoners in Iran's Domestic Laws

The term *foundation* (*mabnā*) means the basis, source, or cause of a legal provision (Ja'fari Langaroudi, 1988). It refers to the origin or underlying principle that explains the existence of something, i.e., the structure upon which everything rests (Dehkhoda, 1957). Foundations may be recognized through two approaches: rational (based on the reasoning of philosophers and scholars) and transmitted (based on religion, the Qur'an, Sunnah, consensus, etc.). These foundations, established either by divine law or sovereign authority, constitute the guiding doctrines for decision-making and legal reasoning. For instance, both the Qur'an and the Sunnah serve as primary sources, and their teachings form the basis of legislative action and legal interpretation.

In jurisprudence, the term *foundation* refers to “the binding force of law and the principle that guarantees the value and validity of legal norms, forming the basis of all legal rules” (Katouzian, 2011). The reflection of these principles can be observed throughout Iran's domestic legal framework.

#### 3.1. Jurisprudential Foundation of Human Dignity

Regarding the foundation of human dignity in Islam, it is stated that dignity is inherent in humans because the divine spirit has been breathed into them, and through intellect and rationality they can discern right from wrong (Javadi Amoli, 2005). The Holy Qur'an contains numerous verses affirming the necessity of respecting the rights arising from human dignity (both for prisoners and non-prisoners). This principle is also emphasized in *hadiths* and *narrations*—for instance, Imam Ali (peace be upon him) in *Nahj al-Balagha* said: “He who honors himself despises his desires” (Dashti, 2000).

Below are some of the most significant jurisprudential principles related to human dignity, including *ihsān* (benevolence), *maslaha* (public interest), and *'adl* (justice). Although classical juristic texts do not explicitly link these principles to human dignity, their indirect yet significant connection to the concept is undeniable. Moreover, respect for dignity does not apply universally to all individuals; those who violate key indicators of dignity—such as justice, piety, and moral conduct—may forfeit their entitlement to the respect arising from human dignity (Mousazadeh, 2005).

##### 3.1.1. The Principle of Benevolence (*Qā'idat al-Ihsān*) and Human Dignity

One of the implications of the *ihsān* principle is the preservation of human dignity. Observing *ihsān*—doing good toward others—naturally leads to safeguarding human worth. For instance, if someone sees another person's clothing catch fire and, acting benevolently to save that person's life, tears the clothing, he will not be held liable for the cost of the garment, as his action was intended to prevent greater harm (Bojnourdi et al., 2005; Mohaghegh Damad, 2016).

##### 3.1.2. Justice and Human Dignity

Justice, alongside security and other social values, is one of the primary indicators of human dignity and is inherently linked to human worth in society—whether for prisoners or free individuals. The principle of justice holds such significance in the Qur'an that it serves simultaneously as a worldview, a criterion for legislation, a standard for leadership and governance, and a moral and social duty of Muslims (Rahmani, 2004).

#### 3.2. Rational Ground for Respecting Rights Derived from Human Dignity

According to the jurisprudential maxim “*Whatever is decreed by reason is decreed by law*” (*wa kullu mā ḥakama bih al-'aql ḥakama bih al-shar'*), both reason and *Shari'a* affirm the necessity of upholding human dignity. Offending or humiliating a human being without cause is inherently reprehensible to reason, and whatever is reprehensible to reason is likewise

condemned by the Creator of reason—God Almighty. Conversely, respecting others' honor is deemed rationally good because it aligns with justice, and whatever is deemed good by reason is also regarded as good by divine law (Eftekhārzādeh, 1995).

### 3.3. *Ethical and Value-Based Foundations of Human Dignity*

Ethics represents that which human nature inherently perceives as good and is inclined toward, while rejecting its opposites—what ought and ought not to be done. For instance, every society considers lying, aggression, betrayal, and crime as unethical and prescribes punishments for some of these immoral acts. Value, on the other hand, refers to something that the human conscience instinctively regards as sacred and worthy of respect. A value is an end in itself, not pursued for utility, benefit, or expediency. The criterion for ethics and values is determined by the social conscience (*'urf*) of each community, and legal obligations in this regard depend on the degree to which human dignity and worth are observed (Mousazadeh, 2005).

### 3.4. *Legal Foundations of Human Dignity*

Human dignity and respect for the rights arising from it—whether explicitly or implicitly—are enshrined in the constitutions of most countries (Mousazadeh, 2005). Laws are established to maintain order and safeguard the social rights of individuals. Members of society possess both rights and duties; however, what is essential is that all individuals are equal before the laws that govern and regulate social relations and human coexistence (Hashemi, 2004). Fundamental human rights, as the basis of human dignity, must be respected by societies and governments alike. Prohibitions and limitations imposed by law—such as punishments or corrective and protective measures—are legitimate only within the boundaries of statutory provisions. Thus, while imprisonment restricts a portion of individual freedoms, it does not annul or diminish other fundamental rights derived from human dignity (Zakerian, 2021).

### 3.5. *Philosophical Foundations of Human Dignity*

Philosophical schools differ in their understanding of human nature and essence, with some proposing the superiority of certain humans over others. For example, in ancient Greek philosophy, human beings were not regarded as equal by nature—the Greeks were deemed honorable, while non-Greeks were excluded from such respect (Eftekhārzādeh, 1995). Accordingly, the principle of dignity did not apply uniformly to all. Some schools of thought, such as Marxism, base human worth on economic relations, while others—like humanism—center values on the human will, positing humanity itself as the ultimate source of value, thus subordinating divine will to human autonomy (Attila, 2010). In contrast, Islamic philosophy grounds both intrinsic and acquired dignity in divine piety (*taqwā*), considering it the sole criterion of human superiority (Mousazadeh, 2005).

### 3.6. *Criminological Foundations of Human Dignity*

Although at first glance criminology and criminal procedure may appear unrelated, both share a common subject: the human being and their behavior—specifically, criminal or deviant conduct—and the mechanisms of punishment, correction, and rehabilitation. Hence, the influence of criminological principles on criminal procedure is undeniable. Both disciplines also engage deeply with human rights issues. Accordingly, criminological discussions can serve as the legal foundations for respecting the human dignity of prisoners. Through criminological insights, not only are human rights safeguarded, but criminal procedural laws are continuously updated to better protect dignity, and to regulate and monitor the behavior of law enforcement officers, prison staff, and even judicial authorities (Saffari, 2007).

## 4. Manifestations of the Need to Respect Prisoners' Human Dignity in Iranian Laws and Regulations

### 4.1. Observance of Prisoners' Human Dignity in Iran's Domestic Legislation

#### 4.1.1. The Constitution

The *Constitution of the Islamic Republic of Iran*, as the foundation of all national legislation, addresses human dignity in several articles—particularly Articles 2, 3, 4, 12, 20, 21, 115, and 163. However, an analysis of these principles reveals potential inconsistencies and contradictions—both among the constitutional provisions themselves and between the Constitution and international standards concerning human dignity (including that of prisoners).

Article 2 of the Constitution declares that the Islamic Republic is founded on faith in the One God, divine revelation, the Day of Resurrection, justice, the Imamate, and the dignity and high value of humanity, as well as the freedom and responsibility of humans before God. Therefore, respect for dignity is a fundamental principle of the system, and the government—broadly defined—is obligated to realize it.

Articles 12 to 14 recognize Islam and the Twelver Ja'fari school as the official religion of Iran, granting respect and limited recognition to other religious minorities. However, this differentiation establishes legal distinctions between Muslims, Shi'ites, and non-Muslims, which contradicts the requirements of intrinsic human dignity—justice, freedom, equality, and brotherhood (Katouzian, 2011).

Article 29 explicitly prohibits the violation of the dignity and honor of offenders. This means that depriving offenders of their intrinsic or even acquired dignity—except as prescribed by law, such as restricting movement due to criminal conviction—is impermissible. This interpretation conflicts with Article 14, which appears to allow for deprivation of certain dignity-based rights.

Furthermore, when comparing Articles 2 and 39—both emphasizing respect for inherent human dignity—a degree of contradiction arises with Article 14. The Constitution simultaneously requires respect for human dignity (Article 39) yet limits this respect to those not guilty of treason or serious crime, whereas, in principle, only *acquired* dignity may be revoked, not *intrinsic* dignity.

As previously mentioned, Iranian domestic legislation—rooted in Islamic jurisprudence—includes multiple provisions that safeguard prisoners' dignity-based rights. These include Articles 2, 12, 13, 14, 20, 21, 38, and 39 of the Constitution, which collectively emphasize dignity, value, freedom, equality before the law, justice, and prohibition of insult and humiliation (Mousazadeh, 2005).

### 4.2. The Islamic Penal Code and the Code of Criminal Procedure

The *Code of Criminal Procedure* (adopted on February 23, 2014, with subsequent amendments) contains multiple provisions aimed at safeguarding the fundamental rights of prisoners in alignment with human dignity. These include:

- Recording prisoners' identities, duration of prior detention, and sentence length (Article 513);
- Separating convicts from detainees and ensuring pre-trial detainees are held in facilities supervised by the Prisons Organization (Article 514);
- Timely release upon completion of the sentence (Article 518);
- Access to leave, participation in educational, moral, vocational, and employment programs (Articles 520 and 528);
- Permission for medical treatment outside prison (Article 522);
- Allowing female prisoners to keep their children up to age two (Article 523);
- Classification of prisoners based on status and offense (Article 528);
- Implementation of semi-freedom and electronic monitoring systems (Article 553).

In line with this Code, the *Executive Regulations of the Prisons and Security and Corrective Measures Organization* (adopted on June 18, 2021) were promulgated to further operationalize these principles. The following section will analyze its key provisions.

#### 4.3. *Citizens' Rights Charter*

In the *Citizens' Rights Charter* adopted in December 2016, the fundamental rights tied to the human dignity of citizens, detainees, and arrestees—and the necessity of respecting these rights—are explicitly affirmed. Among these rights are the right to life, freedom of movement, a decent standard of living and its prerequisites, and more. Most pertinent to this study are the rights directly safeguarding liberty and dignity: citizens' immunity from arbitrary (unlawful) arrest, searches lacking judicial authorization, and any threats, pressure, or restrictions imposed on the families and relatives of persons at risk of arrest; the express right of arrestees to be informed of and understand their rights of access to justice and citizenship rights—such as adequate nutrition, clothing, medical care, visitation with family, and access to counsel; and, ultimately, the right of all pretrial detainees and convicted prisoners (sentenced to imprisonment) to a dignified reintegration into social life—rights that are set out in Articles 62 through 66 of the Charter (Hashemi, 2004; Zakerian, 2021).

#### 4.4. *Executive Regulations of the Prisons and Security and Corrective Measures Organization (2021)*

These Regulations contain some of the most important provisions for respecting prisoners' dignity-based rights. Notably, subparagraph (v) of Article 6 mandates the classification and separation of penal institutions by age, sex, criminal record, type of charge, and other criteria—an essential cornerstone of dignity because housing persons convicted for financial offenses alongside those convicted of human trafficking, narcotics offenses, or violent crimes endangers health and safety and has deleterious consequences if ignored (Karami, 2016).

Pursuant to subparagraph (a) of Article 2, the separation of prisoners is among the most fundamental rights arising from human dignity. It is self-evident that placing dangerous offenders and those convicted of violent crimes with prisoners held for financial or political offenses not only violates the Regulations but constitutes psychological pressure tantamount to ill-treatment and obstructs rehabilitation and social reintegration, while heightening the risk of intentional and unintentional assaults against bodily integrity during conflicts. In this regard, Note 1 to Article 33 clarifies that the “separation” required by that Article does **not** mean solitary confinement; classification must be implemented so that covered prisoners retain **all** of their rights. Note 2 to the same Article prohibits any exercise of personal discretion or violation of law, save in urgent and exigent circumstances (Zarā'at, 2011).

Under Article 251, the use of leg irons during transfer outside the institution is prohibited, except in necessary circumstances and for perpetrators of violent crimes. As is evident, this Article addresses only leg irons and is silent on handcuffs; only Article 252 provides that handcuffs may be removed before a judicial authority upon that authority's order (Katouzian, 2011).

Chapter 2, Section 1 of Part V addresses behavior management, namely strengthening prosocial conduct and fostering responsibility among inmates for their social reentry, with cooperation from volunteer NGOs and others. To prevent crime, the Organization must provide competent authorities with data on inmates' illnesses, the effects of disproportionate orders and judgments, and pretrial detentions ending in acquittal or non-prosecution decisions. This reporting functions as an indirect form of oversight over judicial performance and can be used by responsible officials to improve judicial practice. A particularly valuable innovation is the envisaged “Comprehensive Performance Evaluation System for Officials and Staff,” designed to assess compliance with standards, employment practices, classification implementation, and public participation. If implemented, this system would substantially enhance oversight of staff and officials and, consequently, the observance of fundamental and dignity-based rights of prisoners (Hashemi, 2004; Zakerian, 2021).

#### 4.5. *Directive on Clarifying the Rights of Arrestees, Respecting Their Dignity, and Supervising Detention Facilities (2021)*

This Directive was issued to ensure respect for the intrinsic dignity and human value of prisoners; to mandate respect, prohibit torture and any inhuman or degrading treatment, forbid unjust discrimination and the imposition of personal preferences, and ban solitary confinement—particularly for political offenders—except under specified, exceptional conditions. The Director General of the Office for Performance Evaluation, Inspection, and Complaints of the Organization is responsible for supervising proper implementation of the Directive (Karami, 2016; Zakerian, 2021).

#### 4.6. *Executive By-Law on the Establishment, Administration, and Supervision of Police (Law Enforcement) Detention Centers (2012)*

To ensure compliance with rules guarding citizens' rights and respect for legitimate freedoms, this By-Law was adopted and promulgated. It first defines general, police, and "under-supervision" detention facilities. Under Articles 4 and 5, training and guidance of the officials and management of police detention centers are assigned to the Prisons and Security and Corrective Measures Organization. Personnel are supplied by the Law Enforcement Force and operate under the provincial Prisons Director General in accordance with this By-Law and the general regulations of the Prisons Organization regarding the custody of suspects; training and guidance of officials and staff fall to the Prisons Organization as well (Karami, 2016).

Under Article 6, police detention centers are solely for holding suspects placed, by a judicial order, at the disposal of the Law Enforcement Force for preliminary investigations. Among the most important dignity-based rights of detained suspects recognized here are: the right to petition for redress (Article 12); the prohibition of conducting investigations and interrogations in the holding areas (Article 9); the requirement that admission of suspects be contingent upon a *written order bearing the judicial authority's seal*—distinct from a referral order for investigation; and the obligation to record the duration of custody (Article 7). Article 17 obliges prosecutors and heads of judicial districts—or their representatives—to supervise police stations' "under-supervision" units, monitor the duration of custody, and ensure respect for citizens' rights in these facilities (Hashemi, 2004; Zakerian, 2021).

With respect to temporary detention and keeping suspects *under supervision*—meaning a place where arrestees are temporarily confined—it must be noted that such facilities are also a type of prison, where suspects are held temporarily by order of a judicial authority (Moein, 2003). The separation of suspects from convicted prisoners is a product of modern criminal law thought and criminology and is also emphasized in international instruments and binding standards. Under Iranian law—particularly the Prisons Organization Regulations—detention facilities are categorized as security, temporary, and general (Saffari, 2007).

Regarding the length of temporary detention, numerous narrations and opinions from Sunni authorities and Shi'a jurists restrict the period to three to six days. For example, al-Sukūnī narrates from Imam al-Sadiq (peace be upon him) that the Prophet (peace be upon him) detained a murder suspect for six days; if the victim's guardians produced evidence, judgment would issue accordingly, and if not, the suspect was released (Najafi, 1984). Contemporary jurists likewise maintain that, where necessary, temporary detention should not exceed six days: "If a man is accused of murder, he is imprisoned for six days; if during these six days the guardians of the murdered establish proof, judgment is rendered accordingly; otherwise, the suspect is released" (Khoei, 1976).

Although some scholars argue that a three- or six-day limit is no longer reasonable given the expansion and complexity of modern crimes, Islamic teachings underscore limiting temporary detention out of respect for the dignity-based rights of suspects. Thus, the three- or six-day periods reflected in the narrations stand in stark contrast to the two-month to two-year temporary detention contemplated by Article 242 of the *Code of Criminal Procedure*, which often results from resource constraints in prosecutors' offices and courts. Protection of the victim's rights alone cannot justify disregarding the fundamental rights derived from the human dignity of detained suspects (Hayden, 2013; Zakerian, 2021).

#### 4.7. *Directive on Preserving Human Dignity and Values in the Judiciary (2019)*

This Directive, consisting of five chapters, thirty-three articles, and eight notes, was formulated under the Eleventh Clause of the *General Judicial Policies* of the Islamic Republic of Iran. Among its provisions is the requirement that prisons ensure access for inmates to mass media, such as television, radio, and newspapers. However, considering that the list of communication tools is illustrative rather than exhaustive, the question arises as to whether, under proper supervision and conditions, prisoners may also be granted controlled access to the Internet and digital communication platforms via computers (Katouzian, 2011; Zakerian, 2021).

Another key provision related to prisoners' dignity-based rights is the non-mandatory use of the *chador* (veil) for female inmates and the optional use of prison uniforms for political and press prisoners (both male and female) when appearing before

judicial authorities. These measures are designed to preserve dignity and prevent discrimination or humiliation inconsistent with human rights and Islamic ethical values (Hashemi Shahroudi, 2016).

#### 4.8. *Executive By-Law on the Administration of Security Detention Centers (2006)*

The *Executive By-Law on the Administration of Security Detention Centers (2006)* defines such facilities as places designated for holding suspects who, due to security or military sensitivities and by written order of competent judicial authorities, are detained pending final decision. These centers operate under the supervision of the *Prisons and Security and Corrective Measures Organization*, and transferring other categories of prisoners or convicts to these facilities is expressly prohibited (Karami, 2016).

A related category defined in Article 1 and its note is *security centers*, referring to institutions legally responsible for safeguarding national security—such as the Ministry of Intelligence, the Intelligence Organization of the Islamic Revolutionary Guard Corps, the Law Enforcement Intelligence Office, and the Protection and Intelligence Organizations of the Armed Forces. According to subparagraph (b) of Article 1, these centers are defined exhaustively.

However, the phrase “due to security and military sensitivities” is overly broad and vague, requiring precise specification of applicable circumstances. Otherwise, vague application may lead to arbitrary decisions, discriminatory conduct, and violations of prisoners’ dignity-based rights (Zarā’at, 2011).

Article 7 of the By-Law provides a crucial enforcement safeguard:

“The establishment, initiation, and administration of all security detention centers must comply with this By-Law, and courts and judicial authorities must refrain from referring suspects to centers not supervised or managed by the Organization. In case of noncompliance, violators will be dealt with according to applicable laws.”

However, this article’s enforcement mechanism requires further clarification through a specific directive outlining types of violations and corresponding disciplinary and administrative actions.

Additionally, the *Advisory Opinion No. 7/97/3061 of February 5, 2019*, issued by the Legal Department of the Judiciary, confirms the necessity of respecting prisoners’ dignity-based rights. The opinion explicitly states:

1. The spatial standards and quality of prisons, detention centers, and supervision units—along with facilities and conditions—are governed by Clause 16, Table 16 of Article 113 of the *Sixth Five-Year Development Plan Act (2016–2021)*, which outlines legal and judicial development indicators, as well as Article 2 of the *Executive By-Law on the Relocation of Prisons and Corrective Institutions (2001)* and Articles 70 and 71 of the *Executive By-Law of the Prisons Organization (2005)*, and related provisions.
2. Pursuant to Article 39 of the *Constitution*, violating the dignity or honor of any person lawfully arrested, detained, imprisoned, or exiled is prohibited and punishable. This aligns with Articles 4, 6, and 7 of the *Law on Respect for Legitimate Freedoms and Protection of Citizens’ Rights (2004)* and Article 7 of the *Code of Criminal Procedure (2014, as amended)*, all of which require judicial and law enforcement officials to uphold human dignity. Article 235(1) of the *Executive By-Law of the Prisons Organization (2005)* also makes it mandatory to respect prisoners’ human and social rights—particularly during transfer and escort—and restricts the use of handcuffs or shackles to cases of necessity as determined by competent officials.
3. The opinion further concludes that using leg irons or chains, which symbolize violent and degrading treatment, contradicts human dignity and is inconsistent with legal norms, since adequate protective measures can be applied without violating dignity. Consequently, officials should refrain from using such restraints, and handcuffs should be used only when explicitly authorized by law or deemed necessary by prison officials under Articles 235(1) and 170 of the *Prisons Executive By-Law (Hayden, 2013; Zakerian, 2021)*.
4. Lastly, any violation of prison regulations—including the unlawful use of restraints during transfer or failure to comply with lawful procedures—constitutes a disciplinary offense under Article 172 of the *Prisons By-Law* and must be addressed by the Disciplinary Council. If the inmate resists lawful orders, the act may also constitute *rebellion* under Article 607 of the *Islamic Penal Code (1996, Ta’zirāt Section)*.

In summary, the 2019 *Directive on Preserving Human Dignity* and related by-laws underscore Iran’s effort to align penal administration with both Islamic ethics and international human rights standards by promoting humane treatment, restricting

arbitrary measures, and institutionalizing oversight within the judiciary and prison system (Karami, 2016; Mousazadeh, 2005).

## 5. Sanctions for Violations of Rules Concerning the Human Dignity of Prisoners

Balancing the obligation to prosecute offenders with the duty to respect the rights and dignity of detained and imprisoned individuals is among the essential responsibilities of the judiciary. Citizens' rights are permanent and binding obligations for all governments, and the violation of these rights—even by state actors—entails liability for compensation. Failure to respect the rights derived from prisoners' human dignity can give rise to several categories of sanctions, as discussed below (Zakerian, 2021).

### 5.1. Administrative (Disciplinary) Sanctions

Administrative and disciplinary liability concerns violations of professional duties by individuals engaged in various occupations—such as judges, attorneys, physicians, civil servants, and judiciary employees. Accordingly, failure by officials, judges, or enforcement officers to respect prisoners' dignity-based rights may result in administrative or disciplinary sanctions under multiple statutes, including the *Code of Criminal Procedure*, the *Islamic Penal Code*, and other relevant regulations previously discussed (Katouzian, 2011; Zarā'at, 2011).

### 5.2. Legal (Criminal) Sanctions

Article 39 of the *Constitution of the Islamic Republic of Iran* explicitly prohibits any violation of the dignity and honor of individuals who are arrested or detained, while Article 38 forbids all forms of torture for the extraction of confessions and deems any confessions thus obtained invalid.

Under the *Islamic Penal Code* (Articles 570–587), titled “*Offenses by Government Officials and Agents*,” violations of freedom and the fundamental rights guaranteed by the Constitution—especially those tied to prisoners' human dignity—are punishable by imprisonment and dismissal from public office. Specifically, Article 575 prohibits unlawful detention or arrest by judicial or administrative authorities, Article 578 criminalizes the use of torture or physical abuse to obtain confessions, and Article 583 forbids illegal detention or imprisonment. Collectively, these provisions constitute the primary legal sanctions for violations of dignity-based rights of prisoners and non-prisoners alike (Hashemi, 2004; Zarā'at, 2011).

### 5.3. Civil Sanctions

Governments are obligated to uphold their citizens' rights—not only private rights but all individual and social freedoms—even when doing so conflicts with state interests. States must work to improve living standards and protect the life, property, honor, and dignity of their citizens. Therefore, when government actions cause harm, compensation is required under both legal and Islamic jurisprudential principles, including the doctrines of *fault*, *risk*, *no harm (lā ḍarar)*, and *just governance*. Article 171 of the *Constitution* affirms this duty.

Consequently, if a person is wrongfully detained or imprisoned, the state bears responsibility for compensating the resulting harm. This principle is reinforced in Articles 575 and 583 of the *Islamic Penal Code* and Articles 255 and 257–261 of the *Code of Criminal Procedure*, which collectively establish the state's duty to redress damages arising from wrongful detention or conviction (Bojnourdi et al., 2005; Mohaghegh Damad, 2016).

### 5.4. Sanctions by Nullification (Invalidity)

This form of sanction concerns the annulment or invalidation of laws that conflict with *Shari'a* or fundamental human rights. It targets the *law itself* rather than its enforcer. Under general legal principles, an act lawfully performed under a prior statute remains valid even if a subsequent law introduces new conditions—unless the new law expressly applies retroactively in favor of the accused.

As Zarā'at explains, the doctrine of invalidity in criminal procedure ensures that legislative or procedural actions violating human rights and dignity are deemed void (Zarā'at, 2011). Article 60 of the *Code of Criminal Procedure* explicitly forbids coercion or compulsion in interrogations of accused persons (whether detained or imprisoned) and declares any such coerced interrogation *invalid*. By analogy (*qiyās*), any legislative or administrative act infringing the fundamental rights associated with the dignity of prisoners and detainees is legally *null and void* (Katouzian, 2011; Zakerian, 2021).

## 6. Conclusion

From the foregoing discussion, it is clear that Iran's domestic legal framework, guided by Islamic teachings, strongly emphasizes the preservation and observance of rights arising from the human dignity of prisoners—rights that reflect the fundamental principles of human freedom and integrity. The country's internal laws and regulations—including the *Constitution*, the *Islamic Penal Code*, the *Code of Criminal Procedure*, as well as related executive regulations, directives, and circulars, particularly the *Executive Regulations of the Prisons and Security and Corrective Measures Organization* (2021)—explicitly and comprehensively affirm the importance of protecting these dignity-based rights. Therefore, from the standpoint of Islamic jurisprudence and statutory law, no fundamental deficiency exists in recognizing the need to safeguard the rights derived from prisoners' human dignity, though certain areas still require clarification, supplementation, or reform.

However, practical implementation and effective oversight of these legal provisions reveal notable shortcomings. In many cases, full enforcement of existing regulations depends on supplementary directives that have yet to be approved—for example, the directives referenced in Article 341 of the *Prisons Organization Regulations* and Article 15 of the *Directive on Preserving Human Dignity and Values in the Judiciary*. The absence or delay of such executive instruments hampers the consistent and comprehensive application of the law.

Beyond formal state supervision—typically exercised by governmental bodies such as the Judiciary and Parliament—enhanced monitoring could be achieved by legally empowering non-governmental organizations active in this field. The participation of academic experts in criminal law and criminology, alongside independent scholars, media professionals, and civic groups, would promote stronger public oversight of how dignity-based prisoner rights are implemented.

Furthermore, considering the supervisory responsibilities already vested in judicial and administrative bodies—such as those outlined in Article 32 of the *Directive on Preserving Human Dignity and Values in the Judiciary*—transparent public communication about received reports, whether from NGOs, experts, or journalists, could help ensure more effective enforcement of established regulations. Such openness would not only improve compliance but also prevent the spread of misinformation and counter hostile propaganda regarding the treatment of prisoners.

## Ethical Considerations

All procedures performed in this study were under the ethical standards.

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## Conflict of Interest

The authors report no conflict of interest.

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## References

- Attila, O. (2010). *Dawlat dar Tarikh-e Andisheh-ye Gharb (The State in the History of Western Thought)* (Translated by A. Baqeri. 2nd ed.). Forouzan Publishing.
- Bojnourdi, S. M. H., Mehrizi, M., & Darayati, H. (2005). *Qawā'id al-Fiqhiyyah (The Jurisprudential Rules)*. Dalil-e Mā.

- Dashti, M. (2000). *Nahj al-Balagha*. Jamkaran Publications.
- Dehkhoda, A. A. (1957). *Loghat Nameh Dehkhoda (Dehkhoda Dictionary)* (Vol. 9). Islamic Consultative Assembly Publications.
- Eftekhārzādeh, M. (1995). The Impact of Humanistic Attitudes on Legal Rulings. *Quarterly Journal of Dāneshgah-e Enqelāb (Revolution University)*, 2(105), 53-66.
- Fernando, T. (2009). *Falsafeh va Hoghoog-e Beyn al-Melal (Philosophy and International Law)* (Translated by M. Mohebbi. 1st ed.). Danesh Shahr.
- Habibzadeh, M. J., & Rahimi Nejad, I. (2007). Human Dignity in the Constitution of the Islamic Republic of Iran. *Modarres Journal of Humanities*, 11(2), 51-82.
- Hashemi, M. (2004). *Hoghoog-e Bashār va Mafahim-e Mosāvat, Ensāf va Adālat (Human Rights and the Concepts of Equality, Equity, and Justice)*. Faculty of Law and Political Science, Criminal Sciences and Criminology Research Institute.
- Hashemi Shahrودي, M. (2016). *Zendān-zadāyi: Majmou'eh Bayānāt (De-Prisonization: Collection of Statements of Grand Ayatollah Hashemi Shahrودي)*. Islamic Jurisprudence Encyclopedia Institute.
- Hayden, P. (2013). *Falsafeh-ye Hoghoog-e Bashār (The Philosophy of Human Rights)* (Translated by M. Yousefi and R. Mirzaei. 1st ed.). Mokhtab.
- Heywood, A. (2010). *Moqaddameh Nazariyeh-ye Siyāsi (Political Theory: An Introduction)* (Translated by A. Alam. 3rd ed.). Ghumes Publishing.
- Hosseini, S. I. (2018). Indicators of Human Dignity in the Islamic System. *Journal of Fundamental Research in Humanities*, 4(1), 61-92.
- Ja'fari Langaroudi, M. J. (1988). *Terminologi-ye Hoghoogh (Legal Terminology)*. Ganj-e Danesh.
- Javadi Amoli, A. (2005). *Tafsir-e Insan be Insan (Exegesis of Man to Man)*. Isra Publications.
- Karami, A. H. (2016). *Tazmīnāt-e Hoghooghi-ye Bashari dar Mowred-e Zendāniyān az Manzar-e Qānūn-e Asāsi-ye Jomhūri-ye Eslāmi-ye Irān va Asnād-e Beyn al-Melali (Human Rights Guarantees for Prisoners from the Perspective of the Constitution of the Islamic Republic of Iran and International Instruments)* Islamic Azad University, Taft Branch].
- Katouzian, N. (2011). *Falsafeh-ye Hoghoogh (Philosophy of Law)* (Vol. 1). University of Tehran Publications.
- Khoei, S. A. (1976). *Mabani Takmilat al-Minhaj (Foundations of the Supplement to Minhaj)*. Al-Adab Press.
- Moein, M. (2003). *Farhang-e Farsi-ye Moein (Moein Persian Dictionary)* (Vol. 1). Amir Kabir Publishing Institute.
- Mohaghegh Damad, S. M. (2016). *Qawā'id Fiqh (Bakhsh-e Madani) (Rules of Jurisprudence (Civil Section))* (Vol. 2). Islamic Sciences Publishing Center.
- Mousazadeh, M. (2005). *Din va Karāmat-e Ensāni, Mabani-ye Nazari-ye Hoghoog-e Bashār (Religion and Human Dignity, Theoretical Foundations of Human Rights)*. Human Rights Studies Center, Mofid University.
- Najafi, M. H. (1984). *Jawāhir al-Kalām*. Dar al-Kutub al-Islamiya.
- Qurbi, S. M. J. (2020). Human Dignity and Human Rights: A Review of the Category of Dignity in International Human Rights Instruments. *Human Rights Research Journal*, 4(5), 61-105.
- Rahmani, M. (2004). Jurisprudence and Justice. *Hokumat-e Eslami (Islamic Government) Journal*, 4(31).
- Saffari, A. (2007). Types of Prisons and Acceptable Individuals in Them. *Quarterly Journal of Legal Teachings*, 7(10), 61-90.
- Zakerian, M. (2021). *Hoghoog-e Bashār Baraye Hameh (Human Rights for All)*. Mizan Publishing.
- Zarā'at, A. (2011). *Botlān dar Āyin Dādrasi-ye Keyfari (Invalidity in Criminal Procedure)*. Mizan Publishing.