

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

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Ensure that medical decisions that relate to ongoing care and observation of the prisoners outside prison and the necessity of their release on medical grounds are only taken by the relevant, responsible health-care professionals;

Assessment using Impact Iran human rights indicators¹

Iran's Prison Regulations provide for the management and supervision of all prisons and detention center in the country, including the conditions of detentions such as access to adequate food and water and medical care for detainees, 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 extent possible unless transfer to treatment centers outside the prison is considered necessary.^{2 3}

Iran's Executive Regulations for the Organization of State Prisons (the Prison Regulations) oblige the Associate Prosecutor of the Prison to examine the situation of prisoners with an incurable disease and take appropriate action based on the Code of Criminal Procedure (Note to Article 103).

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 will refer the case to the court that originally issued the sentence to issue an alternative sentence.⁴

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-

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

care professionals and may not be overruled or ignored by non-medical prison staff’.⁵ Consequently, Iranian law does not ensure that medical decisions that relate to ongoing care and observation of the prisoners outside prison and the necessity of their release on medical grounds are only taken by the relevant, responsible health-care professionals;

There have been a significant number of cases where Iranian authorities have postponed or denied medical care or transfer to specialized institutions or outside hospitals despite medical experts’ opinions.⁶ For instance, 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.^{7 8}

The Government of the Islamic Republic of Iran has not ensured that medical decisions that relate to ongoing care and observation of the prisoners outside prison and the necessity of their release on medical grounds are only taken by the relevant, responsible health-care professionals.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁵ The Mandela Rules, Rule 27(2), available at www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf

⁶ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24813&LangID=E>

⁷ Front Line Defenders, <https://www.frontlinedefenders.org/en/case/nasrin-sotoudeh-arrested>

⁸ United For Iran, <https://ipa.united4iran.org/en/prisoner/4445/>