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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to the Islamic Republic of Iran

### Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan\*, \*\*

#### *Summary*

The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan, undertook an official country visit to the Islamic Republic of Iran from 7 to 18 May 2022 to examine the impact of unilateral sanctions on the enjoyment of human rights in the country and on the right to development. She concludes that sanctions, secondary sanctions and different forms of overcompliance have a serious negative impact on the country's economy, leading to significant violations of human rights and humanitarian challenges, which have been exacerbated by the coronavirus disease (COVID-19) pandemic. She concludes that the use of unilateral sanctions, secondary sanctions and overcompliance has an overall adverse effect on the broad spectrum of human rights – civil, political, economic, social and cultural – including the right to life and the right to development. She recommends lifting unilateral sanctions in order to avoid de-risking policies and overcompliance in accordance with international legal norms and the due diligence rule and calls upon international community and humanitarian actors to assist the Government of the Islamic Republic of Iran in its efforts to mitigate the adverse humanitarian impact of unilateral coercive measures.

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\* The summary of the present report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

\*\* The report was submitted after the deadline in order to reflect the most recent information.



## Annex

# **Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan, on her visit to the Islamic Republic of Iran**

## **I. Introduction**

1. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Alena Douhan, visited the Islamic Republic of Iran from 7 to 18 May 2022 at the invitation of the Government. On 18 May, she presented her preliminary observations to the Government and held a press conference.<sup>1</sup>

2. The Special Rapporteur met with Government representatives and their teams, including the Secretary-General of the High Council for Human Rights of the Islamic Republic of Iran; the Vice-President for Women and Family Affairs; the Minister for Foreign Affairs; the Minister of Justice; the Minister of the Interior; the Head of the Commission of National Security and Foreign Policy; the Head of the government Human Rights Committee and member of the Parliamentary Health Commission; the Deputy Minister of Health, Treatment and Medical Education; the Deputy Minister for Agricultural Affairs of the Ministry of Agriculture Jihad; the Deputy Minister for International Affairs of the Ministry of Science, Research and Technology; the Deputy Minister for Legal and International Affairs of the Ministry of Foreign Affairs; the Deputy Minister of the Ministry of Economic Affairs and Finance and Head of the Foreign Investment Organization; the Deputy Minister of Petroleum; the Deputy Minister of Sport and Youth; the Head of the Health Insurance Organization; the Head of the Food and Drug Organization; the Head of the Centre for International Affairs of the Ministry of Education; the Head of the State Welfare Organization; the Head of the Crisis Management Organization; the Head of the Civil Aviation Organization; the Head of the Social Security Organization; the Governor of Isfahan Province; and representatives from the Ministry of Energy; the Ministry of Industry, Mine and Trade; the Ministry of Roads and Urban Development; the Ministry of Cooperatives, Labour and Social Welfare; the Ministry of Cultural Heritage, Tourism and Handicrafts; and the Plan and Budget Organization.

3. The Special Rapporteur also met with representatives of civil society organizations working in different areas and sectors, health-care providers, associations and charities, public and private financial institutions and businesses and academia, and with local and international humanitarian actors, and held consultations with the United Nations country team and with the members of the diplomatic community based in Tehran. In addition, the Special Rapporteur visited Karaj and Isfahan and met with representatives of the Iranian Central Bank, the Civil Aviation Organization and the Iranian Chamber of Commerce.

4. Before her visit, the Special Rapporteur issued an open call for contributions from relevant stakeholders,<sup>2</sup> and she extends her gratitude to all of the interlocutors who helped her to gather first-hand information and understand the impact of unilateral sanctions and overcompliance. She notes with regret, however, the slander, defamation and a hate campaign organized by some non-governmental organizations (NGOs) that did not share any contributions, despite her openness.

5. The Special Rapporteur commends the Government and in particular the High Council for Human Rights and the Ministry of Foreign Affairs for the transparent and constructive manner in which they coordinated and facilitated the visit, and for their responsiveness in providing additional information and data during and after the visit. She

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<sup>1</sup> See <https://www.ohchr.org/en/press-releases/2022/05/iran-unilateral-sanctions-and-overcompliance-constitute-serious-threat-human>.

<sup>2</sup> See <https://www.ohchr.org/en/calls-for-input/calls-input/country-visit-iran>.

also warmly thanks the United Nations Resident Coordinator and his office for its invaluable support throughout the visit.

## II. Context

6. In the mid-2000s, the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted resolutions imposing sanctions in response to the Iranian nuclear programme, which included: prohibitions on trading in materials, equipment, goods or technology that could contribute to its nuclear and ballistic programme; prohibitions on providing technical assistance, investments and any financial service to Iranian nuclear and ballistic-related activities; targeted asset freezes and travel bans against United Nations-listed individuals and entities; and enhanced scrutiny of transactions involving Iranian banks and the activities of Iranian shipping and air cargo companies.<sup>3</sup> After the conclusion of the Joint Comprehensive Plan of Action, endorsed by the Council in its resolution 2231 (2015), all sanctions were completely lifted.

7. Since 1979, the United States of America has imposed economic, trade and financial sanctions on the Islamic Republic of Iran. Since 1995, it has imposed a comprehensive trade ban and significant measures to isolate the country from the international commercial and financial system by also enforcing secondary sanctions on non-United States entities and financial institutions. However, since the mid-2000s, a series of executive orders and specific laws have created a broad and complicated framework of prohibitions and bans, which intensified after 2010 and extended to the energy sector and other key economic sectors. The sanctions against the financial sector include designations and asset freezes affecting the Iranian Central Bank and commercial banks.<sup>4</sup>

8. In 2010, the Council of the European Union adopted comprehensive economic, trade and other sanctions against the Islamic Republic of Iran, prohibiting the sale, transfer or export of dual-use goods and technology and imposing restrictions on investments and finance and engagement with the oil and gas industry, insurance and transport. Those measures were intensified in subsequent years through the imposition of an oil embargo in 2012 and prohibitions on the sale, supply, transfer or export of certain goods, including equipment or technology that could be used in the oil, natural gas and petrochemical industries; the freezing of assets of the Central Bank, the Iranian national shipping company and a number of persons and entities; and significant restrictions on financial services, including exports and imports.

9. In 2011, Australia adopted the Autonomous Sanctions Act and Autonomous Sanctions Regulations, which imposed an arms embargo; restrictions on the export or supply of certain goods; prohibitions on engaging with the Islamic Republic of Iran in any “sensitive commercial activity”, such as uranium mining or production, the supply, sale or manufacture of goods related to Iranian missile and nuclear weapons technology; the provision of financial, technical, brokerage and investment services related to sanctioned goods; and restrictions and travel bans on designated persons or entities.<sup>5</sup>

10. In July 2010, Canada adopted its sanctions programme under the Special Economic Measures Act and the Special Economic Measures (Iran) Regulations, imposing broad prohibitions on exports and imports to and from the country and restrictions on financial transactions, investments, insurance and re-insurance in key economic sectors, including the energy, shipping and mining sectors.

11. On 14 July 2015, China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States and the Islamic Republic of Iran signed the Joint Comprehensive Plan of Action. Upon its implementation, the

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<sup>3</sup> Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015).

<sup>4</sup> 2010: Comprehensive Iran Sanctions, Accountability, and Divestment Act; and 2012: Executive orders 13599, 13608 and 13622; Iran Freedom and Counter-Proliferation Act; and Iran Threat Reduction and Syria Human Rights Act.

<sup>5</sup> See <https://www.dfat.gov.au/sites/default/files/sanctions-snapshot-iran-unscc-and-autonomous.pdf>.

European Union lifted all of its economic and financial sanctions. The United States lifted its secondary sanctions in the energy, financial, manufacturing and auto sectors and delisted many Iranian entities and banks, while maintaining its ban on direct trade and investment with the country. Canada relaxed its sanctions<sup>6</sup> and significantly reduced the number of designated individuals and entities<sup>7</sup> and Australia removed restrictions affecting numerous economic sectors and amended its list of designated individuals and entities,<sup>8</sup> while maintaining arms-related sanctions and restrictions on certain materials, software and nuclear-related equipment.<sup>9</sup>

12. On 8 May 2018, the United States withdrew from the agreement, reimposing all lifted sanctions and imposing additional sanctions. In 2019, the Central Bank was designated as a terrorist entity and a series of executive orders were issued targeting key economic sectors, sanctioning the provision of any financial, material or technological support and strengthening the secondary sanctions regime against any foreign entity conducting transactions in Iranian currency and engaging with any listed Iranian entity or blocked person.<sup>10</sup> Iranian assets frozen in foreign accounts are estimated at many billions of United States dollars and most foreign financial institutions have left the Iranian market.

13. Other sanctioning countries have maintained their non-proliferation sanctions and human-rights related restrictions, including trade bans on certain equipment, and asset freezes and travel bans for a number of designated individuals and entities.

### **Secondary sanctions and overcompliance**

14. The changing environment around the unilateral sanctions regime against the Islamic Republic of Iran since the mid-2000s, the designation of third-country nationals and companies and the complexity and vagueness of provisions and regulations have led to increased uncertainty among financial institutions and businesses, resulting in overcompliance and de-risking, and even, in some instances, to complete disengagement from any activity related to the country. This has been exacerbated by the lack of capacity and the high costs required to navigate the imposed financial and trade restrictions, which constitute a major disincentive, even for businesses and financial institutions that may engage in otherwise authorized transactions and trade.

15. The Special Rapporteur received numerous accounts of foreign financial institutions and businesses refusing to process payments and to deliver goods and services out of fear of financial, reputational and other consequences. Even after the signing of the Joint Comprehensive Plan of Action, there were reports of foreign financial institutions being reluctant to restore ties with the Islamic Republic of Iran and to engage in investments in the country, given the history of hefty financial penalties for alleged breaches of United States sanctions.<sup>11</sup>

16. As with other sanctioned countries, the Islamic Republic of Iran has suffered from the extension of the jurisdiction of the United States in international banking transactions owing to the involvement of United States correspondent banks or the need to make payments in United States dollars. This has not only caused serious disruptions and delays in the provision of basic goods, including food, medicines, medical and other equipment and raw materials, but has also seriously impeded Iranian engagement in international cooperation, including the payment of membership fees to international organizations and associations, access to

<sup>6</sup> See <https://www.nortonrosefulbright.com/fr-ca/centre-du-savoir/publications/86947f6b/canada-eases-sanctions-against-iran>; and <https://www.dickinson-wright.com/news-alerts/canada-relaxes-iran-sanctions>.

<sup>7</sup> See <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-165/page-2.html#h-760169>.

<sup>8</sup> See <https://www.legislation.gov.au/Details/F2016L00117>.

<sup>9</sup> See

[https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1718/Quick\\_Guides/IranNuclear](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1718/Quick_Guides/IranNuclear).

<sup>10</sup> See, for example, United States, Federal Register, Executive Orders 13846, 13871 13876 and 13902.

<sup>11</sup> See <https://www.reuters.com/article/uk-iran-nuclear-banks-insight-idUKKBN0NZ0AO20150514>.

funding opportunities and participation of Iranian institutions and individuals in academic and scientific programmes<sup>12</sup> and in cultural and sports activities.

### III. Impact of unilateral coercive measures on the economic and humanitarian situation

#### A. Macroeconomic context

17. International statistical information on macroeconomic indicators from 2010 until today demonstrates a correlation between the imposition and intensification of unilateral sanctions and Iranian macroeconomic performance owing, in particular, to trade and financial restrictions on the Iranian energy sector, which is the country's most significant source of income: around half of the Government's fiscal budget depends solely on exports of petroleum and other liquids. According to the World Bank, while the Iranian economy is relatively diversified, oil proceeds play a crucial role in public finances and external accounts.<sup>13</sup> The country is the fifth-largest crude oil producer and third-largest natural gas producer in the world.

18. Between 2010 and 2015, the Islamic Republic of Iran exported between 700,000 and 1.4 million barrels of crude oil and condensate per day. With sanctions being lifted following the Joint Comprehensive Plan of Action, daily exports reached and topped 2.5 million barrels per day between May 2016 and May 2018. With the reimposition of the United States sanctions, exports dropped to under 500,000 barrels per day in July 2020.<sup>14</sup> In 2018 and 2019 alone, oil exports declined by 57 per cent, according to official Government figures, leading to significant shortfalls in the annual budget owing to the loss of revenue. Between 2019 and 2021, the annual loss from the drop in oil exports is estimated at around \$56 billion.<sup>15</sup> To compensate, the Government has greatly expanded the money supply.<sup>16</sup>

19. The estimated annual foreign exchange revenue prior to sanctions, which was about \$66 billion between 2005 and 2011, fell to \$25 billion during 2019–2021, affecting Government expenditures on development and other projects.<sup>17</sup>

20. Similar trends are observed in overall Iranian trade, with the value of exports and imports slashed almost in half between 2010 and 2019, with further significant deterioration until 2021.<sup>18</sup> Trade between the European Union and the Islamic Republic of Iran declined by more than 50 per cent between 2017 and 2021.<sup>19</sup>

21. These developments have had a significant impact on the Iranian economy. The annual growth rate of the gross domestic product (GDP) averaged 4.6 per cent between 2000 and 2010, but shrank by an average of 1.7 per cent between 2011 and 2015 as unilateral sanctions intensified. GDP grew by a record 13.6 per cent in 2016, following the Joint Comprehensive Plan of Action and the lifting of sanctions, and 3.7 per cent in 2017, while in 2018 and 2019 the economy contracted by 6 per cent and 6.8 per cent, respectively.<sup>20</sup>

<sup>12</sup> See <https://www.nature.com/articles/d41586-019-02795-y>.

<sup>13</sup> World Bank Group, "Iran Economic Monitor, Fall 2017: Sustaining Growth– The Challenge of Job Creation".

<sup>14</sup> United States Energy Information Administration, "Country Analysis Executive Summary: Iran", 16 July 2021. According to official data, more than 90 per cent of the oil and non-oil trade is maritime.

<sup>15</sup> Data from the Iranian Plan and Budget Organization.

<sup>16</sup> E. Batmanghelidj, *The Inflation Weapon: How America Sanctions Harm Iranian Households*, Fourth Freedom Forum, 2022.

<sup>17</sup> Data from the Iranian Plan and Budget Organization.

<sup>18</sup> B. Khajepour, "Anatomy of the Iranian economy", Swedish Institute of International Affairs, UI Paper No. 6, May 2020.

<sup>19</sup> See [https://webgate.ec.europa.eu/isdb\\_results/factsheets/country/overview\\_iran\\_en.pdf](https://webgate.ec.europa.eu/isdb_results/factsheets/country/overview_iran_en.pdf).

<sup>20</sup> World Bank, Data: Iran, Islamic Rep. (worldbank.org); see also [https://webgate.ec.europa.eu/isdb\\_results/factsheets/country/overview\\_iran\\_en.pdf](https://webgate.ec.europa.eu/isdb_results/factsheets/country/overview_iran_en.pdf); and <https://unctadstat.unctad.org/countryprofile/generalprofile/en-gb/364/index.html>.

22. Inflation has also been affected by the changing environment brought on by the unilateral sanctions and by the effects of the Iranian currency devaluation as a result of financial restrictions and foreign assets freezes. Annual inflation between 2000 and 2010 averaged approximately 14.6 per cent, and rose to approximately 23.8 per cent between 2011 and 2015. In 2016 and 2017, inflation dropped to 7.2 per cent and 8 per cent, respectively, before rising again to alarming levels after the reimposition of United States sanctions – 18 per cent in 2018, and 39.9 per cent in 2019.<sup>21</sup> Since the reimposition of sanctions in 2018, general prices in the country rose by 85 per cent and food prices doubled.<sup>22</sup>

23. While the country has been ranked 127 out of 190 economies in business environment indexes, the combined trade and financial restrictions between 2011 and 2015 and after 2018, coupled with overcompliance by businesses and their general reluctance to engage in any economic activity with the country, have affected foreign direct investment, which dropped to around \$1.3 billion in 2020,<sup>23</sup> representing only around 0.15 per cent of the national GDP. Data from the Iranian Organization for Investment, Economic and Technical Assistance, covering the period between the autumn of 2017 and the spring of 2018, reveal that the number of approved foreign investments plummeted from 72 to 20, as did their total monetary value (from approximately \$4.4 billion to \$154 million).<sup>24</sup>

24. The imposed trade and financial restrictions have had a direct impact on the Iranian job market, especially in sectors directly linked to international markets, and on the lives of Iranians living abroad and actively involved in business activities. The changing environment in sanctions regimes has resulted in job market instability and insecurity and in heightened risks for those employed in the informal economy without access to social protections.

## **B. Impact of unilateral sanctions on health care, medicines and medical equipment**

25. Since the 1990s, the country has shown a constant improvement in all its principal health indicators, including life expectancy and neonatal, infant and under-five and maternal mortality rates,<sup>25</sup> and advancements in medical education and research, which have led to significant improvements in the quality of health-care services. Health care amounts to 8 per cent of the national GDP, but the current capacity of the national health-care system ranks relatively low in global statistics, with a network of 1,034 hospitals and 5,608 general and specialized clinics, and only 1.7 beds, 1.6 physicians and 2.1 nurses and midwives per 1,000 persons.<sup>26</sup> Nevertheless, the country's health-care service is further supported, especially in rural and remote areas, by a significant number of primary care providers.<sup>27</sup>

26. Despite challenges, numerous governmental and non-governmental interlocutors have expressed grave concerns about the direct impact of unilateral sanctions on peoples' access to health care and on the Government's efforts to ensure adequate response and prevention, including through the Health Transformation Plan, which was launched in 2014 to strengthen the health infrastructure and increase the number of health-care providers and physicians, especially in rural and remote areas. Between 2002 and 2022, 170 hospitals were built and the national Health Insurance Organization expanded its coverage to 42,278,338 people in

<sup>21</sup> World Bank, Data: Iran, Islamic Rep. (worldbank.org).

<sup>22</sup> E. Batmanghelidj, *The Inflation Weapon*.

<sup>23</sup> See <https://unctadstat.unctad.org/countryprofile/generalprofile/en-gb/364/index.html>; and <https://www.ceicdata.com/en/indicator/iran/foreign-direct-investment--of-nominal-gdp>.

<sup>24</sup> International Court of Justice, *Certain Iranian Assets (Islamic Republic of Iran v. United States of America)*, annexes, vol. IV, 24 May 2019.

<sup>25</sup> See [https://www.who.int/data/gho/data/countries/country-details/GHO/iran-\(islamic-republic-of\)?countryProfileId=e16ed800-9300-444e-a085-f75f5f93cc24](https://www.who.int/data/gho/data/countries/country-details/GHO/iran-(islamic-republic-of)?countryProfileId=e16ed800-9300-444e-a085-f75f5f93cc24).

<sup>26</sup> World Health Organization (WHO), Global Health Observatory, Iran (Islamic Republic of); see also [https://www.google.com/search?client=firefox-b-1-e&q=https%3A%2F%2Fdata.worldbank.org%2Findicator%2FSD.SV.MED.BEDS.ZS%3Flocations%3DIR%26most\\_recent\\_value\\_desc%3Dtrue](https://www.google.com/search?client=firefox-b-1-e&q=https%3A%2F%2Fdata.worldbank.org%2Findicator%2FSD.SV.MED.BEDS.ZS%3Flocations%3DIR%26most_recent_value_desc%3Dtrue).

<sup>27</sup> Report of the Ministry of Health, Treatment and Medical Education, 2021.



2021 (51 per cent of the population). This is in addition to insurance coverage provided by other insurance providers, covering the rest of the population.<sup>28</sup>

27. Currently, the country produces around 95 per cent of its medicines and basic vaccines to mitigate the impact of unilateral sanctions, with reportedly good manufacturing and quality assurance systems.<sup>29</sup> However, Iranian pharmaceutical companies have difficulty procuring raw materials and ingredients of necessary quality and increased costs have affected purchasing from abroad.<sup>30</sup>

28. Reliable sources and interlocutors confirmed the absence of sustainable medical supplies since 2011 as the result of the sanctions. Of particular concern are significant challenges faced in the procurement and delivery of life-saving medicines and medical equipment produced by foreign companies and destined for the treatment of rare diseases, including certain types of cancer, thalassemia, haemophilia, leukaemia, ichthyosis, multiple sclerosis, epidermolysis bullosa, autism and certain forms of diabetes.

29. Although, according to sanctions documents, importation of medicines and medical equipment are not affected, owing to humanitarian exemptions, their delivery has been severely undermined by the effects of sanctions on finance, trade, shipping and insurance companies, restrictions on international payments and by overcompliance by foreign businesses and suppliers. These constitute serious impediments to the enjoyment of the right to the highest attainable standard of health by all Iranians.

30. The Special Rapporteur has received testimonies of acute shortages and exorbitant prices for life-saving medicines, and for medications to reduce suffering, including accounts of rationing of medical doses by patients who, as a result of dire economic circumstances, have been forced to resell their medications to cover basic needs, such as food. Since November 2018, the price of health care rose by 67 per cent.<sup>31</sup> In 2021, the country was able to import 1.5 million injection doses for thalassemia patients, out of the 10 million needed, although it was not possible to import oral medication for those patients.<sup>32</sup> Such shortages have led to a quadrupling of mortality rates among persons suffering from the disease.<sup>33</sup>

31. The quest for alternative routes of procurement and payment through intermediaries and complex payment procedures are key factors contributing to the rising costs of medicines and medical equipment. In 2021, the Iranian Health Insurance Organization was unable to supply around 130 medicines for several diseases for the reasons set out above.<sup>34</sup>

32. The Special Rapporteur was informed about significant delays and, in some cases, the complete denial of shipments by foreign transportation companies due to the reluctance of insurance companies to insure cargoes. The limited access to formal trade, payment and delivery channels owing to sanctions-related restrictions is a cause of the reported rise in counterfeit medical products and the smuggling of expired/expiring medicines, with ruinous public health consequences, especially among vulnerable populations.<sup>35</sup> Iranian war veterans and civilians who survived nerve agent and mustard gas attacks during the war with Iraq in the 1980s make up a vulnerable group affected by the shortages of specialized medicines and medical equipment.

33. In Tehran, the Special Rapporteur visited the specialized centre for the treatment people with epidermolysis bullosa (EB), a rare skin disorder involving a number of related health complications, which causes acute and incurable suffering from birth and can lead to

<sup>28</sup> Statistical Yearbook of the Ministry of Cooperatives, Labour and Social Welfare, 2020.

<sup>29</sup> WHO, Islamic Republic of Iran: Health Systems Profile, 2018.

<sup>30</sup> See <https://www.bourseandbazaar.com/articles/2018/12/5/european-pharmaceutical-exports-to-iran-fall-sharply>.

<sup>31</sup> E. Batmanghelidj, *The Inflation Weapon*.

<sup>32</sup> NGO information.

<sup>33</sup> Ibid.

<sup>34</sup> Information by the Iranian Health Insurance Organization.

<sup>35</sup> S. Namazi, "Sanctions and medical supply shortages in Iran", The Wilson Center, Middle East Program, *Viewpoints Series*, No. 20 (February 2013); M. Aloosh et al., "Economic sanctions threaten population health: the case of Iran", *Public Health*, vol. 169 (2019), pp. 10–13; M. Ghalibafian et al., "The silent victims of the US embargo", *The Lancet Oncology*, vol. 19, No. 11 (November 2018).

death. Suffering can only be reduced by applying bandages produced by a single company in Sweden. She was informed about the challenges that the centre has faced in procuring the specialized absorbent silicone dressings (bandages) owing to overcompliance by the Swedish producer, and about the centre's efforts to mobilize international stakeholders, including the specialized agencies of the United Nations, to help procure the bandages on an ad hoc basis, pending a more sustainable solution.<sup>36</sup>

34. The Special Rapporteur received numerous other examples of the reluctance of foreign companies to deliver essential equipment for the health-care sector, such as ambulances, and medicines, medical equipment and necessary spare parts, including plasma-derived drugs, blood separation centrifuges, measuring and quality control equipment, diagnostic devices for prenatal diseases, cardiac and endoscopic equipment and materials for producing gloves and catheters. She was also informed that in some anti-retroviral centres, the machines for tracking immunosuppression and initiating anti-retroviral therapy (CD4 counting) could no longer function because of missing spare parts, with serious procurement delays and increased costs due to unilateral sanctions.<sup>37</sup> Even the office of the United Nations Development Programme in the Islamic Republic of Iran reportedly faced serious problems in obtaining paediatric anti-retroviral medicines from a foreign company, which refused to sell them.

35. In addition to medicines and medical equipment, it is reported that international companies and suppliers have refused to sell software for managing and monitoring patients' treatment, including software required for the management of the dosage of medications for cancer patients.

36. Financial restrictions, secondary sanctions and the vagueness, complexity and uncertainty around the determination of items that are exempted from sanctions and those that could be considered "dual-use" (i.e., for civil and military use) have significantly affected a number of medical disciplines and sectors in the country, including nuclear medicine and radiopharmacy, with a direct impact on patients receiving such specialized treatment. The Special Rapporteur was further briefed on the designation, by the United States Treasury Department, of the Pars Isotope Company owing to its affiliation with the Iranian Atomic Energy Organization and the significant obstacles it faces in accessing raw materials from abroad for developing radiopharmaceuticals for treating cancer patients both inside and outside the country.<sup>38</sup>

37. The adverse effects of unilateral sanctions on health care have been compounded by the coronavirus disease (COVID-19) pandemic. The Islamic Republic of Iran is one of the countries most affected by the pandemic, with more than 131,000 lives reported lost by the end of 2021.<sup>39</sup> There have been public discussions about the level of Government responsiveness to and preparedness for such a public health crisis and about the delays in the national COVID-19 vaccination roll-out, with some reports criticizing the decision of the Government to refuse vaccines manufactured in the United States and the United Kingdom.<sup>40</sup> The Iranian Government informed the Special Rapporteur that delays were mainly due to the challenges it faces in unfreezing money held in foreign banks, which must await the approval of the Government of the United States to act on payment instructions from the Iranian Central Bank,<sup>41</sup> and to make international payments for the procurement of vaccines through COVAX (the vaccines pillar of the Access to COVID-19 Tools (ACT) Accelerator), owing to the country's financial isolation. She was informed that the delivery of millions of COVID-19 vaccine doses from the country's paid allocation to the COVAX facility and from Germany, Italy and Japan was possible only after the engagement of the United Nations

<sup>36</sup> See [SWE 3/2021](#) and [OTH 230/2021](#).

<sup>37</sup> NGO information.

<sup>38</sup> Meeting of the Special Rapporteur with the Pars Isotope Company.

<sup>39</sup> United Nations Children's Fund (UNICEF), Country Office Annual Report 2021, Iran (Islamic Republic of).

<sup>40</sup> See <https://www.hrw.org/news/2021/01/12/iran-khameneis-reckless-ban-covid-19-vaccine>.

<sup>41</sup> E. Batmanghelidj, *The Inflation Weapon*.



Children's Fund (UNICEF).<sup>42</sup> The Islamic Republic of Iran subsequently developed its own capacity to produce COVID-19 vaccines.

38. Disruptions were also reported in the delivery of vital equipment to be used during the COVID-19 pandemic, including ventilators, CT scanners and protective equipment.<sup>43</sup> The Government also informed the Special Rapporteur about the blocking, by the United States in 2020, of the disbursement of a loan from the International Monetary Fund to support the Iranian Government's pandemic response.<sup>44</sup>

### C. Access to food

39. Iranian agricultural production represents more than 10 per cent of its GDP, with 75 per cent of the agricultural activity undertaken by small subsistence farmers. The country is among the world's top 20 producers for a range of agricultural commodities.

40. For years the Government has developed policies to secure food self-sufficiency and agricultural self-reliance. According to the World Food Programme, self-sufficiency rates ranged from 53 per cent to 82 per cent between 2000 and 2012.<sup>45</sup> Today, the country still relies on food imports; its self-sufficiency rate is around 85 per cent.<sup>46</sup>

41. The reimposition of unilateral sanctions in 2018, along with the corresponding trade and financial restrictions and overcompliance by foreign businesses, traders and financial institutions,<sup>47</sup> have disrupted the procurement of agricultural seeds, fertilizers and equipment for agricultural production. This has led to the use of barter and humanitarian trade mechanisms, which, along with inflation and the devaluation of the national currency, have triggered a spike in food prices.<sup>48</sup>

42. According to the Iranian Chamber of Commerce, Industries, Mines and Agriculture, the reimposition of sanctions in 2018 has jeopardized the country's food security by disrupting the supply of at least 10 million tons of agricultural imports, including the supply of livestock inputs, oilseeds and cooking oil, constituting a clear violation of the right to food in terms of access and adequacy.

43. These developments have had a serious impact on the average cost of food, especially in towns and cities. According to official data, food prices rose by 64 per cent between 2017 and 2019,<sup>49</sup> leading to dietary changes and lower food consumption<sup>50</sup> and to soaring food insecurity rates among the population, reaching 60 per cent in certain regions.<sup>51</sup> The COVID-19 pandemic has exacerbated these trends, with households in 2020 forced to spend an estimated 41.4 per cent more than in 2019 for the same products.<sup>52</sup> Humanitarian organizations reported that the cost of the food basket increased more than three times between 2018 and 2022.<sup>53</sup>

<sup>42</sup> UNICEF, Country Office Annual Report 2021, Iran (Islamic Republic of).

<sup>43</sup> Information by the Ministry of Health, Treatment and Medical Education.

<sup>44</sup> See <https://www.wsj.com/articles/u-s-to-block-irans-request-to-imf-for-5-billion-loan-to-fight-coronavirus-11586301732>.

<sup>45</sup> World Food Programme, "Food and Nutrition Security in Iran", July 2016.

<sup>46</sup> A. Soltani et al., "Future food self-sufficiency in Iran: a model-based analysis", *Global Food Security*, vol. 24 (2020).

<sup>47</sup> See <https://www.reuters.com/article/us-iran-nuclear-food-exclusive-idUSKCN1OK1OR>.

<sup>48</sup> J. Hejazi and S. Emamgholipour, "The effects of the re-imposition of US sanctions on food security in Iran", *International Journal of Health Policy and Management*, vol. 11, No. 5, 2022.

<sup>49</sup> Statistics Centre of Iran, Survey on Household Expenditure and Income; see also <https://www.ceicdata.com/en/iran/consumer-price-index-april-16march-17100-statistical-centre-of-iran-urban/cpi-urban-food-and-nonalcoholic-beverages-fb>.

<sup>50</sup> See <https://www.voanews.com/a/beset-by-inflation-iranians-struggle-with-high-food-prices-/6251855.html>.

<sup>51</sup> J. Hejazi and S. Emamgholipour, "The effects of the re-imposition of US Sanctions on food security in Iran".

<sup>52</sup> A.K. Rad et al., "Effects of the COVID-19 pandemic on food security and agriculture in Iran: survey", *Sustainability*, vol. 13, No. 18 (2021).

<sup>53</sup> NGO information.

## D. Infrastructure and natural disasters response and recovery

44. Unilateral sanctions have reduced the capacity of the Government to maintain and improve essential infrastructure and to engage in important development projects to improve peoples' lives, especially in remote and rural areas. Disruptions in processing payments and the refusal of foreign businesses to accept foreign currency guarantees issued by Iranian banks owing to sanctions have seriously affected the engagement of the country in international partnerships for such projects, including the development and modernization of industries, power plants and electrical grids, water supply systems, public transportation, the network of roads and educational and health facilities.

45. Hydropower, irrigation and water supply projects have been suspended owing to the dearth of foreign funds resulting from unilateral sanctions and the impossibility of attracting investment and accessing new technologies for necessary upgrades in key industrial sectors, such as oil refineries, gas fields, power plants, pipelines and power grids. The suspension of such projects has had serious adverse effects on the daily lives of people and poses heightened risks of serious environmental hazards. Similar concerns have been raised in the development and maintenance of land and air transport infrastructure.

46. The withdrawal of foreign donors and the interruption of contracts have hampered several critical dam construction projects and the supply of foreign industrial items, chemicals and technology for water and wastewater treatment.

47. In the energy sector, dozens of foreign companies have invested in projects for developing and upgrading Iranian oil and gas fields. Almost all contracts signed in 2015, following the signing of the Joint Comprehensive Plan of Action, were terminated with the reimposition of unilateral sanctions in 2018.<sup>54</sup> At the same time, concerns have been expressed by the Ministry of Petroleum about the impact of sanctions on access to new technologies to deal, inter alia, with harmful gas emissions and air pollutants.

48. The electric power industry has faced difficulties in procuring equipment and raw materials, electronic and control equipment, relays and materials for the production of certain equipment, including turbines and compressors. Such equipment is critical to secure reliable power supplies and prevent outages like those experienced in 2021.<sup>55</sup> It is estimated that the lost funding from the termination of investment contracts in the sector since 2018 will exceed \$6 billion.

49. Numerous projects to build facilities and hospitals for COVID-19 patients and for cancer research and treatment have been discontinued, including those backed by the Islamic Development Bank, of which the Islamic Republic of Iran is a member State. Similar challenges were reported regarding the implementation of projects developed by the Islamic Development Bank for grain silo facilities as a result of significant delays in international payments, the depreciation of local currency and the ensuing rise in construction costs.<sup>56</sup>

50. Sanctions have also prevented the Government from accessing resources and equipment for disaster preparedness, response and recovery interventions. There have been numerous natural disasters, often of devastating proportions, in the Islamic Republic of Iran, with more than 80,000 deaths over the last 30 years as a result of extreme floods, extreme temperatures, droughts and earthquakes.<sup>57</sup>

51. Governmental agencies and NGOs such as the Crisis Management Organization and the Red Crescent Society have pointed to extraordinary delays, sometimes of longer than a year, in the delivery of emergency assistance by international donors owing to banking transaction restrictions and overcompliance on the part of suppliers. Similar delays have reportedly occurred in the delivery of life-saving medicines and medical equipment that

<sup>54</sup> Government information.

<sup>55</sup> See <https://iranprimer.usip.org/blog/2021/jul/13/iran-suffers-twin-power-water-crises>.

<sup>56</sup> Islamic Development Bank, Economic and Social Infrastructure Department, *Project Completion Report Compendium 2020*, March 2021.

<sup>57</sup> H. Seddighi and S. Seddighi, "How much the Iranian government spent on disasters in the last 100 years? A critical policy analysis", *Cost Effectiveness and Resource Allocation*, vol. 18, No. 46 (2020).

should normally be delivered within one week from the purchase date. In addition, due to banking restrictions, these organizations cannot receive financial support and donations from Iranians living abroad, while the procurement of search-and-rescue helicopters and air medical services ambulances is almost impossible owing to the failure to secure financing and the excuse that they could be considered “dual-use”. According to the Iranian Civil Aviation Authority, the country has only five air medical services helicopters, which are often the only way to reach affected areas and victims.

52. There were 39 earthquakes in the Islamic Republic of Iran in 2021. The Crisis Management Organization highlighted the inability to procure equipment and research materials for natural disaster monitoring and prevention and to access aerial satellite imaging to assess the impact of natural disasters to better coordinate targeted interventions.

53. The Special Rapporteur was also briefed about difficulties in ensuring maintenance and upgrading for civil aviation fleets, mainly due to obstacles in procuring spare parts, new technologies and software, and planes. This has been further exacerbated by the Iran-related Civil Aviation Industry Advisory issued in 2019 by the Office of Foreign Assets Control of the United States Department of the Treasury.<sup>58</sup> Foreign aircraft manufacturers have either terminated their contracts or only partially fulfilled them as a result of sanctions and overcompliance, and have discontinued after-sales service and support, thereby endangering the security of civil aviation and human lives. Similar challenges are affecting the Iranian automobile industry.

54. The above factors directly affect the economic and social rights of Iranians, including the right to live in a favourable environment, access to clean water, freedom from poverty, the right to development and even the right to life, seriously undermining the achievement of the Sustainable Development Goals.

## **E. International cooperation and effective participation**

55. The imposition of comprehensive unilateral sanctions, coupled with secondary sanctions and overcompliance, have broad implications for the country’s engagement with the international community. During her visit, the Special Rapporteur heard concerns regarding Iranian participation in international forums and organizations, and about other challenges in different areas and sectors. In particular, in early January 2022, the country’s voting rights in the United Nations were suspended owing to late dues of around \$18 million, reportedly owing to the inability of the Government to access its funds held in foreign accounts. The country regained its voting rights only when the amount was paid by its frozen assets released by banks in the Republic of Korea. Its voting rights were also suspended from January to June 2021 for the same reasons.<sup>59</sup>

56. The Iranian Chamber of Commerce reported difficulties in paying its dues to foreign chambers of commerce, including the International Chamber of Commerce, and in transferring funds to international arbitration bodies, thus preventing access to international adjudication. The country faces similar challenges in the payment of membership fees to international sports and cultural associations and legal fees for the restitution of cultural artefacts and in financing the participation of Iranian artists in international cultural meetings and festivals.

57. The Special Rapporteur notes with concern the negative impact of unilateral sanctions on academia. She was presented with evidence of the: reluctance or refusal of international academic institutions and scholars to collaborate with their Iranian counterparts; impossibility of paying contributions to international professional associations; termination of foreign grants for academic exchanges and research; travel constraints; exclusion of Iranian scholars from editorial boards abroad; summary rejections of Iranian academic submissions and articles by foreign journals and publishers on the grounds of nationality; and obstacles in accessing foreign online academic, technological and medical databases and

<sup>58</sup> See [https://home.treasury.gov/system/files/126/20190723\\_iran\\_advisory\\_aviation.pdf](https://home.treasury.gov/system/files/126/20190723_iran_advisory_aviation.pdf).

<sup>59</sup> See <https://www.aljazeera.com/news/2022/1/23/s-korea-says-iran-to-regain-un-vote-after-delinquent-dues-paid-with-frozen-funds>.

libraries. She also received accounts of the challenges faced by Iranian students wishing to study at foreign academic institutions, such as restrictions or cancellations of exchange programmes and scholarships, and procedural obstacles, such as the payment of fees and opening or maintaining of bank accounts.

58. Academic, cultural and professional exchanges and the participation of Iranians in international forums have been further constrained by the COVID-19 pandemic and the unavailability of certain online communication platforms as compliance and overcompliance with unilateral sanctions extends to the blocking of Iranian IP addresses. Some Iranian academics, doctors and parliamentarians have been unable to attend online sessions of international organizations, conferences and workshops owing to blocked online platforms. The Special Rapporteur underlines that unilateral sanctions limit Iranians' access to information, negatively affecting the right to education, academic freedom, cultural rights and the prohibition of discrimination.

59. The Special Rapporteur also learned about the negative impact of the current unilateral sanctions on consular services and diplomatic relations. Iranian diplomats abroad are prevented from opening bank accounts, transferring money between the Islamic Republic of Iran and the countries where they are posted, receiving their salaries and effecting basic financial transactions, such as booking hotel rooms and travel tickets, and paying school fees and daily expenses. United Nations entities in the country and foreign diplomatic missions in Tehran and their staff have experienced difficulties in paying salaries and covering school fees.

## **F. Situations of vulnerability and humanitarian assistance**

60. The economic hardships in the Islamic Republic of Iran and the lingering effects of the COVID-19 pandemic have led to a rising number of people needing support. The official poverty rate rose to 31 per cent in 2020 from 22.47 per cent in 2010, with an additional 15.3 million Iranians falling into poverty.<sup>60</sup> According to data analysis from Iranian Households Income and Expenditure Survey, between 2018 and 2020 (after United States sanctions were reimposed and before the COVID-19 pandemic), the national poverty rate increased by 11 per cent and the average standard of living dropped by 12 per cent.<sup>61</sup>

61. For the same reasons, the significant decrease in Government revenues and donations from businesses and the inability to transfer financial support from international donors has led to a decrease in governmental and non-governmental programmes of social support. In March 2022, the Government decided to revise the means of allocating subsidies for essential food and medicines. While all subsidies for commodities remained in force, the Government decided to pay amounts for food and medicine directly to individuals and insurance companies. Subsidies for gasoline and electricity reportedly remained unchanged and redirecting financial support to the most vulnerable groups became a priority.

62. The Special Rapporteur was made aware of the financial struggles of the State Welfare Organization and the Imam Khomeini Relief Foundation to provide support to the increasing number of those needing humanitarian assistance. Government budget deficits may explain the reasons for such constraints, along with the inability of international donors to transfer money through the banking system. It is reported that, in 2021, 40 per cent of Government funds for the work of the State Welfare Organization could not be allocated.<sup>62</sup> Still, both institutions have reportedly increased the total amount of cash transfers by 20 per cent from 2020 to 2022, although those measures have not been sufficient for all their needs. Between 2020 and 2022, the Imam Khomeini Relief Foundation expanded its work to support 1 million more families,<sup>63</sup> while the Government's poverty reduction programme provided support to 706,000 families in 2021. High inflation has led to significant increases in the costs of humanitarian, medical and rehabilitation interventions and for providing material support

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<sup>60</sup> NGO submission.

<sup>61</sup> Ibid.

<sup>62</sup> NGO information.

<sup>63</sup> Ibid.

to those most in need. At the same time, the Social Security Organization has to respond to the decreasing purchasing power of more than 7 million pensioners and has estimated that an additional \$3.6 billion is needed to cover the difference between 2018 and 2022. At the same time, the rise in the cost of medical services has put additional pressure on the allocated budget of the Social Security Organization for medical subsidies.<sup>64</sup>

63. Sanctions and resulting economic pressures undoubtedly have a pronounced gender dimension. Economic sectors traditionally employing women have been particularly affected, including manufacturing, handicrafts and family businesses, and an increasing number of women have had to engage in the informal economy to make a living and to meet the financial needs of their households in the context of rising inflation. Furthermore, women's entrepreneurship, which the Government has supported and encouraged in recent years in different economic sectors, has also been impacted. The unemployment rate for women is approximately double that of men, with a rate of 36 per cent for young women aged between 15 and 24, compared to 21.2 per cent for young men of the same age.<sup>65</sup> According to an analysis of data from the Iranian Labour Force Survey, although women's share in the labour market is 1 to 9 compared to men, with a labour force participation rate of only a 17.5 per cent according to the 2020 *Human Development Report*,<sup>66</sup> since May 2018 and the reimposition of the United States sanctions, 2 of every 3 job losses affected women.<sup>67</sup> Several interlocutors also raised concerns about the precarity of the approximately 3 million female-headed households and the vulnerability of the 9 million women in low-income categories who face difficulties in accessing basic services, including health care. The Government has undertaken measures to ensure the participation of 255,000 female heads of households in social and economic empowerment programmes, including subsidized employment schemes and business support and development programmes.<sup>68</sup>

64. In this context, wherein sanctions and overcompliance undermine economic development and foster impoverishment, some vulnerable people seek to escape poverty by engaging in other activities, including the grey economy, the black market, drug trafficking and smuggling, exposing themselves to criminal prosecution.

65. The Special Rapporteur met with a variety of persons with disabilities and their associations and heard about their growing socioeconomic difficulties and the challenges they face in accessing medicines and medical, assistive and rehabilitation equipment due to sanctions and overcompliance on the part of foreign suppliers. Many persons with disabilities, who have been particularly affected by the country's economic downturn and rising prices, especially for supplies and services, including rehabilitation services, are unemployed and require governmental aid. A characteristic example that specifically concerns persons with mobility disabilities is the reported tenfold increase in the cost of a wheelchair between 2016 and 2022.<sup>69</sup> She heard again about the scarcity of specialized medicines for certain rare physical conditions, such as spinal muscular atrophy, which are only produced by foreign pharmaceutical companies.

66. Associations working with persons with psychosocial disabilities and chronic mental disorders, including persons with autism, have raised similar concerns about the limited access to specialized pharmaceutical and medical treatments. Such treatments are often necessary for therapeutic and rehabilitation work needed to reduce symptoms and improve the quality of life of persons with autism. The associations have also reported difficulties in securing cooperation with institutions abroad working in the same domain.

67. Despite Government efforts to address the medical, rehabilitation and socioeconomic needs of persons with disabilities through the establishment of daily rehabilitation training centres, the provision of rehabilitation devices, nursing services and grants for vocational

<sup>64</sup> Meeting with the Ministry of Cooperatives, Labour and Social Welfare and the Social Security Organization.

<sup>65</sup> See <https://data.worldbank.org/indicator/SL.UEM.1524.FE.NE.ZS?locations=IR>.

<sup>66</sup> United Nations Development Programme, *Human Development Report 2020: The Next Frontier – Human Development and the Anthropocene*.

<sup>67</sup> NGO submission.

<sup>68</sup> Information provided by the Ministry of Cooperatives, Labour and Social Welfare.

<sup>69</sup> NGO information.

training, and the establishment of occupational centres, the dedicated State budget is a fraction of what is needed to effectively respond to their needs. The absence of sufficient funding since the adoption of the 2018 Law to Protect the Rights of the Disabled has been highlighted by disability rights advocates and human rights organizations,<sup>70</sup> as have persistent accessibility challenges.<sup>71</sup>

68. The Islamic Republic of Iran hosts more than 5 million migrants and refugees, most of them Afghans in dire need of humanitarian assistance, and around 80 per cent of that population is undocumented.<sup>72</sup> The situation was aggravated following the events of August 2021, when an estimated more than 850,000 Afghans, including 250,000 children, were forced to flee their country.<sup>73</sup> Of that population of migrants and refugees, 96 per cent live in urban areas, while the rest reside in settlements around the country. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), by the end of 2022, there will be 274,000 new Afghan arrivals in the country in need of protection and assistance. The Government has expressed its commitment to continue its inclusive policies, including by offering access to primary health care and education. However, the economic impact of sanctions, the restrictions on financial transactions and delivery and the reported reduced interest on the part of donors – compounded by the pandemic – have adversely affected the Government’s capacity to protect this population and the ability of humanitarian actors to implement projects, including the provision of basic goods and the construction of schools and health centres. At the same time, as a result of inflationary pressures, the costs of humanitarian assistance have significantly increased and imports from foreign donors and suppliers are still hindered by overcompliance, despite humanitarian exemptions. The current situation has forced a number of Afghan and other migrant children onto the street, exposing them to risks of violence, exploitation and substance abuse.<sup>74</sup>

69. International and local humanitarian actors shared their experiences and efforts in implementing their humanitarian projects in an environment of generalized uncertainty, exacerbated by the vagueness and complexity of humanitarian exemption licenses, the length of time needed to obtain them and the serious obstacles faced in financial and procurement transactions. Navigating the procedures and interpretation pathways of ad hoc humanitarian exemptions requires enhanced capacity and significant financial resources, including for legal fees, which are available to only few humanitarian actors operating in the country. Even those organizations, including United Nations agencies, with the resources and means, experience significant delays in payment clearance procedures and procurement delays for the necessary goods and equipment, with detrimental consequences on beneficiaries and patients. One senior United Nations aid official said that he had never experienced such difficulties in procuring even life-saving items. Other concerns relate to the impact of sanctions and the difficult economic situation on the general nature and scope of humanitarian assistance, which is increasingly focused on food security and basic health care, with fewer resources for more comprehensive interventions to provide for sustainable livelihoods, including broader social support, income generation and empowerment programmes. This may also be explained by the current narrow scope of General License E on NGO activities (including humanitarian NGOs) in the country, its strict financial thresholds and burdensome reporting requirements, which represent additional barriers to the overall operation and scope of humanitarian engagement of such organizations.<sup>75</sup>

<sup>70</sup> Ibid.; see also <https://iranhumanrights.org/2019/09/no-budget-or-implementation-rouhani-government-fails-to-implement-disability-rights-law/>.

<sup>71</sup> Centre for Human Rights in Iran and Human Rights Watch, “‘I Am Equally Human’: Discrimination and Lack of Accessibility for People with Disabilities in Iran”, 2018.

<sup>72</sup> Office of the United Nations High Commissioner for Refugees (UNHCR), Operational Data Portal, Iran (Islamic Republic of), Country View.

<sup>73</sup> UNICEF, *Country Office Annual Report 2021, Iran (Islamic Republic of)*.

<sup>74</sup> M. Vameghi et al., “Population size estimates of street children in Iran: synthesis of multiple methods”, *Journal of Urban Health*, vol. 96, No. 4 (2019).

<sup>75</sup> General License E issued by the Office of Foreign Assets Control of the Department of the Treasury stipulates that transfers in support of NGO activities, including the implementation of humanitarian projects, should not be above \$500,000 in aggregate, by a single NGO, over a 12-month period. NGOs also have to submit detailed reports on a quarterly basis and ensure that any exportation or re-



## G. Issues of legality

70. The Special Rapporteur notes with concern the extension by the Government of the United States, in March 2022, of the 1995 state of national emergency with respect to the Islamic Republic of Iran for one more year, with reference to the “threat to national security, foreign policy, and economy of the United States”.<sup>76</sup> This decision is not compatible with applicable norms of international law, including the principles of the Charter of the United Nations and requirements under article 4 of the International Covenant on Civil and Political Rights, as reflected in a number of communications from the Special Rapporteur. This also applies to the list of sanctions extended, renewed or updated by other countries, including Australia, Canada and the United Kingdom, and the European Union.

71. The Special Rapporteur has repeatedly stated that, under international law, unilateral measures without or beyond the authorization of the Security Council may only be taken if they do not violate international obligations of States (retortions) or if their wrongfulness can be excluded as countermeasures taken in accordance with standards of the law of international responsibility, that is, to be applied against States for violations of international legal norms; to aim to restore the fulfillment of international obligations; to be proportional to the breach occurred; to be necessary; and to not violate peremptory norms of international law and fundamental human rights.

72. Unilateral sanctions against the Islamic Republic of Iran do not conform to a broad number of international legal norms and principles, are introduced to apply pressure on a State and cannot be justified as countermeasures under the law of international responsibility. Therefore they can be qualified as unilateral coercive measures repeatedly condemned in resolutions of the Human Rights Council and the General Assembly. She also notes and welcomes the submission to the International Court of Justice of the case on the alleged violations of the 1955 Treaty of Amity, Economic Relations and Consular Rights between the United States and the Islamic Republic of Iran.

73. Furthermore, the Special Rapporteur wishes to remind the international community that unilateral coercive measures, and policies and campaigns aiming at exerting pressure on third States, companies and individuals, constitute violations of the principles of cooperation between States, the peaceful settlement of international disputes and sovereign equality and non-intervention in the domestic affairs of States.<sup>77</sup> Such measures also run counter to the fundamental principles enshrined in the Universal Declaration of Human Rights (art. 28) and the International Covenant on Economic, Social and Cultural Rights (article 2).

74. States are required to contribute to the creation of an international environment that enables respect, protection and fulfilment of all human rights, and they must take all necessary measures, including through diplomatic and foreign relations channels, to promote and help create such an environment. Clearly, the imposition of comprehensive unilateral sanctions and secondary sanctions, the freezing of foreign assets and the significant obstacles to the performance of Iranian consular functions do not contribute, per se, to such an enabling environment. Moreover, obstacles to diplomatic, consular and special missions, and to consular and diplomatic functions and operations, constitute a clear violation of the relevant provisions of the Vienna Convention on Diplomatic Relations, including consular relations and fundamental principles of international law.

75. In addition, the application of extraterritorial jurisdiction to nationals and companies of third States for (a) engaging in economic or other relations with Iranian public institutions,

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exportation of services is not linked to any listed individual or entity, or any sanctioned economic sector (see [https://home.treasury.gov/system/files/126/iran\\_gle.pdf](https://home.treasury.gov/system/files/126/iran_gle.pdf)).

<sup>76</sup> The White House, Notice on the Continuation of the National Emergency with respect to Iran, 3 March 2022.

<sup>77</sup> See Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, General Assembly resolution 2131 (XX); Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, General Assembly resolution 2625 (XXV); and Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, General Assembly resolution 36/103.

nationals and companies or for dealing with Iranian products, (b) the use of national currencies as a means to expand national jurisdiction and as financial and political leverage in this regard, and (c) the imposition of secondary sanctions and alleged threats to third parties, and maximum pressure campaigns are illegal under international law and increase the risks of overcompliance. According to the Committee on Economic, Social and Cultural Rights, extraterritorial obligations arise when a State influences situations outside its territory, including by controlling the activities of corporations domiciled within its territory and/or under its jurisdiction, and thus affects the effective enjoyment of economic, social and cultural rights abroad. The extraterritorial obligation to respect requires that States refrain from interfering directly or indirectly with the enjoyment of rights under the International Covenant on Economic, Social and Cultural Rights by persons outside their territories and ensure that they do not obstruct other States from complying with their obligations under the Covenant.<sup>78</sup>

76. The Special Rapporteur is also concerned that existing unilateral sanctions as a punitive action violate, at the minimum, obligations arising from universal and regional human rights instruments, many with a peremptory character, including procedural guarantees, access to justice and presumption of innocence.

77. With regard to overcompliance by businesses and financial institutions, the Special Rapporteur recalls the existing international framework, including the Guiding Principles on Business and Human Rights, which apply to all States and companies, recognizing “(t)he role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights”, and that “business enterprises should not undermine States’ abilities to meet their own human rights obligations” and “should seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services”, including through human rights due diligence processes.<sup>79</sup>

#### IV. Conclusions

78. **The Islamic Republic of Iran has experienced a panoply of economic and other sanctions for over the past 40 years, coupled with secondary sanctions, overcompliance and de-risking policies that have substantially affected the country’s economy, the humanitarian situation and people’s lives, including with regard to access to basic goods, services and infrastructure. Almost all of the Special Rapporteur’s interlocutors, both governmental and non-governmental, have qualified such measures as a form of “economic warfare”, with serious adverse effects on the lives of millions of Iranians inside and outside the country.**

79. **Despite structural challenges in assessing the impact of unilateral coercive measures, the Special Rapporteur is convinced that country visits, such as the one to the Islamic Republic of Iran, allow for a meaningful in situ exploration of the mechanisms triggered by the imposition of such measures, and for the collection of information, and constitute a basis for a continued dialogue and further understanding.**

80. **Unilateral sanctions, secondary sanctions and overcompliance have a clear macro-economic impact and affect key economic sectors in the Islamic Republic of Iran, leading to reduced Government revenues, thus affecting the Government’s planning and implementation of economic, development and social policies. The Special Rapporteur found a direct correlation between the imposition of unilateral sanctions and the performance of economic indicators, such as trade volumes and values, GDP, the level of foreign investments, inflation and consumer prices.**

81. **The designation of all Iranian banks and a long list of companies and nationals active in different economic sectors, including the pharmaceutical and food industries, have undermined national efforts towards economic self-sufficiency as a response to the**

<sup>78</sup> Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017).

<sup>79</sup> Guiding principles 11, 13, 15 and 17 (see [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)).

sanctions-induced socioeconomic pressures, have led to reduced State revenues and growing poverty and have exacerbated existing socioeconomic inequalities, resulting in insufficient resources to guarantee the basic needs of low-income people and other vulnerable groups, including people suffering from rare or severe diseases, persons with disabilities, older persons, migrants and refugees, women-led households and children.

82. With regard, in particular, to patients suffering from rare diseases and persons with physical and psychosocial disabilities, including epidermolysis bullosa, HIV and cancer patients, people with hemophilia, autism, multiple system atrophy, diabetes, thalassemia and many other conditions, the Special Rapporteur was alarmed by the unavailability of foreign-produced medicines, medical equipment, spare parts and high quality raw materials for pharmaceuticals and, in some cases, by significant delays, denial of services and goods, high costs and complexity of procurement through alternate routes owing to reported overcompliance and overall reluctance of foreign companies and suppliers. Such restrictions and the related conduct by businesses have exacted a considerable toll in human suffering and lives.

83. While recognizing the existence of general licenses of the Office of Foreign Assets Control of the Government of the United States that allow for the possible procurement and delivery, with some exemptions, of medical and agricultural goods to the Islamic Republic of Iran, in practice, humanitarian exemptions for food and medicine appear to be ineffective and nearly non-existent owing to the real or alleged fear of secondary sanctions, civil and criminal charges, reported “advice” not to do any business in the country and the impossibility, complexity, uncertainty and length of time required for bank payments and the delivery of goods, which affect the whole scope of human rights of the people of the Islamic Republic of Iran.

84. Unilateral sanctions, secondary sanctions and overcompliance have also prevented the Government from investing resources to develop and maintain essential infrastructure, including hospitals, schools, agriculture, housing, energy and electricity infrastructure, roads, civil aviation and commercial shipping, and to maintain the necessary level of readiness for natural disaster response and recovery. Of particular concern is the unavailability, owing to trade and financial restrictions, of new technologies, hardware and spare parts for the maintenance and upgrade of critical infrastructure, which has had a devastating impact on the lives of Iranians and has heightened environmental risks.

85. Threats to impose secondary sanctions, criminal and civil penalties against individuals and companies circumventing unilateral sanctions regimes, de-risking policies and overcompliance by third-country banks and businesses have all resulted in rising transaction costs and risks, procurement obstacles and delays and provision of low-quality or counterfeit goods, including of life-saving medicine and medical equipment.

86. Unilateral sanctions have also resulted in the reduction of social support programmes and impeded the delivery of humanitarian assistance by both local and international humanitarian actors. Lengthy and complicated humanitarian license application processes, high legal and transaction fees, banking restrictions, reduced donations and the fear of possible civil and criminal charges for alleged sanctions breaches have adversely affected the delivery of humanitarian assistance and the implementation of projects targeting those most in need in the Islamic Republic of Iran.

87. Financial restrictions and reputational risk considerations as a result of direct and secondary sanctions have also created a climate of uncertainty and fear among international partners who are reluctant to engage with their Iranian counterparts, such as academic and scientific institutions, cultural institutions and associations, professional and amateur sports associations and clubs and technology and other companies. Unilateral sanctions have prevented the implementation of joint academic research and exchange programmes, the contribution of Iranian scholars to foreign scientific journals, and access to online academic databases and payments of scholarships and fees for students studying abroad, all of which constitute

discrimination on the grounds of nationality, affecting the right to education and the right to benefit from academic research.

88. Finally, preventing the Islamic Republic of Iran from participating in international cooperation by impeding its ability to pay membership fees to international organizations and associations, and by imposing restrictions on the operations of Iranian and foreign diplomatic missions, hampers international cooperation and prevents the fulfilment of the right to development, in accordance with the 2030 Agenda for Sustainable Development.

89. The use of unilateral sanctions, secondary sanctions and overcompliance has an overall adverse effect on the broad spectrum of human rights, civil and political, economic, social and cultural, including the rights to life and development. It concerns all people in the Islamic Republic of Iran, including refugees, and Iranians living abroad, who are dependent on critical goods and services.

90. While welcoming the efforts of the Government to mitigate the negative impacts of unilateral sanctions in different areas, especially for the most vulnerable, the Special Rapporteur notes that this should not be used as grounds to legitimize the use of unilateral sanctions.

## V. Recommendations

91. The Special Rapporteur reminds all parties of their obligation under the Charter of the United Nations to observe the principles and norms of international law, including the principles of sovereign equality, political independence, non-intervention in the domestic affairs of States and the peaceful settlement of international disputes.

92. The Special Rapporteur urges all stakeholders to stop using the rhetoric of sanctions as a political instrument, or as a means to gain economic advantage, and to engage in dialogue to settle any disputes in accordance with the norms and principles of international law, while assessing, preventing and monitoring the humanitarian impact.

93. The Special Rapporteur calls upon sanctioning States to:

(a) Lift all unilateral measures against the Islamic Republic of Iran, Iranian nationals and companies imposed without the authorization of the Security Council and whose use cannot be justified as retortions or countermeasures in accordance with international law;

(b) Remove, in particular, all restrictions on trade, financial payments, delivery of food, medicines and medical equipment, equipment related to water, sanitation, communication and transportation, spare parts and seeds and fertilizers, and goods and services for the maintenance and development of critical infrastructure, which are essential for the enjoyment of human rights by Iranians;

(c) Ensure that the country is able to pay assessed and voluntary contributions to international organizations and that Iranian diplomatic, consular and special missions, and their staff, are provided with all necessary means and facilities to perform their consular and diplomatic functions, in full conformity with the principle of sovereign equality of States and the Vienna Convention on Diplomatic Relations, including consular relations and special missions;

(d) Unfreeze assets of the Iranian Central Bank, in accordance with customary norms of international law on the immunity of State property, to enable the Government to implement socioeconomic policies to benefit Iranians, especially those most in need.

94. The Special Rapporteur urges the Government of the United States to cease the state of national emergency with regard to the Islamic Republic of Iran, which is incompatible with the International Covenant on Civil and Political Rights, to fully implement the provisions of the order of the International Court of Justice of 3 October

2018 and to bring national legislation into accordance with international law, including human rights law, refugee law and the law of international responsibility. She also reiterates that the use of financial instruments and mechanisms as a means to expand national jurisdiction over third parties and as political and economic leverage for the application of secondary sanctions, and civil and criminal penalties against such third parties, is contrary to international law.

95. The Special Rapporteur denounces any coercion, written or oral threats or any other acts that may cause or result in overcompliance and a generalized climate of uncertainty and fear among all actors who might otherwise engage with the Islamic Republic of Iran, Iranian nationals and entities.

96. She calls upon all financial institutions and other businesses to act in accordance with the Guiding Principles on Business and Human Rights and to avoid overcompliance and violation of the rights of nationals and residents of the Islamic Republic of Iran, especially in the areas of critical infrastructure, raw materials, spare parts and food and medical deliveries. In particular, she recalls the need for the establishment of human rights due diligence processes to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services.

97. She stresses that the Sustainable Development Goals can only be achieved in the spirit of exchange, solidarity and cooperation between countries and reiterates that no good intention justifies the violation of fundamental human rights. This appeal is also extended to all private stakeholders in different areas, including education, sports, technology, culture and the arts, to ensure equal participation of Iranian nationals, associations and companies in international events and programmes.

98. While acknowledging the obligation of the Islamic Republic of Iran to ensure that human rights are protected and promoted without discrimination on its territory, the Special Rapporteur underlines the devastating effects of the imposed unilateral coercive measures on the human rights of the Iranian people, especially on the most vulnerable groups, and their cumulative impact in conjunction with the ongoing public health crisis.

99. She invites the Government to continue engaging with all relevant stakeholders, such as the Office of the United Nations High Commissioner for Human Rights and other United Nations entities and programmes, and with international human rights mechanisms, including special procedures of the Human Rights Council, by extending invitations for official country visits.

100. She calls upon the United Nations country team in the Islamic Republic of Iran and relevant humanitarian organizations to assist the country in the implementation of initiatives to mitigate the negative impact of unilateral sanctions on human rights and to further engage with all relevant stakeholders to assist the Government in the delivery of humanitarian assistance to vulnerable populations, including migrants and refugees, and in the procurement of quality medicines, medical equipment, spare parts and pharmaceutical raw materials for the treatment of diseases and other serious health conditions.

101. The Special Rapporteur invites the entities of the United Nations system to engage with her in developing a conceptual framework for mechanisms of compensation, remedy and redress for victims of human rights violations owing to unilateral coercive measures. She also invites all stakeholders – States, international organizations, NGOs, banks and businesses – to launch multilevel discussions to develop the Guiding Principles Business and Human Rights with regard to secondary sanctions and overcompliance, in order to protect human rights and prevent de-risking that entails overcompliance, and to introduce due diligence principles in international cooperation, banking and business activities.

102. While welcoming Iranian efforts to accommodate the growing number of Afghan refugees, in addition to lifting of unilateral sanctions, which will enhance the ability of the Government to provide necessary services and care to refugees, the Special

**Rapporteur calls upon the international community to provide the Islamic Republic of Iran with additional substantial assistance for refugees.**

103. **Mindful of the obligations of all States to settle international disputes by peaceful means, the Special Rapporteur welcomes the Iranian submission to the International Court of Justice of the case on the alleged violations of the 1955 Treaty of Amity, Economic Relations and Consular Rights and calls upon all parties to use judicial mechanisms to settle existing disputes, to cooperate in good faith to prevent such disputes through negotiations and to use all available mechanisms to protect human rights affected by unilateral coercive measures, including United Nations treaty bodies, the European Court of Justice and the European Court of Human Rights.**

104. **The Special Rapporteur calls upon United Nations agencies and programmes and human rights mechanisms, including special procedures, to pay due attention to the impact of unilateral coercive measures in examining the situation in the Islamic Republic of Iran.**

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