



## Why Document the Flogging Punishment?

### Flogging: Law and Practice in Iran

In the Islamic Republic of Iran, at least 148 crimes are punishable by flogging. The laws related to flogging are broad and encompass a wide array of acts recognized as crimes. The [criminal code](#) recognizes corporal punishment (hadd and ta'zir<sup>[1]</sup>) for offenses such as: consumption of alcohol, drug use and petty drug dealing, theft, adultery, "flouting" of public morals, illegitimate relationships, and mixing of the sexes in public. Flogging is also used in interrogations, presumably to punish the detainee for not telling the truth. In the case of political prisoners, flogging was routinely used in the 1980s. Interrogators continue to use flogging, but its use is more often reported in the case of political detainees from specific political or ethnic groups. Judges have also the latitude to mete out corporal punishment for those sentenced to death. In such cases, the flogging is carried out before the execution to maximize the convict's suffering.<sup>[2]</sup>

### International Law and the Prohibition of Corporal Punishments

The use of corporal punishment is addressed in several international agreements. Article 5 of the Universal Declaration of Human Rights, which Iran has ratified, states that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Identical language is also used in the International Covenant on Civil and Political Rights (ICCPR), to which Iran is also a party. Corporal punishment that amounts to torture or cruel, inhuman, and degrading punishment, including flogging, is prohibited under international law, and countries cannot justify it by invoking domestic law.<sup>[3]</sup>

In more than three decades, courts in the Islamic Republic of Iran have sentenced thousands of individuals to flogging, sometimes up to more than 300 or 400 lashes, in violation with the country's obligations under international law.

The UN General Assembly and the UN special mechanisms have tried to address such violations multiple times and have expressed deep concern regarding Iran's continued flouting of international human rights law, particularly, "confirmed instances of torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations."

The aim of the Flogging Interactive is to help understand the nature and widespread use of a cruel, inhuman, and degrading punishment that affects Iran's population at large and needs to be addressed urgently.<sup>[4]</sup>

## About the Data

Data from the Flogging Interactive is not exhaustive, as Iranian authorities do not systematically or thoroughly release information on flogging sentences or implementation. Reports of flogging cases appear in the Iranian media occasionally, though only rarely from small towns and villages. Press Reports do not necessarily include biographic information such as the victims' age. In such cases, the victims are recorded in the interactive as adults. Many Iranians interviewed by ABC know of cases of lashing of vulnerable individuals, such as drug addicts, that have not been reported in the media or elsewhere. Further, the degrading nature of flogging deters many victims from reporting on their cases. However, official statements and reports by the Iranian media and international and local human rights organizations, as well as testimonies of victims and witnesses collected over several years by the Abdorrahman Boroumand Center (ABC), provide a wealth of information that is shared through this Flogging Interactive. The data collection is ongoing, and the Flogging Interactive will be updated periodically.

## Methodology

The data represents flogging sentences issued by Iran's courts, many of which are published in Iran's official and semi-official media. ABC's decision to present information on flogging sentences, rather than implementation, is based on the availability of the data. The reporting of flogging cases in Iran is not consistent, and there are no systematic follow-ups on the implementation. In some cases, the available information relates to the implementation, though no information had been published at the time of sentencing. Further, not all reported flogging sentences are implemented. Some sentences can be replaced by fines and, in some cases, political and other factors affecting local authorities' decisions or corruption in the judiciary, could result in the waiving of a reported sentence. To the best of ABC's knowledge, however, most flogging sentences reported in the media or by Iranian officials have been implemented.

Information collected from political prisoners flogged during interrogation will also be included, progressively, in the Flogging Interactive. Interrogators use flogging as a punishment, based on shari'a law (Ta'zirat), which supposes a prior judicial decision. The data includes contemporary cases of political prisoners sentenced to flogging. In the late 2000s, for example, many student activists, bloggers, and others have been sentenced to flogging for "insulting university authorities," or "reporting on human rights violations." Such sentences are not systematically implemented, but they are kept in the individual's file as a threat and reminder that the punishment could be implemented at any time.

## About the Charges

Information or details about individual cases, such as charges or location of implementation, are included when available. “Unknown charge” indicates that the information source does not provide information on charges or mentions charges that are not punishable by flogging under the law. The Interactive includes all the information as provided by sources. Translations of charges may provide slight modifications, in order to facilitate understanding of the charge for users who are unfamiliar with Iran’s laws.

Considering the multitude of charges that lead to flogging, ABC has categorized the data for its most effective and efficient use. However, the diversity of charges, the general nature of the information, or the multiplicity of offenses attributed to one individual, in many cases complicate the task of categorizing the data. The categorization in this Flogging Interactive is the product of ABC’s staff consultations and remains subjective[5]. Further, the data on charges does not testify to the guilt or innocence of those sentenced to be flogged. ABC’s goal is not to determine the veracity of the charges in any given case. Flogging is a cruel, inhuman, and degrading punishment and is prohibited in international human rights law, regardless of the guilt or innocence of the convicted individuals.

**Help us complete the Interactive Map's data by completing the [Flogging Punishment Questionnaire](#).**

## Sources

The data in the Flogging Interactive tool is drawn from more than 80 sources, including official and semi-official sources in the Islamic Republic of Iran, as well as the media and non-governmental sources inside and outside Iran. The Flogging Interactive’s data is collected, for the most part, from official and semi-official sources inside Iran, including websites of the judiciary in various provinces and official publications of the judiciary, such as M’ava; police departments’ sites; Iran’s official news agencies, such as IRNA, ISNA, and Fars; statements by Iranian authorities, including provincial heads of judiciaries, judges, and police commanders published in the media or on official websites; Iran’s online newspapers, such as *Jomhuri Eslami, Iran, Hamshahri, Etelaat, Khabar-e Jonub, Shargh,* and *Khabar-e Jonub*. The Interactive’s data also relies on direct testimonies provided to ABC, reports by human rights groups, and civil society organizations inside and outside the country, such as HRANA, Amir Kabir, Majzuban Nur, Kurdistan Human Rights, online newspapers outside the country, such as *Kalemeh, Jaras,* and *Peyk-e Iran*, in addition to prison memoirs.

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[1] - Crimes punishable by hadd are those with fixed punishments in Islamic sources. These include crimes such as illicit sex, adultery, sodomy, homosexual behavior between women, and the consumption of intoxicants and are punishable by the death penalty, stoning to death, amputation, and flogging.

- Crimes punishable by ta’zir, unlike those punished by hadd, are those for which punishments are not fixed and instead are left to the discretion of the Shari’a judge. However, most ta’zir

crimes are dealt with in the Penal Code, and the judge may or may not apply the punishments prescribed in the Code.

[2] Flogging must be administered, according to the Islamic Republic's criminal code, to a male detainee while he is standing and stripped of his clothes with the exception of his genitals. The lashing should not target the man's head, face, or genitals. Women are to be flogged seated, with their clothes tight to their body. See, Criminal Code, Section 3, Article 176.

[3] The strongest expression of international disapproval is contained in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This treaty defines torture as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as ... punishing him for an act he or a third person has committed or is suspected of having committed." Although the Islamic Republic of Iran has yet to sign the CAT, the prohibition on torture is now considered *jus cogens* and, therefore, to be part of customary international law.

In his first report to the United Nations General Assembly, on 30 August 2005, Manfred Nowak, then Special Rapporteur of the Commission on Human Rights on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, called on states to "abolish all forms of judicial and administrative corporal punishment without delay." He pointed out that the term "lawful sanctions" in article 1, paragraph 1, of the Convention against Torture must be interpreted as referring both to domestic and international law. On the basis of the review of jurisprudence of international and regional human rights mechanisms, the Special Rapporteur concludes that "any form of corporal punishment is contrary to the prohibition of torture and other cruel inhuman or degrading treatment or punishment" and "States cannot invoke provisions of domestic law to justify the violation of their human rights obligations under international law, including the prohibition of corporal punishment."

[4] Collecting raw data, such as is shown in this interactive exhibit, is a first step toward establishing a pattern of state violence. More data may be required before accurate patterns can be determined using scientific analysis.

[5] A drug-related crimes category, for example, includes addiction, carrying 4 grams of heroin with the intention to sell, as well as trafficking of 937 kg of Opium. Petty crimes include acts that are not categorized as crimes in most countries, such as disturbance caused by an individual's dogs; minor offenses, such as stealing 20 pairs of shoes or some electric wires; purse snatching; and repeated thefts or robberies.

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