

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

### Full recommendation:

*The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: Ensure furlough and family visitation rights to all prisoners;*

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

Iranian Prisons Regulations<sup>2</sup> ensure furlough and family visitation rights to prisoners.<sup>3</sup> A number of restrictive provisions under Iranian law prevent relatives of detainees from being informed of the detainees' arrests when deemed "necessary".<sup>4</sup> Further, relatives cannot inquire about the detainees' whereabouts if it "infringe[s] on the social and familial status of the detainees",<sup>5</sup> conditions that are not further defined and seemingly therefore arbitrary. The right of detainees to communicate with and receive visits of family members is restricted under Article 180 of the Prisons Regulations when judicial officials determine that correspondence is not in the interest of a "good trial proceeding", without clarifying what could contravene "good proceedings" and without setting limitation as to the period of restriction.<sup>6</sup> Competent judicial authorities can allow correspondence and/or visit during the prohibition period, however such decision does not appear to be subject to review by another official or body. Ultimately this means that judges can, in practice, deprive detainees of their right to have access to the outside world, including family visitations, for an unlimited period of time. Such provisions facilitate the perpetration of enforced disappearances by Iranian authorities.

Prisoners may be granted furlough if a close relative gets married, dies or suffers from a serious and incapacitating illness.<sup>7</sup> However, prisoners convicted on national security charges, a charge

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

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

<sup>2</sup> Article 182, 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>3</sup> See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#ftn349>

<sup>4</sup> Article 50 of the revised Code of Criminal Procedure (2015) entitles individuals in custody to inform their relatives of their arrest but permits "judicial officers" to impose restrictions on such right when deemed "necessary", without clarifying when and for how long such restrictions are allowed or specifying a competent official responsible for the approval of such decision. Relatives then must refer to judicial officials.

<sup>5</sup> Article 49 of the revised Code of Criminal Procedure (2015) entitles relatives of detainees to inquire about them to the local Office of the Prosecutor, the Provincial Prosecutor, and the Head of the Justice Department in each province but only "to the extent that it does not infringe on the social and familial status of the detainees" without specifying what constitute such infringement.

<sup>6</sup> Executive Regulations of the Prisons Organization, 11 December 2005, [www.prisons.ir/page-main/fa/0/form/pld77](http://www.prisons.ir/page-main/fa/0/form/pld77)

<sup>7</sup> Article 213, Regulatory Code of 11 Dec. 2005 (Governing the Prisons Organization and Security and Corrective Measures), art. 182, available at <http://www.prisons.ir/index.php?Module=SMMPageMaster&SMMOp=View&PageId=27>

often held against human rights defenders, are not eligible for furlough<sup>8</sup> unless requested otherwise by the prosecutor or the chief judge of the judicial district.<sup>9 10</sup> Prisoners of conscience and human rights defenders therefore have a limited right to furlough in the Islamic Republic of Iran. In February 2020, the Head of the Judiciary enabled the temporarily furlough of up to 120,000 prisoners to mitigate the risks of COVID-19 in prisons. However, UN Special Procedures noted that such furlough has been denied to many eligible prisoners, notably human rights defenders.<sup>11 12</sup>

Despite the existence of several mechanisms that ostensibly accept complaints regarding violations of citizens' rights, such as the Article 90 Commission of the parliament (established based on Article 90 of the Constitution, offering a mechanism to citizens to file complaint against any of the three branches of power) and the Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts, there is no evidence to suggest that complaints to these bodies are independently reviewed and investigated.<sup>13</sup> Additionally, 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>14</sup> There is no readily available information about the outcome of such inspections and whether they led to the improvements of detention conditions.

In short, furlough and family visitation rights are not ensured to all prisoners in the Islamic Republic of Iran.

#### Recommendation Status:

This recommendation has **NOT** been implemented.

<sup>8</sup> Individuals convicted of armed robbery, espionage, acting against national security, running brothels, abduction, gang crimes, disrupting the economic system, individuals convicted twice for the same crime, individuals serving a life sentence, individuals awaiting execution or qisas, and those known to be “malfeasant” are not eligible for furlough.

<sup>9</sup> Article 226, 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>10</sup> See more: Iran Human Rights Documentation Center, <https://iranhrdc.org/rights-disregarded-prisons-in-the-islamic-republic-of-iran/#3.2.4>

<sup>11</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/190/27/PDF/N2019027.pdf?OpenElement>

<sup>12</sup> OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26244>

<sup>13</sup> Joint submission to the Human Rights Committee, Abdorrahman Center, Iran Human Rights Documentation Center (IHRDC), Impact Iran and Human Rights Activists in Iran, 2020, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fIRN%2f42313&Lang=en)

<sup>14</sup> National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>