

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

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Ensure that all prisoners requiring specialist or any other treatment not available within prison are transferred free of cost to specialized institutions or outside hospitals to receive such treatment and that they remain in those institutions or hospitals for as long as the treatment is deemed necessary by specialist doctors;

Assessment using Impact Iran human rights indicators¹

Iran's Prison Regulations provide for the management and supervision of all prisons and detention centres in the country. This management and supervision include the conditions of detentions such access to adequate food, water, medical care for detainees, and visits and communications with the 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 fullest extent possible, unless transfer to treatment centres outside the prison is considered necessary. According to Article 216 of the Prison Regulations, a prisoner may be granted medical furlough for hospitalization if a prison doctor considers it necessary. Medical furlough may be extended beyond a month if the hospital and the Legal Medicine Organization of Iran confirm the need for continued hospitalization.^{2 3}

The prison administration is responsible for medical expenses, including regular check-ups and treatment of ill prisoners.⁴ However, Article 104 of the regulations stipulates that prisoners should pay the medical treatment of conditions and illnesses that do not require urgent or immediate care or are "their own fault", in breach with international standards.

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 centres. According to the Government, the Board 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

¹ CCPR.10.1.S.1
CCPR.10.3.P.2; CCPR.10.3.P.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 Article 118, 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>

prosecutors' offices, prisons and detention centers.”⁵ There is no readily available information about the outcome of such inspections. Additionally, there is no readily official and available information as to the number of complaints, their nature or 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 where the prisoner was forced to pay for personal transfer to a specialized institution or outside hospital or for cases of denial of medical care due to the inability of the prisoner to pay for such transfer.

Recent cases of prisoners who had to pay for their own medical expenses, or were denied medical care due to their inability to pay, indicate that the Islamic Republic of Iran has not ensured that all prisoners requiring specialist or any other treatment not available within prison are transferred free of cost to specialized institutions or outside hospitals to receive such treatment.⁶ Other cases indicate that the Islamic Republic of Iran has not ensured that all prisoners requiring specialist or any other treatment not available in prison are transferred to specialized institutions or outside hospitals, regardless of medical expenses. Among these instances, in 2019, Mr. Arash Sadeghi was denied hospitalization, despite urgent need to receive specialized treatment in a hospital outside prison, following the diagnose of a rare form of bone cancer. When Mr. Sadeghi finally began radiotherapy treatment, his health condition reportedly had already seriously deteriorated. He has been denied temporary medical furlough despite his worsening health condition.^{7 8}

Ms. Nasrin Sotoudeh was granted temporary medical furlough on 7 November 2020. However, despite medical experts recommending otherwise, Ms. Sotoudeh was returned to prison on 2 December 2020.^{9 10} Ms. Sotoudeh’s case indicates the Islamic Republic of Iran has not ensured that all prisoners requiring specialist or any other treatment not available within prison remain in specialized institutions or outside hospitals for as long as such treatment is deemed necessary by specialist doctors.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁵ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁶ Front Line Defenders, <https://www.frontlinedefenders.org/en/case/womens-rights-defender-saba-kord-afshari-sentenced-15-years-prison> and <https://www.frontlinedefenders.org/en/case/continued-detention-iranian-blogger-soheil-arabi-and-judicial-harassment-his-mother>

⁷ Front Line Defenders, <https://www.frontlinedefenders.org/en/case/case-history-arash-sadeghi>

⁸ United For Iran, <https://ipa.united4iran.org/en/prisoner/1931/>

⁹ Front Line Defenders, <https://www.frontlinedefenders.org/en/case/nasrin-sotoudeh-arrested>

¹⁰ United For Iran, <https://ipa.united4iran.org/en/prisoner/4445/>