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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 74/167, in which the Assembly requested the Secretary-General to submit an interim report on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council at its forty-third session. The present report contains information on the patterns and trends in that regard, the progress made in the implementation of resolution 74/167 and recommendations to improve implementation of the resolution.

* 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 74/167, in which the Assembly requested the Secretary-General to submit an interim report on the situation of human rights in the Islamic Republic of Iran to the Human Rights Council at its forty-third session. The present report contains information collected up to the time of its completion, on 12 November 2019, including from the Government of the Islamic Republic of Iran, non-governmental and media organizations and individuals interviewed by the Office of the United Nations High Commissioner for Human Rights (OHCHR), including victims of human rights violations and their families and lawyers. The report also draws on observations of the human rights treaty bodies and the special procedures of the Human Rights Council.

2. Since the issuance of the most recent report of the Secretary-General to the General Assembly,¹ the Government has continued to engage with OHCHR and United Nations human rights mechanisms. In November 2019, a delegation led by the Secretary of the High Council for Human Rights actively participated in the review of the Islamic Republic of Iran in the context of the third cycle of the universal periodic review process.

3. The death penalty continued to be applied, including for child offenders, despite an overall decline in executions following the amendment to the drug trafficking law in 2017. The authorities continued to impose national security-related charges and lengthy prison sentences on individuals who expressed dissent, such as human rights defenders, lawyers, labour rights activists, journalists and artists. A deterioration of fair trial guarantees was also observed. OHCHR continued to receive reports of torture and arbitrary detention and information on persistent discrimination against women and girls and members of minorities.

4. OHCHR has received reports on the impact of economic sanctions on the enjoyment of human rights. They appear to be affecting all sectors of society, with a disproportionate impact on women, children and those who are most vulnerable, including low-income families, victims of natural disasters, migrants and refugees.

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

A. Death penalty and right to a fair trial

1. Use of the death penalty

5. The Secretary-General remains concerned by the high rate of application of the death penalty in the Islamic Republic of Iran. Under article 6 of the International Covenant on Civil and Political Rights, States parties that have not abolished the death penalty should only impose it for the most serious crimes, which the Human Rights Committee has consistently interpreted as crimes involving intentional killing.² The death penalty continues to be applied in cases of adultery and consensual same-sex intercourse and for offences that are vague in scope, such as *efsad-e fel-arz* (spreading corruption on Earth), thereby granting judges wide-ranging interpretative powers.

6. Information received by OHCHR indicates that at least 211 executions were carried out between 1 January and 10 October 2019, including 12 publicly. The number of executions remained significantly lower in that period, compared with the period preceding the enforcement of the amendments made in 2017 to the drug-trafficking law. However, the overall number of executions remained high, with 20 more executions reportedly carried

¹ A/74/273.

² Human Rights Committee, general comment No. 36 (2018) on the right to life, paras. 5 and 35.

out between 1 January and 10 October 2019, compared with the same period in 2018. Seven individuals were executed for *moharebeh* (taking up arms to take lives or property and to create fear in the public) or *efsad-e fel-arz*.

2. Execution of child offenders

7. It is of grave concern that child offenders remain subject to the death penalty. Under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to which the Islamic Republic of Iran is a State party, its imposition is absolutely prohibited for individuals convicted of crimes committed while under the age of 18, without exception. Nevertheless, the Penal Code retains the death penalty for girls as young as 9 and boys as young as 15 lunar years of age in cases in which the child is convicted of *qisas* (retribution in kind) or *hudud* crimes (punishments mandated by God under sharia law), such as homicide or adultery. In cases of *qisas*, the victim's next of kin has the right to forgive the defendant, accept a *diya* (blood money) as compensation or request the death penalty. The Government has noted that its general policy is to encourage reconciliation between the victim's next of kin and the defendant and that it provides cash assistance should a family lack the means to pay the *diya*.

8. In 2019, two 17-year-old boys, one of whom reportedly had an intellectual disability, were executed.³ The execution of those boys contradicts the assertion by the Government that alleged offenders are not executed as children, but as adults.⁴ Notwithstanding a decline compared with 2018, when at least seven child offenders were executed,⁵ at least 90 child offenders remained on death row at the time of reporting, with several at risk of imminent execution.⁶

9. Under article 91 of the Penal Code, child offenders may be exempted from the death penalty if a judge concludes that they did not realize the nature of the crime or if there is uncertainty as to their mental development.⁷ As the Secretary-General noted previously, United Nations human rights mechanisms have highlighted significant deficiencies with article 91 of the Penal Code and its application.⁸ Of particular concern is the discretion left to judges in applying article 91,⁹ including whether to request a forensic specialist assessment of the maturity of the accused and when to do so, sometimes requesting it years after the alleged offence,¹⁰ and to use any other method deemed appropriate to assess the mental development of the accused. Moreover, the Penal Code does not define what constitutes the non-realization of the nature of the crime, nor does it define or provide the criteria for assessing "mental development", which increases the risk of arbitrary decision-making.¹¹

3. Right to a fair trial

10. The Secretary-General remains concerned by reports indicating instances of denial of the right to a fair trial, including in cases in which the accused is charged with crimes punishable by the death penalty. OHCHR has received multiple reports of lack of access to lawyers and of lack of access to information about charges for both defendants and their lawyers, arrest and detention without charge and convictions based on confessions extracted under torture. On 9 September 2019, the Working Group on Arbitrary Detention noted that, from the communications it had received regarding arbitrary detention concerning the Islamic Republic of Iran, such cases followed a pattern of arrest and ensuing

³ A/74/273, para. 10.

⁴ A/HRC/40/67, para. 56.

⁵ A/74/273, para. 9.

⁶ *Ibid.*, para. 7.

⁷ A/HRC/40/67, para. 60.

⁸ A/74/273, para. 8; CRC/C/IRN/CO/3-4; and A/HRC/40/67, sect. III.E.

⁹ See CRC/C/IRN/CO/3-4; and A/HRC/40/67.

¹⁰ A/HRC/40/67, para. 64.

¹¹ See A/HRC/40/67.

proceedings that did not comply with international due process guarantees, including the right to a fair trial.¹²

11. The recently introduced changes, which have been reported, modifying the requirement of an in-person appeal hearing are a cause for concern. According to article 450 of the Code of Criminal Procedure, the presence of the accused during the appeals process is only required in cases in which the punishment is particularly serious. However, in May 2019, due to the limited capacity for holding in-person appeals, the judiciary introduced an amendment leaving it to the discretion of the appeals court whether the accused would be present at proceedings. In July 2019, the Supreme Leader permitted the implementation of the change, although the amendment has yet to be passed by the parliament.¹³ The Government noted that the amendment was proposed to expedite proceedings.

12. In May 2019, an amendment to the Code of Criminal Procedure was proposed that would deny any access to legal representation for 20 days for those accused of national security crimes, terrorism or corruption.¹⁴ In September 2019, the parliamentary judicial and legal committee accepted the amendment, which has yet to be adopted by the parliament.¹⁵

13. Article 14 of the International Covenant on Civil and Political Rights specifies that everyone has the right not to be compelled to testify against oneself or to confess guilt, and article 7 prohibits the use of torture or cruel, inhuman, or degrading treatment. However, as documented in previous reports of the Secretary-General, forced confessions are often used as the basis for convictions.¹⁶ Moreover, they are sometimes broadcast on State television.¹⁷ The reports that legislation has been introduced to the parliament that would prohibit State media and officials from broadcasting confessions during the judicial process are encouraging.¹⁸ In its comments on the present report, the Government indicated that, under article 38 of the Constitution and article 578 of the Islamic Penal Code, torture was strictly prohibited.

4. Arbitrary detention of dual and foreign nationals

14. There are persistent concerns about the situation of dual and foreign nationals who remain imprisoned in the Islamic Republic of Iran, as at 12 November, including Kamran Ghaderi, Robert Levinson, Siamak Namazi, Baquer Namazi, Xiyue Wang and Nazanin Zaghari-Ratcliffe. Iranian-Swedish citizen Ahmadreza Djalali, sentenced to death in October 2017 on espionage charges, was reportedly transferred on 29 July 2019 to an unknown location for approximately 10 days before being returned to Evin Prison. During that time, he was reportedly pressured to confess to further allegations. Mr. Djalali, along with other dual and foreign nationals, including Mr. Ghaderi, have been denied medical treatment, notably for life-threatening conditions.¹⁹ In its comments on the present report, the Government indicated that all these individuals have been provided access to appropriate medical treatment in prison and, when necessary, outside of prison. It also noted that it had initiated an investigation into the disappearance of Mr. Levinson.

15. Although the authorities released two Australian nationals on 5 October 2019, four new cases of dual or foreign nationals detained in the Islamic Republic of Iran have been

¹² A/HRC/WGAD/2019/33, para. 72.

¹³ See <https://snn.ir/003Gkr> (in Farsi).

¹⁴ A/74/273, para. 12.

¹⁵ See https://rc.majlis.ir/fa/legal_draft/show/1061396 (in Farsi).

¹⁶ See A/73/299; A/74/273; and A/HRC/42/40.

¹⁷ A/74/273, para. 23.

¹⁸ See www.irna.ir/news/83541323/ (in Farsi);

https://twitter.com/mah_sadeghi/status/1191325928942649345 (in Farsi); and www.al-monitor.com/pulse/originals/2019/11/iran-abolish-confessions-broadcast-state-tv-legislation.html.

¹⁹ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24813&LangID=E; and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24572&LangID=E.

reported since May 2019.²⁰ In October 2019, the Working Group on Arbitrary Detention noted that, in its 28-year history, it has adopted 40 opinions in relation to the Islamic Republic of Iran, which indicates a systematic problem of arbitrary detention.²¹

5. Situation of environmentalists

16. The Secretary-General remains concerned about the continued detention in Evin Prison of eight environmentalists of the Persian Wildlife Heritage Foundation.²² Although the most serious charge of “corruption on Earth” – punishable by death – which was levied against four of them, was dropped,²³ two are facing a further charge of “gaining income by additional means”. Of particular concern is that one individual faces that charge for income earned working for the United Nations. The hearings in all cases concluded in October 2019, and a verdict was forthcoming as at 12 November. Nevertheless, the Secretary-General is encouraged that access to medical care, including outside prison, was permitted when it was requested on one occasion, in the case of Morad Tahbaz.

B. Situation of human rights defenders and lawyers

17. According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), it is the State’s responsibility to transfer prisoners requiring specialized treatment or surgery to specialized institutions or to civil hospitals.²⁴ Clinical decisions cannot be overruled or ignored by non-medical prison staff.²⁵ The situation of detained human rights defenders, including reports that prison authorities have been blocking urgent medical treatment for Arash Sadeghi, Saeed Shirzad and Narges Mohammadi, is worrying.

18. Mr. Sadeghi was still being refused specialist medical examinations, despite a serious infection that developed after officials prematurely returned him to Rajaei Shahr Prison following surgery related to bone cancer.²⁶ He was scheduled to receive care outside prison each month from June to October 2019, but prison authorities prevented him from attending appointments. One of his arms is reportedly discoloured and immobile, and his doctors warned that, without ongoing treatment, his cancer could spread. The Government denied those claims and provided a detailed account of the specialized medical treatment that Mr. Sadeghi received for his cancer, including in November 2019, without providing information on his infection. Mr. Shirzad, a children’s rights defender imprisoned in Rajaei Shahr Prison, has been denied medical treatment for serious kidney and eye conditions and was not allowed treatment outside prison. The Government indicated that Mr. Shirzad was granted furlough to seek medical treatment and returned to prison in October 2019. Ms. Mohammadi, detained in Evin Prison, has reportedly been denied access to medical treatment.²⁷ She has also been prevented from contacting her children since August 2019. The Government indicated that she was provided access to medical treatment within the prison.

²⁰ See www.theguardian.com/australia-news/2019/sep/14/kylie-moore-gilbert-named-as-australian-british-academic-jailed-in-iran-since-2018; www.diplomatie.gouv.fr/en/country-files/iran/news/article/iran-situation-of-roland-marchal-q-a-from-the-press-briefing-16-oct-19; and www.reuters.com/article/us-mideast-iran-france/france-demands-iran-release-two-of-its-citizens-held-since-june-idUSKBN1WU2XZ.

²¹ See A/HRC/WGAD/2019/51.

²² A/74/273, para. 15.

²³ See <https://plus.irna.ir/news/83515698/> (in Farsi).

²⁴ Nelson Mandela Rules, rule 27 (1).

²⁵ *Ibid.*, rule 27 (2).

²⁶ A/74/273, para. 34; and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24813&LangID=E.

²⁷ See A/74/273; www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24813&LangID=E; and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24073&LangID=E.

19. On 8 October 2019, two human rights defenders imprisoned in Evin Prison, Mohammad Habibi and Farhad Meysami, released an open letter detailing restrictions imposed on detainees by the new director of the prison that are contrary to Iranian law and prison regulations. The restrictions include the denial of telephone contact, family visits and reading material. Both men have been denied family visits for publishing the letter. Mr. Meysami was reportedly transferred to Rajae Shahr Prison on 9 November 2019. On 10 August 2019, the appeals court upheld his six-year prison sentence on charges stemming from his peaceful protests against compulsory veiling.

20. Human rights defenders continued to be sentenced for defending the human rights of others. On 5 September 2019, the convictions of Atena Daemi and Golrokh Iraee were upheld. They will serve a further two years and one month in prison allegedly due to their comments regarding prison conditions and the execution of prisoners of conscience. Ms. Daemi remains imprisoned on previous convictions for defending human rights. She has reportedly not received appropriate medical care for a diagnosed tumour. According to reports, Ms. Iraee, who had been released on bail on 8 April 2019,²⁸ was rearrested on 9 November 2019. On 30 September 2019, an appeals court upheld the one-year prison sentence of Shahnaz Akmali, despite concerns that she was forced to confess under duress with no lawyer present. Her conviction and sentence relate to her campaign to seek justice for the killing of her son during the 2009 protests.

21. The Secretary-General remains deeply concerned about the repression of human rights defenders. He notes with concern the sentences imposed on Yasaman Aryani, Monireh Arabshahi and Mojgan Keshavarz, three human rights defenders arrested in April 2019 for protesting compulsory veiling laws on 8 March 2019, as one such example.²⁹ Ms. Keshavarz was sentenced to 23 years and six months' imprisonment, and Ms. Aryani and Ms. Arabshahi were each sentenced to 16 years' imprisonment.

22. On 1 June 2019, Saba Kord Afshari was arrested due to a video of her protesting against compulsory veiling, which appeared on the social media account of the founder of the "My stealthy freedom" campaign, Masih Alinejad. Ms. Afshari was interrogated on multiple occasions with threats that her family would be harassed if she did not record a confession. She was held in solitary confinement for 11 days and reportedly forcibly disappeared for 12 days in July. In August, she was convicted on morality and national security charges. The Government confirmed that she will serve 15 years in prison. Close relatives of women's rights defenders are also harassed, and some have been arrested. On 24 September 2019, Ms. Alinejad's brother was arrested at his home in Tehran and taken to an unknown location for questioning about his sister's activities.³⁰

23. Human rights lawyers Nasrin Sotoudeh, Mohammad Najafi and Amirsalar Davoudi remain imprisoned for charges stemming from their representation of members of marginalized groups and human rights defenders.³¹

C. Right to freedom of opinion and expression, the right to freedom of peaceful assembly and association and the right to privacy

1. Prohibition of independent trade unions

24. Only State-sanctioned trade unions are officially recognized.³² The prohibition of independent trade unions creates a monopolistic system of representation in labour relations and is contrary to the obligations of the Islamic Republic of Iran under article 22 of the

²⁸ A/74/273, para. 38.

²⁹ *Ibid.*, para. 37.

³⁰ See www.hrw.org/news/2019/10/02/joint-letter-arrests-activists-relatives-iranian-government; www.amnesty.org/en/latest/news/2019/09/iran-family-of-womens-rights-activist-arrested-in-despicable-attempt-to-intimidate-her-into-silence/; and www.dw.com/en/iran-detains-family-members-of-womens-rights-activist-masih-alinejad/a-50593709.

³¹ A/74/273, paras. 31–32.

³² A/74/273, paras. 18–19.

International Covenant on Civil and Political Rights and article 8 of the International Covenant on Economic, Social and Cultural Rights. The Islamic Republic of Iran has not yet ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), or the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), of the International Labour Organization (ILO), but the Government indicated that a tripartite feasibility study was under way to assess the possibility of joining the conventions.

2. Restrictions on strikes

25. The Secretary-General is concerned by the reported use of excessive force to suppress industrial action and the detention and ill-treatment of labour rights activists. On 16 September 2019, in Arak, 28 workers from the Heavy Equipment Production Company³³ were arrested and several injured by security forces during protests. The Government confirmed an unspecified number of arrests but noted that no workers were detained. In August, the workers suspended a four-day protest after the authorities committed to resolving the non-payment of six months' wages and their concerns about the privatization of the company. On 3 September and 6 October 2019, in Arak, workers at AzarAb Industries protested the non-payment of wages and the planned privatization of the company. On 20 October 2019, riot police used excessive force, injured protestors and arrested 21 workers there.³⁴

26. It is alleged that those industrial disputes arose from the Iranian Privatization Organization engaging in corrupt practices in privatizing Government-owned companies and failing to address the protection of the rights to wages and employment. In 2019, workers in other industries throughout the Islamic Republic of Iran, including oil and gas, railways, shipping, forestry and education, reportedly protested against the non-payment of wages, dismissals and denial of benefits. At the end of June 2019, 1,193 firms were reportedly delaying the payment of wages, and 130,413 workers had been unpaid for several months.³⁵

27. OHCHR continued to receive reports of the harassment, arbitrary detention and ill-treatment of labour rights activists. On 7 September 2019, Esmail Bakhshi and Mohammad Khanifar, workers and labour rights activists at the Haft Tappeh Sugar Mill, and Sepideh Qolliyan, a supporter of the workers, were convicted on national security-related charges. Mr. Bakhshi was sentenced to 14 years' imprisonment and 74 lashes, and Mr. Khanifar and Ms. Qolliyan were sentenced to 6 and 18 years' imprisonment, respectively. On 8 September 2019, official sources reported that the head of the judiciary had ordered a review of those decisions, which remained pending as at November 2019.³⁶ Ms. Qolliyan and Mr. Bakhshi were released after posting a large sum as bail in late October 2019.³⁷ In November 2019, Mr. Khanifar was released on bail.³⁸ In recordings that she managed to release while in prison, Ms. Qolliyan stated that the authorities had again tried to force her to confess and that intelligence officials had interrogated her sister. Several workers at the Haft Tappeh Sugar Mill have been arrested for protesting against the privatization of the mill and the consistent failure to pay wages over the past three years. At least 40 labour rights activists at the Haft Tappeh Sugar Mill have been arrested in connection with

³³ See <https://en.radiozamaneh.com/labor/>; www.ilna.ir/fa/tiny/news-810476 (in Farsi); <https://kargaronline.ir/fa/news-details/73668/> (in Farsi); www.donya-e-eqtasad.com/fa/tiny/news-3573090 (in Farsi); and www.ilna.news/fa/tiny/news-810897 (in Farsi).

³⁴ See www.industrial-union.org/industrial-demands-release-of-21-workers-in-iran.

³⁵ See <https://en.radiozamaneh.com/labor/>.

³⁶ See <https://en.radiozamaneh.com/labor/>; www.mizanonline.com/fa/news/548157/ (in Farsi); www.hrw.org/news/2019/09/10/iran-draconian-sentences-rights-defenders; and www.isna.ir/news/98061708524/ (in Farsi).

³⁷ See <https://apnews.com/41a21eee75134afcb5f00a22608bbbe3>; <https://en.radiozamaneh.com/29852/>; <https://apnews.com/d4f71ec02d514fa49eb6764324dbe45c>; <http://fna.ir/dd3z98> (in Farsi); www.isna.ir/news/98080402268/ (in Farsi); and www.ilna.news/fa/tiny/news-702592 (in Farsi).

³⁸ See www.fidh.org/en/issues/human-rights-defenders/iran-release-on-bail-of-6-hrds; www.omct.org/human-rights-defenders/urgent-interventions/iran/2019/10/d25577/; and www.irna.ir/news/83510580/ (in Farsi).

industrial action over the past three years.³⁹ Other labour rights activists, including Neda Naji, Atefeh Rangriz and Anisha Asadollahi, were also reportedly arrested and imprisoned in 2019.

28. While welcoming the release on bail of some labour rights activists and the review of their sentences, the Secretary-General remains concerned about the use of national security charges and lengthy prison sentences in reaction to peaceful activities in defence of workers' rights.

3. Freedom of expression online and the right to privacy

29. The Government continued to tightly control access to information online, including by blocking access to social media and messaging platforms. The suspension of foreign-based online services may push people to use local platforms promoted by the Government under the National Information Network, a domestic-only network using Internet protocols and infrastructure hosted in the Islamic Republic of Iran. This raises privacy concerns, given that local platforms facilitate the monitoring of online activity and the blocking of websites. It is also feared that the increased use of the Network could make it easier for the Government to cut off access to the global Internet.⁴⁰ Internet access disruptions were reported in June and August 2019. The Government indicated that blocking access to social media platforms is aimed at preventing terrorist and immoral activity in cyberspace.

30. Sanctions are also having an impact on access to online information and technology. In August 2019, three major cloud services companies suspended services in the Islamic Republic of Iran to ensure compliance with applicable sanctions.⁴¹ The suspension of the services of the largest such provider, which hosts the majority of alternative tools such as virtual private networks,⁴² could further restrict online privacy and safety.

31. The personal data protection and safeguarding bill currently under review in the parliament requires significant changes to comply with international standards for data protection, including basic principles such as ensuring that data is processed lawfully, for specific purposes and is handled based on informed consent or another legitimate legal basis.⁴³

4. Arrest, detention and harassment of journalists, writers and artists for the peaceful expression of opinions

32. OHCHR continued to receive reports of the arbitrary arrest and detention of journalists. On 7 September 2019, four journalists from the news service Gaam were sentenced to 18 years' imprisonment on national security-related charges⁴⁴ in relation to their reporting on labour rights and other social issues. On 8 September 2019, the head of the judiciary appeared to have ordered a review of the decision, which was pending in November 2019.⁴⁵ In the interim, the Gaam journalists were released on bail, in October and November 2019.⁴⁶ *Shargh* newspaper journalist Marzieh Amiri was reportedly detained for covering the protests of 1 May 2019 and inquiring about arrested protestors.⁴⁷ She was

³⁹ See https://t.me/syndica_7tape/2117 (in Farsi); <https://t.me/kargarane7tape/563> (in Farsi).

⁴⁰ See www.article19.org/data/files/The_National_Internet_AR_KA_final.pdf; and www.irna.ir/news/83485967/ (in Farsi).

⁴¹ See <https://thenextweb.com/dd/2019/10/24/the-iranian-developer-deadlock-stuck-between-censorship-and-us-sanctions/>.

⁴² See A/74/273.

⁴³ See General Assembly resolution 45/95; and E/CN.4/1990/72.

⁴⁴ See www.amnesty.org/en/latest/news/2019/09/iran-prison-and-flogging-sentences-for-seven-journalists-and-activists-disgraceful-injustice/; https://t.me/syndica_7tape/2217; and www.isna.ir/news/98061708561/ (in Farsi).

⁴⁵ See www.hrw.org/news/2019/09/10/iran-draconian-sentences-rights-defenders; and www.mizanonline.com/fa/news/548157/ (in Farsi).

⁴⁶ See <https://en.radiozamaneh.com/29852/>; www.radiozamaneh.com/472265 (in Farsi); and www.ilna.news/fa/tiny/news-827636 (in Farsi).

⁴⁷ See www.amnesty.org/download/Documents/MDE1306632019ENGLISH.pdf; <https://plus.irna.ir/news/83378584/> (in Farsi); and <https://plus.irna.ir/news/83324087/> (in Farsi).

taken to a secret location for one week and was then held in Evin Prison in solitary confinement and interrogated by Ministry of Intelligence officials for 35 days. On 25 August 2019, it was reported that Ms. Amiri was convicted of national security-related charges and sentenced to 10 and a half years' imprisonment and 148 lashes.⁴⁸ She was released after posting bail on 26 October 2019, pending her appeal.⁴⁹ On 2 June 2019, journalist Masoud Kazemi was sentenced to four and a half years' imprisonment, of which he must serve two years, and was barred from working in journalism for two years.⁵⁰

33. The detention and imprisonment of artists and other cultural workers is restricting the right to freedom of opinion and expression. In August 2019, an appeals court upheld the conviction and sentence of 10 years' imprisonment for cultural worker Aras Amiri⁵¹ on national security-related charges. The charges related to her work with the British Council promoting Iranian culture, which in several cases was undertaken with the approval of the Ministry of Culture and Islamic Guidance. Filmmaker Mohammad Rasoulof has appealed a one-year prison sentence for "propaganda against the State" issued on 20 July 2019.⁵² His conviction and sentence, including a ban on membership in political organizations and on leaving the Islamic Republic of Iran, stems from his films exploring social issues.⁵³ On 3 July 2019, convictions were upheld against musicians Nikan Khosravi and Arash Ilkhani on anti-State charges. Mr. Khosravi was sentenced to 12 and a half years' imprisonment and 74 lashes for charges including "disturbing public opinion through the production of music containing anti-regime lyrics".⁵⁴ Mr. Ilkhani was sentenced to two years' imprisonment and a suspended sentence.⁵⁵

34. Reports of individuals arrested for peacefully expressing political opinions are of serious concern. On 11 June 2019, 14 individuals published an open letter calling for constitutional reform and the resignation of the Supreme Leader. Ten of the signatories were reportedly arrested. On 9 August 2019, 14 women reportedly signed a letter in support of those arrested and raising concerns about the women's rights record in the Islamic Republic of Iran. Seven signatories were arrested and face prosecution on charges including "propaganda against the State" and "disturbing public order". They were interrogated without a lawyer, denied medical treatment and forced to confess under duress.

D. Situation of women and girls

35. Discrimination against women in law and in practice remains widespread, notably with regard to marriage, divorce, child custody, freedom of movement, employment and access to political functions. The Secretary-General notes some progress in legislation that has an impact on women's human rights and welcomes the latest amendment to the nationality law, ratified in October 2019,⁵⁶ allowing children born to Iranian mothers and non-Iranian fathers to acquire Iranian nationality. A government survey conducted in 2017

⁴⁸ See <https://cpj.org/2019/08/iran-sentences-journalist-marzieh-amiri-to-105-yea.php>; and www.ilna.news/fa/tiny/news-801530 (in Farsi).

⁴⁹ See <https://twitter.com/AmnestyIran/status/1190308171690258434>; and www.ilna.news/fa/tiny/news-827636 (in Farsi).

⁵⁰ See www.washingtonpost.com/opinions/2019/05/28/slow-death-journalism-iran/?arc404=true; and www.irna.ir/news/83429693/ (in Farsi).

⁵¹ See www.theguardian.com/world/2019/aug/20/iran-rejects-appeal-against-uk-resident-aras-amiri-jail-sentence; www.britishcouncil.org/contact/press/iran-statement-chief-executive-british-council-sir-ciaran-devane; www.irna.ir/news/83513885/ (in Farsi); and www.irna.ir/news/83453238/ (in Farsi).

⁵² See www.lemonde.fr/international/article/2019/07/24/le-realisateur-iranien-mohammad-rasoulof-condamne-a-un-an-de-prison_5493083_3210.html (in French); www.lemonde.fr/international/article/2019/08/06/le-cineaste-iranien-mohammad-rasoulof-je-suis-boycotte_5497062_3210.html (in French); and www.baharnews.ir/news/183313 (in Farsi).

⁵³ Ibid.

⁵⁴ See <https://consequenceofsound.net/2019/07/iranian-band-confess-prison-sentence-lashes-playing-metal/>; and <https://loudwire.com/iran-confess-sentenced-prison-metal/>.

⁵⁵ Ibid.

⁵⁶ See www.hrw.org/news/2019/10/03/reforms-will-grant-nationality-children-iranian-women; and <https://en.irna.ir/news/83500806/>.

indicated that 49,060 children were deprived of official identity documents, mostly because they were born to non-Iranian fathers.⁵⁷ However, the number of undocumented children could reportedly be much higher.⁵⁸

36. The Secretary-General remains concerned about the slow progress and reported dilution of the provisions in the parliamentary bill on the protection of women against violence, which was submitted to the Government by the judiciary on 16 September 2019.⁵⁹ Critical articles were reportedly removed from the initial proposal of the Executive,⁶⁰ including provisions protecting women from various forms of violence and criminalizing domestic violence. Swift adoption of legislation consistent with international standards is crucial, given that, according to a State Welfare Organization survey conducted in 28 of the 30 provinces, 60 per cent of women have experienced domestic violence.⁶¹

37. The legal marriage age remains 13 years of age for girls and 15 years of age for boys, and girls as young as 9 can be married with the consent of their father and a judge.⁶² According to the National Organization for Civil Registration, over 30,000 marriages involving girls between the ages of 10 and 14 were registered between March 2018 and March 2019, including 209 marriages involving girls under the age of 11.⁶³ The actual number is likely to be higher, because many child marriages are unregistered. As noted by international mechanisms, including the Committee on the Rights of the Child,⁶⁴ child marriage constitutes a threat to the physical and mental integrity of children and runs counter to the fundamental human rights guaranteed under the Convention on the Rights of the Child. The Government expressed the view that setting the minimum age of marriage regardless of the cultural context would increase unregistered marriages.

38. On 23 October 2019, the Guardian Council ratified the Law to increase punishment for acid attack crimes and support for victims.⁶⁵ According to the Association of Support for Acid Violence Victims, over 50 acid attacks are recorded each year, and 57 per cent of the victims are women and girls.⁶⁶ Although the new law enhances accountability by allowing courts to impose heavier sentences on the perpetrators, the possibility of sentencing them to death, as set out in the law, is of concern.

39. There have been some positive developments related to women's right to participate in public affairs. According to the Vice-President for Women and Family Affairs of the Islamic Republic of Iran, 67 women held senior executive posts in the Government in 2019, compared with 32 in 2017, representing 5.5 per cent of senior executives in the Government. Although some progress has been made, the limited representation of women in institutions, such as the parliament (8.8 per cent), city councils (7.17 per cent) and village councils (3 per cent),⁶⁷ indicates that major impediments to the political participation of women persist. The 31 governors-general at the provincial level are all men, and, of 1,200 cities, only 8 have women serving as mayors.⁶⁸ In April 2019, the parliament rejected two plans of the women's fraction of the parliament to increase the number of female parliamentarians through the implementation of a quota for female candidates in the upcoming election.⁶⁹

⁵⁷ See www.irna.ir/news/83171910/.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ See <https://en.radiofarda.com/a/new-watered-down-draft-law-on-violence-against-women-in-iran/30173089.html>; and www.isna.ir/news/98071612729/ (in Farsi).

⁶¹ See (warning: the following link leads to a page containing a graphic image) www.ion.ir/News/428048.html (in Farsi).

⁶² Civil Code of the Islamic Republic of Iran, article 1041.

⁶³ See www.sabteahval.ir/avej/tab-1499.aspx (in Farsi).

⁶⁴ CRC/IRN/CO/3-4, para. 28.

⁶⁵ See www.irna.ir/news/83532688/ (in Farsi).

⁶⁶ See www.khabaronline.ir/news/1262105 (in Farsi).

⁶⁷ See www.isna.ir/news/97020905428/ (in Farsi).

⁶⁸ See www.isna.ir/news/97020905428/ (in Farsi).

⁶⁹ See www.irna.ir/news/83283778 (in Farsi).

E. Situation of minorities

40. The Government consistently indicates that fundamental rights are recognized for all Iranian citizens regardless of ethnic and religious affiliation, in compliance with articles 13, 19 and 20 of the Constitution. OHCHR has received reports describing discrimination faced by members of ethnic and religious minorities, in particular those minorities that are not recognized under the Constitution. Members of minorities continued to be subjected to arbitrary arrest and detention for engaging in peaceful advocacy for their rights and to arbitrary deprivation of life, with a disproportionate number of executions on national security-related charges affecting them.⁷⁰ In its comments on the present report, the Government objected to the use of the term “minorities”, noting that it did not reflect the ancient, multi-ethnic nature of Iranian society. The Government affirmed that it ensures the rights of all Iranians and that the attribution of criminal offending is not related to a person’s ethnic or religious background.

41. Kurds charged with national security offences represent nearly half of all political prisoners in the Islamic Republic of Iran, with 352 Kurds reportedly arrested in the first eight months of 2019. Between 1 January and 31 August 2019, 37 Kurds were executed and 4 were sentenced to death. Between January and the end of May 2019, 82 Azerbaijani-Turk activists were reportedly arrested and sentenced to imprisonment and, in some cases, exiled for several years. In June 2019, an Ahwazi Arab man reportedly died in custody under unknown circumstances, among broader allegations of torture and ill-treatment of Ahwazi Arabs in detention. OHCHR also continued to receive reports of the arrest, detention and sentencing of Baha’is on national security-related charges, with sentences ranging from 1 to 10 years’ imprisonment.

42. Discriminatory practices with respect to employment, education and access to other basic services also continued to affect the rights of minorities. A government directive issued in May 2019 banned individuals from religious minorities from teaching in kindergartens other than those operated by religious minorities. Baha’i business owners also continued to struggle with discriminatory procedures and practices in starting and operating businesses, including forced closures of businesses. Baha’i students face challenges in gaining access to education, with consistent reports of applicants to universities being rejected on the basis of their faith. In September 2019, the Minister of Education publicly declared that students indicating an affiliation with an unrecognized religion could be banned from school for spreading propaganda.⁷¹ In its comments on the present report, the Government noted its commitment to respecting the rights of the Baha’is and underlined their active participation in the economy and prosperity of the Islamic Republic of Iran.

43. The Azerbaijani-Turk community continued to voice concerns about the lack of mother-tongue education,⁷² which also affected other minorities, including the Kurds and Ahwazi Arabs. The Government rejected the allegations, indicating that, under article 15 of the Constitution, the use and teaching of local languages was authorized. OHCHR received reports of the arbitrary arrest of Zahra Mohammadi on 23 May 2019. She is reportedly being held in Sanandaj Prison. Although some reports indicate that her arrest was linked to her teaching of the Kurdish language, the Government rejected the allegations and indicated that she was accused of cooperating with illegal opposition parties. She has reportedly only had access to a lawyer once, and the amount for her bail was arbitrarily increased. The authorities allegedly pressured her to provide a false confession during interrogations and attempted to hold her trial without notifying her lawyers or family.

⁷⁰ A/74/188, para. 29.

⁷¹ See www.forbes.com/sites/ewelinaochab/2019/10/08/in-iran-religious-minority-children-are-to-stay-silent-if-they-want-to-study/; and www.ion.ir/news/499983/ (in Farsi).

⁷² www.irna.ir/news/83404283/ (in Farsi).

F. Impact of economic challenges and sanctions on economic and social rights

44. In previous reports of the Secretary-General, the importance of assessing the human rights situation in the Islamic Republic of Iran also against the backdrop of significant economic challenges, including resource constraints associated with imposed sanctions, has been noted.⁷³ The International Monetary Fund (IMF) estimates the inflation rate for 2019 at 35.7 per cent (consumer price index).⁷⁴ The 63.5 per cent increase in food prices compared with 2018 has contributed to the rise in the overall inflation rate.⁷⁵ In October 2019, IMF downgraded its forecast concerning the economic growth of the country, expecting the gross domestic product to contract by 9.5 per cent instead of the 6 per cent initially forecast.⁷⁶ It nonetheless predicted that the negative economic growth would end in 2020. In August 2019, the Statistical Centre of Iran recorded a 3.3 per cent employment growth, compared with August 2018, indicating a trend towards increased domestic production and a structural adjustment towards non-oil exports.⁷⁷ From May to October 2019, the Central Bank of the Islamic Republic of Iran reported a 40 per cent appreciation of the rial against the dollar.⁷⁸

45. Notwithstanding signs of economic recovery, international trade remains limited under sanctions.⁷⁹ Several financial institutions that had resumed business with the Islamic Republic of Iran in 2016 after the entry into force of the Joint Comprehensive Plan of Action have either suspended business related to the country or restricted transactions to humanitarian trade.⁸⁰ Figures released by the European Commission indicate that, between January and June 2019, European Union countries' exports to the Islamic Republic of Iran dropped by 53 per cent and their imports from the country by 93 per cent, mostly due to sanctions.⁸¹

46. Major international corporations have reportedly halted the export of food supplies to the Islamic Republic of Iran, because they could not conclude new export agreements for food commodities given the restrictions on payments.⁸² The loss in agricultural production caused by the 2019 floods has also contributed to higher food-price inflation, with the concomitant impact on the ability of persons of lower purchasing power to procure necessary foodstuffs.⁸³ Although the import of agricultural commodities is authorized under the sanctions, they do not include the agricultural equipment, pesticides or insecticides necessary for local production.⁸⁴ In September 2019, national households spent 42.7 per cent more on average than the previous year to purchase the same goods and services.⁸⁵ In October 2019, red meat and poultry prices increased by 82.2 per cent, vegetables by 74.2 per cent, fruit and nuts by 67 per cent and cheese, milk and eggs by 45.8 per cent.⁸⁶

⁷³ A/HRC/40/24, para. 28; and A/74/273, para. 59.

⁷⁴ See www.imf.org/en/Countries/IRN.

⁷⁵ See <https://djavadsalehi.com/2019/09/23/good-news-for-iran-from-the-inflation-front/#more-4674>.

⁷⁶ See www.imf.org/en/Publications/WEO/Issues/2019/10/01/world-economic-outlook-october-2019.

⁷⁷ See www.bloomberg.com/opinion/articles/2019-10-25/iran-s-economic-resiliency-makes-talks-more-likely.

⁷⁸ See www.al-monitor.com/pulse/originals/2019/10/iran-central-bank-governor-hemmati-rial-economy.html.

⁷⁹ See <https://djavadsalehi.com/2019/09/23/good-news-for-iran-from-the-inflation-front/#more-4674>.

⁸⁰ See www.reuters.com/article/us-iran-nuclear-food-exclusive/exclusive-global-traders-halt-new-iran-food-deals-as-us-sanctions-bite-sources-idUSKCN1OK1OR.

⁸¹ See <https://en.radiofarda.com/a/iran-s-trade-with-eu-drops-to-one-quarter-of-last-year-/30119417.html>; <https://ec.europa.eu/trade/policy/countries-and-regions/countries/iran/>.

⁸² See <https://uk.reuters.com/article/uk-iran-nuclear-food-exclusive/exclusive-global-traders-halt-new-iran-food-deals-as-u-s-sanctions-bite-sources-idUKKCN1OK1P4>; and www.reuters.com/article/olam-strategy/singapores-olam-to-make-divestments-of-1-6-bln-over-next-few-years-idUSL3N1ZN2VK.

⁸³ See <http://country.eiu.com/article.aspx?articleid=357283419&Country=China&topic=Economy>.

⁸⁴ See <https://ofaclawyer.net/>.

⁸⁵ See www.amar.org.ir/Portals/0/News/1398/shg9806.pdf (in Farsi).

⁸⁶ See www.amar.org.ir/Portals/0/News/1398/shg9807.pdf (in Farsi).

47. The Committee on Economic, Social and Cultural Rights has expressed concern that sanctions often cause significant disruption in the distribution of food, pharmaceuticals and sanitation supplies, jeopardize the quality of food and the availability of clean drinking water, severely interfere with the functioning of basic health and education systems and undermine the right to work.⁸⁷

1. Right to health

48. Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health, as recognized in article 12 of the International Covenant on Economic, Social and Cultural Rights, to which the Islamic Republic of Iran is a party. All health services, goods and facilities must be accessible, acceptable and of good quality and provided to all without discrimination.⁸⁸

49. In 2014, the President introduced the Health Transformation Plan, aimed at achieving universal health coverage by the end of his first term. By 2018, around 95 per cent of Iranians were covered by some form of health insurance. However, the cost of health care for families increased by 22 per cent in urban areas and by 31 per cent in rural areas between October 2018 and October 2019, mostly due to hospitals facing shortages and patients having to purchase medical items normally provided by hospitals.⁸⁹ The 13 per cent increase in the Government's budget for health insurance for the current budget year is insufficient to offset projected inflation. The Government will be required to either increase public allocations to the health sector or limit the services previously foreseen under the plan, with potential harmful consequences for the health of millions of patients.

50. Sanctions and banking restrictions have had an adverse effect on the production, availability and distribution of medicines, pharmaceutical equipment and supplies.⁹⁰ The significant price increases in medicines⁹¹ and the depletion of stocks, combined with the impacts of corruption⁹² and smuggling, will continue to affect the health sector. Hospitals are experiencing shortages of medicines, equipment⁹³ and consumer goods,⁹⁴ placing vulnerable patients with rare or at advanced stages of diseases at greater risk.⁹⁵ The State Welfare Organization indicated it could no longer import items needed to manufacture wheelchairs.⁹⁶

51. Foreign medication has become scarce since 2018, particularly specialized medication required for the treatment of life-threatening or rare conditions, including cancer, heart and blood diseases,⁹⁷ thalassemia and multiple sclerosis.⁹⁸ As noted by the Vice-President for Women and Family Affairs of the Islamic Republic of Iran, 15 children reportedly died of epidermolysis bullosa since companies stopped selling absorbent foam dressing to the Islamic Republic of Iran due to sanctions.⁹⁹ Although the country produces

⁸⁷ Committee on Economic, Social and Cultural Rights, general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights, para. 3.

⁸⁸ See www.ohchr.org/Documents/Publications/Factsheet31.pdf.

⁸⁹ See <https://www.eghtesadonline.com/n/1vpe> (in Farsi).

⁹⁰ See www.isna.ir/news/98050703466/ (in Farsi); <https://edition.cnn.com/2019/02/22/middleeast/iran-medical-shortages-intl/index.html>; and www.nytimes.com/2018/11/11/world/middleeast/iran-sanctions.html.

⁹¹ See <https://financialtribune.com/articles/economy-business-and-markets/93564/impact-of-us-sanctions-on-irans-healthcare-sector>; and www.irna.ir/news/83236255/ (in Farsi).

⁹² See www.al-monitor.com/pulse/originals/2019/01/iran-us-sanctions-rentierism-pharmaceutical-sector-medicine.html.

⁹³ See www.ilna.ir/fa/tiny/news-663910 (in Farsi).

⁹⁴ See www.ilna.ir/fa/tiny/news-673055 (in Farsi).

⁹⁵ See <https://foreignpolicy.com/2019/08/14/u-s-sanctions-are-killing-cancer-patients-in-iran/>.

⁹⁶ See www.ilna.news/fa/tiny/news-809084 (in Farsi).

⁹⁷ See www.mehrnews.com/news/4688345/ (in Farsi).

⁹⁸ See www.ettelaat.com/mobile/?p=107080 (in Farsi).

⁹⁹ See <https://twitter.com/ebtekarm/status/1195073701735206912?s=11>; <https://twitter.com/ebtekarm/status/1193555580985729024?s=11>; and www.presstv.com/Detail/2019/11/10/610842/Iran-US-sanctions-EB-patients.

97 per cent of the medicines used therein,¹⁰⁰ it relies on the import of raw materials for their production. European pharmaceutical exports to the Islamic Republic of Iran have plummeted due to sanctions. From 2017 to 2018, Swiss and French pharmaceutical exports to the country dropped by 30 and 25 per cent, respectively.¹⁰¹ Of the 433 imported types of drug, between March and November 2018,¹⁰² before the imposition of sanctions, 240 were on the Model List of Essential Medicines of the World Health Organization (WHO).¹⁰³ Between September 2018 and June 2019, imports of medical supplies fell by 60 per cent.¹⁰⁴ According to the country's Food and Drug Administration, the pharmaceutical items in shortage had been reduced to 20 as at July 2019.¹⁰⁵ However, the absence of stable import flows disrupts supply chains,¹⁰⁶ hindering domestic production of pharmaceutical items¹⁰⁷ and threatening health sector employment, potentially affecting over 125,000 individuals.¹⁰⁸

52. On 12 October 2019, the Minister of Health expressed concerns¹⁰⁹ about the consequences on patients of importers being compelled to purchase alternative pharmaceuticals and equipment of lower quality.¹¹⁰ According to reports received by OHCHR, the expiration dates of medical items are often extended by medical staff¹¹¹ and quota units of medicines reduced against medical advice for patients with less severe conditions.¹¹² Insurance companies are increasingly refusing to cover the growing cost of foreign medicines.¹¹³ Public insurance is unable to absorb the increasing cost of cancer-related treatment, which often relies on high-tech equipment and technology.¹¹⁴ According to the president of the Mahak Pediatric Cancer Treatment and Research Centre,¹¹⁵ a non-profit charitable organization which has treated over 30,000 children with cancer since 1991, cancer medicines are among the imported drugs that have become scarce and expensive.¹¹⁶ The Centre experienced critical shortages of chemotherapy medication, including asparaginase and mercaptopurine, both on the WHO Model List of Essential Medicines for Children¹¹⁷ as required for the treatment of leukaemia, the leading childhood cancer in the Islamic Republic of Iran. The president of the Centre underscored that the situation would inevitably lead to a decrease in the survival rate of children with cancer.¹¹⁸

2. Humanitarian aid

53. On 3 October 2018, the International Court of Justice issued an order on provisional measures in the case concerning Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (*Islamic Republic of Iran v. United States of America*). The case stems from the decision of the United States of 8 May 2018 to reinstate restrictive measures and sanctions against Iranian companies.¹¹⁹ The Court determined that disregard of certain Iranian rights under the Treaty might entail irreparable consequences,

¹⁰⁰ See <https://ifpnews.com/iran-producing-97-of-medicines-it-needs-domestically>.

¹⁰¹ See <https://foreignpolicy.com/2019/08/14/u-s-sanctions-are-killing-cancer-patients-in-iran/>.

¹⁰² See www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health.

¹⁰³ See www.who.int/medicines/publications/essentialmedicines/en/.

¹⁰⁴ See www.bbc.com/news/world-middle-east-49051782.

¹⁰⁵ See www.isna.ir/news/98050703466/ (in Farsi).

¹⁰⁶ See www.tehrantimes.com/news/439394/IRCS-Sanctions-hindering-pharma-raw-materials-import.

¹⁰⁷ See <https://foreignpolicy.com/2019/08/14/u-s-sanctions-are-killing-cancer-patients-in-iran/>.

¹⁰⁸ Ibid.

¹⁰⁹ See <http://behdasht.gov.ir/?siteid=1&pageid=1508&newsview=195932> (in Farsi).

¹¹⁰ See www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health.

¹¹¹ Ibid.

¹¹² See www.ilna.news/fa/tiny/news-803879 (in Farsi).

¹¹³ Ibid.

¹¹⁴ See www.ncbi.nlm.nih.gov/pmc/articles/PMC6110432/.

¹¹⁵ See <https://mahak-charity.org/main/index.php/en/>.

¹¹⁶ See <https://farsi.euronews.com/2019/07/30/iran-struggles-with-medicines-crisis> (in Farsi).

¹¹⁷ See <https://apps.who.int/iris/bitstream/handle/10665/325772/WHO-MVP-EMP-IAU-2019.07-eng.pdf?ua=1>.

¹¹⁸ See www.sciencedirect.com/science/article/pii/S1470204518307514?via%3Dihub.

¹¹⁹ See www.icj-cij.org/files/case-related/175/175-20181003-PRE-01-00-EN.pdf.

specifically, that they might endanger human life and health. The Court ordered the United States, *inter alia*, to remove measures that impeded exportation to the Islamic Republic of Iran of (i) medicines and medical devices; (ii) foodstuffs and agricultural commodities; and (iii) equipment and services for the safety of civil aviation. Furthermore, the Court ordered both States to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve. Proceedings in this case were ongoing as at November 2019.¹²⁰

54. Since November 2018, the United States has maintained that existing exceptions, authorizations, and licensing policies for humanitarian-related transactions and safety of flight would remain in effect under the applicable sanctions regime.¹²¹ The complex regulatory process and due diligence requirements, limited access to non-sanctioned banking services and shortages of foreign currency have combined to limit the possibility of payments to foreign companies, including for humanitarian transactions.¹²² The private sector has demonstrated overcompliance,¹²³ to avoid potential penalties, reputational damage and liability associated with conducting business with the Islamic Republic of Iran. For most banks, even licensed humanitarian organizations would not generate sufficient profit to justify the risks of engagement with the country.

55. The designation, in September 2019, of the Central Bank of the Islamic Republic of Iran¹²⁴ on the Specially Designated Nationals and Blocked Persons List of the United States Treasury, for financing of foreign groups, blocked in practice the only entity able to provide the foreign currency needed to import humanitarian items. In parallel, United States officials announced the establishment of a humanitarian channel in exchange for a commitment by banks to enhance their due diligence.¹²⁵ The requirements imposed on financial institutions for information on customers and intermediaries, as well as for monthly statements of correspondents' accounts,¹²⁶ raise concerns that banks will either be reluctant to provide the required information or may be unable to do so.¹²⁷ According to experts, the measure may further obstruct the ability to purchase food and medicine.¹²⁸

56. The Secretary-General remains concerned that banking restrictions hamper United Nations and humanitarian operations in the Islamic Republic of Iran. The Iranian Red Crescent Society confirmed¹²⁹ that it had been unable to receive overseas donor funding¹³⁰ or funding from the International Federation of Red Cross and Red Crescent Societies,¹³¹ including 3 million euros of pledged cash assistance.¹³² The impact was particularly visible in the context of the March 2019 floods,¹³³ which left 10 million people dependent on

¹²⁰ See www.icj-cij.org/files/case-related/164/164-20190213-SUM-01-00-EN.pdf; and www.icj-cij.org/files/case-related/164/164-20190215-PRE-01-00-EN.pdf.

¹²¹ See www.state.gov/remarks-to-the-media-3/.

¹²² See www.bourseandbazaar.com/news-1/2019/10/29/us-sanctions-threaten-iranians-right-to-health-hrw.

¹²³ See www.ipinst.org/wp-content/uploads/2019/06/1906_Sanctions-and-Humanitarian-Action.pdf.

¹²⁴ See <https://home.treasury.gov/news/press-releases/sm780>.

¹²⁵ See <https://home.treasury.gov/news/press-releases/sm804>.

¹²⁶ See www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health.

¹²⁷ See www.al-monitor.com/pulse/originals/2019/10/sanctions-us-treasury-inhibit-humanitarian-aid-iran.html; and www.france24.com/en/20191025-us-seeks-data-on-iran-humanitarian-sales.

¹²⁸ See www.al-monitor.com/pulse/originals/2019/10/sanctions-us-treasury-inhibit-humanitarian-aid-iran.html; <https://twitter.com/richardmnephew/status/1187745702585274368?s=11>; and <https://twitter.com/brianoftoole/status/1187744432864579584?s=11>.

¹²⁹ See <https://mehrnews.com/news/4671262/> (in Farsi).

¹³⁰ See www.reuters.com/article/us-iran-floods-redcrescent/flood-hit-iran-getting-no-financial-aid-from-abroad-due-to-u-s-sanctions-statement-idUSKCN1RJ0GY; and www.voanews.com/middle-east/iranian-red-crescent-flood-hit-iran-getting-no-financial-aid-abroad-due-us-sanctions.

¹³¹ See <https://isna.ir/news/98011002883/> (in Farsi).

¹³² See www.irna.ir/news/83393339/ (in Farsi).

¹³³ See www.swissinfo.ch/eng/reuters/president-rouhani-inspects-flood-damage-in-northern-iran/44855208.

humanitarian aid.¹³⁴ The Secretary-General of the Norwegian Refugee Council stated that “sanctions have a crippling effect on refugees, the poorest and on the humanitarian work we do for the most vulnerable”.¹³⁵ The Council reportedly failed to convince banks to transfer funds to support its work with disaster victims and Afghan refugees, jeopardizing their programme in the Islamic Republic of Iran. In the absence of banking channels, many humanitarian organizations have resorted to the cumbersome *hawala* system, an informal remittance network with increased transaction costs.¹³⁶

57. Sanctions have affected relief efforts throughout 2019, partly due to reported delays faced by United Nations and other humanitarian agencies in obtaining licences dispensed by the United States Government for the import of essential items. Although most United Nations entities have obtained the required licences as at October 2019, the combined effect of the delays in international procurement processes, difficulties in replenishing local accounts and limitations on financial transactions have created operational challenges to respond to the population’s increasing needs. The limited capacity of the United Nations and its humanitarian and implementing partners to deliver timely and high-quality services affects the most vulnerable, including women, children, low-income families, victims of natural disasters, migrants and refugees.

58. The Islamic Republic of Iran continued to host almost 1 million refugees, largely from Afghanistan, as well as 450,000 Afghans holding valid passports and 1.5 to 2 million undocumented Afghans, of which 800,000 have been registered. Most refugees reside in cities and towns across the country, rather than in camps. All children, regardless of their legal status, have access to the national education system, and refugees can enrol in the national health insurance system and acquire access to medical care. The current economic difficulties have also had an impact on the living conditions of refugees in the country. International support through humanitarian funding and resettlement opportunities for refugees has greatly reduced.

III. Cooperation with international human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights

A. Cooperation with the human rights treaty bodies

59. The Secretary-General encourages the Islamic Republic of Iran to submit outstanding periodic reports, including under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Racial Discrimination, which have been overdue since 2013, 2014 and 2018, respectively. In its comments on the present report, the Government indicated its intention to submit the reports shortly. The Secretary-General also encourages the Government to comply with the follow-up mechanisms of the treaty bodies and to provide the information sought on the implementation of recommendations made in concluding observations.

B. Cooperation with the universal periodic review

60. A high-level delegation from the Islamic Republic of Iran, led by the Secretary of the High Council for Human Rights, Mohammad Javad Larijani, participated in the interactive dialogue of the review of the country in the context of the third cycle of the

¹³⁴ See www.nrc.no/news/2019/august2/aid-work-in-iran-at-risk-due-to-u.s.-sanctions/.

¹³⁵ See www.nrc.no/news/2019/august2/aid-work-in-iran-at-risk-due-to-u.s.-sanctions/; and www.nrc.no/opinions-all/in-trump-iran-showdown-afghan-refugees-are-neglected-but-devastating-collateral-damage/.

¹³⁶ See www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health.

universal periodic review process, on 8 November 2019. The Secretary-General welcomes the active engagement of the Islamic Republic of Iran with the process, including the submission of its national report on the implementation of recommendations from the second review cycle. During the review, 329 recommendations were issued concerning the Islamic Republic of Iran. The Secretary-General encourages the Government to thoroughly examine the recommendations with a view to considering their acceptance and implementation and, if needed, to seek technical assistance from the United Nations to facilitate implementation.

C. Cooperation with the special procedures

61. In March 2019, by its resolution 40/18, the Human Rights Council renewed the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. The Secretary-General encourages the Government to pursue constructive dialogue with the Special Rapporteur and to invite him to visit the country.

62. In May 2017, the Government invited the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights to visit the Islamic Republic of Iran.

63. Between 1 January and 14 November 2019, the special procedures mandate holders issued 8 public statements and 13 communications regarding the situation of human rights in the Islamic Republic of Iran. The Government has replied to four communications.¹³⁷

D. Cooperation with the Office of the United Nations High Commissioner for Human Rights

64. The Secretary-General welcomes the enhanced engagement and dialogue between the Government of the Islamic Republic of Iran and OHCHR on human rights issues and encourages the Government to continue and enhance its engagement with OHCHR in technical cooperation.

65. The Executive Office of the Secretary-General and OHCHR raised concerns about the situation of child offenders at imminent risk of execution with the Government, on several occasions, and OHCHR seeks to pursue an active engagement with the authorities on juvenile justice.

IV. Recommendations

66. **On the basis of the present report, the Secretary-General provides the recommendations set out below. The Secretary-General:**

(a) **Urges the Government to abolish the death penalty and introduce an immediate moratorium on its use and to prohibit the execution of child offenders in all circumstances and commute their sentences;**

(b) **Urges the Government to ensure that international standards for fair trial are systematically met, notably by ensuring that all defendants, including those accused of crimes against the internal and external security of the State, are ensured access to counsel of their choosing during the preliminary investigative stage and all subsequent stages of the judicial process;**

(c) **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**

¹³⁷ See IRN 1/2019; IRN 4/2019; IRN 5/2019; IRN 7/2019; IRN 8/2019. Communications available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

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;

(d) Takes note of the economic and financial challenges experienced by the Islamic Republic of Iran and urges that all appropriate steps be taken to ensure that measures such as humanitarian exemptions are effectively implemented to minimize the adverse humanitarian consequences of sanctions and their impact on human rights;

(e) Urges the Government to ensure that human rights defenders, lawyers, journalists, writers, labour rights activists, artists 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 freedoms of opinion and expression, association and peaceful assembly and their right to collective bargaining;

(f) Urges the Government to repeal laws criminalizing or unduly restricting 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;

(g) Urges the Government to take further practical steps in legislation and in practice to eliminate all forms of discrimination and other human rights violations against women and girls, in accordance with international standards, to take all steps necessary to advance their equal participation in public life and to ensure that the rights of women human rights defenders are protected;

(h) Encourages the adoption of policies to address the underlying causes of child marriage;

(i) Urges the Government to protect the rights of all persons belonging to ethnic and religious minorities, 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;

(j) 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, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the fundamental ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

(k) Encourages the Islamic Republic of Iran to submit outstanding periodic reports, in line with its obligations to the treaty bodies, and calls upon the Government to implement the recommendations made in the concluding observations of the treaty bodies and the recommendations of the special procedures mandate holders, to provide the requested follow-up information on the implementation of those recommendations and to cooperate with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;

(l) Encourages the Government to continue increasing constructive engagement with OHCHR in following up on all recommendations made in the reports of the Secretary-General and those of international human rights mechanisms, including the universal periodic review.