

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

### Full recommendation:

*The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Make substantial investments in all prisons to reduce overcrowding, provide adequate sleeping facilities to prisoners and ensure that the essential personal hygiene of prisoners is maintained;*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

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.”<sup>2</sup>

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 access to adequate food and water and medical care for detainees, visits and communications with the family. Prison regulations include the right for detainees to have a bed<sup>3</sup> and also stipulate that prisons should have enough showers to enable detainees to shower at least once a week.<sup>4</sup>

The Iranian Prisons Organization, the governmental agency in charge of overseeing prisons in the country, has reportedly faced challenges in terms of funding and investments. In 2017, then-Head of the Organization stated in an interview that there were not enough funds to provide three adequate meals to prisoners.<sup>5</sup> For the past few years, the Government has been increasing the annual budget of the Organization.<sup>6</sup> Reportedly, the budget of the Organization is spent notably on the provision of food and clothing for prisoners, as well as health care services.<sup>7</sup>

However, despite the lack of readily official and available information on the provision of services to prisoners across the country, NGO reports suggest that investments are insufficient.

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<sup>1</sup> CCPR.10.1.S.1

CCPR.10.3.P.2

CCPR.10.1.O.1; CCPR.10.1.O.2

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

<sup>3</sup> Article 71, 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>.

<sup>4</sup> Article 108, 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>

<sup>5</sup> Aftab News, <https://aftabnews.ir/fa/news/499098/>

<sup>6</sup> ILNA News, <https://www.ilna.news/fa/tiny/news-707499>

<sup>7</sup> Mehr News, [www.mehrnews.com/xQMTN](http://www.mehrnews.com/xQMTN)

Reportedly, prisons in Iran lack showers and adequate sleep amenities for their detainees.<sup>8</sup> As reported by Amnesty International as of June 2020,<sup>9</sup> according to recent official statements,<sup>10</sup> Iran's prison population was around 211,000, two and half times more than the officially declared capacity of 85,000.<sup>11</sup>

Numerous reports received by OHCHR have indicated that detainees are regularly kept in poor conditions in Iranian prisons, notably due to overcrowding and serious lack of basic hygiene, lack of adequate food and water and denial of access to medical care.<sup>12 13 14</sup>

A report published by the Abdorrahman Boroumand Center in partnership with the Human Rights Activists News Agency found that conditions of detentions have further deteriorated since the COVID-19 pandemic started. Prisons' overcrowding facilitated the proliferation of COVID-19 cases in several prisons.<sup>15</sup> 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.<sup>16</sup>

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."<sup>17</sup> There is no readily available information about the outcome of such inspections and whether they led to the improvements of detention conditions, notably the reduction of overcrowding, the provision of adequate sleeping facilities to prisoners. Additionally there is no readily available information that might suggest that custodial officers have been held accountable for the reported poor prison conditions.

<sup>8</sup> See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#3.2.3>

<sup>9</sup> Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

<sup>10</sup> <https://www.irna.ir/news/83819418/هزار-نفر-در-زندان-های-کشور-هستند>

<sup>11</sup> <https://www.tasnimnews.com/fa/news/1398/02/25/2011935/داریم-ظرفیت-زندان-5-برابر-ظرفیت-زندان-ها-2-5-برابر-ظرفیت-زندان-داریم>

<sup>12</sup> 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](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)

<sup>13</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://undocs.org/Home/Mobile?FinalSymbol=A%2F75%2F213&Language=E&DeviceType=Desktop>

<sup>14</sup> UN News, <https://news.un.org/en/story/2020/10/1074722>

<sup>15</sup> HRANA, [https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19\\_FEAR\\_IN\\_IRANS\\_PRISONS\\_.pdf](https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf)

<sup>16</sup> 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>

<sup>17</sup> National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

Above-mentioned information suggest that the Government has not made sufficient, if not substantial, investments in all prisons to reduce overcrowding, provide adequate sleeping facilities to prisoners and ensure that the essential personal hygiene of prisoners is maintained.

Recommendation Status:

This recommendation has **NOT** been implemented.