

Concluding Observation Human Rights Committee CCPR/C/IRN/CO/3 para 19

Full recommendation

The State party should take immediate steps to establish a system of regular and genuinely independent monitoring of places of detention, and ensure that conditions of detention conform to articles 7 and 10 of the Covenant, and to the United Nations Standard Minimum Rules for Treatment of Prisoners. It should also systematically include human rights training as a standard component of curricula, covering the topics of the prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, in the training of law enforcement, prison, and judicial officials.

Assessment using Impact Iran human rights indicators¹

A. The Islamic Republic of Iran should take immediate steps to establish a system of regular and genuinely independent monitoring of places of detention

The Supervision and Inspection Board, established under the Law on Respect for Legitimate Freedoms and Safeguarding Citizen's Rights, monitors the compliance of policies and conducts with the law and confront those in breach. The Board's activities include that of submitting "the complaints it receives to the relevant bodies and pursuing the investigation until it yields an outcome"; "deploying inspection groups to the bodies"; and "preparing reports on the implementation of laws in the country every three months and making them available to the public."² The Supervision and Inspection Board also has set up a database enabling victims and witnesses to submit their complaints. On the occasion of its 2019 Universal Periodic Review, the Islamic Republic of Iran stated that "the prosecutors, through judges stationed in prisons as well as the Secretariat of the Protection of Citizenship Rights and provincial supervisory boards, conduct regular inspections and investigate any reports or complaints" with regard to allegations of torture.³ There is no readily available information that might indicate that complaints have been properly investigated and adjudicated either by the Board or the Secretariat.

In its 2019 National Report to the Universal Periodic Review, the Government of the Islamic Republic of Iran reported that the Citizenship Rights Watch Board carries periodic inspections within prisons and detention centers. According to the Government the body has "received and handled 3,275 complaints and reports, through the complaint system, in relation with civil rights

¹ CCPR.7.1.S.1; CCPR.10.1.S.1

CCPR.7.1.P.1; CCPR.10.3.P.2; CCPR.10.3.P.3

CCPR.7.1.O.1; CCPR.7.1.O.2; CCPR.10.1.O.1; CCPR.10.1.O.2; CCPR.10.1.O.3

² See Executive By-law of Article 1(15) of the Law on Respect for Legitimate Freedoms and Safeguarding Citizens' Rights

³ Report of the Working Group on the Universal Periodic Review, February 2020, <https://undocs.org/en/A/HRC/43/12/Add.1>

violations. Between 2015 and 2018, a number of 28,504 inspections were carried out to prosecutors' offices, prisons and detention centers.”⁴ There is no readily available information about the outcome of the complaints or inspections.

B. The Islamic Republic of Iran should ensure that conditions of detention conform to articles 7 and 10 of the Covenant, and to the United Nations Standard Minimum Rules for Treatment of Prisoners

Article 39 of the Constitution of the Islamic Republic of Iran stipulates that “All affronts to the dignity and repute of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and liable to punishment.”⁵

Iran’s Prison Regulations provide for the management and supervision of all prisons and detention center in the country, including the conditions of detentions such as access to adequate food and water and medical care for detainees, visits and communications with the family. Prison regulations include the right for detainees to have a bed⁶ and also stipulate that prisons should have enough showers to enable detainees to shower at least once a week.⁷

The Iranian Prisons Organisation, the governmental agency in charge of overseeing prisons in the country, has reportedly faced challenges in terms of funding and investments. Despite the government increasing the annual budget of the organisation⁸, in 2017, the then-Head of the Iranian Prisons Organisation stated in an interview that there were not enough funds to provide three adequate meals to prisoners.⁹ Reportedly, the budget of the Organisation is spent mostly on the provision of food and clothing for prisoners, as well as health care services.¹⁰

However, despite the lack of readily available official information, NGO reports suggest that investments to improve the conditions of detention of persons deprived of their liberty are insufficient. Reportedly, prisons in Iran lack showers and adequate sleep amenities for their detainees.¹¹ As reported by Amnesty International in June 2020,¹² and according to recent official statements,¹³ Iran’s prison population was around 211,000. This is two and half

⁴ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁵ Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁶ Article 71, Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>.

⁷ Article 108, Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>

⁸ ILNA News, <https://www.ilna.news/fa/tiny/news-707499>

⁹ Aftab News, <https://aftabnews.ir/fa/news/499098/>

¹⁰ Mehr News, www.mehrnews.com/xOMTN

¹¹ See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#3.2.3>

¹² Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

¹³ IRNA, <https://www.irna.ir/news/83819418/۲۱۱-هزار-های-زندانبان-در-نفر-هزار-هستند-کشور>

times more than the officially declared capacity of 85,000.¹⁴ Numerous reports received by the Office of the United Nations High Commissioner for Human Rights (OHCHR) have indicated that detainees are regularly kept in poor conditions in Iranian prisons, notably due to overcrowding and serious lack of basic hygiene, lack of adequate food and water and denial of access to medical care.^{15 16 17} The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran received numerous reports of abusive use of torture to extract confessions, use of solitary confinement, and medical treatments conditional upon confession.¹⁸ Additionally, numerous reports have documented deaths and cases of ill-treatment of persons detained during the November 2019 protests.^{19 20}

A report published by the Abdorrahman Boroumand Center in partnership with the Human Rights Activists News Agency found that conditions of detentions have further deteriorated since the COVID-19 pandemic started. Prisons' overcrowding facilitated the proliferation of COVID-19 cases in several prisons.²¹ Such concerns have been echoed by the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran in his report published in July 2020²² and January 2021.²³ Documents recently leaked to Amnesty International indicate that Iran's Ministry of Health has repeatedly ignored urgent appeals from the Prisons Organisation to remedy the widespread shortages of the protective equipment, disinfectant products, and medical supplies needed to fight the pandemic.²⁴

In addition to poor detention conditions, prisoners are at high risk of being held in prolonged solitary confinement in the Islamic Republic of Iran. The Iranian Criminal Code of Procedure (2015) makes no mention of solitary confinement as a method of punishment, however it is prescribed under Article 175 of the Prison Regulations.²⁵ Under Iran's Prison Regulations, any

¹⁴ Tasnim News, <https://www.tasnimnews.com/fa/news/1398/02/25/2011935/مداریم-حذر-فیت-زندان-ها-2-5-بیر-ایر-حظر-فیت-زندان-مداریم>

¹⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

¹⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

¹⁷ UN News, <https://news.un.org/en/story/2020/10/1074722>

¹⁸ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

¹⁹ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

²⁰ Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

²¹ HRANA, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

²² Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/A/75/213>

²³ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

²⁴ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

²⁵ Article 524, Code of Criminal Procedure of the Islamic Republic of Iran, and Iranian Prisons Regulations, as referred to in <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

disciplinary measures may be imposed after investigation by a disciplinary council composed of judicial and prison officials, although the Regulations do not specify the offences that may be subject to punishments. If the disciplinary council finds the accused prisoner guilty by majority vote, it may impose “detention in solitary confinement for a maximum of 20 days.”²⁶ The lack of regulations for holding detainees in solitary confinement outside of the circumstances predicted under Prison Regulations put detainees at risk of arbitrary solitary confinement, and for prolonged periods of time.

Article 175 of Iran’s Prison Regulations stipulates that solitary confinement should not exceed 20 days,²⁷ while the UN Standard Minimum Rules for the Treatment of Prisoners (or Nelson Mandela’s rules) consider solitary confinement longer than 15 days as prolonged solitary confinement.²⁸ The Human Rights Committee has stipulated that the prolonged solitary confinement of detainees may amount to torture or other cruel, inhuman or degrading treatment or punishment.²⁹

Reports suggest that Section 209 of the Evin Prison in Tehran, under the control of the Ministry of Intelligence, is a place of systematic and large-scale use of solitary confinement “for its own sake and not for traditional disciplinary purposes,”^{30 31 32} as the Working Group on Arbitrary Detention first noted during its last visit of the prison in 2003.³³ Similarly, Section 240 of Evin Prison, partially under the authority of the Ministry of Intelligence and other security and intelligence units, has been reportedly used exclusively for holding prisoners in solitary confinement.^{34 35} Section 240 of Evin Prison reportedly contains 700 to 800 solitary confinement cells.³⁶

The Working Group on Arbitrary Detentions considers that Section 240 is a “prison within a prison” that is “arbitrary in nature and must be ended.”³⁷ The Government is reported as noting, in the 2020 Special Rapporteur on Iran’s report, that solitary confinement “is used only in rare instances during the judicial investigation, as well as a punitive measure in places of

²⁶ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

²⁷ Ibid.

²⁸ Rule 44, Nelson Mandela’s Rules or UN Standard Minimum Rules for the Treatment of Prisoners, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

²⁹ UN Human Rights Committee (HRC), *CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)*, 10 March 1992, available at: <https://www.refworld.org/docid/453883fb0.html>

³⁰ Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#2.1.1>

³¹ Amnesty International, <https://www.amnesty.org/download/Documents/MDE1310212019ENGLISH.pdf>

³² En-HRANA, <https://www.en-hrana.org/abdul-sattar-sheikh-transferred-solitary-confinement-evin-prison?hilitte=%27solitary%27%2C%27confinement%27%2C%27evin%27%2C%27prison%27> and <https://www.hrw.org/reports/2008/iran0108/iran0108web.pdf>

³³ Country Visits, Working Group on Arbitrary Detention, <https://www.ohchr.org/en/issues/detention/pages/visits.aspx>

³⁴ Amnesty International, <https://www.amnesty.org/download/Documents/8000/mde130232014en.pdf>

³⁵ Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#2.1.1>

³⁶ Human Rights Watch, <https://www.hrw.org/reports/2008/iran0108/iran0108web.pdf>

³⁷ Country Visits, Working Group on Arbitrary Detention, <https://www.ohchr.org/en/issues/detention/pages/visits.aspx>

detention.”³⁸ Yet, the existence of sections within Iranian prisons adapted to the use of large-scale solitary confinement suggest the contrary. Additionally, OHCHR and NGOs frequently report cases of prolonged solitary confinement in the Islamic Republic of Iran, in some cases lasting months and therefore potentially amounting to torture.^{39 40 41 42} Further, NGOs have reported cases of prisoners placed in solitary confinement only because they were displaying COVID-19 symptoms.^{43 44}

The Islamic Republic of Iran has not ensured that conditions of detention conform to Articles 7 and 10 of the Covenant, and to the United Nations Standard Minimum Rules for Treatment of Prisoners.

C. The Islamic Republic of Iran should also systematically include human rights training as a standard component of curricula, covering the topics of the prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, in the training of law enforcement, prison, and judicial officials

There is no readily available information that might indicate that the Government of the Islamic Republic of Iran has established human rights training courses for members of the police, armed force and the security forces, as well as for other law enforcement officials.

However, for its national report to the Universal Periodic Review in 2019, the Islamic Republic of Iran stipulated that it held “Human rights training for judges, judicial officers and administrative staff on the rights of the child, the rights of persons with disabilities, the prohibition of torture and ill-treatment and the confronting against domestic violence.”⁴⁵ There is no readily available information indicating whether human rights trainings held on the prohibition of torture and ill-treatment covered effective interrogation techniques, conditions of detention and the treatment of detainees.

The Islamic Republic of Iran has established a system of regular monitoring of places of detention, however, there is insufficient information to objectively assess whether the system is

³⁸ Report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran, January, 2020, https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf

³⁹ OHCHR News, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26716&LangID=E%20>

⁴⁰ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2021, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F46%2F50&Language=E&DeviceType=Desktop>

⁴¹ Human Rights Watch, <https://www.hrw.org/news/2020/06/06/iran-free-students-long-solitary>

⁴² Amnesty International, <https://www.amnesty.org/download/Documents/MDE1328912020ENGLISH.PDF>

⁴³ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

⁴⁴ See more: Abdorrahman Boroumand Center, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

⁴⁵ National Report, Islamic Republic of Iran, UPR, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

genuinely independent and effective. Additionally, while the Islamic Republic of Iran reported that it held human rights trainings with judges and judicial officials, there is no readily available information indicating the content of such trainings and whether they cover topics of effective interrogation techniques, conditions of detention and the treatment of detainees. The Islamic Republic of Iran has not ensured that conditions of detention conform to Articles 7 and 10 of the Covenant, and to the United Nations Standard Minimum Rules for Treatment of Prisoners.

Recommendation status:

The recommendation has **NOT** been implemented.