

## Debtors' Imprisonment in Iran

### Background

Article 11 of the ICCPR prohibits imprisonment of individuals unable to fulfil a contractual obligation.

Iranian law permits imprisonment of debtors. Article 3 of the 2015 Law on Enforcement of Financial Judgments states that if a creditor who has won a judgment against a debtor cannot collect the debt owed to him or her through the provisions of the 2015 law, the debtor could be imprisoned upon the request of the creditor until the debtor either satisfies the debt or proves that he or she is indigent or persuades the creditor to withdraw his or her complaint.

According to the head of Iran's prison system, more than 18,000 persons were held in prison in Iran in 2018 due to their failure to pay a fine or a contractual obligation.

These individuals include those who owe *diya* or blood money, *mehrieh*, which is a sum promised to a wife by her husband as a condition of marriage, and debts incurred in commercial transactions.

Individuals imprisoned for failure to pay a debt often spend prolonged periods in prison. Their release depends on charitable contributions made to satisfy their debts or forgiveness of their debts by creditors. In one case a factory owner who went bankrupt spent twenty years in prison. He was released in March 2019 when charitable donations were used to satisfy his debt.

### Recommendations

- *Amend the 2015 Law on Enforcement of Financial Judgments and end the practice of imprisoning debtors.*
- *Strengthen collection of donations for debt satisfaction to expedite release of debtors until the 2015 Law on Enforcement of Financial Judgments is amended.*