



General Assembly

Distr.: General
8 February 2019

Original: English

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Situation of human rights in the Islamic Republic of Iran

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolution 73/181, in which the Secretary-General was requested to submit an interim report on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council at its fortieth session. The report reflects the patterns and trends in that regard, and provides information on the progress made in the implementation of resolution 73/181 and recommendations to improve its implementation.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 73/181, in which the Secretary-General was requested to submit an interim report on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council at its fortieth session. The report provides information on progress made in the implementation of the resolution. It draws on observations made by the United Nations human rights treaty bodies, the special procedures of the Human Rights Council and various United Nations entities. It also reflects information from the Government of the Islamic Republic of Iran, State media and non-governmental organizations and from individual interviews with known victims and alleged victims and their families and with lawyers. The Secretary-General acknowledges the detailed submission provided by the Government in response to the draft of the present report.

2. The Secretary-General notes that the Government has increasingly engaged with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and with United Nations human rights mechanisms. Representatives of OHCHR visited Tehran in May 2018 and met with a range of interlocutors to discuss the human rights situation in the country. The Government has extended an invitation to the United Nations High Commissioner for Human Rights and to three special procedure mandate holders.

II. Overview of the situation of human rights in the Islamic Republic of Iran

A. Death penalty and right to a fair trial

Use of the death penalty and the amendment to the drug trafficking law

3. According to article 6 of the International Covenant on Civil and Political Rights, States parties that have not yet abolished the death penalty should only impose it for the “most serious crimes”, which has been interpreted as meaning those involving intentional killing.¹ The Secretary-General remains concerned by the continued application of the death penalty for a wide range of offences, including those which are vague or uncertain in scope, such as *efsad-e fel-arz* (“spreading corruption on earth”),² and those which do not involve intentional killing and therefore do not amount to “most serious crimes”, such as adultery³ or consensual sexual relations between two men in certain circumstances.⁴

4. Information received by OHCHR indicates that 207 persons were executed in the Islamic Republic of Iran between January and October 2018,⁵ compared to 437 recorded during the same period in 2017. This decline may have resulted from the amendment to the drug trafficking law which entered into force in November 2017 and which replaced the mandatory death penalty with a prison term of up to 30 years (retroactively and prospectively) for non-violent drug-related offences. While mandatory death sentences for numerous drug-related offences were retained, the amendment increased the quantity of drugs required for a death sentence to be imposed. The amended law still criminalizes addiction and transforms some crimes into capital crimes for first-time offenders in specific circumstances.⁶ United Nations human rights mechanisms have consistently underscored

¹ See Human Rights Committee, general comment No. 36 (2018) on the right to life.

² See the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Pages/ListReports.aspx; and A/73/398, para. 23.

³ Penal Code, arts. 136 and 225.

⁴ Ibid., art. 235.

⁵ See <https://iranhr.net/en/articles/3514/>.

⁶ Drug trafficking law, arts. 8 and 45.

that drug-related offences do not meet the threshold of “most serious crimes” and the death penalty should not be applied to them.⁷

5. In previous reports, the Secretary-General welcomed the amendment to the drug trafficking law,⁸ and notes that from January to November 2018, 8 executions for drug-related offences were reported, compared with 221 for the same period in 2017. In October 2018, the Deputy Chairman of the Parliamentary Judiciary Commission stated that the death sentences of 15,000 individuals had been commuted.⁹ However it remains difficult to verify this information, and concerns also persist with the review of cases as regards the availability of legal assistance to those eligible for review and the lack of opportunity to appeal the outcome.¹⁰

Execution of child offenders

6. The Secretary-General continues to be alarmed by the sentencing of children to death in the Islamic Republic of Iran, and regrets that the execution of child offenders continues despite repeated calls by United Nations human rights bodies and mechanisms for the abolition of this practice. The Islamic Republic of Iran is a party to both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which both prohibit the execution of juvenile offenders without exception. The Penal Code retains the death penalty for boys of at least 15 lunar years and girls of at least 9 lunar years for *qisas* (retribution in kind) or *hudud* crimes, such as homicide and adultery, in contravention of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. According to information received by OHCHR, at least 85 individuals, who were under 18 years old at the time of the offence allegedly committed, were on death row as at 1 December 2018. The Secretary-General reiterates his numerous calls for the Government, in line with its international legal obligations, to immediately commute the death sentences of all persons convicted of crimes allegedly committed when they were under 18 years of age.¹¹ OHCHR and the Secretary-General stand ready to support the Government in any efforts it may undertake in this regard.

7. OHCHR has observed a pattern of the authorities delaying the implementation of death sentences on children until they reach the age of 18. In some cases, the executions of a number of child offenders have been repeatedly postponed and rescheduled. The reported lack of information on the timing of executions imposes continuous anticipation of imminent death, resulting in acute mental distress for child offenders and their families.¹²

8. In 2018, at least six child offenders – Mahboubeh Mofidi, Amir Pourjafar, Ali Kazemi, Abolfazi Sharahi, Zeinab Sekaanvand Lokran and Omid Rostami – were aged between 14 and 17 at the time of their alleged commission of a crime. In October 2018, the United Nations High Commissioner for Human Rights issued a statement¹³ highlighting serious due process concerns about the conviction of Ms. Lokran for the murder of her husband. These six alleged child offenders were executed for murder under *qisas*. In such cases, the next of kin of the victim has the right to forgive the defendant, accept a payment (*diya*) as compensation, or request the death penalty. The Government stated that it generally sought, through the Reconciliation Commission and the provision of cash assistance, to “encourage reconciliation by helping the convict to pay *diya*”.¹⁴ The Secretary-General stresses that pardon or commutation procedures must offer certain essential guarantees, notes that the payment of *diya* might discriminate against those who

⁷ CCPR/C/PAK/CO/1, para. 17; CCPR/C/THA/CO/2, para. 17; CCPR/C/KWT/CO/3, para. 22; A/71/372, para. 48; and Human Rights Committee, general comment No. 36.

⁸ See the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Pages/ListReports.aspx; and A/73/299, para. 17.

⁹ See <http://kerman.farsnews.com/news/13970725000810>.

¹⁰ See <https://iranhr.net/en/articles/3325/>.

¹¹ See A/73/299.

¹² CCPR/C/77/D/886/1999, para. 10.2; and CCPR/C/77/D/887/1999, para. 9.2.

¹³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23689&LangID=E.

¹⁴ See <https://lib.ohchr.org/HRBodies/UPR/Documents/Session20/IR/Iran2ndCycle.pdf>, p. 110.

may not have the financial means,¹⁵ and again urges the State to permanently end the sentencing of child offenders to death.

Economic and financial crimes

9. On 11 August 2018, the Head of the Judiciary proposed the establishment of special courts to “take swift and decisive action” against individuals referred to as “economic disruptors” in the context of an “economic war”, by way of a directive.¹⁶ The Secretary-General is concerned that the directive excludes the right to have a conviction and sentence reviewed by a higher tribunal for all those convicted of economic corruption and sentenced to punishments other than the death penalty, in contravention of article 14 (5) of the International Covenant on Civil and Political Rights. The directive also reduces the time allowed for filing an appeal in economic corruption cases from 20 to 5 days. It prohibits reductions or suspensions of punishment irrespective of mitigating circumstances and extends the aforementioned restrictions on legal counsel of one’s choosing to cases of economic corruption.

10. According to the judiciary, dozens of individuals have been convicted of economic corruption offences and been sentenced to prison terms ranging from 3 to 20 years¹⁷ without the possibility of appeal. According to information received by OHCHR, five individuals have been sentenced to death under the above-mentioned directive, two of whom have been executed.¹⁸ Three individuals were reportedly also sentenced to death for “corruption on earth for disrupting the country’s economy”.¹⁹ The verdicts are subject to an appeal before the Supreme Court. Forty-seven flogging sentences for economic crimes were issued in 2018, compared to four in 2017.²⁰ Flogging, as well as stoning and amputation, remain prescribed as punishments for *hudud* offences under the Penal Code although the Human Rights Committee deems them incompatible with article 7 of the International Covenant on Civil and Political Rights.

Right to a fair trial

11. OHCHR continues to receive reports indicating that death sentences are passed following proceedings that do not respect the guarantees of fair trial. Concerns in this respect have been documented more particularly in cases relating to child offenders, dual and foreign nationals, human rights defenders, journalists, those accused of economic crimes, and minorities.²¹

12. The Secretary-General is also concerned by restrictions on access to legal assistance of the defendant’s choosing during the pretrial phase, in contravention of the International Covenant on Civil and Political Rights and article 35 of the Constitution. Article 48 of the Penal Code requires that individuals accused of crimes against external or internal security select their legal representation from a list approved by the Head of the Judiciary during the investigative phase – which is the period when confessions are often obtained. Such restrictions are all the more concerning in view of consistent reports that torture and other ill-treatment to compel confessions is most frequent during the initial investigative stage. This pattern has been reported particularly in the cases of foreign and dual nationals, minority groups, human rights defenders and child offenders, as outlined in the present report. In this respect, the State has stated that confessions extracted under duress or torture are prohibited by the Constitution²² and deemed inadmissible before the courts.²³ However,

¹⁵ A/61/311, para. 60.

¹⁶ See www.isna.ir/news/97052010719/.

¹⁷ See www.iribnews.ir/fa/news/2240981/.

¹⁸ See www.mehrnews.com/news/4437149/.

¹⁹ See khabaronline.ir/news/822834.

²⁰ See www.irna.ir/fa/News/83050447, www.irna.ir/fa/News/83065377 and www.mizanonline.com/fa/news/454277/.

²¹ See the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session37/Pages/ListReports.aspx; and A/73/299.

²² Constitution, art. 38.

the Penal Code establishes that a confession alone can be used to base a conviction on, irrespective of other evidence available.²⁴

Arbitrary arrests and detention of dual and foreign nationals

13. The Secretary-General remains concerned about the situation of imprisoned dual and foreign nationals, including Ahmadreza Djalali, Siamak and Baquer Namazi, Nazanin Zaghari-Ratcliffe, Kamran Ghaderi, Saeed Malekpour, Xiyue Wang, Nizar Zakka and Robert Levinson. In its comments, the Government denied that Mr. Levinson was detained and stated it had initiated an investigation in line with the legal obligations of the Islamic Republic of Iran. The Government also noted that the other aforementioned individuals were being held on charges related to national security. In recent opinions of the Working Group on Arbitrary Detention, a pattern has been noted of targeting dual²⁵ and foreign²⁶ nationals for detention, as well as a related pattern of violations of due process.²⁷ The Working Group found that several of the aforementioned individuals, including Ahmadreza Djalali who has been sentenced to death, had been arbitrarily detained, and it called for their immediate release.²⁸

Situation of members of ethnic and religious minorities

14. Discrimination on the basis of religion is codified in law. Unrecognized religious minorities do not have the right to equal *qisas* or *diya*²⁹ and the testimony of a non-Muslim against a Muslim is not admissible in court.³⁰ Members of minorities reportedly constitute the majority of political prisoners and a disproportionate percentage of persons executed on political and national security-related charges.³¹

15. In September 2018, three Kurdish prisoners, Zanyar and Loghman Moradi and Ramin Hossein Panahi, were executed despite serious concerns that they had not received fair trials and had reportedly been tortured in detention.³² Concerns have also been raised about the situation of Hedayat Abdollahpour, whose death sentence was upheld by the Supreme Court in October 2018 amidst reports that he had been subjected to torture in detention and had been denied access to his legal counsel of choice. In its comments, the Government stated that these individuals had been sentenced to death in relation to acts against national security.

16. Concerns have also been raised about the fate and whereabouts of eight Gonabadi dervishes who allegedly held a sit-in protest in August 2018 at Great Tehran Penitentiary and were subsequently detained.³³

17. In early July 2018, 80 persons from the Azerbaijani Turkish community were reportedly detained or summoned by security forces in the context of an annual celebration in East Azerbaijan Province.³⁴ Most have been released, amidst reports that they were subjected to ill-treatment. In August, 40 persons from the community were arrested in connection with another gathering in the city of Meshgin Shahr in Ardabil Province, amidst reports of the use of excessive force by security forces. They were subsequently released.³⁵

²³ Penal Code, arts. 168–169.

²⁴ Ibid., art. 171; and Code of Criminal Procedure, art. 194.

²⁵ Opinion No. 49/2017, para. 44.

²⁶ Opinion No. 52/2018, para. 82.

²⁷ Ibid., para. 86.

²⁸ See opinions No. 52/2018, No. 92/2017, No. 49/2017, No. 7/2017, No. 50/2016 and No. 28/2016.

²⁹ Penal Code.

³⁰ Ibid., arts. 176 and 177 (c).

³¹ See <https://ipa.united4iran.org/en/prisoner/> and A/HRC/37/68.

³² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23512&LangID=E.

³³ See <https://iranhumanrights.org/2018/10/great-tehran-penitentiary-imposes-information-blackout-on-eight-sufi-detainees-held-in-solitary-confinement/>.

³⁴ See www.amnesty.org/download/Documents/MDE1388892018ENGLISH.PDF.

³⁵ Ibid.

18. Gunmen attacked a military parade in Ahvaz on 22 September 2018. At least 24 persons were reportedly killed, including children, and more than 60 persons were injured.³⁶ The Secretary-General condemned the attack and expressed his condolences.³⁷ According to information received by OHCHR, at least 180 individuals from Ahwazi Arab minority groups have been detained incommunicado since 24 September in connection with the attack.³⁸ The Ministry of Intelligence announced that only 22 people had been arrested.³⁹ The authorities later denied allegations concerning their execution.⁴⁰ The Secretary-General calls for transparency on the number of persons arrested, their fate and whereabouts, and the charges they may be facing.

B. Impact of the economic and financial challenges on the realization of human rights

Economic and financial challenges

19. Large-scale protests across the Islamic Republic of Iran starting in late December 2017 and continuing into early January 2018 were prompted by falling living standards, water scarcity, unemployment and high inflation. Despite the Government's declared intention to address the population's grievances, notably through direct support packages,⁴¹ social unrest has continued.

20. Due to internal and external factors, including in anticipation of the reimposition of sanctions by the United States of America, the Islamic Republic of Iran has seen growing difficulties in its economy. The value of the Iranian national currency, before it stabilized recently, reportedly fell by up to 60 per cent in 2018, significantly increasing import costs. In this context, the affordability of medical care has deteriorated. According to some medical academics, patients with Parkinson's disease are experiencing difficulties in accessing treatment due to its high cost.⁴² Reports describe a twofold increase in the price of hearing aids since 2018.⁴³

21. In December 2018, the Iranian Central Bank reported⁴⁴ a significant increase in prices of food commodities compared to December 2017, ranging from 15 per cent for beans to 62 per cent for fresh fruits. High food-price volatility has had a negative impact on food security and particularly affects the most vulnerable groups, including low-income populations.⁴⁵

22. The Secretary-General is encouraged by the Government's efforts to comply with the requirements of the intergovernmental Financial Action Task Force, including through legislation aimed at making the laws of the Islamic Republic of Iran consistent with international standards. He welcomes the fact that two of the four proposed bills related to Financial Action Task Force requirements have become law. In its comments on the present report, the Government noted that the fight against money-laundering was enshrined in article 49 of the Constitution.

23. On 8 May 2018, the President of the United States of America signed National Security Presidential Memorandum 11, ceasing the participation of the United States in the Joint Comprehensive Plan of Action⁴⁶ and paving the way for full reimposition of sanctions

³⁶ See www.un.org/press/en/2018/sc13523.doc.htm.

³⁷ See www.un.org/press/en/2018/sgsm19229.doc.htm.

³⁸ See www.amnesty.org/en/latest/news/2018/11/iran-fears-mounting-for-detained-ahwazi-arabs-amid-reports-of-secret-executions/.

³⁹ See www.isna.ir/news/97070201416/.

⁴⁰ See www.isna.ir/news/97082110201.

⁴¹ See <http://tn.ai/1860143> and www.mizanonline.com/fa/news/464883/.

⁴² See www.irna.ir/fa/News/83048032.

⁴³ See www.yjc.ir/00S1aK.

⁴⁴ See www.tasnimnews.com/fa/news/1397/09/10/1888233/.

⁴⁵ See www.fao.org/3/a-i2417e.pdf.

⁴⁶ See www.whitehouse.gov/presidential-actions/ceasing-u-s-participation-jcpoa-taking-additional-action-counter-irans-malign-influence-deny-iran-paths-nuclear-weapon/.

on the Islamic Republic of Iran. The Secretary-General affirmed that issues not directly related to the Joint Comprehensive Plan of Action should be addressed without prejudice to preserving the agreement and its accomplishments.⁴⁷

Humanitarian exemptions under sanctions

24. On 16 July 2018, the Islamic Republic of Iran instituted proceedings against the United States before the International Court of Justice invoking an alleged violation of the Treaty of Amity, Economic Relations and Consular Rights concluded between the two States in 1955.⁴⁸ On 3 October 2018, the Court indicated provisional measures pending further proceedings in the case and its final decision.⁴⁹ The Court ordered the United States to remove any impediments arising from the measures announced on 8 May 2018 that may entail irreparable consequences for human life and health, specifically, impediments to the exportation to the Islamic Republic of Iran of: (a) medicines and medical devices; (b) foodstuffs and agricultural commodities; and (c) spare parts, equipment and associated services necessary for the safety of civil aviation.⁵⁰ The Court also instructed both States to refrain from any further actions that might aggravate their dispute before the Court. The United States subsequently announced that it was terminating the 1955 Treaty of Amity.⁵¹ Following the normal course of proceedings, the Court fixed the time limits for the filing of written observations by the two States.⁵² The subsequent procedure has been reserved for further decision of the Court.

25. On 3 October 2018, the United States Secretary of State announced that “existing exceptions, authorizations, and licensing policies for humanitarian-related transactions and safety of flight will remain in effect”.⁵³ The Department of the Treasury issued guidance on humanitarian assistance and related exports to the Iranian people,⁵⁴ including for third-country financial institutions. It is stated in the guidance that sanctions will be imposed on transactions with any Iranian individual or entity on the Department of the Treasury’s list of Specially Designated Nationals. In practice, however, humanitarian-related transactions prove difficult. According to reports,⁵⁵ companies exporting medical supplies to the Islamic Republic of Iran face the dual challenge of accessing non-sanctioned banking services and shortages of foreign currency in the Islamic Republic of Iran, which limit the possibility of payments to foreign companies.

26. In his statement published on 22 August 2018, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights noted, in relation to the Islamic Republic of Iran, that “the current system creates doubt and ambiguity which makes it all but impossible for Iran to import these urgently needed humanitarian goods. This ambiguity causes a ‘chilling effect’ which is likely to lead to silent deaths in hospitals as medicines run out, while the international media fail to notice.”⁵⁶

27. Following a declaration by United States officials⁵⁷ that the Society for Worldwide Interbank Financial Telecommunication (SWIFT) could be subject to sanctions, SWIFT indicated its decision to suspend a number of Iranian banks.⁵⁸ Non-sanctioned Iranian

⁴⁷ See www.un.org/sg/en/content/sg/statement/2018-05-08/statement-secretary-general-joint-comprehensive-plan-action-jcpoa.

⁴⁸ See www.icj-cij.org/files/case-related/175/175-20181003-PRE-01-00-EN.pdf.

⁴⁹ See www.icj-cij.org/files/case-related/175/175-20181003-PRE-01-00-EN.pdf and www.icj-cij.org/files/case-related/175/175-20181003-ORD-01-00-EN.pdf.

⁵⁰ Ibid.

⁵¹ See www.state.gov/secretary/remarks/2018/10/286417.htm.

⁵² See www.icj-cij.org/files/case-related/175/175-20181016-PRE-01-00-EN.pdf and www.icj-cij.org/files/case-related/175/175-20181010-ORD-01-00-EN.pdf.

⁵³ See www.state.gov/secretary/remarks/2018/10/286417.htm.

⁵⁴ See www.treasury.gov/resource-center/sanctions/Programs/Documents/hum_exp_iran.pdf.

⁵⁵ See www.ecfr.eu/article/commentary_iran_the_case_for_protecting_humanitarian_trade.

⁵⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23469&LangID=E.

⁵⁷ See www.state.gov/secretary/remarks/2018/11/287090.htm.

⁵⁸ See www.swift.com/about-us/legal/compliance/swift-and-sanctions#Statements.

financial institutions were allowed to remain on SWIFT to conduct limited transactions involving food and medicine.⁵⁹ On 18 May, the European Commission launched the formal process to activate the blocking statute⁶⁰ prohibiting European Union citizens from complying with the extraterritorial sanctions of the United States and allowing European companies to recover damages associated with these sanctions.⁶¹ The European Union has also stated it will develop a special purpose vehicle to facilitate exports of mainly essential items to the Islamic Republic of Iran by enabling financial transactions.⁶²

C. Right to an adequate standard of living and right to health

28. According to the International Covenant on Economic, Social and Cultural Rights, to which the Islamic Republic of Iran is a party, the right to health includes a right to access timely and appropriate health care and underlying determinants of health such as safe and potable water, nutritious food, housing and a healthy environment.⁶³ As noted in its comments, the Government has consistently included agriculture and food security, water, environment and health in its successive national plans and programmes of economic, social and cultural development. Notwithstanding resource limitations, in particular in the context of economic challenges, it is the Government's responsibility to ensure the satisfaction of, at the very least, minimum essential levels of the rights of Iranians to access to an adequate standard of living, health and water.⁶⁴

Right to water and adequate sanitation

29. Article 11 of the International Covenant on Economic, Social and Cultural Rights obliges States parties to ensure sustainable access to clean water for domestic, personal and agricultural uses.⁶⁵ Many observers have expressed concern about issues related to access to water. A recent World Bank report assessed that 94 per cent of the population was exposed to water stress due to inefficiencies and overuse.⁶⁶ The World Resources Institute has ranked the Islamic Republic of Iran as one of 33 countries at extremely high risk of water stress by 2040.⁶⁷ The current head of the Department of Environment has warned of the severity of the water crisis in the Islamic Republic of Iran.⁶⁸

30. Water stress is also producing environmental degradation. It is leading to drought, resulting in desertification.⁶⁹ For example, since 1970 Lake Urmia has shrunk by nearly 90 per cent.⁷⁰ The water crisis is having an impact on the economy. Parts of Kermanshah Province, which once produced substantial amounts of pistachios and dates, can no longer produce these crops.⁷¹ These economic and environmental problems are contributing to internal displacement, with many farmers or inhabitants of smaller towns migrating to the

⁵⁹ See www.bloomberg.com/opinion/articles/2018-11-02/trump-s-iran-bank-cutoff-from-swift-will-make-u-s-sanctions-hurt.

⁶⁰ See <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R2271:EN:HTML>.

⁶¹ See http://europa.eu/rapid/press-release_IP-18-3861_en.htm.

⁶² See <https://foreignpolicy.com/2018/12/03/how-europe-can-blunt-u-s-iran-sanctions-without-washington-raising-a-finger-humanitarian-spv/>.

⁶³ See Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 12.

⁶⁴ See Committee on Economic, Social and Cultural Rights, general comments No. 3 (1990) on the nature of States parties' obligations, para. 10; No. 12 (1999) on the right to adequate food, para. 17; No. 14 (2000) on the right to the highest attainable standard of health, para. 43; and No. 15 (2002) on the right to water, paras. 37 and 44.

⁶⁵ International Covenant on Economic, Social and Cultural Rights, art. 12 (2); and Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 4, and general comment No. 15.

⁶⁶ See <https://openknowledge.worldbank.org/handle/10986/27659>.

⁶⁷ See www.wri.org/blog/2015/08/ranking-world-s-most-water-stressed-countries-2040.

⁶⁸ See www.tehrantimes.com/news/422583/Water-shortage-serious-says-environment-chief.

⁶⁹ See http://amir.eng.uci.edu/publications/16_IR_Socio_Economic_Drought.pdf.

⁷⁰ See www.nytimes.com/2018/01/18/climate/water-iran.html.

⁷¹ See www.atlanticcouncil.org/images/publications/Environmental_and_Wildlife_Degradation_in_Iran1.pdf.

outskirts of major urban centres because they are unable to make a living in their home towns.⁷² In these areas, 35 per cent of the population live in impromptu settlements, with limited access to public services and employment opportunities.⁷³ In its comments, the Government stated its determination to take positive measures for an optimal and modern use of water.

31. Protests around access to water have increased, with at least 12 demonstrations reported in Khuzestan Province alone. On 29 May 2018, in the city of Bavi, farmers gathered to protest against water scarcity.⁷⁴ On 29 June, protests in Khorramshahr lasted for three days. On the third day, protests spread to the cities of Abadan, Kut-e Abdollah and Ahvaz. One Member of Parliament declared that the failure to benefit from the province's resources, and issues such as pollution and water scarcity, had fuelled the protests.⁷⁵ The Government stated in its comments that these protests had ended through mediation and that the few individuals arrested had immediately been released.

32. Clashes between the authorities and protestors during some of the protests were widely reported, with the authorities using tear gas to disperse the crowds.⁷⁶ Officials stated that 11 people had been injured in that context,⁷⁷ and that 10 protestors had been detained and 35 were under investigation.⁷⁸ Also, 15 representatives were arrested when 200 farmers presented themselves to the Governorate of Kohgiluyeh va Boyer-Ahmad Province to protest against water diversion.⁷⁹ Isfahan farmers renewed their protests in October and November 2018.⁸⁰

Right to health

33. The Secretary-General is concerned by the increasing impact of the water crisis on the right to health.⁸¹ Untreated wastewater and sewage are increasingly contaminating drinking and agricultural water supplies while less than 40 per cent of Iranians have access to proper wastewater treatment facilities.⁸² The Islamic Republic of Iran is also among the top five countries using untreated sewage for the irrigation of agricultural land, which can generate contagious diseases, such as cholera.⁸³

34. Inefficiencies in water management have also exacerbated health issues caused by air pollution and sand and dust storms. In recent years, the World Health Organization has listed many Iranian cities as some of the most polluted in the world, including Zabol (in Sistan va Baluchistan Province) and Ahvaz (in Khuzestan Province).⁸⁴ Many Ahvaz residents suffer from various medical conditions due to air pollution.⁸⁵ Sand and dust storms are particularly prevalent in Khuzestan, with environmentalists linking them to river

⁷² Ibid.

⁷³ See www.iribnews.ir/fa/news/1581533/35.

⁷⁴ See www.hra-news.org/2018/hranews/a-15528/.

⁷⁵ See www.isna.ir/news/97041105927/.

⁷⁶ See www.isna.ir/news/97041005412/ and <https://iranhumanrights.org/2018/07/shots-fired-at-protest-as-officials-unable-to-ease-water-shortage-crisis-in-irans-khuzestan-province/>.

⁷⁷ See www.isna.ir/news/97041005412/.

⁷⁸ See www.mizanonline.com/fa/news/433203/.

⁷⁹ See www.ilna.ir/fa/tiny/news-628251.

⁸⁰ See www.isna.ir/news/97012408153/, www.irna.ir/fa/News/82882670 and www.iranhumanrights.org/2018/11/isfahan-farmers-stage-40-day-protest-against-local-authorities-mismanagement-of-scarce-water-supplies/.

⁸¹ International Covenant on Economic, Social and Cultural Rights, art. 12 (2); and Committee on Economic, Social and Cultural Rights, general comment No. 14, para. 4.

⁸² See www.atlanticcouncil.org/images/publications/Environmental_and_Wildlife_Degradation_in_Iran1.pdf.

⁸³ Ibid.

⁸⁴ See www.bbc.co.uk/news/world-middle-east-15109116, www.who.int/phe/health_topics/outdoorair/databases/cities-2011/en/ and <http://documents.worldbank.org/curated/en/741891483046725613/pdf/111462-WP-P162048-PUBLIC-IranEcoMonitor-12-22-2016.pdf>.

⁸⁵ See www.ncbi.nlm.nih.gov/pmc/articles/PMC6108243/#R22.

diversion, dam construction and drying marshes for oil exploration.⁸⁶ The Secretary-General recalls that Iranians have a right to adequate safe and accessible water, as well as to an environment that ensures the highest standards of health. In its comments, the Government noted its significant financial investment to reduce the effects of dust in Khuzestan Province in recent years.

35. The adoption of secondary sanctions targeted at third parties affects trade originating from other countries that are engaged in trade or investment in the Islamic Republic of Iran. Moreover, by preventing financial transfers to the Islamic Republic of Iran, secondary sanctions are likely to hinder the production, availability and distribution of essential medical and pharmaceutical equipment and supplies, which could potentially increase mortality rates. In September 2018,⁸⁷ the Iranian Pharmaceutical Industries Syndicate emphasized that while the country produced 96 per cent of its medicines, it imported more than half of the raw materials required for their production. According to members of the Parliament's Health Commission, the Islamic Republic of Iran was short of 80 pharmaceutical items⁸⁸ and hospitals were experiencing shortages of medicines, medical equipment and consumer goods.⁸⁹

Arrests and detention of environmentalists

36. The Secretary-General is concerned by reports of intimidation, arrest and detention of environmentalists. Reports received indicate that since March 2018, 43 environmentalists have been arrested, only 8 of whom have been released. As of December 2018, the fate and whereabouts of the other detained environmentalists was unknown.⁹⁰

37. In January, the head of the Persian Wildlife Heritage Foundation, Kavous Seyed Emami, was arrested with eight members of the organization. They were accused of gathering classified information under the guise of environmental projects. Mr. Seyed Emami later died in custody and his wife is subjected to a travel ban. On 21 February, several special procedure mandate holders publicly expressed concerns regarding his death and the arrest of other environmental human rights defenders.⁹¹ The Government has not yet provided information indicating whether an impartial and independent investigation has been conducted into the circumstances of Mr. Seyed Emami's death. In its comments, the Government stated that the investigation and forensic examination had confirmed suicide as the cause of death.

38. According to statements, including from Iranian officials,⁹² the government committee investigating the activities of the detained environmentalists concluded it could not find any evidence of spying. On 24 October, however, the Prosecutor of Tehran confirmed they had been indicted on the charge of "corruption on earth", a crime punishable by the death penalty. Reports received by OHCHR indicate that the defendants have been denied access to a lawyer of their choosing, as well as regular contact with their families, and have been deprived of access to medical care.

D. Rights to freedom of opinion and expression and to privacy

39. The Government has repeatedly stated the importance of information and communications technology and of infrastructure development, in particular to enhance access to information and bridge the technology gap in regard to rural areas. The Secretary-General welcomes as a positive step the adoption of regulations relating to the

⁸⁶ See www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution.

⁸⁷ See <http://fna.ir/a0ws79>.

⁸⁸ See www.isna.ir/news/97061105121/.

⁸⁹ See www.ilna.ir/fa/tiny/news-673055.

⁹⁰ See www.iranhumanrights.org/2018/05/dozens-of-environmentalists-arrested-in-southern-iran-in-widening-crackdown/.

⁹¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22697&LangID=E.

⁹² See www.isna.ir/news/97030100242/.

implementation of the Publication and Free Access to Information Act, of 2009,⁹³ which enables citizens to access information from State institutions within 10 days of their request, including on the allocation of public funds.⁹⁴ Yet, the legislation exempts organs under the direct supervision of the Supreme Leader⁹⁵ and excludes non-citizens.

40. The blocking of websites,⁹⁶ including Facebook, Twitter and Instagram, remains an issue of concern. On 30 April 2018, the judiciary ruled that Telegram would be banned for “disrupting national unity” and “allowing foreign countries to spy” on the Islamic Republic of Iran.⁹⁷ With over 40 million registered users, Telegram served as a key communication tool and supported social and community life as well as business transactions. According to reports, the ban will primarily affect small and medium-sized companies, as well as lower-income households unable to purchase online circumvention tools.⁹⁸

41. In the course of 2018, the State continued to promote the use of local platforms such as Telegram Talaei and Hotgram, amidst concerns that these may interfere with online privacy in ways that deter the exercise of the right to freedom of opinion and expression. These platforms require the creation of user accounts that can only be accessed by holders of SIM cards that are associated with a national identity document, as dictated by the policy issued by the Communications Regulatory Authority in 2015.⁹⁹ As a result, the personal information of Internet users, including private addresses or photographs, was available on platforms despite users not having directly registered on the platforms concerned.

42. Since the introduction of new regulations¹⁰⁰ in August 2017 by the Supreme Council of Cyberspace, the authorities have continuously increased their surveillance capabilities through the centralization of Internet and related technology infrastructure. The National Information Network, reportedly developed by the Government, now provides it with the capability to cut local users off the global Internet while maintaining State-approved domestic Internet traffic.¹⁰¹ On 15 January, the Minister of Information and Communications Technology confirmed in an interview that the National Information Network allowed security agencies to monitor private accounts and to control national search engines.¹⁰² In November 2018, the Government proposed a new bill on the “organization of social messengers”.¹⁰³ If passed, the bill would increase the armed forces’ interference in and oversight of the Internet infrastructure, and introduce new offences associated with the use of blocked online applications.

43. OHCHR has continued to receive reports of the arbitrary arrest, detention and harassment of mainly Iranian journalists and media workers. Online threats and intimidation of detained journalists, as well as the public disclosure of personal data illegally retrieved from those detained, have been reported. The injunction against over 150 former and current staff members of the British Broadcasting Corporation (BBC) Persian Service remains in place. In addition to the threats and defamatory statements targeted at them, the impact of the investigation, the freezing of their assets and the threat of arrest upon return to the Islamic Republic of Iran have had a significant negative impact upon BBC Persian Service staff and their families.

⁹³ See <http://rc.majlis.ir/fa/law/show/780303>.

⁹⁴ See www.article19.org/resources/iran-review-of-the-publication-and-free-access-to-information-act-2009/.

⁹⁵ See www.article19.org/wp-content/uploads/2018/07/Freedom-of-information-factsheet-ENG-1.pdf.

⁹⁶ See www.iranhumanrights.org/2017/06/rouhani-government-closed-seven-million-websites/ and www.isna.ir/news/96031608592/.

⁹⁷ See <https://rsf.org/en/news/iranian-court-imposes-total-ban-telegram>.

⁹⁸ See www.iranhumanrights.org/wp-content/uploads/Closing-the-gates-3-online.pdf.

⁹⁹ See <https://financialtribune.com/articles/economy-sci-tech/59911/iran-disables-more-unregistered-sim-cards>.

¹⁰⁰ See <http://bit.ly/2wCsbcT>.

¹⁰¹ See www.iranhumanrights.org/wp-content/uploads/EN-Guards-at-the-gate-High-quality.pdf.

¹⁰² See <http://tn.ai/1628696>.

¹⁰³ See www.isna.ir/news/97082813960/.

Situation of human rights defenders and human rights lawyers

44. The Secretary-General remains deeply concerned about the situation of human rights defenders and human rights lawyers imprisoned in connection with their activities. Since the issuance of the previous report, Narges Mohammadi, Arash Sadeghi, Farhad Meysami, Soheil Arabi and Mohammad Ali Taheri remain imprisoned, despite calls for their release. Mr. Taheri, the founder of a spiritual movement, a writer and a practitioner of alternative medicine theories, is detained while awaiting an appeal against his conviction and five-year prison sentence for “spreading corruption on earth”. Mr. Taheri twice successfully appealed against the death penalty on the same charge. The Secretary-General reiterates the call of the previous United Nations High Commissioner for Human Rights, in his statement of 5 August 2015, to “immediately withdraw the charges against Taheri and ensure his unconditional release”.¹⁰⁴

45. The Secretary-General reiterates concerns about the health of Mr. Sadeghi, who is in need of urgent medical care after being returned to prison contrary to medical advice. The Secretary-General is also concerned about the health of Dr. Meysami, a physician who campaigned for an end to compulsory veiling. Dr. Meysami started a hunger strike in August 2018 due to his conviction on charges related to his activism on women’s rights and the lack of access to a lawyer of his choosing. The Secretary-General reiterates calls by special procedure mandate holders to immediately release all those who have been imprisoned for promoting and protecting the rights of women.¹⁰⁵

46. The Secretary-General welcomes the release – although on conditional parole – of prominent human rights lawyer Abdolfattah Soltani,¹⁰⁶ and the release on bail of lawyer Zeinab Taheri (while noting that she still faces several charges).¹⁰⁷ The Secretary-General remains concerned that the continued arrests and treatment of lawyers risk undermining the right to an effective defence and the administration of justice. Nasrin Sotoudeh, a prominent human rights lawyer, remains in prison. Her detention followed her representation of women who had protested against compulsory veiling. In August 2018, Ms. Sotoudeh went on a hunger strike in protest against the treatment of her and her family. The authorities laid further charges against her and arrested her husband, Reza Khandan. Prior to his detention, Mr. Khandan raised concerns about compulsory veiling and campaigned for his wife’s release. The Secretary-General reiterates concerns about the arrest and detention of human rights defenders and human rights lawyers in relation to their support for protests against compulsory veiling.¹⁰⁸

47. In its comments, the Government stated that all individuals, including those referred to in the present report as human rights lawyers, human rights defenders, journalists or environmentalists, were treated according to the law.

E. Rights to freedom of peaceful assembly and of association

Prohibition of independent trade unions

48. The Islamic Republic of Iran does not allow the creation of trade unions other than government-sanctioned Islamic labour councils and is not a party to the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) or to the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The prohibition of independent trade unions is contrary to the obligations of the Islamic Republic of Iran under article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights. The reported harassment and detention of labour activists also violates

¹⁰⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16292&LangID=E.

¹⁰⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23947&LangID=E.

¹⁰⁶ See www.irna.ir/fa/News/83108418 and www.theguardian.com/world/2018/nov/21/iranian-human-rights-lawyer-abdolfattah-soltani-released-from-jail.

¹⁰⁷ See www.fidh.org/en/issues/human-rights-defenders/release-on-bail-of-zeinab-taheri.

¹⁰⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23947&LangID=E.

fundamental rights and freedoms – of expression, peaceful assembly and association, as well as with regard to arbitrary detention.

49. The Secretary-General notes long-standing concerns related to the right to work and labour rights, especially as they relate to the minimum wage, non-payment of wages, job security, and restrictions on trade unions. In March 2018, the Supreme Labour Council increased the minimum wage to 11.14 million rials per month.¹⁰⁹ Workers' groups and the Deputy for Labour at the Ministry of Cooperatives, Labour and Social Welfare have stated that the minimum wage needs to be between two and four times higher to cover the average expenses of a family.¹¹⁰

Peaceful protests and strikes

50. The protests that took place in December 2017 and January 2018 have been reported as the most significant demonstrations since 2009. Popular discontent is fuelled by unaddressed grievances associated with falling living standards, economic and environmental mismanagement and perceived corruption. These demonstrations, labour strikes and other peaceful protests have occurred sporadically but consistently, mostly over salaries and economic and environmental conditions.

51. The Government's response to these protests is of increasing concern. According to analysts,¹¹¹ the 2018/19 budget allocation for the Law Enforcement Force, responsible for internal security, increased by 84 per cent compared to the previous year. This constitutes the highest growth rate in an allocation to a defence or security institution. The Head of the Judiciary described the ongoing protests as "sedition" aimed at "dragging people to the streets to target the very foundation of the Islamic Republic".¹¹²

52. Non-payment of wages remains a serious concern; many cases highlight the extent of this issue. Workers at the Haft Tapeh sugar mill have regularly complained of cuts to wages or unpaid wages since the privatization of the mill in 2016.¹¹³ Workers had previously protested against the non-payment of over six months of wages since July 2017, which were eventually paid in March 2018.¹¹⁴ In August 2018, workers were again left unpaid, which led to strikes recommencing in November.¹¹⁵ After two weeks of protests, according to public reports, the authorities arrested approximately 18 protesting workers and labour activists at the mill.¹¹⁶ Twelve persons have since been released, while protests calling for the release of the remaining detainees continued.¹¹⁷ The Governor of Khuzestan was quoted in the local media as stating: "Workers have rights, we are looking into their issues and demands."¹¹⁸

53. Truck drivers have intermittently conducted strikes across many provinces since May 2018 protesting against low wages. While industry officials stated that the demands for higher wages were reasonable,¹¹⁹ other reports indicate that the authorities threatened drivers with revocation of their driving licences if they did not cease protesting. The

¹⁰⁹ See <https://financialtribune.com/articles/economy-domestic-economy/83942/minimum-wages-in-iran-to-rise-by-198> and www.tabnak.ir/fa/news/784016/.

¹¹⁰ See www.sharghdaily.ir/fa/Main/Detail/151699/, www.radiozamaneh.com/391473 and www.tasnimnews.com/fa/news/1396/09/12/1590634/.

¹¹¹ See www.iiss.org/blogs/military-balance/2018/11/decode-iran-defence-spending.

¹¹² See www.mizanonline.com/fa/news/472402.

¹¹³ See www.iranhumanrights.org/2017/07/iranian-sugar-plant-workers-detained-without-bail-after-protesting-unpaid-wages-and-benefits/ and www.iranhumanrights.org/2018/02/30-sugar-plant-workers-arrested-in-iran-for-striking-over-months-of-unpaid-salaries/.

¹¹⁴ See www.ituc-csi.org/iran-authorities-step-up-anti.

¹¹⁵ See www.tuc.org.uk/tuc-writes-iranian-ambassador-regarding-arrests-haft-tapeh-sugar-workers.

¹¹⁶ See <https://apnews.com/5724c2ea6b7d4b85bd3f2ce015cc88dd>, www.tuc.org.uk/tuc-writes-iranian-ambassador-regarding-arrests-haft-tapeh-sugar-workers and www.ilna.ir/fa/tiny/news-693272.

¹¹⁷ See www.ilna.ir/fa/tiny/news-693844.

¹¹⁸ See <https://apnews.com/5724c2ea6b7d4b85bd3f2ce015cc88dd>.

¹¹⁹ See www.tasnimnews.com/fa/news/1397/03/02/1733559/.

authorities reportedly detained 150 truck driver protestors¹²⁰ after they resumed their strike in September. The Prosecutor-General further suggested that those involved could receive the death penalty for “acting against national security”,¹²¹ and a court in Qazvin Province requested the death penalty for 17 truck drivers arrested there.¹²² This led to truck drivers recommencing their strikes in November.

54. Ten steel workers at the Iran National Steel Industrial Group in Ahvaz were detained for several days after night-time raids in March for their involvement in a strike over wages and work conditions.¹²³ In June, “dozens” were reportedly arrested, claiming three months of unpaid wages.¹²⁴ The strike of steel workers resumed in November in the absence of a response.¹²⁵

55. Protests extended to the education sector, amidst reports indicating that teachers live below the poverty line.¹²⁶ In May 2018, Mohammad Habibi, a member of the Iranian Teachers’ Trade Association of Tehran, was arrested and convicted three months later on national security-related charges.¹²⁷ He was sentenced to ten and a half years of imprisonment and 74 lashes and was banned from political participation and travel.¹²⁸ Mr. Habibi has reportedly been denied medical care¹²⁹ despite allegedly suffering continuous pain from injuries caused by ill-treatment inflicted by the authorities during his arrest.¹³⁰ Teachers across the Islamic Republic of Iran protested against low wages and underfunding during a sit-in organized by the Council for Coordination among Teachers Unions, on 14 and 15 October 2018.¹³¹ A second round of protests was organized in mid-November, with reports of teachers being detained or summoned to courts for their participation.¹³²

The right to work of the Baha’i

56. Concerns relating to the right to work also affect minority groups, such as the Baha’i, who have been prohibited from working in the public sector and many private enterprises.¹³³ In November 2017, several Baha’i-owned businesses were sealed and closed by local authorities after they had temporarily closed during Baha’i holy days.¹³⁴ In December 2017, the Special Assistant to the Iranian President for Civil Rights stated that “inquiries have been made from the President’s legal deputy in relation to the sealing of business premises and the prohibition of the activities of Baha’i. We will continue this discussion through legal means until we find a solution for the matter.”¹³⁵ While this is an

¹²⁰ See www.itfglobal.org/en/news-events/press-releases/2018/october/itf-statement-on-iran-truckers-strike/, www.ilna.ir/fa/tiny/news-673910 and www.ilna.ir/fa/tiny/news-673088.

¹²¹ Ibid.

¹²² See www.irna.ir/qazvin/fa/News/83058567.

¹²³ See www.industriall-union.org/iran-10-detained-after-protests-over-unpaid-wages-of-4000-steel-workers.

¹²⁴ See www.hra-news.org/2018/hranews/a-15727/.

¹²⁵ See www.iranhumanrights.org/2018/11/steel-and-sugarcane-workers-rally-in-ahvaz-to-demand-unpaid-wages/.

¹²⁶ See https://ei-ie.org/en/detail/16032/iran-solidarity-with-trade-union-leaders-arrested-after-teachers%E2%80%99-strike?fbclid=IwAR0C6PPsTFGTik7G_ESzHNmRN5rTiFvksnn0s0ezv1NOkAJbNTBGh1-VNc.

¹²⁷ See www.hrw.org/news/2018/11/22/iran-mounting-crackdown-teachers-labor-activists.

¹²⁸ Ibid.; and see www.amnesty.org/en/documents/mde13/9179/2018/en/.

¹²⁹ See www.amnestyusa.org/wp-content/uploads/2018/10/uaa17418.pdf.

¹³⁰ See <https://ei-ie.org/en/detail/15931/iran-teacher-trade-unionist-mohammed-habibi-sentenced-to-ten-and-a-half-years-in-prison>.

¹³¹ See https://ei-ie.org/en/detail/16032/iran-solidarity-with-trade-union-leaders-arrested-after-teachers%E2%80%99-strike?fbclid=IwAR0C6PPsTFGTik7G_ESzHNmRN5rTiFvksnn0s0ezv1NOkAJbNTBGh1-VNc.

¹³² See www.hrw.org/news/2018/11/22/iran-mounting-crackdown-teachers-labor-activists.

¹³³ See A/71/374.

¹³⁴ See www.iranhumanrights.org/2016/11/bahai-life-rights-karaj/ and <http://iranpresswatch.org/post/19787/bahai-businesses-shuttered-ongoing-persecution-campaign/>.

¹³⁵ See <http://iranpresswatch.org/post/18522/shahindokht-molaverdi-written-communications-regarding-forced-closure-bahai-owned-businesses/>.

encouraging statement, no improvement has been noted with respect to the sealing and closure of Baha'i shops.

F. Situation of women and girls

57. The Secretary-General welcomes the introduction to Parliament of the bill on protection of women against violence. In addition to focusing on the protection of women from abuse, the bill addresses rehabilitation and the interrogation of female offenders. The Vice-President for Women and Family Affairs announced on 12 October 2018 that the bill had been sent for review to religious scholars in Qom.¹³⁶

58. The Secretary-General notes the adoption by Parliament, on 20 November 2018, of the bill amending the Act on Determining the Nationality Status of Children Born to Iranian Mothers and Foreign Fathers. The amendment allows these children to apply for Iranian citizenship upon reaching the age of 18 provided their mothers have not done so on their behalf or where their case is not linked to national security concerns. The Secretary-General is encouraged by the ratification by Parliament, on 28 August 2018, of the bill on protection of children and adolescents,¹³⁷ which is currently pending approval by the Guardian Council. The Secretary-General remains concerned that the bill fails to clearly define the minimum age for criminal responsibility, preventing consistent treatment by judges in cases involving child offenders. In its comments, the Government stated that the purpose of the law was to include conditions allowing the judge to impose alternative punishments.

59. Key indicators demonstrate positive efforts by the Government to provide education to all Iranians. Figures from the United Nations Educational, Scientific and Cultural Organization (UNESCO) indicate the total enrolment and completion of primary education for both boys and girls.¹³⁸ The Office of the President announced in September 2018 that the Council of Ministers had agreed that the Education Bill would include a provision prohibiting discrimination in higher education.¹³⁹ The Education Bill will reportedly end the "starred students" policy,¹⁴⁰ which identified, restricted and expelled from higher education student activists and other persons that the intelligence services deemed to be in opposition to the Government.¹⁴¹ The Secretary-General also urges the Islamic Republic of Iran to extend the anti-discrimination provisions of the Education Bill to ethnic and religious minorities. Many Baha'i are reportedly expelled from university or their applications are rejected as "incomplete" once their religion is discovered.¹⁴² Individuals who have complained about their non-admission have reportedly been imprisoned.¹⁴³ The Baluchis, as well as Arab and Kurdish minorities, also face structural problems in accessing education, such as a lack of official documentation or proof of citizenship,¹⁴⁴ as well as the limited number of schools in their region, the distances, and unaffordable transport costs.¹⁴⁵

60. Civil law continues to deny women equal rights, including in marriage, divorce, child custody and inheritance. Discrimination also prevails in accessing the job market, despite major advances in women's post-secondary education. In March 2018, the Statistical Centre of the Islamic Republic of Iran reported that 41 per cent of women

¹³⁶ See www.ilna.ir/fa/tiny/news-678900.

¹³⁷ See <https://lib.ohchr.org/HRBodies/UPR/Documents/Session20/IR/Iran2ndCycle.pdf>.

¹³⁸ See <http://datatopics.worldbank.org/education/country/iran,-islamic-rep>.

¹³⁹ See <http://president.ir/en/106036>.

¹⁴⁰ See www.universityworldnews.com/article.php?story=2018091818331121.

¹⁴¹ See www.globalcitizen.org/en/content/iranian-student-activists-denied-education/ and www.hrw.org/news/2018/09/05/irans-student-activists-denied-education.

¹⁴² See <https://iranhumanrights.org/2018/09/in-just-six-months-iranian-universities-expelled-50-bahai-students-for-their-religious-beliefs/> and www.iranhumanrights.org/2018/05/you-know-what-your-problem-is-young-man-expelled-from-iranian-university-for-his-bahai-faith/.

¹⁴³ See www.iranhumanrights.org/2017/11/three-bahais-barred-from-university-in-iran-sentenced-to-five-years-in-prison/.

¹⁴⁴ See <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>.

¹⁴⁵ Ibid.

between the ages of 15 and 29 years were unemployed.¹⁴⁶ ILO also expressed its concerns in relation to persisting legal restrictions on women's access to employment.¹⁴⁷

61. The Secretary-General remains concerned that the legal age for marriage under the Civil Code is 13 years for girls and 15 years for boys. Parliament agreed on 26 September 2018 to urgently consider a plan to amend article 1041 of the Civil Code¹⁴⁸ to raise the legal age for marriage to 16 years for girls and 18 years for boys. However, girls could still be married as young as 13 with a court's permission. According to reports by the National Organization for Civil Registration, the marriage of 1,463 girls under the age of 15 was registered during the last Persian year (March 2017–March 2018).

62. The Secretary-General is concerned by the ongoing repression of women in relation to their objection to compulsory veiling and by the response of judicial authorities to peaceful protests in that regard. Women who do not wear a hijab in public can be sentenced to up to two months in prison or be fined. A number of female protestors have been arrested, notably among those involved in the "My Stealthy Freedom" campaign online¹⁴⁹ and some of those who became known as the "Girls of Revolution Street". According to information received by OHCHR, while most were released on bail, some female protesters were sentenced to up to two years in prison on the charge of "encouraging moral corruption".

63. The Secretary-General is deeply concerned at the reported arrest and treatment of women human rights defenders. Hoda Amid, a lawyer primarily representing vulnerable women, was arrested in September 2018. Women human rights defenders Najmeh Vahedi and Rezvaneh Mohammadi were also detained at this time. All three women were released on bail in November, pending trial.¹⁵⁰ Atena Daemi and Golrokh Iraee – other women human rights defenders – remain detained, despite calls, including by human rights organizations and the European Parliament, for their release.¹⁵¹

III. Cooperation with international human rights mechanisms and OHCHR

A. Cooperation with human rights treaty bodies

64. The Islamic Republic of Iran has ratified six core international human rights treaties and is a signatory to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Secretary-General welcomes the cooperation of the Government with the treaty bodies. He encourages the Government to submit periodic reports, including under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which have been overdue since 2014 and 2013 respectively, and under the International Covenant on Economic, Social and Cultural Rights, which was due in May 2018.

¹⁴⁶ See www.amar.org.ir/Portals/1/releases/LFS_Year_1396.pdf.

¹⁴⁷ See www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_617065.pdf.

¹⁴⁸ See www.wipo.int/edocs/lexdocs/laws/en/ir/ir009en.pdf.

¹⁴⁹ See www.facebook.com/StealthyFreedom/.

¹⁵⁰ See www.en-hrana.org/womens-rights-activist-hoda-amid-released-on-bail, www.en-hrana.org/womens-rights-activist-najmeh-vahedi-released-on-bail and www.en-hrana.org/update-womens-rights-activist-rezvaneh-mohammadi-transferred-to-evin-prison.

¹⁵¹ See www.hrw.org/news/2018/04/10/iran-jailed-rights-defender-ailing, www.amnesty.org/en/latest/news/2018/03/iran-new-evidence-of-appalling-treatment-of-women-human-rights-defenders-held-in-shahre-rey-prison/ and www.europarl.europa.eu/news/cs/press-room/20180315IPR99813/release-and-urgent-medical-help-for-women-human-rights-defenders-in-iran.

B. Cooperation with the universal periodic review

65. The Secretary-General welcomes the publication by the Government of its midterm report under the universal periodic review, covering the period from April 2015 to December 2016.¹⁵² The Secretary-General also encourages all relevant Iranian institutions and stakeholders to engage with OHCHR in the third universal periodic review cycle, scheduled for November 2019.

C. Cooperation with special procedures

66. The first report of the new Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, was presented to the General Assembly in October 2018.¹⁵³ The Secretary-General notes that the Human Rights Council renewed the mandate of the Special Rapporteur in March 2018 (in its resolution 37/30), and welcomes comments by the Government indicating that it intends to engage with the Special Rapporteur in a constructive dialogue. The Secretary-General further encourages the Government to invite the Special Rapporteur to visit the Islamic Republic of Iran. In 2018, the special procedures of the Human Rights Council issued 14 communications regarding the situation of human rights in the Islamic Republic of Iran, three of which were replied to by the Government, and 17 public statements.

D. Cooperation with OHCHR

67. The Secretary-General welcomes the enhanced engagement and dialogue on human rights by Iranian officials, including the Minister of Foreign Affairs, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office and other international organizations in Geneva and members of the High Council for Human Rights. The Executive Office of the Secretary-General and OHCHR have raised the situation of child offenders at imminent risk of execution with the Government on a number of occasions and seek to further engage with the Iranian authorities on child justice.

IV. Conclusions and recommendations

68. The overall situation in the Islamic Republic of Iran has been marked by the impact of the economic and financial challenges on the enjoyment of a range of rights by Iranians. As a result, many Iranians have faced difficulties in accessing work, food, water, health care and other basic necessities, despite mitigating measures taken by the authorities to address these difficulties. The combined effect of long-standing economic grievances and the exacerbating impact of reinstated unilateral sanctions since August 2018 has led to sporadic protests across the country. The authorities' response has included both attempts at reform, and repression primarily targeting human rights defenders and human rights lawyers, labour rights activists, social media users and environmentalists. The application of the death penalty, including to child offenders, has continued at a high rate, although the number of executions has generally reduced since the implementation of the amendment to the drug trafficking law. Cases of torture, arbitrary detention, and trials that failed to adhere to international standards have continued to be reported, as has persistent discrimination against women and members of ethnic and religious minorities.

69. **On the basis of the observations and conclusions made in the present report, the Secretary-General provides the recommendations below:**

70. **The Secretary-General urges the Government to abolish the mandatory death penalty and to introduce a moratorium on its use; to prohibit the execution of child offenders in all circumstances and to commute their sentences.**

¹⁵² See <https://lib.ohchr.org/HRBodies/UPR/Documents/Session20/IR/Iran2ndCycle.pdf>.

¹⁵³ A/73/398.

71. The Secretary-General urges the Government to ensure that international standards and guarantees of due process and fair trial are met, notably by ensuring that all defendants, including those accused of crimes against the internal and external security of the State, are assured access to counsel of their choosing during the preliminary investigative stage and all subsequent stages of the judicial process.

72. The Secretary-General urges the Government to repeal laws authorizing the use of torture and ill-treatment as a form of punishment, and to ensure that prompt, thorough and effective investigations are undertaken by independent and impartial bodies into all deaths in custody and reports of torture or other ill-treatment and that those responsible are held accountable.

73. The Secretary-General takes due note of the economic and financial challenges facing the Islamic Republic of Iran and encourages the Government to take all measures necessary to mitigate their effects and to meet its obligations under the International Covenant on Economic, Social and Cultural Rights, including on the protection of vulnerable groups. The Secretary-General urges the Government to facilitate trade in medicines and other essential humanitarian items.

74. The Secretary-General urges the Government to ensure that human rights defenders, human rights lawyers, journalists and environmentalists can perform their roles safely and freely, without fear of harassment, arrest, detention and prosecution, and to release all those detained for legitimately and peacefully exercising their rights to freedom of expression, association and peaceful assembly.

75. The Secretary-General urges the Government to repeal laws that criminalize or unduly restrict freedom of expression online, to ensure that online content is only restricted pursuant to a decision by an independent and impartial judicial authority in accordance with due process and to revoke decisions that enable the monitoring or filtering of content and that are inconsistent with the right to privacy.

76. The Secretary-General urges the Government to take further practical steps to eliminate all forms of discrimination against women and girls, in accordance with international standards, and to ensure that the rights of women human rights defenders and human rights lawyers are protected.

77. The Secretary-General urges the Government to protect the rights of all persons belonging to ethnic and religious minorities and to address all forms of discrimination against them, and to immediately and unconditionally release all those imprisoned for exercising their right to freedom of religion or belief.

78. The Secretary-General calls upon the Government to ratify the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

79. The Secretary-General welcomes the engagement of the Islamic Republic of Iran with the human rights treaty bodies and calls upon the Government to follow up on the concluding observations of all treaty bodies and recommendations of special procedures, and to engage in a dialogue and cooperate with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

80. The Secretary-General encourages the Government to continue its increasing constructive engagement with OHCHR in following up on all recommendations made in the previous and present reports, and those of international human rights mechanisms, including the universal periodic review.