

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

Full recommendation:

The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Adopt regulations restricting the use of restraints in accordance with international laws and standards, including by ensuring that restraints are never used in a degrading, humiliating or painful manner or as a form of punishment and that they are used only when strictly necessary;

Assessment using Impact Iran human rights indicators¹

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.”²

While the 2015 Iranian Code of Criminal Procedure (Articles 28 to 44) and the Law on the Protection of Legitimate Freedoms and Civil Rights regulate the powers and duties of law enforcement, they fail to provide details on the use of restraints. Further, even if the Constitution protects the “dignity” of all prisoners in Iran, there is no independent and impartial mechanism ensuring that regulations relating to the conduct of law enforcement are effectively implemented. Additionally, there is no official and readily available information that might suggest that existing regulations are effectively implemented.

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. However, there is no specific regulations as to the use of restraints on prisoners.

International standards prohibit the use of chains, irons, or any other instruments of restraints that are “painful or inherently degrading” and restrict the use of other restraints such as handcuffs. Such restraints should be removed as soon as risk posed by unrestricted movement, notably escape, is no longer present.³

¹ CCPR.10.1.S.1

CCPR.10.3.P.2; CCPR.10.3.P.3

² Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ The Mandela Rules, Rules 47 and 48, available at www.penalreform.org/wp-content/uploads/2015/05/MANDELA-RULES.pdf

However, NGO reports suggest that the use of restraints inconsistent with international standards is still occurring in the Islamic Republic of Iran.^{4 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 carries periodic inspections within 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.”⁶ There is no readily available information about the outcome of such inspections. There is no readily available information as to whether custodial officers have been held accountable for the abusive use of restraints on prisoners, inconsistent with Article 39 of the Constitution and with international standards.

As of December 2020, the Islamic Republic of Iran has not adopted regulations restricting the use of restraints in accordance with international laws and standards, including regulations ensuring that restraints are never used in a degrading, humiliating or painful manner or as a form of punishment and that they are used only when strictly necessary.

Recommendation Status:

This recommendation has **NOT** been implemented.

⁴ Amnesty International, https://www.amnesty.org.uk/files/health_taken_hostage_-_cruel_denial_of_medical_care_in_irans_prisons.pdf?cOMVvruEodL_oh5qTQlg7Ieoy_3XIIx=

⁵ See more : Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/>

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