

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

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: End the unlawful practice of requiring prisoners to pay for medical treatment, which violates both international and Iranian law.

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.^{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.

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 Article 104 is still in effect.⁵

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 prosecutors' offices, prisons and detention centers.”⁶ There is no readily available information

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&SMOp=View&PageId=27>

⁵ 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>

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

regarding 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 of denial of medical care for detainees.

The Islamic Republic of Iran has not ended the unlawful practice of requiring prisoners to pay for medical treatment.

Recommendation Status:

This recommendation has **NOT** been implemented.