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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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](#), by which the Assembly requested the Secretary-General to report to it at its seventy-fourth session on the progress made in the implementation of the resolution. The report thus presents the patterns and trends in the situation of human rights in the Islamic Republic of Iran and recommendations to improve the implementation of the resolution.

* [A/74/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 73/181, by which the Assembly requested the Secretary-General to report to it at its seventy-fourth session. The report provides information on progress made in the implementation of the resolution. It draws on observations by the special procedures of the Human Rights Council and United Nations entities. It also reflects information from the Government of the Islamic Republic of Iran, state media, non-governmental organizations, open sources and individual interviews with known and alleged victims and their families and lawyers.

2. From November 2018 to May 2019, the Government of the Islamic Republic of Iran has continued to engage with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has responded to five out of eight communications from special procedures of the Human Rights Council.¹ Representatives of OHCHR visited Tehran in March 2019 and met with a range of interlocutors to discuss the human rights situation in the country, including the ongoing execution of child offenders.

3. The implementation of the amendment to the drug-trafficking law led to a decrease in executions in 2018 and 2019. However, the application of the death penalty, including for child offenders, remains high. Since the issuance of the previous report of the Secretary-General to the Human Rights Council (A/HRC/40/24), OHCHR has received reports on the impact of economic sanctions imposed by the United States of America on the Islamic Republic of Iran. While assessing the direct impact of sanctions remains difficult, their accumulated effects seem to be affecting all sectors of society, with detrimental consequences for the enjoyment of economic, social and cultural rights.

4. The human rights situation otherwise remains marked by the ongoing targeting of human rights lawyers and defenders, trade unionists, peaceful protesters and journalists. OHCHR continued to receive reports of torture, arbitrary detention and trials that failed to adhere to international standards, as well as information on persistent discrimination against women and girls and members of minorities.

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

5. The Secretary-General remains concerned at the continued application of the death penalty for a wide range of offences. 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 consistently interpreted by the Human Rights Committee as meaning those involving intentional killing.² Yet, the death penalty continues to be applied for offences that do not involve intentional killing and for offences that are vague in scope, such as *efsad-e fel-arz* (“spreading corruption on earth”), and *moharebeh* (“waging war against God”),

¹ See <https://spcommreports.ohchr.org/>.

² Human Rights Committee, general comment No. 36 (2018), paras. 5 and 35.

interpreted by the Government as a criminal act using lethal weapons against other individuals or the public in general).³

6. OHCHR received information indicating that at least 253 people were executed in 2018, a significant decrease from estimated figures in 2017, when there were at least 437.⁴ At least 38 of these executions were for the offences of *efsad-e fel-arz* and *moharebeh*.⁵ Between 58 and 79 executions occurred between 1 January and 31 May 2019.⁶ The decline in executions in 2018 compared to 2017 appears to have resulted from the amendment, in November 2017, of the drug trafficking law. A total of 24 executions for drug-related offences were reported in 2018, compared to 231 in 2017.⁷

Execution of child offenders

7. The Secretary-General continues to be deeply concerned by the continued sentencing to death of children and alleged child offenders in Iran. OHCHR received information that at least 85 child offenders were on death row as of May 2019, with some at risk of imminent execution. 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 prohibit the imposition of the death penalty for crimes committed by persons under 18 years of age without exception. The Penal Code retains the death penalty for girls of at least 9 lunar years and for boys of at least 15 lunar years for *qisas* (retribution in kind) or *hudud* crimes, such as homicide and adultery. Any ensuing imposition of the death penalty on persons under 18 years of age would therefore constitute a breach of that prohibition.

8. The Islamic Republic of Iran has attempted to incorporate judicial scrutiny of the maturity of child offenders into article 91 of the Penal Code, which states that children can be exempted from the imposition of the death penalty if they do not realize the nature of the crime or there is uncertainty as to their full mental development. A judge has the discretion to request the opinion of forensic medicine or use any other method deemed appropriate to assess mental development. The execution of child offenders has nevertheless continued, with at least 33 executions recorded since article 91 came into force in 2013 (see [A/HRC/40/67](#)). The Committee on the Rights of the Child has highlighted various issues with the implementation of article 91 by the judiciary (see [CRC/IRN/CO/3-4](#)). In particular, the criteria for assessing “mental development” are undefined and entirely subject to judicial discretion.⁸ There are also reports that first instance and appeal courts had still imposed death sentences despite medical opinions finding the child offender lacked mental development.⁹

9. The reported number of child offenders on death row and executed demonstrate that the introduction of article 91 was insufficient and did not prevent the imposition of the death penalty for crimes committed by persons under 18 years of age. In 2018, at least seven child offenders were executed. All were between 14 and 17 years of age

³ See [A/73/398](#); and Islamic Republic of Iran, Islamic Penal Code of 1991, art. 286.

⁴ See [www.iranrights.org](#); Iran Human Rights and Together Against the Death Penalty, “Annual report on the death penalty in Iran 2018”, 2019; Amnesty International, *Death Sentences and Executions 2018* (London, 2019).

⁵ Iran Human Rights and Together Against the Death Penalty, “Annual report on the death penalty in Iran 2018”.

⁶ See [www.iranrights.org](#); Iran Human Rights, “Execution trend in Iran; January to April 2019”, 5 May 2019.

⁷ Iran Human Rights and Together Against the Death Penalty, “Annual report on the death penalty in Iran 2018”.

⁸ Islamic Republic of Iran, Islamic Penal Code of 1991, art. 91.

⁹ Amnesty International, “Iran: stop imminent execution of three prisoners arrested as teenagers”, 22 February 2019.

at the time of the alleged commission of the crime of 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 repeatedly 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*”.¹⁰ The Government noted the creation, by the judiciary, of a working group on the prevention of capital punishment, which seeks to persuade victims to forego their right to *qisas*. The Secretary-General stresses that pardon or commutation procedures must offer certain essential guarantees of fairness and equality before the law and notes in that regard that the payment of *diya* might discriminate against those who may not have the requisite financial means (see [A/61/311](#)).

10. The Secretary-General reiterates concerns expressed by the United Nations High Commissioner for Human Rights on 3 May 2019¹¹ that the authorities executed two children under 18 years of age on 25 April 2019. The two boys, who were 17 years of age – Mehdi Sohrabifar, who reportedly had an intellectual disability, and Amin Sedaghat¹² – alleged that they were forced to confess to rape and robbery after being tortured when they were arrested at 15 years of age. In relation to this case, the Government stated that there was significant evidence of the boys’ guilt, that they had voluntarily confessed, that the medical examiner’s office found them to be mature and that they went through a fair trial process and were spared from flogging. These executions contradict consistent assertions by the Government that there are no executions of children under 18 years of age. 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 (see [A/73/299](#)). The Secretary-General and OHCHR stand ready to support the Government in any efforts it may undertake in this regard.

Right to a fair trial

11. The Secretary-General is concerned at reports indicating instances of denial of the right to a fair trial, including in criminal cases in which defendants face the death penalty. OHCHR continued to receive reports of arrests without a warrant, enforced disappearances, prolonged detention without charge or access to a lawyer and forced confessions extracted by torture being used as evidence for convictions. Defence lawyers have been obstructed from providing an adequate defence of their clients through denial of access to files, limited time to prepare a defence and being denied the ability to respond to or present evidence in support of their clients.

12. In previous reports ([A/HRC/40/24](#); [A/73/299](#)), the Secretary-General raised his concerns that article 48 of the Code of Criminal Procedure only allows those accused of crimes against national security to select their legal representative from a list of lawyers pre-approved by the head of the judiciary during the investigative phase.¹³ In May 2019, the parliamentary committee for judicial and legal affairs announced a proposed amendment that would deny any access to legal representation for 20 days to detainees facing charges related to national security, terrorism or financial

¹⁰ Islamic Republic of Iran, High Council for Human Rights, *UPR Mid-Term Report (2015–2016)*.

¹¹ Office of the United Nations High Commissioner for Human Rights (OHCHR), “Iran: Bachelet stresses execution of child offenders ‘absolutely prohibited’ by international law”, 3 May 2019.

¹² Amnesty International, “Iran: two 17-year-old boys flogged and secretly executed in abhorrent violation of international law”, 29 April 2019.

¹³ Islamic Republic of Iran, Code of Criminal Procedure for Public and Revolutionary Courts of 1999, art. 48.

corruption.¹⁴ The spokesperson of the committee stated that the initial 20-day period could be extended.¹⁵ The amendment would further restrict access to legal assistance of the defendant's choosing during the pretrial phase.

13. Denial of access to a lawyer is particularly concerning given the number of reports of torture or ill-treatment to extract confessions during the investigative phase. Moreover, although the State has declared that confessions extracted under duress or torture are prohibited by the Constitution¹⁶ and deemed inadmissible in court,¹⁷ the Penal Code, for its part, establishes that a confession alone can be the basis of a conviction.¹⁸ In its comments, the Government indicated that in order to monitor the implementation of the relevant legal provisions, the central monitoring body is responsible for carrying out inspections.

Environmentalists

14. The Secretary-General notes the persistent intimidation, arrest and detention of environmentalists. OHCHR received reports indicating that, as of May 2019, 20 environmentalists had been detained in 2019. It is reported¹⁹ that 12 of these 20 environmentalists remain in detention. These detainees have not had access to a lawyer.

15. The Secretary-General is concerned about the eight members of the Persian Wildlife Heritage Foundation detained since January and February 2018, who went on trial for spying charges in January and February 2019.²⁰ Four of the individuals are charged with "corruption on earth", which is punishable by the death penalty.²¹ The basis of the charges are reportedly forced "confessions" extracted by, or under threat of, torture.²² OHCHR received reports that the environmentalists were not allowed a lawyer of their choosing and were required to select one from a list pre-approved by the judiciary.²³ After one of the accused protested in court sessions that she was coerced into a "confession", she was prevented from attending subsequent hearings.²⁴ There are also concerns that the environmentalists are not provided appropriate health care while in detention, including, in one case, for

¹⁴ Amnesty International, "Iran: regressive amendment would deal crushing blow to right to assistance of a lawyer during investigation phase", 16 May 2019; see also www.icana.ir/Fa/News/424616.

¹⁵ Amnesty International, "Iran: regressive amendment would deal crushing blow".

¹⁶ Islamic Republic of Iran, Constitution of 1979, art. 38.

¹⁷ Islamic Republic of Iran, Islamic Penal Code of 1991, arts. 168 and 169.

¹⁸ *Ibid.*, art. 171; Islamic Republic of Iran, Code of Criminal Procedure for Public and Revolutionary Courts of 1999, art. 194.

¹⁹ Centre for Human Rights in Iran, "12 conservationists detained without counsel in Iran's Kurdistan Province", 18 April 2019.

²⁰ See www.irna.ir/news/83189789/; Centre for Human Rights in Iran, "Eight conservationists tried in Iran on basis of retracted false 'confessions'", 30 January 2019. See also www.isna.ir/news/97111005571; www.mizanonline.com/fa/news/489978/; and www.farsnews.com/news/13971110000685/.

²¹ Human Rights Watch, "Iran: environmentalists face capital charges: detained for 9 months; no access to lawyer", 26 October 2018.

²² Centre for Human Rights in Iran, "Eight conservationists tried in Iran"; Centre for Human Rights in Iran, "Iran is using false 'confessions' to manufacture cases against detained conservationists", 24 January 2019.

²³ Human Rights Watch, "Iran: environmentalists' flawed trial: detainees allege torture in detention", 5 February 2019; Centre for Human Rights in Iran, "Eight conservationists tried in Iran".

²⁴ Centre for Human Rights in Iran, "Mounting evidence that clears eight conservationists from grave charges, judiciary still relies on forced 'confessions'", 7 February 2019; Centre for Human Rights in Iran, "Niloufar Bayani absent from trial after protesting prosecution's use of forced 'confessions'", 19 February 2019.

potentially life-threatening conditions. The prosecution of the environmentalists occurred after Kavous Seyed-Emami, the founder of the Persian Wildlife Heritage Foundation, died in custody in January 2018. There is no indication that an investigation has been conducted into his death.

Arbitrary arrests and detention of dual and foreign nationals

16. The Secretary-General welcomes the release of Lebanese national Nizar Zakka, on 11 June 2019, and his safe passage to Lebanon. He notes, however, persisting concerns about the situation of other dual and foreign nationals who remain imprisoned, including Ahmadreza Djalali, Siamak and Baquer Namazi, Nazanin Zaghari-Ratcliffe, Kamran Ghaderi, Xiyue Wang, Robert Levinson and, most recently, Aras Amiri, an Iranian national with British permanent residency. In its comments, the Government noted that individuals are not prosecuted arbitrarily and denied there was a pattern targeting dual and foreign nationals.

17. In recent opinions, the Working Group on Arbitrary Detention noted a pattern of targeting dual and foreign nationals for arbitrary detention and called for the immediate release of all individuals concerned (see [A/HRC/WGAD/2018/52](#) and [A/HRC/WGAD/2017/49](#)). The Secretary-General is also concerned that detained dual and foreign nationals are not receiving appropriate health care, in particular Mr. Djalali, Mr. Wang and Mr. Ghaderi, who face potentially life-threatening conditions.²⁵ The Government stated that medical treatment was provided to those individuals.

B. Rights to freedom of peaceful assembly and association, right to freedom of opinion and expression and right to privacy

Prohibition of independent trade unions

18. The creation of trade unions is prohibited, with the exception of Government-sanctioned Islamic labour councils, confederations of trade unions (guilds) and confederations of Iranian workers' representatives, all of which must be registered under the Ministry of Cooperatives, Labour and Social Welfare, and other workers' organizations and trade unions are registered under the Ministry of Education (teachers' associations) and the Ministry of Interior (workers' houses).

19. This legal framework maintains a monopolistic system of labour representation. The Islamic Republic of Iran is a member of the International Labour Organization (ILO) but it has not ratified the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) or the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which were identified by the ILO Governing Body as "fundamental". In its comments, the Government indicated that it is examining the possibility of joining these Conventions. Additionally, a complaints-based mechanism, the Committee on Freedom of Association of the ILO Governing Body, has been seized of six complaints concerning violations of freedom of association in law and in practice in the Islamic Republic of Iran over the past decade.²⁶

20. The prohibition of independent trade unions is contrary to the obligations of the Islamic Republic of Iran under the International Covenant on Civil and Political Rights (article 22) and the International Covenant on Economic, Social and Cultural Rights (article 8). The reported harassment and detention of labour activists for

²⁵ OHCHR, "Iran: Urgent medical treatment needed for detainees with life-threatening conditions – UN experts", 10 July 2019.

²⁶ See www.ilo.org/dyn/normlex/en/f?p=1000:20060::FIND:NO.

defending the rights of workers may also be in breach of fundamental rights and freedoms – those of opinion and expression, peaceful assembly and association – and it may amount to arbitrary detention.

21. The Secretary-General notes other long-standing concerns related to the right to work and labour rights, in particular on the minimum wage and job security. In March 2019, the Supreme Labour Council increased by 35 per cent the minimum wage (to 15.2 million rials per month)²⁷ while recognizing that a family of three or four needs 37.6 million rials per month to cover costs.²⁸ Workers' groups and a member of parliament called for the increase to be four or five times the 2018 minimum wage rate.²⁹

Protests, strikes and labour rights activists

22. Strikes continued in the education and transport sectors, with teachers protesting low pay and poor conditions in late December 2018, February 2019 and March 2019.³⁰ Dozens of people were arrested for their participation in workers' demonstrations outside Parliament on 1 May 2019.³¹ On 2 May 2019, more teachers were arrested for protests on Teachers' Day.³² A spokesperson for the judiciary stated that most of those arrested were released on bail, adding that the protests took place without proper legal authorization.³³ In December 2018 and January 2019, truck drivers, railway workers and other workers in the industrial and local government sectors also held strikes over low or non-payment of wages, with reports of arrests and detention of demonstrators.³⁴ According to reports, at least 467 workers were arrested in 2018 for demonstrating against working conditions.³⁵

23. The Secretary-General is concerned that labour rights activists continue to be harassed for defending the rights of workers. In August 2018, Mohammad Habibi was sentenced to 10 and a half years of imprisonment on charges related to his peaceful trade union activism.³⁶ The case of Haft Tappeh sugar mill labour rights activists Esmail Bakhshi and Sepideh Qolijan are also emblematic of this concern. On 18 November 2018, Mr. Bakhshi and Ms. Qolijan were arrested during a peaceful demonstration outside the Khuzestan Province Governor's office concerning the issues at Haft Tappeh. After their release in December 2018, both publicly described their ill-treatment during detention and torture to extract confessions. On 20 January 2019, they were arrested again in reprisal for publicizing their alleged mistreatment.³⁷

²⁷ Saeed Jalili, "Iran continues to struggle to keep workers content", Al-Monitor, 29 March 2019; see also <https://www.al-monitor.com/pulse/originals/2019/03/iran-worker-rights-wage-salary-increase-government-inflation.html>; www.farsnews.com/news/13971227000971/.

²⁸ See www.isna.ir/news/97112512962/.

²⁹ See <https://bit.ly/2KI81IV>.

³⁰ Centre for Human Rights in Iran, "Peaceful teachers protesting heavy sentence against Mohammad Habibi", available at <https://iranhumanrights.org/2018/12/peaceful-teachers-protesting-heavy-sentence-against-mohammad-habibi-met-with-tear-gas-arrests/>; <https://en.radiozamaneh.com/labor/>.

³¹ Centre for Human Rights in Iran, "Security forces arrest protesters in front of Iran's Parliament on Labour Day", 1 May 2019.

³² Centre for Human Rights in Iran, "Several detained without access to counsel one week after Labour Day protests", 7 May 2019.

³³ See www.ilna.ir/fa/tiny/news-760326.

³⁴ See <https://en.radiozamaneh.com/labor/>.

³⁵ Amnesty International, "Iran's 'year of shame': more than 7,000 arrested in chilling crackdown on dissent during 2018", 24 January 2019.

³⁶ Centre for Human Rights in Iran, "Peaceful teachers protesting heavy sentence against Mohammad Habibi".

³⁷ Amnesty International, "Iran: labour rights activists at imminent risk of further torture", 22 January 2019; Centre for Human Rights in Iran, "Iran: release labour activists re-arrested for revealing they'd been tortured", 22 January 2019.

It is reported that both have been refused medical treatment³⁸ and access to a lawyer,³⁹ and state television broadcasted their forced confession to national security-related charges.⁴⁰ Ms. Qoliyan has been reportedly held in solitary confinement.⁴¹ The Government stated that both individuals defied the law against demonstrations and attempted overthrow of the Government through labour unrest after most of the outstanding wages were paid.

24. Further cases of harassment and detention of labour rights activists occurred in recent months. In February 2019, As'ad Behnam Ebrahimzadeh was sentenced to six years of imprisonment for his participation in Haft Tappeh protests.⁴² Mahmoud Arsham Rezaee, a labour activist arrested in January 2019, was sentenced to 8 and a half years' imprisonment on national security charges related to participation in peaceful protests.⁴³ Both were denied access to a lawyer.

Freedom of expression online

25. Freedom of expression online has come under unprecedented pressure, as the Government has tightened its control over information online. The blocking of websites, including Facebook and Twitter, remains in place.⁴⁴ On 30 April 2018, the judiciary ruled that the instant messaging service Telegram, with over 40 million users, would be banned for “disrupting national unity” and “allowing foreign countries to spy” on the Islamic Republic of Iran.⁴⁵ Internet users have since also reported difficulties in accessing the Apple App store and WhatsApp, as well as the disabling of alternative tools such as virtual private networks.

26. Since the Supreme Council of Cyberspace introduced new regulations⁴⁶ in August 2017, the authorities have increased their surveillance capabilities. On 15 January 2019, the Minister of Information and Communications Technology confirmed that the national information network developed by the Government allowed security agencies to monitor private accounts and control national search engines.⁴⁷ In November 2018, the Government proposed a new bill on the organization of social media.⁴⁸ If passed, it would increase the interference of armed forces in, and their oversight of, Internet infrastructure and introduce new offences associated with the use of blocked online applications. In 2018 and 2019, the Government continued to promote the use of local platforms amidst concerns that these may interfere with online privacy and safety in ways that deter the exercise of the freedoms of opinion and expression.

³⁸ Centre for Human Rights in Iran, “Intelligence Ministry denies labour activists Qoliyan and Bakhshi medical treatment”, 26 February 2019; Centre for Human Rights in Iran, “Labour activists Ali Nejati denied medical treatment against doctor’s orders”, 31 January 2019.

³⁹ Centre for Human Rights in Iran, “Qoliyan and Bakhshi held without bail or access to lawyers for almost two months, transferred to prisons in Ahvaz”, 14 March 2019.

⁴⁰ See <https://en.radiozamaneh.com/labor/>.

⁴¹ Centre for Human Rights in Iran, “Intelligence Ministry denies labour activists Qoliyan and Bakshi”.

⁴² Centre for Human Rights in Iran, “Peaceful labour rights activist sentenced to prison in 10-minute trial”, 21 March 2019.

⁴³ Centre for Human Rights in Iran, “Peaceful labour activist Arsham Rezaee sentenced to prison without access to counsel”, 28 March 2019.

⁴⁴ Centre for Human Rights in Iran, “Rouhani Government ‘closed seven million’ websites in first term”, 8 June 2017; see also www.isna.ir/news/96031608592/.

⁴⁵ Reporters Without Borders, “Iranian court imposes total ban on Telegram”, 4 May 2018.

⁴⁶ See <http://bit.ly/2wCsbcT>.

⁴⁷ See <http://tn.ai/1628696>.

⁴⁸ See www.isna.ir/news/97082813960/.

Detention of journalists, writers and media workers

27. OHCHR has continued to receive reports of the arbitrary arrest, detention and harassment of journalists, writers and media workers. In 2018, 28 journalists were reportedly detained.⁴⁹ Online threats and intimidation of detained journalists have also been reported. Four members of the online publication Gam were reportedly arrested in November 2018 and January 2019.⁵⁰ The four individuals are due to face trial on national security charges.⁵¹ Gam reported on the Haft Tappeh and Iran National Steel Industrial Group worker protests. Journalist Hamed Aynehvand was sentenced to six years of imprisonment on 25 December 2018 for national-security-related charges,⁵² after criticizing Government policies.⁵³ The Government commented that Mr. Aynehvand's case is currently before the Court of Appeals. According to his lawyer, journalist Yashar Soltani was sentenced to five years of imprisonment⁵⁴ for reporting on corruption in Tehran's municipal government.⁵⁵

28. In May 2019, three members of the Iranian Writers Association (IWA), Baktash Abtin, Reza Khandan Mahabadi and Keyvan Bajan, were sentenced, according to OHCHR information, to six years of imprisonment on national security charges,⁵⁶ reportedly stemming from publications opposing censorship.⁵⁷

29. The injunction against former and current staff members of the British Broadcasting Corporation Persian Service remains in place, despite some individuals having been taken off the list. In addition to the threats and defamatory statements targeting 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 such staff and their families.

C. Situation of human rights lawyers and defenders

Human rights lawyers

30. The Secretary-General is deeply concerned that human rights lawyers are being targeted for defending the human rights of others, including being harassed while undertaking their activities, arrested and detained on dubious charges, and sentenced to imprisonment and flogging. Eight human rights lawyers were detained in the

⁴⁹ Reporters Without Borders, "Worldwide round-up of journalists killed, detained, held hostage or missing in 2018", 2019.

⁵⁰ Centre for Human Rights in Iran, "Three Labour Affairs reporters remain detained three months after arrests", 10 April 2019.

⁵¹ Centre for Human Rights in Iran, "Seven to face trial in connection with labour protests", 22 May 2019.

⁵² Centre for Human Rights in Iran, "Iranian journalists sentenced to six years in prison without lawyer", 7 January 2019; see also www.irna.ir/fa/News/83147336; Centre for Human Rights in Iran, "Imprisoned journalist Hamed Aynehvand denied right to post bail in Iran", 14 February 2019.

⁵³ Ibid.

⁵⁴ Centre for Human Rights in Iran, "Journalist to serve five years in prison for uncovering corruption in Tehran municipality", 25 January 2019; see also www.isna.ir/news/97110301787/.

⁵⁵ Ibid.

⁵⁶ Centre for Human Rights in Iran, "Three members of Iran's Writers Association charged with national security crimes for opposing censorship", 29 January 2019; Centre for Human Rights in Iran, "Harsh prison terms for three Iranian authors who dared to criticize the State", 17 May 2019.

⁵⁷ Ibid.

Islamic Republic of Iran in 2018 for reasons that appeared connected to their work,⁵⁸ with three lawyers reportedly detained as of April 2019.⁵⁹

31. The case of Nasrin Sotoudeh, a prominent lawyer, is emblematic of the pattern of harassment and detention of human rights lawyers. In March 2019, Ms. Sotoudeh was reportedly sentenced to 38 years of imprisonment and 148 lashes on seven charges. This followed her representation of women who had protested against compulsory veiling. The Government confirmed Ms. Sotoudeh's seven convictions and that, in accordance with Iranian law, she will serve the most severe punishment of these convictions of 12 years of imprisonment.⁶⁰ Ms. Sotoudeh has been detained since June 2018 following her arrest for a conviction in absentia in October 2016 on espionage-related charges,⁶¹ which she was not aware of until her arrest, and for which she faces five additional years of imprisonment.⁶²

32. Lawyer Mohammad Najafi has faced repeated judicial harassment owing to comments⁶³ alleging that the authorities were covering up the death in custody of a former client.⁶⁴ In October 2018, he was sentenced to three years of imprisonment and 74 lashes.⁶⁵ On 28 March 2019, he was released under an amnesty but was arrested again on 1 April. On 14 April, the Court of Appeals reportedly upheld three national-security-related convictions against him,⁶⁶ for which he faces 10 years of imprisonment.⁶⁷ Another human rights lawyer, Amirsalar Davoudi, was arrested on 20 November 2018⁶⁸ in connection with his Telegram channel "Without Retouch".⁶⁹ He has reportedly been held in solitary confinement and without access to a lawyer despite undergoing interrogation.⁷⁰ He was convicted on national security charges and sentenced on 3 June 2019 to 30 years in prison and 111 lashes.⁷¹

⁵⁸ Centre for Human Rights in Iran, "Iran must stop imprisoning lawyers for defending their clients", 30 October 2018; Centre for Human Rights in Iran, "Crackdown on defense lawyers in Iran: Amirsalar Davoudi not heard from since arrest", 3 December 2018.

⁵⁹ Centre for Human Rights in Iran, "Detained defense attorney to be tried on four charges for peaceful activities", 22 April 2019.

⁶⁰ Centre for Human Rights in Iran, "Iran: harsh sentence for rights lawyer threatens activism", 20 March 2019.

⁶¹ Amnesty International, "Urgent action: women's rights defender faces 34 years in jail", 4 March 2019.

⁶² Ibid.

⁶³ Centre for Human Rights in Iran, "Iran should launch independent investigation of deaths of two protesters in prison", 11 January 2019.

⁶⁴ International Federation for Human Rights, "Iran: ongoing judicial harassment against human rights lawyers Mr. Amir Salar Davoodi and Mr. Mohammad Najafi", 19 April 2019.

⁶⁵ Centre for Human Rights in Iran, "Lawyer who sought justice for death of detainee in Iranian custody sentenced to three years, 74 lashes", 29 October 2018.

⁶⁶ International Federation for Human Rights, "Iran: ongoing judicial harassment against human rights lawyers"; see also www.irna.ir/news/83277038/.

⁶⁷ International Federation for Human Rights, "Iran: ongoing judicial harassment against human rights lawyers".

⁶⁸ Centre for Human Rights in Iran, "Crackdown on defense lawyers in Iran"; Iran Human Rights, "Iranian lawyer can face heavy prison sentence for expressing his opinion", 28 April 2019.

⁶⁹ International Federation for Human Rights, "Iran: ongoing judicial harassment against human rights lawyers"; Centre for Human Rights in Iran, "Crackdown on defense lawyers in Iran"; International Bar Association, "Detention of human rights lawyer Amirsalar Davoodi in Iran a deep concern", 21 February 2019.

⁷⁰ International Federation for Human Rights, "Iran: ongoing judicial harassment against human rights lawyers"; International Bar Association, "Detention of human rights lawyer Amirsalar Davoodi".

⁷¹ Amnesty International, "Iran: sentencing of human rights lawyer at 30 years in prison and 111 lashes 'a shocking injustice'", 3 June 2019.

Human rights defenders

33. The Secretary-General remains deeply concerned about the situation of human rights defenders. Since the issuance of his previous report, Narges Mohammadi, Arash Sadeghi, and Soheil Arabi remain imprisoned, despite calls for their release in previous reports of the Secretary-General (A/HRC/40/24 and A/73/299). Although Mr. Arabi was due for release in September 2018, he received new prison sentences totalling nearly 11 years in June, September and December 2018. Sentenced to 16 years of imprisonment in 2016, Narges Mohammadi went on a three-day hunger strike in January 2019⁷² to protest against the authorities' denial of adequate medical treatment for seizures, a pulmonary embolism and a gall bladder operation.⁷³ During the hunger strike, the authorities provided assurances that Ms. Mohammadi would receive the necessary treatment. She was reportedly transferred to a hospital on 14 May 2019 for an operation⁷⁴ but prematurely returned to prison, which led to an infection.

34. The Secretary-General is also concerned about the health condition of human rights defender Arash Sadeghi. In July 2018, he was reportedly diagnosed with chondrosarcoma, a cancer causing bone tumours. He underwent surgery in September 2018, but did not receive the follow-up care prescribed and was prematurely returned to prison.⁷⁵ Mr. Sadeghi's arm became seriously infected and might be amputated.⁷⁶ The authorities have stated that the results of Mr. Sadeghi's medical tests are inconclusive and that he regularly receives medical treatment. The Secretary-General reiterates the call of the United Nations Working Group on Arbitrary Detention for the immediate release of Mr. Sadeghi (see A/HRC/WGAD/2018/19), especially in the light of his reported health condition.

35. The Secretary-General welcomes reports that the academic and spiritual leader Mohammad Ali Taheri was released on 23 April 2019 and notes the release on bail of human rights defenders Farhad Meysami and Reza Khandan (husband of Ms. Sotoudeh) on 23 December 2018. Both men were sentenced to six years' imprisonment on charges related to their peaceful protesting against compulsory veiling laws on 22 January 2019.⁷⁷ They have reportedly appealed their conviction and sentence.⁷⁸

D. Situation of women and girls

Women human rights defenders

36. The Secretary-General is deeply concerned by the ongoing repression of women human rights defenders who object to compulsory veiling and by the response of the authorities to protests against compulsory veiling. Several women protestors have

⁷² Tara Sepehri Far, "Iranian prisoners' hunger strike is a plea for basic rights", Human Rights Watch, 16 January 2019.

⁷³ Centre for Human Rights in Iran, "Open letter from Evin Prison: Narges Mohammadi calls on Tehran prosecutor to stop denying her medical treatment", 20 December 2018.

⁷⁴ Iran Human Rights, "Imprisoned human right defender Narges Mohammadi hospitalized for surgery", 15 May 2019.

⁷⁵ Human Rights Activists News Agency, "Against doctor's orders, authorities take Arash Sadeghi back to prison after surgery", 23 September 2018.

⁷⁶ Centre for Human Rights in Iran, "Unable to move his arm, Arash Sadeghi denied hospitalization for infected biopsy wound", 12 February 2019.

⁷⁷ Human Rights Watch, "Iran: release anti-compulsory hijab activists: prison sentences on vague morality charges", 18 April 2019.

⁷⁸ Human Rights Activists News Agency, "A daily overview of human rights violations in Iran", 2 February 2019.

been arrested, notably among those involved in the “My Stealthy Freedom” online campaign and some of those who became known as the “Girls of Revolution Street”. According to information OHCHR received, while most were released on bail, some were sentenced to up to two years in prison on the charge of “encouraging moral corruption”. Women who defy compulsory veiling continue to regularly face harassment by the authorities and members of the public.⁷⁹

37. Anti-compulsory veiling protestors continue to be detained. On 10 April 2019, women’s rights activist Yasaman Aryani was detained after protesting against compulsory veiling laws on Tehran’s metro on 8 March 2019, International Women’s Day.⁸⁰ A video of her protest went viral on social media. Her mother, Monireh Arabshahi, was also reportedly arrested the next day after inquiring on her daughter.⁸¹ They have not been given access to a lawyer. A third woman, Mojgan Keshavarz, who also appeared in the viral protest video, was reportedly arrested on 25 April 2019;⁸² her whereabouts are unknown.⁸³

38. The Secretary-General welcomes the release of Golrokh Iraee on 8 April 2019 after posting bail.⁸⁴ Nevertheless, it is reported that she and Atena Daemi, a fellow women rights defender and long-time detainee, face new charges.⁸⁵ The authorities have announced that Ms. Daemi is due for release in July 2020, confirmed there were new charges against her, and claimed she is represented by a lawyer.

Legislative developments

39. The Secretary-General notes the adoption by parliament, on 12 May 2019, of the bill amending the act on determining the nationality status of children born to Iranian mothers and foreign fathers.⁸⁶ This bill allows these children to apply for Iranian citizenship upon reaching the age of 18, provided their mother has not already done so or where their case is not linked to national security concerns. The Guardian Council has yet to approve the bill. On 15 June 2019, the Guardian Council returned the amendment to parliament, as it did not allow authorities to address security issues arising from the foreign father’s activities and automatically granted foreign fathers permanent residence.⁸⁷ In its comments, the Government indicated modifications to the bill will be ratified soon.

40. The Secretary-General also welcomes the adoption by parliament, on 28 August 2018, of the bill on the protection of children and adolescents.⁸⁸ However, in addition to the slow pace of the Guardian Council’s approval of the bill, the lack of clarity

⁷⁹ Amnesty International, “Iran: pro-government vigilantes attack women for standing up against forced hijab laws”, 12 March 2019.

⁸⁰ Centre for Human Rights in Iran, “Anti-compulsory hijab protester, mother in widely shared Tehran metro video both arrested”, 12 April 2019; see also <http://fna.ir/d90xvm>.

⁸¹ Centre for Human Rights in Iran, “Anti-compulsory hijab protester, mother in widely shared Tehran metro video both arrested”, 12 April 2019.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Centre for Human Rights in Iran, “Just released from prison, Golrokh Iraee Ebrahimi faces more time behind bars”, 9 April 2019.

⁸⁵ Ibid.

⁸⁶ Islamic Republic News Agency, “Iran’s Foreign Ministry supports citizenship through mums: Spox”, 13 May 2019; Human Rights Watch, “Iran: Parliaments OKs Nationality Law reform: Guardian Council should adopt bill aiding women, children”, 14 May 2019.

⁸⁷ See <https://fararu.com/fa/news/402501/>; <https://www.isna.ir/news/98032511407/>.

⁸⁸ Information from the United Nations Children’s Fund.

regarding the minimum age for criminal responsibility prevents consistent treatment by judges of cases involving child offenders.⁸⁹

41. The Secretary-General remains deeply concerned that the legal age for marriage under the Civil Code is 13 years of age for girls and 15 years of age for boys. Girls as young as 9 years of age can marry with the consent of their father and a judge. On 23 December 2018, the Committee for Judicial and Legal Affairs of the Iranian parliament rejected a plan to amend article 1041 of the Civil Code to raise the legal age of marriage to 16 years of age for girls and 18 years of age for boys.⁹⁰ The chair of the Committee stated in February 2019 that a new plan would be introduced for approval by parliament and the Guardian Council.⁹¹ Even under this proposal, girls would still have been able to marry as young as 13 of age with parental consent and a court's permission. The Government stated its policy is to raise awareness of the issue of child marriage in local communities.

42. Child marriages remain prevalent in the Islamic Republic of Iran. According to the National Organization for Civil Registration, over 35,000 marriages involving girls under 14 years of age were registered from March 2017 to March 2018, including 217 marriages involving girls under 10 years of age. The actual number of child marriages is likely to be higher, as many are unregistered.

43. Child marriage is a discriminatory practice affecting mostly girls, which can lead to violations of a number of human rights. It also has an impact on education, with married children unable to attend the same schools as unmarried children and the majority of child brides dropping out of school.⁹² The Government stated that no law prohibits married girls from attending school and that alternatives are provided, such as night classes. A survey found that 37.5 per cent of those subject to child marriages were illiterate, and that 40 per cent of child brides and grooms reported they were not happy in their marriage.⁹³ A significant number of child brides reported suffering domestic abuse.⁹⁴

44. The Secretary-General is concerned at the slow progress and reported dilution of parliament's bill on the protection of women against violence. In addition to protecting women from abuse, it addresses the rehabilitation and the interrogation of female offenders. A review by the judiciary reportedly led to 41 articles being removed, predominately concerning punishments for perpetrators.⁹⁵ The Vice-President for Women and Family Affairs announced on 12 October 2018 that the bill had also been sent for review to religious scholars in Qom, who reportedly returned the bill to the judiciary for review.⁹⁶

D. Situation of minorities

Ethnic and religious minorities

45. Discrimination against ethnic and religious minorities in law and practice continues to be reported. According to information received by OHCHR, members of

⁸⁹ Centre for Human Rights in Iran, "Delays in ratification of bill for protection of children means more violence and abuse", 18 December 2018.

⁹⁰ Centre for Human Rights in Iran, "Outrage after judicial parliamentary committee rejects bill to ban child marriages in Iran", 28 December 2018.

⁹¹ Information from Impact Iran; see www.tasnimnews.com/fa/news/1397/11/17/1941311/.

⁹² Kameel Ahmady, *An Echo of Silence: A Comprehensive Research Study on Early Child Marriage (ECM) in Iran* (2016).

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ See www.ion.ir/News/440183/.

⁹⁶ See www.ilna.ir/fa/tiny/news-678900.

minorities, including Christian converts, Arabs and Sunni Muslims face discrimination,⁹⁷ notably in employment and education. The Government stated in its comments that it ensures citizenship rights for all Iranians and that the attribution of criminal offences is not related to a person's religion or ethnicity.

46. According to information received, the Kurdish Kolbaran continue to face extrajudicial killing by border authorities. An estimated 84,000 Kolbaran engage in activities involving transporting goods such as tea, tobacco and fuel across the border owing to a lack of jobs in the provinces of Kermanshah, Kurdistan, Ilam and West Azerbaijan. While domestic law only allows lethal force as a last resort, 28 Kolbaran have been reportedly killed between 1 January and 30 April 2019 as a result of shootings by border authorities for alleged illegal crossings. The Government indicated that a solution to resolve the status of Kolbaran is being pursued by legislators.

47. On 6 May 2019, seven members of the Baha'i faith were sentenced to three years of imprisonment for "membership in an organization against national security" after they answered questions about their faith in their homes.⁹⁸ OHCHR continued to receive reports of Baha'i applicants being rejected from admission to university or expelled owing to their faith and of the sealing of Baha'i businesses by authorities owing to owners closing on Baha'i holy days. The Government stated that many Baha'i students attend university and that several Baha'i run large companies that contract with, and obtain financial support from, the State.

48. In March 2019, an appeals court upheld sentences ranging from 6 to 26 years of imprisonment against 23 Gonabadi dervishes who were arrested for participating in peaceful demonstrations in February 2018.⁹⁹ The dervishes have reportedly experienced ill-treatment, poor conditions of detention and denial of medical care.¹⁰⁰

49. According to reports, 123 Azeri rights activists, including prominent activist Abbas Lesani, were arrested between March and December 2018.¹⁰¹ OHCHR continued to receive reports indicating the Azeri community continued to be denied to opportunity to teach the Azeri-Turkish language in schools. Similar restrictions have an impact on other ethno-linguistic minorities, such as Arabs, Balochis and Kurds.¹⁰² The Government stated that Kurdish, Azeri-Turkish and Arabic language and literature courses are available in Iranian universities.

50. According to information received, dozens of Arab Ahwazi were arrested for supporting those affected by the floods of March and April 2019.¹⁰³ The authorities

⁹⁷ Information from Impact Iran and Minority Rights Group; see www.hra-news.org/2019/hranews/a-19348/; www.hra-news.org/2019/hranews/a-19722/; www.hra-news.org/2018/hranews/a-14854/.

⁹⁸ Centre for Human Rights in Iran, "Seven Baha'i faith members sentence to three years imprisonment in Bushehr", 12 May 2019.

⁹⁹ Centre for Human Rights in Iran, "Iran appeals court upholds lengthy prison sentences, lashings against 23 dervishes", 15 March 2019.

¹⁰⁰ Ibid., "Sufi prisoners denied medical treatment for painful pellet wounds", 28 January 2019, and "Sufi woman beaten by inmate in Gharchak prison", 22 April 2019.

¹⁰¹ See www.hra-news.org/2018/hranews/a-18035/; information from Impact Iran.

¹⁰² Information from the Arc Association for the Defence of Human Rights for Azerbaijani People in Iran and the Centre for Human Rights in Iran; Centre for Human Rights in Iran, "Iran's intelligence Ministry slaps Azeri rights activist with new charges, claim he's organizing protests from prison", 8 March 2019; Unrepresented Nations and People Organization, "Iran: monitoring campaign for right to education in their mother tongue", 26 September 2018.

¹⁰³ Centre for Human Rights in Iran, "Revolutionary guards arrest 11 Arab-Iranian flood volunteers in Khuzestan province", 12 April 2019; information from Impact Iran, see www.instagram.com/p/Bwhep6An3nP/.

have dismissed protests by Arab Ahwazis concerning the State's relief efforts in response to the floods.¹⁰⁴

Lesbian, gay, bisexual and transgender persons' rights

51. The Secretary-General is concerned that Iranian law continues to discriminate against and punish lesbian, gay, bisexual and transgender (LGBT) individuals. The Penal Code criminalizes same-sex relations between consenting adults. The Islamic Republic of Iran is one of eight countries that imposes the death penalty for consensual same-sex relations (see [A/HRC/29/23](#)). Other expressions of gender and sexuality in public or online can also be punished by imprisonment, flogging and fines under the broad and vague provisions of the Penal Code (articles 638, 639 and 670).

52. The Computer Crimes Law (2009) criminalizes activities using computers to engage in "obscene content" and promoting "sexual perversion". This vague definition is used by the authorities to restrict a wide range of online LGBT activities punishable with fines, imprisonment and the death penalty.¹⁰⁵ A 2018 survey of LGBT Iranians found over 80 per cent of respondents feared state surveillance of LGBT content online.¹⁰⁶

53. United Nations human rights mechanisms have noted the continued discrimination, harassment, arbitrary arrest and detention, punishment and denial of rights of LGBT individuals (see [CRC/C/IRN/CO/3-4](#); [CCPR/C/IRN/CO/3](#)).

54. Legal and medical practices towards the LGBT community are also a concern. While domestic legislation does not prohibit a change of gender identity, it is viewed as a medical condition (gender identity disorder) addressed through sex reassignment surgery, supported by the State. The legal framework only provides the choice of either undertaking so-called "reparative therapy" to "cure" persons of their same-sex attraction or gender non-conformity, or undergoing sex reassignment surgery or sterilization. According to information received by OHCHR, sex reassignment surgery procedures are below international clinical standards and often result in medical complications. Information to patients of such therapies on the risks, benefits and validity of such procedures is not available. LGBT individuals are also reportedly subjected to other harmful "aversion treatments", such as the forced administration of hormones and medication.¹⁰⁷

E. Situation of persons with disabilities

55. The Secretary-General welcomes the adoption, in May 2018, of a new law to protect the rights of persons with disabilities. He also acknowledges the adoption of measures to make public infrastructure and transportation more accessible in Tehran and other major cities. He welcomes the establishment of the national headquarters to follow-up on accessibility claims and the appointment of advisers on disabilities and urban accessibility.

56. The Secretary-General regrets that the law to protect the rights of persons with disabilities uses derogatory and/or stigmatizing terminology concerning persons with disabilities and that the disability of millions of people is not officially certified due

¹⁰⁴ Centre for Human Rights in Iran, "Revolutionary guards arrest 11 Arab-Iranian flood volunteers".

¹⁰⁵ Small Media, *Breaking the Silence: Digital Media and the Struggle for LGBTQ Rights in Iran* (2018).

¹⁰⁶ *Ibid.*

¹⁰⁷ Iranian Lesbian and Transgender Network, "Reparative therapies on gays and lesbians through cruel, inhumane and humiliating treatments has increased in Iran", 13 July 2018.

to the restrictive legal definition of a “person with disability” affecting their access to specialized services (see [CRPD/C/IRN/CO/1](#)). According to the Government, the terminology was inherited from the Civil Code adopted in 1928 and persisted in legislation.

57. Persons with disabilities also continue to face multiple barriers to accessing education, health and state social services. They are often trapped in their homes, unable to live independently and participate in society. Less than 5 per cent of children with disabilities are reported to be attending schools for children with disabilities.¹⁰⁸ In its comments, the Government indicated that a comprehensive law on the protection of the rights of persons with disabilities is currently being discussed in parliament.

58. The Secretary-General is also concerned about the various forms of violence, including non-consensual treatment, to which persons with disabilities continue to be exposed, especially those living in institutions, as illustrated by the reported physical abuse of children in the Saraye Mehrabani Care Centre, in Rasht, in April 2018. The provisions of the Civil Code (article 1179) and the Penal Code (article 158(D)) which fail to sanction parents and legal guardians who exercise violence against children with disabilities have not been repealed,¹⁰⁹ and no system is in place to report abuse and mistreatment within institutions.

F. Impact of sanctions

59. As noted in previous reports of the Secretary-General, the human rights situation in the Islamic Republic of Iran also needs to be assessed in the current economic context, including resource constraints associated with the reimposition of broad economic sanctions having an impact on the enjoyment of economic, social and cultural rights. On 5 November 2018, the United States of America reimposed sanctions with full effect on more than 700 individuals, entities, aircraft and vessels.¹¹⁰ On 22 April 2019, the United States Government announced that it would not issue any significant reduction exceptions to existing importers of Iranian oil following the expiry, on 2 May 2019, of sanctions waivers provided to major purchasers.¹¹¹ According to United States officials, sanctions have denied the Government of the Islamic Republic of Iran access to over \$10 billion in oil revenue since May 2018,¹¹² which has notably affected the situation of refugees hosted by the Islamic Republic of Iran, as highlighted by the Government in its comments on the present report which were received by OHCHR.

60. According to the International Monetary Fund, the 2019 inflation rate is estimated at 37.2 per cent (on the basis of the consumer price index).¹¹³ The sanctions against the Islamic Republic of Iran could lead to a 50 per cent inflation rate, the

¹⁰⁸ Information from the Centre for Human Rights in Iran. “Some 137,000 students study at special schools in Iran”, *Tehran Times*, 2 December 2017.

¹⁰⁹ Centre for Human Rights in Iran, “Iran’s child protection bill includes kids with disabilities but fails to close legal loopholes”, 7 August 2018.

¹¹⁰ United States of America, Department of Treasury, “U.S. Government fully re-imposes sanctions on the Iranian regime as part of unprecedented U.S. economic pressure campaign”, press release, 5 November 2018.

¹¹¹ Michael R. Pompeo, Secretary of State, United States, “Decision on imports of Iranian oil”, press statement, 22 April 2019.

¹¹² United States, Department of State, “Advancing the U.S. maximum pressure campaign on Iran”, fact sheet, 22 April 2019.

¹¹³ See www.imf.org/en/Countries/IRN#atagance; International Monetary Fund (IMF), World Economic Outlook: Growth Slowdown, Precarious Recovery (Washington, D.C., 2019).

highest level since 1980.¹¹⁴ The country's gross domestic product is expected to contract by 6 per cent in 2019.¹¹⁵ Restrictions on Iranian banks and the increased caution exercised by foreign companies and banks appear to be having a tangible impact on the Iranian economy. Several financial institutions, which 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 Islamic Republic of Iran or restricted transactions to humanitarian trade.¹¹⁶

61. 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 1955.¹¹⁷ On 3 October 2018, the Court issued an order for provisional measures, pending further proceedings in this case and its final decision.¹¹⁸ Proceedings in this case are continuing.¹¹⁹

62. Since November 2018, the United States Government has maintained that "existing exceptions, authorizations, and licensing policies for humanitarian-related transactions and safety of flight would remain in effect" under sanctions.¹²⁰ In practice, humanitarian-related transactions appear to have proven difficult. The complex regulatory process, limited access to non-sanctioned banking services and shortages of foreign currency in the Islamic Republic of Iran continue to limit the possibility of payments to foreign companies. In January 2019, France, Germany and the United Kingdom of Great Britain and Northern Ireland announced the creation of the Instrument in Support of Trade Exchanges,¹²¹ a special purpose vehicle aimed at facilitating legitimate trade with the Islamic Republic of Iran with a focus on most essential sectors, such as pharmaceutical, medical and agri-food goods. The Instrument became operational in late June 2019.

63. Human rights mandate holders have expressed concern that sanctions and banking restrictions may unduly affect the production, availability and distribution of medicines, pharmaceutical equipment and supplies.¹²² The significant rise in prices of medicines¹²³ and the depletion of available stocks, combined with the increased risk of corruption and obstacles to the development of the pharmaceutical industry,¹²⁴ will

¹¹⁴ Alaa Shahine, "IMF sees risk of 50 per cent inflation on more U.S. sanctions", Bloomberg, 29 April 2019.

¹¹⁵ See www.imf.org/en/Countries/IRN#ataglance.

¹¹⁶ Jonathan Saul and Parisa Hefezi, "Exclusive: global traders halt new Iran food deals as U.S. sanctions bite – sources", 21 December 2018.

¹¹⁷ International Court of Justice, "Alleged violations of the 1955 Treaty of Amity, economic relations and consular rights (*Islamic Republic of Iran v. United States of America*)", press release, 3 October 2018.

¹¹⁸ Ibid.

¹¹⁹ International Court of Justice, "Certain Iranian assets (*Islamic Republic of Iran v. United States of America*)", Summary of the Judgment, press release, 13 February 2019, and Fixing of Time-Limit for the Filing of Counter-Memorial of the United States, press release, 15 February 2019.

¹²⁰ Michael R. Pompeo, Secretary of State, United States, "Remarks to the Media", press statement, 3 October 2018.

¹²¹ See www.diplomatie.gouv.fr/en/country-files/iran/events/article/joint-statement-on-the-creation-of-instex-the-special-purpose-vehicle-aimed-at; https://eeas.europa.eu/delegations/japan/57475/statement-high-representativevice-president-federica-mogherini-creation-instex-instrument_en.

¹²² Tamara Qiblawi, Frederik Pleitgen and Claudia Otto, "Iranians are paying for US sanctions with their health", CNN, 22 February 2019; Nilo Tabrizy, "Iranians fear medicine shortages as U.S. tightens sanctions", *New York Times*, 11 November 2018.

¹²³ "Impact of US sanctions on Iran's healthcare sector", *Financial Tribune*, 14 September 2018; see also www.irna.ir/news/83236255/.

¹²⁴ Bijan Khajehpour, "How US sanctions intensify rent-seeking in Iran's pharma sector", *Al-Monitor*, 16 January 2019.

continue to affect the health sector, which may result in the increase of preventable mortality and morbidity and have a negative impact on the effective enjoyment of the right to health. According to the Government, while the country produces 96 per cent of its medicines, it relies on the import of raw materials required for their production. Foreign medication has become scarce since early 2018, in particular specialized medication required for the treatment of life-threatening or rare conditions, such as cancer, heart diseases, thalassemia and multiple sclerosis.¹²⁵ According to members of the parliament's health commission, the Islamic Republic of Iran was short of 80 pharmaceutical items¹²⁶ and, according to the head of the country's critical care association, hospitals were experiencing shortages of medicines, medical equipment¹²⁷ and consumer goods.¹²⁸

64. A number of major international corporations have reportedly halted food supplies to the Islamic Republic of Iran since they could not conclude new export deals for wheat, corn, raw sugar or other commodities due to Western banks not being able to process payments.¹²⁹ The loss in agricultural production resulting from the recent floods is also likely to increase food price inflation with concomitant impacts on the ability of persons of lower purchasing power to procure necessary foodstuffs.¹³⁰

65. It is of concern that sanctions and banking restrictions have hampered the operations of the United Nations and other organizations to support people in the Islamic Republic of Iran, particularly in the context of recent flood relief efforts.¹³¹ Sanctions appear to have affected these relief efforts, partly owing to reported delays faced by United Nations agencies in obtaining licences dispensed by the United States Government and required to import essential items, such as food and medicines. United Nations entities have also faced difficulties in replenishing their local accounts, and some have had to revert to cash/carry options. The combined effect of fluctuation in the foreign exchange rate, high inflation and delays in international procurement processes have created challenges for the United Nations ability to respond to the increasing needs of the population. The limited capacity of the United Nations to deliver timely and quality services will affect the most vulnerable in the country, including women, children, low-income families and refugees.

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

A. Cooperation with human rights treaty bodies

66. The Secretary-General encourages the submission of outstanding periodic reports, including under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, which have been overdue since 2013, 2014 and 2018 respectively. The Secretary-

¹²⁵ See www.ettelaat.com/mobile/?p=107080.

¹²⁶ See www.isna.ir/news/97061105121/ and www.asriran.com/fa/news/629545/.

¹²⁷ See www.ilna.ir/fa/tiny/news-663910.

¹²⁸ See www.ilna.ir/fa/tiny/news-673055.

¹²⁹ Saul and Hafezi, "Exclusive: global traders halt new Iran food deals as U.S. sanctions bite"; Aradhana Aravinda, "Singapore's Olam to make divestments of \$1.6 bln over next few years", Reuters, 24 January 2019.

¹³⁰ The Economist Intelligence Unit, "China: prices on the rise", 26 October 2018.

¹³¹ Bozorgmehr Sharafedin, "President Rouhani inspects flood damage in northern Iran", Swiss Info, 27 March 2019.

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 their concluding observations.

B. Cooperation with the universal periodic review

67. 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 2016.¹³² He encourages Iranian institutions and stakeholders to engage with OHCHR in the third universal periodic review cycle, scheduled for November 2019.

C. Cooperation with special procedures

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

69. In May 2017, the Government invited three Special Rapporteurs of the Human Rights Council to visit the country: 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.

70. From November 2018 until May 2019, special procedures of the Human Rights Council issued nine public statements and eight communications regarding the situation of human rights in the Islamic Republic of Iran. The Government replied to five communications.

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

71. The Secretary-General welcomes the enhanced engagement and dialogue with OHCHR on a range of human rights issues by Iranian officials, including the Minister for Foreign Affairs, the Permanent Representative of the Islamic Republic of Iran in Geneva and representatives from the High Council for Human Rights. The Secretary-General encourages the Government to engage with OHCHR in technical cooperation activities.

72. The Executive Office of the Secretary-General and OHCHR continued to raise concerns about the situation of child offenders at imminent risk of execution with the Government on several occasions and seek to pursue an active engagement with the Iranian authorities on child justice.

IV. Recommendations

73. On the basis of the present report, the Secretary-General provides the following recommendations:

¹³² Islamic Republic of Iran, High Council for Human Rights, *UPR Mid-Term Report (2015–2016)*.

74. 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.
75. 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 ensured access to counsel of their choosing during the preliminary investigative stage and all subsequent stages of the judicial process.
76. 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.
77. The Secretary-General takes due note of the economic and financial challenges experienced by 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.
78. The Secretary-General urges that all appropriate steps be taken to ensure that measures such as humanitarian exemptions are effectively implemented to minimize unintended adverse humanitarian consequences.
79. The Secretary-General urges the Government to ensure that human rights defenders and lawyers, journalists, writers, labour rights activists 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 the right to collective bargaining.
80. The Secretary-General 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.
81. The Secretary-General urges the Government to take further practical steps in legislation and practice to eliminate all forms of discrimination and other human rights violations against women and girls, in accordance with international standards, and to ensure that the rights of women human rights defenders are protected.
82. The Secretary-General 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.
83. The Secretary-General urges the Government to eliminate all forms of discrimination against lesbian, gay, bisexual and transgender individuals and to adopt legislation that protects them.
84. The Secretary-General urges the Government to protect the rights of all persons with disabilities and to address all forms of discrimination against them

in line with recommendations of the Committee on the Rights of Persons with Disabilities and other United Nations human rights mechanisms.

85. 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, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO fundamental Conventions on Freedom of Association and Protection of the Right to Organise (No. 87) and on the Right to Organise and Collective Bargaining (No. 98).

86. The Secretary-General 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 follow up on their concluding observations and on recommendations of special procedures and to cooperate with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

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