

Concluding observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 92(g)

Full recommendation:

In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.

Assessment using Impact Iran human rights indicators¹

In Iran's prison system, boys under the age of 18 are detained separately from adults.² In most provinces' capitals, "Rehabilitation and Training Centers" have been established for convicted juvenile offenders.³ However, as a consequence of procedural limitations, children in smaller cities are reportedly often not afforded separation from adults.⁴ These children are transferred by authorities to centers in larger cities,⁵ but those transfers only occur after investigations are conducted in the locality of the alleged crime, thus, children and adults are jailed together during initial detentions.⁶ The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran also received reports of child detainees who shared cells with adult detainees due to overcrowding.⁷ Similarly, NGO reports of the November 2019 protests and their aftermath indicated that in some cases children were being detained alongside adults, notably due to the overcrowding of juvenile correctional facilities.^{8 9 10} Reports also indicate that detained girls are not separated from adults, with the exception of the detention center in Tehran¹¹.

¹ CRC.37.3.S.1; CRC.37.3.S.2

CRC.37.3.P.1;
CRC.37.3.O.1; CRC.37.3.O.3

² Iran's Prison Law (2005), art. 17, available at: <http://www.prisons.ir/index.php?Module=SMMPageMaster&SM-MOP=View&PageId=27>

³ For a history of "Rehabilitation and Training Centers" in Iran, please see: <http://www.madadkar.org/prevention-of-social-damage/history-correcting-and-training-centers.html>

⁴ An eyewitness account published by the prison administration authorities describes how the juveniles at the "Rehabilitation and Training Centers" who physically grow in size are transferred to adult prisons regardless of their age:

http://www.kermanprisons.ir/index.php?Module=SMMNewsAgency&SMMOp=View&SMM_CMD=&PageId=2005

⁵ Some of the issues at the Juvenile Prisons are discussed in great detail by the former head of "Rehabilitation and Training Centers," available at: <http://www.khabaronline.ir/detail/304921/society/social-damage>

⁶ In a press interview published on June 3, 2014, the public prosecutor of Semnan Province tacitly accepted the existing shortcomings in handling the interrogation of juvenile prisoners, and promised new measures under the new penal code to better protect juvenile detainees during interrogation and trial. See, <http://www.hemayat.net/detail/News/2260>

⁷ 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>

⁸ Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

⁹ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/02/detained-protestors-in-iran-beaten-tortured-forced-to-confess/>

¹⁰ See more: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, 2015,

https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf

¹¹ Iran Human Rights Documentation Center consultation with Iranian lawyer Hossein Raeesi, February 2015

With regards to the conditions of detention, 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.”¹²

Iran’s Prison Regulations provide for the management and supervision of all prisons and detention centers in the country, including the supervision of conditions within those centers, particularly concerning the access to adequate food, water, and medical care for detainees, as well as access to visitation and communication with family members. However, numerous reports received by OHCHR have indicated that detainees are regularly kept in very poor conditions in Iranian prisons due to overcrowding and deficiencies in the provision of basic hygiene or food and water, as well as denial of access to medical care.¹³ The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran received numerous reports of torture used to extract confessions, the refusal of medical treatment until a confession was made, and the use of solitary confinement.¹⁴ Numerous reports have documented deaths and cases of ill-treatment of persons detained during the November 2019 protests,¹⁵ including children.^{16 17}

A report published by the Abdorrahman Boroumand Center in partnership with the Human Rights Activists News Agency found that conditions of detention have further deteriorated since the COVID-19 pandemic started. Prisons’ overcrowding facilitated the proliferation of COVID-19 cases in several prisons.¹⁸ 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 2020.¹⁹ Documents leaked to Amnesty International in July 2020 indicate that Iran’s Ministry of Health has repeatedly ignored urgent appeals from the Prisons Organization to remedy the widespread shortages of the protective equipment, disinfectant products, and medical supplies needed to fight the pandemic.²⁰

Commented [HS1]: Do they manage and supervise the conditions?

If so, maybe: "...including the supervision of conditions within those centers, particularly concerning the access to adequate food, water, and medical care for detainees, as well as access to visitation and communications with family members."

¹² Constitution of the Islamic Republic of Iran, English Translation, Iran Data Portal, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

¹³ 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>

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

¹⁴ 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

¹⁵ 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

¹⁶ Amnesty International, <https://www.amnesty.org/en/documents/mde13/2891/2020/en/>

¹⁷ Center for Human Rights in Iran, <https://iranhumanrights.org/2020/02/detained-protestors-in-iran-beaten-tortured-forced-to-confess/>

¹⁸ HRANA, https://www.en-hrana.org/wp-content/uploads/2020/09/COVID19_FEAR_IN_IRANS_PRISONS_.pdf

¹⁹ 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>

²⁰ Amnesty International, <https://www.amnesty.org/en/latest/news/2020/07/iran-leaked-letters-reveal-state-denial-of-covid19-crisis-in-prisons/>

Such deplorable conditions are unsuitable for human dignity and may well amount to a breach of the prohibition of torture under Article 6 of the ICCPR.

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 of prisons and detention centers. 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.”²¹ There is no readily available information about the outcome of such inspections and whether they led to the improvements of detention conditions. Additionally, there is no readily available information that might indicate that such inspections have been carried out in juvenile detention centers.

Commented [HS2]: Inspections of the prisons and detention centers?

There is no readily available information with regards to access to education and health services in the Rehabilitation and Training Centers in the Islamic Republic of Iran.

Recommendation Status:

This recommendation has **NOT** been implemented.

²¹ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>