

**Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
A/HRC/43/61 para 70(a)**

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Ensure that medical care is urgently provided to those individuals in detention who need it, in light of the imminent threat to life or serious deterioration of their health, and that all individuals in custody receive adequate, prompt and regular health care, including specialist care as needed, on the basis of their informed consent;

Assessment using Impact Iran human rights indicators¹

- A. The Special Rapporteur recommends that the Government, judiciary and the parliament, as appropriate: Ensure that medical care is urgently provided to those individuals in detention who need it, in light of the imminent threat to life or serious deterioration of their health.**

Iran's prison regulations address the management and supervision of all prisons and detention centers in the country. These regulations also address the conditions in detention centers, such as the detainees' ability to access adequate food, water and medical care and receive visits and communications from family members. 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 fullest extent possible within the center, unless transfer to treatment centers outside the prison is considered necessary.^{2 3}

Special Procedures of the UN Human Rights Council have sent numerous communications raising concerns about the health conditions of a number of prisoners while they were in detention. More recently, the body raised concerns about the added health risks brought by the COVID-19 pandemic for those who are detained.

For example, Mr. Arash Sadeghi⁴ was the subject of six communications from Special Procedures, raising concerns about the poor state of health he was in while in detention.⁵ The Government only responded to four of the communications. Despite the Working Group on

¹ CCPR.10.1.S.1
CCPR.10.3.P.2 ; CCPR.10.3.P.3
CCPR.10.1.O.1; CCPR.10.1.O.2; CCPR.10.1.O.3

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

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

⁴ United For Iran, <https://ipa.united4iran.org/en/prisoner/1931/>

⁵ 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>

Arbitrary Detention’s Opinion in 2018, which found that Mr. Sadeghi was being arbitrarily deprived of his liberty, as of November 2020 Mr. Sadeghi has not been released. The most recent communication from Special Procedures raising concerns about Mr. Sadeghi’s lack of access to medical care was sent in September 2020 and, as of November 2020 has remained unanswered.

Mr. Farhad Meysami⁶ 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”.⁷ The Government did not respond to 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 him already being in poor health. Eight days later, he was transferred back to the prison where he was previously detained.⁸

Mr. Soheil Arabi⁹ has been in imprisoned since 2013 and has reportedly been intermittently denied medication even though he suffers from an inflammatory condition since April 2019. He has also been pressured to pay for his medical expenses. On 1 March 2020, Mr. Arabi was reportedly denied hospital treatment despite suffering from a severe cough and infection.¹⁰

Special Procedures has raised the situation of Ms. Narges Mohammadi¹¹ through six communications since her detention in 2015. She suffers from numerous health conditions which make her highly vulnerable to COVID-19, however she 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.

In light of the aforementioned cases, the Islamic Republic of Iran has not provided urgent medical care to those who needed it while in detention.

B. The Special Rapporteur recommends that the Government, judiciary and the parliament: ensure that all individuals in custody receive adequate, prompt and regular health care, including specialist care as needed, on the basis of their informed consent

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

⁷ 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>

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

⁹ United For Iran, <https://ipa.united4iran.org/en/prisoner/1917/>

¹⁰ Front Line Defenders, <https://www.frontlinedefenders.org/en/case/continued-detention-iranian-blogger-soheil-arabi-and-judicial-harassment-his-mother>

¹¹ United For Iran, <https://ipa.united4iran.org/en/prisoner/2340/>

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.”¹²

Iran’s prison regulations address the management and supervision of all prisons and detention center in the country. These regulations also address the conditions of detentions centers, such as the detainees’ ability to access adequate food, water and medical care and receive visits and communications with the family members. 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 fullest extent possible within the center, unless transfers to treatment centers outside the prison is considered necessary.¹³

However, numerous reports received by OHCHR have indicated that detainees are regularly kept in poor conditions in Iranian prisons and are often denied of access to medical care.^{14 15} The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran received reports of Iranian authorities making medical treatments conditional upon confession.¹⁶

A report published by the Abdorrahman Boroumand Center in partnership with the Human Rights Activists News Agency, found that conditions of detention centers have further deteriorated since the COVID-19 pandemic started. The overcrowding of prisons facilitated the spread of COVID-19 in several prisons across the country.¹⁷ 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 2020.¹⁸ Documents recently leaked by 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 personal protective equipment, disinfectant products, and medical supplies needed to fight the pandemic.¹⁹

In the 2019 National Report for the Universal Periodic Review, the Government of the Islamic Republic of Iran reported that the Citizenship Rights Watch Board carries periodic inspections of

¹² Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

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

¹⁴ 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

¹⁵ 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>

¹⁶ 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

¹⁷ HRANA, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

¹⁸ 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>

¹⁹ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

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.”²⁰ There is no readily available information about the outcome of such inspections. Additionally, there is no official and available 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.

The Government, judiciary and the parliament of the Islamic Republic of Iran have not ensured that all individuals in custody receive adequate, prompt and regular health care, including specialist care as needed, on the basis of their informed consent.

Recommendation Status:

This recommendation has **NOT** been implemented.

²⁰ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>