

**Replies and comments by the Islamic Republic of Iran to
Questionnaire submitted by Mr. Pedro Arrojo Agudo,
The Special Rapporteur on the human rights to safe drinking water and
sanitation, (16 September 2021)**

Reply to Q.1

In the domestic laws of the Islamic Republic of Iran, the most important piece of legislation in identifying the right to water is the "*Water Law and how to nationalize it*", approved in 1968. Also, by interpreting pertinent principles enshrined in the constitution of the Islamic Republic of Iran, the implicit recognition of the right to water is guaranteed in Articles 31, 43, 44, 45, 86 and 113 of the Constitution.

These non-discriminatory laws apply to all Iranian citizens, regardless of their race, language, color, religion, place of residence, or etc. In this regard, Article 194 of the Fifth Development Plan Law attaches special attention to the sustainable development of rural areas especially on water supply and quality assurance. In addition, regarding water quality and hygiene the relevant guidelines have developed by the Government's agencies, including the Environmental Protection Organization, in accordance with Article 50 of the Constitution, and the Ministry of Health and Medical Education regarding water quality and hygiene which are responsible to assure prevention and control of water-borne diseases for industrial companies and water networks.

Reply to Q.2

As elaborated earlier, all domestic laws and legislations, especially the laws on "Development and Optimization of Urban and Rural Drinking Water in the Country" embrace and encompass, without any discrimination all Iranians regardless of their race, language, color, religion, place of residence, or etc. For example, Article 194 of the Fifth Development Plan pays special attention to the sustainable development of rural areas, as well as the objectives of the Sixth Development Plan, particularly Objective 9 has articulated to improve water access indicators in rural areas.

In last year alone, the Islamic Republic of Iran managed to supply sustainable water supplies to more than 1,500 new villages located in far-remote

areas of country. However, it should be noted that the negative impacts of unilateral coercive measures on the modernization of the water supply network, especially in rural areas, through bans on financial exchanges and the purchase of relevant required equipment, technologies and knowledge as well as shrinking the Government's financial capacities due to freezing its incomes in foreign banks have undoubtedly harmed the human rights of all Iranians as well as foreign refugees and migrants. The obstruction of the right of villagers to development by external pressures and the subsequent obstacles to the overhaul of the rural water supply networks are just indicative examples of the UCMs direct and in direct side effects. However, in order to protect the human rights of Iranians citizens, the Government of the Islamic Republic of Iran has taken utmost attempts and steps to overhaul the rural water supply network.

Reply to Q.3

In principle, unilateral coercive measures, in turn, have directly and indirectly prevented, restricted and impeded foreign investment in Iran, especially in the private sector in the field of agriculture (as one of the water-based sector of the country's economy), water and wastewater; although, the World Bank and the Islamic Development Bank have provided a small portion of which has been allocated to rural areas by the Government.

Reply to Q.4

The Charter of Citizenship Rights has been developed with the aim of awareness raising of all Iranians in rural and urban areas on their rights. Article 2 and Article 113 explicitly state the right of all Iranians to water. The government also provides information to all Iranians about the right to water and the challenges it faces in various ways. Examples include the National Working Group on Adaptation to Dehydration and the National Working Group on Promoting Optimal Water Consumption Culture. In this regard, in line with the responsibility of State to protect citizens' human rights and in line with Article 50 of the Constitution and mandates and specialized responsibilities of the Ministry of Health and Medical Education and Environmental Protection Organization, numerous executive and binding instructions have introduced the quality and

hygiene of urban and rural water. Any violation of these rights will be prosecuted in accordance with relevant laws and regulations.

The judiciary of the Islamic Republic of Iran, plays an important role in guaranteeing and enforcing the right to water, especially in providing access to justice for persons whose right to water has been violated. The main role of the judiciary as a supporter of individual and social rights is mainly reflected in ensuring the proper implementation of government obligations, including the right to water by executive bodies.

Access to water is trans-sectoral in nature and is considered an essential element of realization of the environmental rights and public health. Further, according to Article 45 of the Constitution, lakes, rivers and other public waters are among the public wealth, and according to Article 44, the construction of dams and water supply networks are matters which should be handled by the Governmental. According to the Law on Fair Water Distribution, the Ministry of Energy is responsible for water supply and distribution. Moreover, the right of public access to water can be considered one of the public rights enshrined in Article 156 of the Constitution.

It should be noted that the commitment of the judiciary to guarantee the exercise of the right to water is not limited to the stage of access to justice and litigation, but ~~reflection on~~ Article 156 of the Constitution and relevant ordinary laws makes it clear that the judiciary responsibilities in this regard are in the three dimensions of prevention, monitoring and litigation. In this regard, unreasonable and irresponsible consumption, if it does not have another criminal entitlement, is criminalized under respective protective water laws and is considered subject to criminal punishment and through this can have a deterrent and preventive effect. The judiciary performs the task of preventing the violation of citizens' rights through various means of revising and proposing the amendment of existing laws, raising awareness and social culture regarding the right to water, and establishing interaction with the people.

Reply to Q.5

The most important challenge facing the realization of the right to water in Iran should be considered as climate crises, successive droughts and instability of water resources, which are mainly due to the geographical characteristics of the

country and region. Furthermore, the effects of unilateral coercive measures on the Government's ability to mitigate severe impacts of climate changes, natural disasters and crises and the intentional and unintentional increase in ancillary costs directly and indirectly by the imposing, implementing and adhere countries to these measures. These measures have deprived Iran of attracting foreign investment, technology and knowledge especially in the agriculture section and by water related private sectors, to overhaul and improve the country's water's consumption management in different sectors of economy and supply network in urban and.

Reply to Q.6

The Office of Public Participation is established in the Ministry of Energy and has started to carry out its mandates in all water supply systems of the provincial and local parts of the country since 1996. The scope of activity of provincial and local branches of the Office is villages and cities and with a view to empower local communities. The type of activity of the Office is appropriate to directly being in dealing with the local communities on their concerns and problems arising from drought, climate change, high maintenance costs of facilities and networks, lack of optimal water consumption and its waste and strengthening the contribution of local communities and people in issues related to them. These offices seek to touch and provide the all necessary social and cultural requirements, in order to implement the macro policies of relevant articles of the Constitution and other laws and regulations; developed policies for enhancing participations of concerned communities, to form and create grassroots and non-governmental organizations, strengthen existing organizations has provided enough ground to enhance participation and contribution of them to the company's ownership affairs in the water sector and transferring irrigation management. Participation of local communities in decision-making, design and implementation stages guarantees their acceptance of whole chain of policy and decision making and also network operational and maintenance management programs and plans and ensures the durability of irrigation and drainage networks and optimal efficiency. A special cooperative body for local communities has established to achieve the aforementioned goals.

Reply to Q.7, 8, 9, 10

According to Articles 19 and 20 of the Constitution of the Islamic Republic of Iran, all Iranians regardless of ethnic, color, race, sex, language, etc. have equal rights. They are equally protected by law and enjoy all civil, political, economic, social and cultural rights. As a result, questions 7, 8, 9, 10 and 11 are not applicable to the situation in Iran.

Reply to Q.11

There are several laws on how to distinguish between urban and non-urban areas in terms of industry, agriculture and housing. But in general, the administrative division of Iran begins with the village as the base unit and ends in provinces. The main basis of village identification is homogeneous environmental features with a certain number of households and specific occupations in line with the environment around them. Accordingly, in order to provide better services, a rural district is formed from a combination of several neighboring villages. The government has based the division on the environment, cultural affinity, advantages and economic and social homogeneity of those villages, and the purpose is to increase the possibility of service delivery and national planning. However, multiple rural districts form a greater district, which is also based on natural factors and the homogeneous social, cultural, economic and political conditions of those rural districts with the aim of government planning to utilize the facilities, natural and social potentials and the development of welfare and economic affairs. This is the last stage of the non-urban area and after that, we will have the urban divisions, the boundaries of which are determined and fixed according to the laws. Accordingly, based on the existing differences, any definition of the economic situation of each of the mentioned cases along with the required data is done by the Statistical Center of Iran.

Reply to Q. 12 & 13

The Statistical Center of Iran is the only authentic institution in Iran that is responsible for collecting and analyzing statistical information on a wide range of issues such as climate and environment, water and electricity services, population, and the household economy, social services and the administrative division of the country periodically and using modern statistical and technological methods. It

should be noted that the supply of drinking water to the villages is the responsibility of the Rural Water and Sewerage Company (Known as ABFA), which is undertaking its duties in cooperation and collaboration with the rural municipalities. The ABFA Company is managed by the government, but benefits and enjoys with the participation and contribution of the rural municipalities which made up by the empowered men and women by the Office of Public Participation (see Reply under question 6).

Reply to Q.14

The continuation of the annual implementation of the plan to develop and overhaul the water supply network in non-urban areas, taking into account the negative impacts of unilateral ~~and illegal~~ coercive measures, shows a serious determination to maintain equal access to drinking water in non-urban areas. Also, expanding the water supply network to areas with water stress in the past year alone has been more than 2,000 villages in only one of the eastern provinces of the country, so that annually more than 100 villages in the east of the country are covered by adequate and stable water supply, despite the water tensions in that area. In addition to the development of the project, mobile water supply by tankers will be provided for areas with severe water stress. The "Development and Optimization of Urban and Rural Drinking Water in the Country" has a special focus on water supply in non-urban areas and the development and overhaul of water supply network in these areas and the realization of justice in access to water.
