

Concluding Observation Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 74

Full recommendation:

The State Party should take urgent steps to counter the impact of river diversion and industrial activity in Khuzestan, including environmental pollution and water shortages.

Assessment using Impact Iran human rights indicators¹

Article 44 of the Constitution of the Islamic Republic of Iran stipulates that the ‘state sector’s ownership’ includes dams and large water irrigation networks and that “such ownership must induce development and growth in the country’s economy and not cause any social harm.”² Article 50 of the Constitution provides that the preservation of the environment “is regarded as a public duty” in the Islamic Republic of Iran and that “economic and other activities that inevitably involve pollution of the environment or cause irreparable damage to it” are forbidden.³ The Islamic Republic of Iran notably adopted the Law to Protect, Restore and Manage the Country’s Wetlands in 2017, which prohibits exploitation and activity which would lead to the irreparable damage to and pollution of wetlands.⁴ On September 7, 2020, Ebrahim Raisi, the Head of Judiciary of the Islamic Republic of Iran, adopted the “Executive Order regarding the Council for the Protection of the Public Treasury Rights in Lands and Natural Resources”. According to this order, a council shall be formed to “make policies, coordinate matters, and take necessary precautions in order to protect public rights and prosecute individuals who take action to seize, destroy, and encroach on governmental and public lands and properties, [...], natural resources, riparian and littoral lands, springs, canals, dams, ...”.⁵ While there is a legal framework protecting the environment in the Islamic Republic of Iran, notably from pollution and irreparable damage, there is no provisions addressing the impact of environmental destruction on people’s health, including children’s health. Similarly, there is no law addressing the potential impact of industrial activity on children’s health and wellbeing in Iran.

Water management in the Islamic Republic of Iran is under the responsibility of the Ministry of Energy which established state bodies to coordinate and manage its activities, including the

¹ ESCR.12.2.1.S.1 ; CRC.19.1.S.2
ESCR.12.2.2.P.1; ESCR.12.2.2.P.2;
ESCR.11.1.O.1

² Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

³ Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

⁴ Library of Congress, [https://www.loc.gov/law/foreign-news/article/iran-law-to-protect-wetlands/#:~:text=The%20purpose%20of%20the%20Wetlands,20%2C%202017\)%2C%20art.](https://www.loc.gov/law/foreign-news/article/iran-law-to-protect-wetlands/#:~:text=The%20purpose%20of%20the%20Wetlands,20%2C%202017)%2C%20art.)

⁵ Parliament of the Islamic Republic of Iran, <https://bit.ly/3jI2ode>

Khuzestan's Water and Electricity Company. The Department of Environment is a governmental organization responsible for the protection of the environment in the country, which notably handles the issuance of licenses for industrial, manufacturing and service units ⁶ as well as the processing of complaints against, among other grounds, environmental degradation. ⁷ ⁸ There is no readily available information indicating the number of complaints received by the mechanism and whether they have been addressed.

The Khuzestan province is located in southwestern Iran and is predominantly inhabited by ethnic Arabs.⁹ In recent years the World Health Organizations has listed Ahvaz, located in Khuzestan Province, as one of the most polluted city in the world.¹⁰ According to a number of specialists and environmentalists, the high levels of pollution in Khuzestan are linked to the government's policies of river diversion, dam constructions and drying marshes for oil exploitation.¹¹ ¹² Added to the pollution, the U.N. Secretary General (UNSG) has raised concerns about the increasing impact that the water crisis has had on the right to health in the Islamic Republic of Iran.¹³ In his 2019 report, the UNSG noted that the Islamic Republic of Iran is among the top five countries using untreated sewage for the irrigation of agricultural land, which not only destroy plantations¹⁴ but also generates the spread of contagious diseases.¹⁵ Untreated wastewater has been increasingly contaminating drinking water, while less than 40% of Iranians reportedly have access to proper wastewater treatment facilities.¹⁶ The situation is even more acute in the province of Khuzestan, where there is reportedly only one wastewater treatment facility for the whole city of Ahvaz (estimated population of 1.3 million) and most of the city's wastewater is discharged in the Karoon river, an essential source of water for farming.¹⁷ The UNSG noted in 2019 that the inefficiencies in water management in the Islamic Republic of Iran have

⁶ Department of Environment, Islamic Republic of Iran, <https://en.doe.ir/portal/home/?964439/services>

⁷ Department of Environment, Islamic Republic of Iran <https://bit.ly/3afg3Fw>

⁸ Department of Environment, Islamic Republic of Iran <https://bit.ly/3jGt9ji>

⁹ Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

¹⁰ See www.bbc.co.uk/news/world-middle-east-15109116, and www.who.int/phe/health_topics/outdoorair/database/cities-2011/en/ and <http://documents.worldbank.org/curated/en/741891483046725613/pdf/111462-WP-P162048-PUBLIC-IranEcoMonitor-12-22-2016.pdf>

¹¹ Brett, D., 'Dams: Iran's weapons of marsh destruction,' Huffington Post, 13 June 2014 and The Guardian, 'How Iran's Khuzestan went from wetland to wasteland', 16 April 2015

¹² The Guardian, www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dustpollutionFieldCodeChanged

¹³ Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

¹⁴ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

¹⁵ Atlantic Council, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/environmental-and-wildlife-degradation-in-iran/>

¹⁶ Atlantic Council, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/environmental-and-wildlife-degradation-in-iran/>

¹⁷ Eghtesad, <https://www.en.eghtesadonline.com/Section-energy-70/32556-poor-wastewater-infrastructure-taking-toll-on-karoun-river>

exacerbated health issues caused by air pollution and dust storms and causing many Ahvaz residents to suffer from various medical conditions.^{18 19}

The Islamic Republic of Iran has been diverting water from the Arab-majority Khuzestan province to the central plateau of the country for years, reportedly to ensure the development of the cities such as Isfahan, Qom, Yazd and Kerman.²⁰ Despite objections from environmentalists and water management experts, the President of Iran, Hassan Rouhani launched the US\$400 million Caspian Sea project in March 2016. As a result of the project, the diversion of the Karoon River in Khuzestan, to which most of the province's lands and agricultural activities depend,²¹ lost half of its flow rate. The Zaiandehrood River in Isfahan reportedly dried up entirely.²⁶ The Islamic Revolutionary Guards Corps (IRGC) has been reportedly particularly involved in these projects involving water diversion from regions predominantly inhabited by ethnic minorities and is reportedly a main contractor in the Caspian Sea project.^{22 23 24} In July 2019, the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran "received information that the Islamic Revolutionary Guard Corps has been involved in redirecting floodwater towards local farms in order to preserve oil reserves and exploitation equipment in Khuzestan Province."²⁵

Aggressive dam construction has been the source of the environmental pollution and shortages of water in the region of Khuzestan.²⁶ In June 2018, 90 dams have been reportedly built by the IRGC to provide for the agricultural and steel industry in Isfahan.²⁷ Reports have shown that the multiplication of dams has been drying up the soil of the Khuzestan province, which has become increasingly inhospitable to crops and exacerbated the frequency and intensity of sand and dust storms.²⁸ The Gotvand dam, opened to supply the sugarcane plantations, not only reportedly dried up waterbeds but also severely raised the salinity of local water,²⁹ contributing to potable water scarcity may well impact farming.

Sugarcane agrobusiness has also been playing a role in the deterioration of the Khuzestan ecosystem. Khuzestan's Water and Electricity Company has reportedly stated several times that pesticides and pollution generated by the sugar cane production have been a major source of

¹⁸ Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019.

¹⁹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

²⁰ US National Library of Medicine, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6108243/#R22>

²¹ UNPO, <https://unpo.org/article/20921>

²² Südwind, All Human Rights for All in Iran, http://www.iranhrc.org/uploads/docs/docs_en/report_environment.pdf

²³ UNPO, <https://unpo.org/article/3386>

²⁴ Brussels International Center, https://www.bic-rhr.com/research/iran-and-climate-refugees-alarming-situation#_ftn7

²⁵ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

²⁶ Report of the Special Rapporteur on the situation of human rights in Iran, July 2019.

[https://undocs.org/pdf/symbol=en/A/74/188](https://undocs.org/pdf/symbol/en/A/74/188)

²⁷ Al Arabya, <https://english.alarabiya.net/en/features/2018/12/14/ANALYSIS-The-disaster-of-drought-and-water-shortage-crisis-in-Iran>

²⁸ UNPO, <https://unpo.org/article/20921>

²⁹ Brussels International Center, https://www.bic-rhr.com/research/iran-and-climate-refugees-alarming-situation#_ftn7

³⁰ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

water contamination in Khuzestan.³⁰ Furthermore, sugarcane, which induces high water consumption, contributes significantly to water scarcity in a land that already suffers from droughts and can result in soil erosion.³¹

The Committee on Economic Social and Cultural Rights stipulates that obligations under Article 12 of the ICESCR include “the requirement to ensure adequate supply of safe and potable water and basic sanitation; the prevention and reduction of the population’s exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health.”³² Additionally, States should refrain “from unlawfully polluting air, water and soil, e.g. through industrial waste from State-owned facilities”.³³ Violations of Article 12 include the failure of a State to “regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to health of others” as well as the failure “to enact or enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries”.³⁴ Furthermore, the Committee stated that it is a State Party’s obligation to protect people source of food and that the failure “to regulate activities of individuals or groups so as to prevent them from violating the right to food of others” may well amount to a violation of Article 11 of the ICESCR.³⁵

Despite legal guarantees aimed at protecting the environment of the Islamic Republic of Iran, the province of Khuzestan continues to suffer from the environmental impacts of water diversion, construction of dams and industrial activities, which exacerbate air pollution and cause water shortages. Such activities not only damage crops and farms in Khuzestan, but also negatively impact on its inhabitants’ health, including children’s. The Government reportedly continues to pursue inappropriate and much criticized water management plans to control the water crisis in Iran, further worsening Khuzestan’s inhabitants’, including children’s, access to water.^{36 37}

It should be noted, however, that the crisis is not wholly of the government’s making. Islamic Republic of Iran suffers from harsh meteorological conditions, such as droughts, which contribute to the decline of water resources. Nonetheless, in 2016, UNESCO mentioned the Islamic Republic of Iran as the main party responsible for the deterioration of the ecosystem of

³⁰ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

³¹ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

³² Committee on Economic Social and Cultural Rights, E/C.12/2000/4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

³³ Committee on Economic Social and Cultural Rights, E/C.12/2000/4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

³⁴ Committee on Economic Social and Cultural Rights, E/C.12/2000/4, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuW1AVC1NkPsgUedPIF1vfPMJ2c7ey6PAz2qaojTzDJmC0y%2B9t%2BsAtGDNzdEqA6SuP2r0w%2F6sVBGTpvTSCbiOr4XVFTqhQY65auTFbQRPWNDxL>

³⁵ CESCR General Comment No. 12: The Right to Adequate Food (Art. 11) <https://www.refworld.org/pdfid/4538838c11.pdf>

³⁶ Equal Times, <https://www.equaltimes.org/has-iran-mismanaged-its-way-into-a?lang=en#.X6i1Py9h1hF>

³⁷ Equal Times, <https://www.equaltimes.org/has-iran-mismanaged-its-way-into-a?lang=en#.X6i1Py9h1hF>

the wetlands in the country, with two of them being located in Khuzestan in critical state.^{38 39} In 2019, the Government of the Islamic Republic of Iran reported that it made significant financial investments to reduce the effect of dust in Khuzestan Province on the environment,⁴⁰ yet the inhabitants of Khuzestan still see their water resources decline as they are rerouted toward other provinces and cities. Further, a significant number of protests against diminishing water resources and pollution in Khuzestan^{41 42 43 44} have been reportedly repressed by Iranian authorities and a number of environment activists have been arrested and detained.^{45 46} Yet, in 2016, UNESCO mentioned the Islamic Republic of Iran as the main party responsible for the deterioration of the ecosystem of the wetlands in the country, two of them are (were) located in Khuzestan, in critical state.^{47 48} In 2019, the Government of the Islamic Republic of Iran reported that it engaged in significant financial investments to reduce the effect of dust in Khuzestan Province in recent years,⁴⁹ yet the Khuzestan inhabitants still see their water resources decline to the profit of other provinces and cities. Further, a significant number of protests against diminishing water resources and pollution in Khuzestan^{50 51 52 53} have been reportedly repressed by Iranian authorities⁶⁵ and a number of environment activists have been arrested and detained.^{54 55}

The Islamic Republic of Iran has not taken urgent steps to counter the impact of river diversion and industrial activity in Khuzestan, including environmental pollution and water shortages.

Recommendation status:

This recommendation has **NOT** been implemented.

³⁸ UNESCO, <http://whc.unesco.org/en/decisions/6794>

³⁹ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

⁴⁰ Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

⁴¹ Middle East Eye, <https://www.middleeasteye.net/news/protests-over-pollution-irans-khuzestan-province-national-threat>

⁴² Radio Liberty, <https://www.rferl.org/a/protesters-police-clash-for-second-night-in-southwestern-iran/29333107.html>

⁴³ Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

⁴⁴ See www.isna.ir/news/97041105927/

⁴⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019.

<https://undocs.org/A/74/188>

⁴⁶ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

<https://undocs.org/en/A/72/322>

⁴⁷ UNESCO, <http://whc.unesco.org/en%20decisions/6794>

⁴⁸ The Guardian, <https://www.theguardian.com/world/iran-blog/2015/apr/16/iran-khuzestan-environment-wetlands-dust-pollution>

⁴⁹ Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

⁵⁰ Middle East Eye, <https://www.middleeasteye.net/news/protests-over-pollution-irans-khuzestan-province-national-threat>

⁵¹ Radio Liberty, <https://www.rferl.org/a/protesters-police-clash-for-second-night-in-southwestern-iran/29333107.html>

⁵² Report of the Secretary General on the situation of human rights in the Islamic Republic of Iran, February 2019.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/028/77/PDF/G1902877.pdf?OpenElement>

⁵³ See www.isna.ir/news/97041105927/

⁵⁴ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019.

<https://undocs.org/A/74/188>

⁵⁵ Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.

<https://undocs.org/en/A/72/322>