

## Special Rapporteur on the situation of human rights in the Islamic Republic of Iran A/HRC/37/68 para 88

### Full recommendation

*The Special Rapporteur notes with grave concern a pattern of denial of medical treatment to certain categories of detainees, especially prisoners of conscience, political prisoners, and human rights defenders, and urges the Government to investigate, address, and remedy such allegations, in light of the imminent threat to life in many circumstances.*

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

Iran's Prison Regulations provide for the management and supervision of all prisons and detention centers in the country, including such aspects as access to adequate food and water and visits and communication with family. The Regulations 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>2 3</sup>

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 out periodic inspections within prisons and detention centers. According to the Government, the Board has “received and handled 3,275 complaints and reports through the complaint system in relation to civil rights violations. Between 2015 and 2018, 28,504 inspections were carried out in prosecutors' offices, prisons and detention centers.”<sup>4</sup> There is no readily available information about the outcome of such inspections. Additionally, there is no readily available official information as to the number of complaints, their nature, and whether they have been adequately investigated and adjudicated in compliance with international standards. There is no readily available information that might suggest that custodial staff has been investigated for cases of denial of medical care for detainees.

However, a significant number of human rights defenders in poor states of health, for whom detention may exacerbate existing health issues, have been denied medical care and kept in detention, suggesting that medical attention is provided on a discriminatory basis in Iran, notably with regard to political opinion. These include the situations of Mr. Farhad Meysami, Mr. Arash Sadeghi, Mr. Soheil Arabi and Ms. Narges Mohammadi. Special Procedures of the UN have sent

<sup>1</sup> CCPR.10.1.S.1; CCPR.10.3.P.2; CCPR.10.2.P.3; CCPR.10.1.O.2

<sup>2</sup> See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/>

<sup>3</sup> See more: Amnesty International, <https://www.amnesty.org/download/Documents/MDE1341962016ENGLISH.PDF>

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

numerous communications raising concerns about prisoners' health condition in detention, including other human rights defenders such as Ms. Nasrin Sotoudeh. More recently, the Special Procedures have called attention added health risks posed by the COVID-19 pandemic.

For example, Mr. Arash Sadeghi<sup>5</sup> was the subject of six communications from Special Procedures, raising concerns about his poor state of health while in detention.<sup>6</sup> The Government only responded to four of them, and despite the Working Group on Arbitrary Detention's Opinion in 2018 which found that that Mr. Sadeghi is being arbitrarily deprived of his liberty, the Government has not released Mr. Sadeghi as of November 2020. The most recent communication from Special Procedures raising concerns about Mr. Sadeghi's lack of access to medical care was sent in September 2020: as of November 2020, it remained unanswered.

Mr. Farhad Meysami<sup>7</sup> was the subject of a Special Procedures communication sent in October 2018 expressing "deep concern about the physical and psychological integrity of Mr. Meysami whilst in prison".<sup>8</sup> The Government did not answer this communication. On 5 October 2020, Mr. Meysami tested positive for COVID-19 while in prison and was transferred to solitary confinement where he reportedly received minimal medical attention, despite his pre-existing poor health state. Eight days later, Meysami was transferred back to the prison where he was previously detained.<sup>9</sup>

Mr. Soheil Arabi<sup>10</sup> has been imprisoned since 2013 and has reportedly been intermittently denied medication although he has suffered from an inflammatory condition since April 2019. He has also been pressured to pay for any medical care that he does receive. On 1 March 2020, Mr. Arabi was reportedly denied hospital treatment despite suffering from severe coughing and infection.<sup>11</sup>

The situation of Ms. Narges Mohammadi<sup>12</sup> has been raised in six communications of the Special Procedures since her detention in 2015. She suffers from numerous health conditions, including those identified as high risk in relation to COVID-19; she nonetheless remained in prison during the pandemic. While she was released in October 2020, she was denied adequate medical attention for most of her time in detention.

<sup>5</sup> United For Iran, <https://ipa.united4iran.org/en/prisoner/1931/>

<sup>6</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>7</sup> United For Iran, <https://ipa.united4iran.org/en/prisoner/4599/>

<sup>8</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>9</sup> Front Line Defenders, <https://www.frontlinedefenders.org/en/case/human-rights-defender-farhad-meysami-spends-eight-days-solitary-confinement-after-contracting>

<sup>10</sup> United For Iran, <https://ipa.united4iran.org/en/prisoner/1917/>

<sup>11</sup> Front Line Defenders, <https://www.frontlinedefenders.org/en/case/continued-detention-iranian-blogger-soheil-arabi-and-judicial-harassment-his-mother>

<sup>12</sup> United For Iran, <https://ipa.united4iran.org/en/prisoner/2340/>

Amnesty International<sup>13</sup> and Iran Human Rights Documentation Center<sup>14</sup> have documented cases where medical care in detention was denied or medication was withheld, seemingly as a form of punishment or for reasons based on discrimination, including on the basis political opinion, ethnicity, religion, and legal status. These cases notably include women political prisoners, who face additional discrimination when seeking medical care. More recently, OHCHR has documented numerous cases where protestors and human rights defenders were denied access to medical treatment.<sup>15</sup>

In light of the above-mentioned information, the Islamic Republic of Iran has not investigated, addressed and remedied allegations of denial of medical treatment to certain categories of detainees, in light of the imminent threat to life in many circumstances.

Recommendation Status:

This recommendation has **NOT** been implemented.

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<sup>13</sup> Amnesty International, <https://www.amnesty.org/download/Documents/MDE1341962016ENGLISH.PDF>

<sup>14</sup> Iran Human Rights Documentation Center, <https://www.amnesty.org/download/Documents/MDE1341962016ENGLISH.PDF>

<sup>15</sup> 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%2FHRC%2F43%2F61&Language=E&DeviceType=Desktop>