

## Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/66/374 para 77

### Full recommendation:

*The Special Rapporteur also remains concerned about the well-being and health of prisoners, especially those mentioned in the present report, and encourages the Government of the Islamic Republic of Iran to launch full investigations into those cases. He also requests that he be granted the ability to substantiate accounts raised here through access to both detention centres and those detained. The Special Rapporteur further requests that the Government of the Islamic Republic of Iran review those cases and furnish the Special Rapporteur with information that would enable him to report progress or developments in those matters to the General Assembly and the Human Rights Council. He also urges the Government to increase its cooperation with the special procedures, as this would create a productive space for further actions to improve the human rights situation in the Islamic Republic of Iran.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

#### A. The Special Rapporteur encourages the Government of the Islamic Republic of Iran to launch full investigations into cases of endangered well-being and health 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.”<sup>2</sup>

In Iran, there are two distinct regulations for the management of police detention centres and security detention centres.<sup>3</sup> Iran’s Prison Regulations and the Code of Prisons and Detention Facilities Administration specify that all prisoners should have access to medical care, including regular medical check-ups, and that their medical needs should be addressed to the extent possible, unless transfer to treatment centers outside the prison is considered necessary.<sup>45</sup>

<sup>1</sup> CCPR.9.1.S.1; CCPR.9.1.S.2; CCPR.9.1.S.3; CCPR.9.2.S.1; CCPR.9.3.S.2; CCPR.14.1.S.2  
CCPR.9.1.P.1; CCPR.9.1.P.2; CCPR.9.1.P.5; CCPR.9.1.P.6; CCPR.9.2.P.1; CCPR.9.3.P.1  
CCPR.9.1.O.1; CCPR.9.2.O.1; CCPR.9.2.O.4; CCPR.14.1.O.8 ; CCPR.9.1.O.1

<sup>2</sup> Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>3</sup> Dastour.ir <<http://www.dastour.ir/brows/?lid=224404> >; <<http://www.dastour.ir/brows/?lid=224414> >

<sup>4</sup> See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/>

<sup>5</sup> See more: Amnesty International, <https://www.amnesty.org/download/Documents/MDE1341962016ENGLISH.PDF>

Article 502 of Iran’s Criminal Code of Procedure (2015) provides that “whenever the convicted individual suffers from physical or mental illnesses and the implementation of the sentence would exacerbate the illness or delay the recovery, the Judge Overseeing Implementation of Sentences shall, after obtaining the opinion of the Legal Medicine Organization of Iran, postpone the implementation until the time of the recovery”. The Code further adds that, if there is no prospect of recovery and the judge is satisfied that the convicted person is unfit to serve the sentence, the judge can refer the case to the court that originally issued the sentence to issue an alternative sentence.<sup>6</sup> Such provision is not in full compliance with international standards, notably Rule 27(c) of the Mandela Rules which states: “Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff”.<sup>7</sup>

Iran’s Prisons regulations detail provisions for the supervision and periodic inspection of detention centres and assign these responsibilities to relevant authorities. 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 conducts 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 violations. Between 2015 and 2018, a number of 28,504 inspections were carried out to prosecutors’ offices, prisons and detention centers.”<sup>8</sup> There is no readily available information regarding the outcome of such inspections or whether they led to the improvements of detention conditions. Further, institutions and officials responsible to conducting inspections in detention centres reportedly lack independence, as they may be members of the prisons’ administration or the Judiciary.<sup>9</sup>

Reports received by OHCHR indicate that detainees are regularly kept in poor conditions in Iranian prisons, notably due to overcrowding and serious lack of basic hygiene, adequate food, water and denial of access to medical care. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran received numerous reports of the abusive use of torture to extract confessions, use of solitary confinement, and conditional access to medical treatments upon confession.<sup>10</sup>

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

<sup>6</sup> Amnesty International, <https://www.amnesty.org/download/Documents/MDE1341962016ENGLISH.PDF>

<sup>7</sup> The Mandela Rules, Rule 27(2), available at [www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf](http://www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf)

<sup>8</sup> National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

<sup>9</sup> HRANA <<https://www.en-hrana.org/prisoners-zahedan-prison-threatened-not-talk-inspectors>>;

UN <<https://news.un.org/en/story/2019/07/1042141>>;

HRW <<https://www.hrw.org/world-report/2019/country-chapters/iran>>

<sup>10</sup> 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](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)

cases in several prisons.<sup>11</sup> 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 2020.<sup>12</sup> Documents recently leaked to Amnesty International indicate that Iran's Ministry of Health has repeatedly ignored urgent appeals from the Prisons Organization to remedy the widespread shortages of the protective equipment, disinfectant products, and medical supplies needed to fight the pandemic.<sup>13</sup>

Special Procedures of the UN have sent numerous communications raising concerns about health conditions of individuals while in detention,<sup>14 15 16</sup> including more recently about added health risks from the COVI-19 pandemic. There are frequent reports of individuals in detention being denied medical care in Iranian prisons.<sup>17 18</sup> This persistence of such cases in Iranian prisons suggest that investigations, if conducted, do not necessarily lead to accountability for perpetrators.

Despite the existence of several means and mechanisms that accept complaints regarding the violation of fair trial standards in Iran, such as the Judges Disciplinary Court, the Article 90 Parliamentary Commission and, in general, any appeals court and Supreme Court, there is limited evidence to suggest these complaints are addressed and adjudicated by the authorities.

In light of the above, the Islamic Republic of Iran has not launched full investigation into cases of endangered well-being and health of prisoners.

**B. The Special Rapporteur requests that he be granted the ability to substantiate accounts raised in his report through access to both detention centres and those detained**

As of February 2021, Iran has not allowed the Special Rapporteur to travel to Iran and gain access to prisoners and detainees for field research since the re-establishment of the mandate in 2012.

<sup>11</sup> HRANA, [https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19\\_FEAR\\_IN\\_IRANS\\_PRISONS\\_.pdf](https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf)

<sup>12</sup> 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>

<sup>13</sup> Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

<sup>14</sup> Special Procedures Communication sent to the Government of the Islamic Republic of Iran, 3 October 2018, UA IRN 12/2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24120>

<sup>15</sup> Special Procedures Communication sent to the Government of the Islamic Republic of Iran, 8 September 2020, UA IRN 21/2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25522>

<sup>16</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2019, <https://undocs.org/en/A/HRC/40/67>

<sup>17</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January, [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](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)

<sup>18</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/27/PDF/N2019027.pdf?OpenElement>

**C. The Special Rapporteur requests that the Government of the Islamic Republic of Iran review those cases and furnish the Special Rapporteur with information that would enable him to report progress or developments in those matters to the General Assembly and the Human Rights Council**

Information on the extent of Iran's cooperation in these cases is not readily available.

**D. The Special Rapporteur urges the Government of the Islamic Republic of Iran to increase cooperation with special procedures**

Iran has previously been unresponsive to a high percentage of UN human rights mechanisms' correspondence and requests; however, Iran has recently started cooperating more with various UN human rights departments. Notably, the Special Rapporteur to monitor the human rights situation in the Islamic Republic was appointed to address the lack of cooperation of the Islamic Republic with the United Nations. This appointment has facilitated increased cooperation between Iran and UN human rights mechanisms. Despite increased cooperation, the human rights situation in Iran has yet to improve. The Islamic Republic still does not provide convincing responses to reports and letters from human rights mechanisms because it either refuses to respond to many claims or responds selectively. Additionally, except in very specific and limited cases (such as amending the Anti-Narcotics Act), most of the issues under discussion in UN-Iran correspondences remain with no fundamental change reported, either structurally or practically. Social and political rights continue to be a central focus of communications from human rights institutions.

Recommendation Status:

This recommendation has **NOT** been implemented.