



Iran: Upholding Human Rights & Dignity of the Kurdish *Kulbar* Community

The Centre for Supporters of Human Rights



July 2024 Report



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The Centre for Supporters of Human Rights

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Executive summary

The Kurdish community engaged in *kulbari* confronts significant obstacles in accessing human rights protections and living with dignity. This report scrutinizes the predicament of those within the Kurdish *kulbar* community, emphasizing the critical need for elevated living standards, human rights protections and measures that preserve and enhance dignity. *Kulbars*, meaning ‘back-carriers’ in Persian and Kurdish, serve as cross-border couriers. They play a pivotal yet often overlooked role in regional economies, facilitating the movement of goods across the challenging terrains that lie between western Iran and its neighbouring countries. Their contributions support the living standards of marginalized border communities within Iran. Despite their importance, the *kulbars’* informal work is plagued by numerous hurdles and precipitated by the scarcity of gainful employment in their regions. This scarcity is compounded by perilous landscapes, inadequate employment protections typically afforded to formal economy workers, state-led human rights abuses, including

excessive and lethal force, and legal ambiguities, notably a lack of accountability.

This report highlights the complex interplay of socio-economic, legal and human rights factors that shape the lives of kulbars, shedding light on the adverse conditions and risks they encounter. It explores the implications for individuals, their communities and the broader regional context. By examining the challenges faced by kulbars, the report advocates for a new, decisive and comprehensive understanding of the *kulbari* phenomenon by both regional and national state representatives in Iran, alongside regional and international stakeholders. It asserts that informal workers, too, are entitled to the same rights as those in the formal sector. The report calls for targeted, practical and legal interventions to tackle the systemic issues affecting kulbars, aiming to enhance their well-being and safeguard their rights in the western border regions of Iran.

Chapter 1

Introduction

This report delves into the critical yet frequently overlooked phenomenon of *kulbari* and the arduous conditions *kulbars* endure in Iran. *Kulbars* are cross-border couriers participating in the informal economy, transport of goods on foot or with pack animals across the rugged mountainous terrains that lie between Iran and neighbouring countries, chiefly Iraq. These efforts contribute to the economic fabric of border areas, underpinning the livelihoods of communities dwelling in these regions.

Kulbars, who are Kurds, and the broader Kurdish community in Iran represent both an ethno-linguistic and predominantly a religious minority. Despite this, Kurds are reported to constitute the fourth largest national group in the Southwest Asia and North Africa (SWANA) region. As of 2023, the Kurdish population in Iran, primarily Sunni, was estimated to be between 10 to 12 million, making up 12-15%¹ of Iran's total population of more than 88.5 million.² This positions them as the third largest ethnic group in the country, following Persians and Azerbaijani Turkic peoples, both of which are predominantly Shi'a.³

The territory of Iranian Kurdistan is fragmented and, in modern times, has been divided due to political issues within the country's administrative divisions. This division stems from various political strategies employed by the state to manage the region. Consequently, the Kurdish population in Iran is dispersed across multiple provinces, making efforts for regional unity and self-governance more challenging. Iranian Kurdistan refers to a larger region that includes the following four provinces: Ilam, Kermashan, Sine or Sanandaj (Kurdistan), and Western Azerbaijan or Wermê. These provinces are predominantly inhabited by Kurds. Regarding the distribution of Kurds in other regions of Iran, it is reported that Kurds also reside in other areas such as Hamadan, Lorestan, Khorasan, and Tehran. Western Azerbaijan, which includes major cities like Urumiyeh (Wermê) and Naghada, is said to have a significant Kurdish population, with Iranian data suggesting that around 70% of the population in Western Azerbaijan are Kurds.⁴

Kulbari is an activity shaped by season: the numbers of those involved rises significantly during winter months, when there are fewer opportunities for paid employment, and declines during other seasons, when there are, for example, agricultural, small manufacturing and building opportunities. Most of the *kulbars* interviewed for this report emphasised that they only

started this job due to the lack of other opportunities in the area, and for many, it represents the sole lifeline for generating income. Due to the presence of unexploded landmines and ordnance in the lands of the Iraqi and Iranian Kurdistan in the Kurdistan region (includes Iraqi Kurdistan, Iranian Kurdistan, Turkish Kurdistan and Syrian Kurdistan or Rojava) since the end of the Iran-Iraq war, residents have been unable to engage in agriculture. This situation has forced many to turn to *kulbari*. The Kurdistan region (mainly Iraqi and Iranian Kurdistan) contains approximately 3,000 minefields. Since 1992, over 500 square kilometres of land have reportedly been cleared of landmines. However, around 260 square kilometres still remain contaminated.⁵ According to Iran's official statistics, over 20 million landmines were planted in the Iranian Kurdistan and Khuzestan provinces during the eight-year Iran-Iraq war (1980-1988). These landmines severely disrupt the daily lives of civilians, especially farmers, nomads, shepherds, and traders. Approximately 4.2 million hectares of land are contaminated with mines and explosive materials, posing ongoing risks and challenges to the region's inhabitants.⁶ Although civilians continue to be affected by landmines and unexploded remnants of war, the state has yet to become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, commonly known as the Mine Ban Treaty or Ottawa Convention, which entered into force on 1 March 1999.⁷

Iran's official news agencies have reported varying estimates for the number of *kulbars*, ranging from 170,000 individuals during peak times to 80,000.⁸ Notably, regions with the highest concentrations of *kulbars* include Baneh, Marivan and Saqqez in Kurdistan province, Mako, Ashnoye, Sardasht and Piranshahr in West Azerbaijan, as well as Nusud and Paveh in Kermanshah province.

Despite the economic role they play, *kulbars* endure significant hardships and risks.⁹ Each year, security forces—primarily conscripted border guards—kill or injure numerous *kulbars*, often justifying their actions by labelling these individuals as “smugglers”. *Kulbars* also face natural hazards in the mountainous regions where they work, including the risk of falls from heights, avalanches during winter and exposure to severe cold, resulting in frostbite. The informal nature of their employment means that *kulbars* lack access to social protection systems in the event of accidents or death while working. They also do not receive assistance for injuries

sustained in confrontations with state security forces, who are often perceived to operate with impunity.

The presence of legal ambiguities also creates barriers for *kulbars*, hindering their ability to access opportunities that could lead to an improvement in their quality of life. These uncertainties in the legal framework contribute to a lack of clarity regarding the rights and protections available to *kulbars*, making it difficult for them to navigate legal channels effectively. As a result, *kulbars* often find themselves unable to pursue their socio-economic rights or seek recourse or remedy for injustices they encounter in their work. The ambiguity surrounding their legal status exacerbates their vulnerability, leaving them with limited options for securing a better future.

This report aims to shed light on the multifaceted aspects of *kulbari*, offering an in-depth analysis of the socio-economic, legal and human rights dimensions that shape the lives of *kulbars* in Iran. This report seeks to contribute to a better understanding of the *kulbari* phenomenon and advocate for practical, meaningful and durable interventions to improve the well-being and rights of *kulbars* in the region.

Chapter 2

Methodology

The methodology employed in this study aims to provide a rigorous and comprehensive analysis of the *kulbari* phenomenon in Iran. The research design is anchored in a mixed-methods approach, combining desk research backed by, principally, two qualitative techniques. This chapter delineates the rationale behind the chosen methods, the data collection procedures and the analytical frameworks utilized to explore the multifaceted aspects of the *kulbari* situation.

2.1 Research design

The complexity of the *kulbari* phenomenon necessitates a holistic approach that captures the diverse dimensions of the issue. The research design involved desk research and analysis, as well as in-depth interviews with Kurdish academics, journalists, activists and lawyers in Iran focusing on the legal aspect of the phenomenon and international engagement and in-depth interviews with *kulbars* to unravel their nuanced experiences and perspectives. For this study 23 *kulbars* and their families, 8 academics, 4 journalists, 9 activists, 1 member of the United Nations Office on Drugs and Crime (UNODC), 1 member of the International Transport Workers' Federation (ITF)¹⁰ and 5 lawyers working on cases of *kulbars* were interviewed. Concurrently, legal analyses of domestic laws and regulations were carried out to ascertain its impact on *kulbars* and their activities while determining the state obligations towards this group based on international human rights law.

2.2 Sampling

The sampling strategy was purposive and stratified to ensure representation across key dimensions. *Kulbars* from different regions, varying socio-economic backgrounds and distinct border crossings were included in the qualitative phase. Additionally, state sponsored laws and regulations in relation to *kulbars* and *kulbari* and international treaties on labour and human rights laws were legally analysed to obtain a holistic understanding of the issue and to ascertain the obligations of the state in this regard.

2.3 Data collection

- a. In-depth interviews with *kulbars*, their families, lawyers working on *kulbari* cases, Kurdish academics, journalists, activists, and staff at UNODC and ITF were conducted to gather rich narratives and perspectives. Participant observations in border regions also offered contextual insights

into the daily challenges faced by *kulbars*. The data were collected to capture socio-economic impacts, working conditions and perceptions with regards to *kulbari*. Information was corroborated with former *kulbars* and family members outside Iran for validity and reliability of research.

- b. Domestic legal documents and international treaties were analysed. This involved the interpretation and evaluation of legal principles, statutes and case law to understand their implications and application in the case of *kulbars*.

2.4 Ethical considerations

Informed consent was obtained from all participants, and their anonymity was protected. Sensitivity to cultural nuances and potential risks ensured that the research process respected the dignity and rights of the participants.

2.5 Data analysis

The data obtained from in-depth interviews underwent thematic analysis to identify patterns and themes, which were also measured against press reporting of the phenomenon - both inside and outside Iran. Coding and categorization facilitated the extraction of meaningful insights. Legal reasoning was also applied to interpret the implications of the data obtained from domestic laws and regulations and international human rights treaties relevant to the Islamic Republic of Iran and *kulbars*.

2.6 Qualitative triangulation

To enhance the validity and reliability of findings, a qualitative triangulation approach was adopted, comparing and contrasting results from the qualitative methods used. Consistency in emerging themes and patterns strengthened the overall robustness of the study.

2.7 Limitations

The harsh political environment and the absence of a culture of reporting human rights violations, particularly within less privileged communities, were the main challenges in studying the phenomenon of *kulbari*. The limitations such as underreporting and potential biases are also recognized. The study sought to mitigate these limitations through methodological rigor and triangulation.

Chapter 3

The scope, character and operation of *kulbari*

3.1 Socio-economic and other challenges faced by marginalized *kulbars*

For more than ten years, both regional and national political and social leaders have recognized, albeit at different times, the desperate socio-economic circumstances underlying the *kulbari* practice. Officials have occasionally acknowledged that *kulbari* might involve the illegal importation of both allowed and forbidden goods, yet they also concede that the overall volume of such activities is negligible. Additionally, some have pointed to alleged security threats potentially associated with *kulbari*, though these concerns are often vaguely articulated and lack clear definition.

In 2010, Iran's Supreme National Security Council approved a project allocating 10 per cent of duty-derived income from regions where *kulbars* operate to projects aimed at creating regional employment, with the goal of reducing the number of individuals engaged in *kulbari*. The plan aimed for a yearly 10 per cent decrease in *kulbari* activity, with the objective that no more than 10 per cent of those currently involved in *kulbari* would remain, while 90 per cent would transition to employment in new industrial units or workshops. However, this plan was never implemented.¹¹

In a 2015 report, a lawyer engaged in representing the case of a young female *kulbar* who was shot by state border guards near Baneh, also drew attention to the challenge of *kulbars* accessing justice. The lawyer communicated the troubling nature of the prosecutor's presentation of a letter from the Office of the Supreme Leader asserting that the border guards could not be punished for the outcome of the shooting, thus highlighting the issue of impunity ordered by the highest religious and political figure in the country.¹² This situation exemplifies the prevailing culture of impunity, where state actors often evade consequences for their actions, exacerbating the hurdles in obtaining justice for victims of human rights abuses like the *kulbars*.

In April 2018, the then Interior Minister Abdolreza Rahmani Fazli reported that the cabinet had approved a bill to regulate and reform *kulbari* activities.¹³ Meeting with provincial governors and other officials, he reportedly called upon security officials to 'review the

obstacles to the activity of *kulbars* in the border provinces within a week and provide suggested solutions' and observed that 'if a new plan is not replaced instead of the current plan, one should expect the consequences of decades of unemployment in the region'. During this meeting, too, the (then) parliamentarian representing Sardasht and Piranshahr, Rasul Khazri reportedly called for the punishment of officials who shot *kulbars* and noted that 'only 20 per cent of the court cases successfully filed in this regard were actually paid to the survivors'.¹⁴

In 2019, the Supreme Leader, Ali Khamenei, appeared to acknowledge that *kulbars* are being exploited by more powerful entities.¹⁵ He reportedly stated: 'We have not acted very seriously in the fight against smuggling, I mean by smuggling, it is not the weak *kulbar* of Baluchistan [sic] who goes to the other side or a border and picks up something on his back [then] brings it here. These are nothing. These are not important. There is no problem if you don't fight with them'.¹⁶

According to another 2019 report, in meetings with various Kurdish communities, the Head of the Judiciary concurred with the then President, Ebrahim Raisi, who is reported to have said that rather than consider *kulbari* as illegal, it needs to be organized.¹⁷

A 2020 report observed that '[s]ome Iranian officials believe that *kulbari* is an illegal act because the goods they carry have not been imported via legal avenues and the customs department has not received its fee for importing the merchandise'.¹⁸ The same report added that while the government and parliament had also adopted regulatory measures to address the issue or support the socio-economic needs of border communities, the Islamic Republic had once again failed to enact specific measures.

Over ten years after the Islamic Republic of Iran first referenced challenges facing the province of Kurdistan, in September 2022, the ex-president, Ebrahim Raisi, spoke to a gathering in Sanneh (Sanandaj in Persian).¹⁹ He implicitly acknowledged shortcomings, stating that '[d]espite the admirable efforts made in the years after the victory of the Islamic Revolution, many of the capacities of this province have not been exploited, which must be taken into consideration by the govern-

ment, investors and entrepreneurs of the private sector’, adding that ‘[b]y activating the border markets, the practice of *kulbari* will be completely eliminated. Therefore, the state’s decision is to develop border markets and increase trade and export in this province’. He said that ‘poverty, discrimination and injustice are not things that should happen in the Islamic system’ and asserted that he wanted the people of Kurdistan ‘to know that the government’s plan today is to fight against poverty, corruption and discrimination and we are determined in this field and with the help of God, we will correct the corruption-causing platforms’.

Chapter 4

Domestic laws in Iran on *kulbari*

There are three main areas of law that shape and impact the lives of people engaged in *kulbari*: (1) the relationship of the *kulbari* to the contractor; (2) the implications for the state of this engagement; and (3) governing the act of transporting goods across an international boundary. These are set out below.

4.1 The relationship of the *kulbari* to the contractor

Kulbari, a phenomenon recorded for over a decade, comprises a verbal relationship and agreement between *kulbars* and those who wish to transport goods, often across the Iran-Iraq border. The contractors may also be the owners of the commercial goods they seek to transport, but more generally, they are part of the supply chain. The character of the relationship between contractor and *kulbar* is termed, in Iranian law, *jo'ale*²⁰ or consideration.²¹

In the initial volume of civil law, titled 'Contracts, Transactions and Requirements,' various contracts, including *jo'ale*, are delineated. Rooted in Islamic jurisprudence, *jo'ale* involves a commitment to perform a task in exchange for a reward. The legislator, recognizing its relevance, has classified *jo'ale* as a specific contract in civil law, providing regulations in the seventh section of the third chapter.

Article 561 of the Civil Code defines *jo'ale* as an obligation to pay a known fee in exchange for an act, irrespective of specifying the other party. Recognized as a civil contract, *jo'ale* protects various actions performed for compensation. As a verbal and arguably non-recognized form of contractual relationship between *kulbars* and goods owners, *Kulbari* can be assimilated into the principles of *jo'ale*. However, Article 570 of the Civil Code deems *jo'ale* based on an illegitimate or irrational act invalid, raising questions about the legitimacy of *kulbari*.

Regarding the question of legality, *kulbars'* actions of transporting goods without paying duties are illegal insofar as they constitute the transport of goods across an international frontier. While this illegitimacy could invalidate the *jo'ale* contract, the urgency driven by severe financial need introduces and calls for a nuanced perspective, notably by the state and judicial leaders. The question arises: can an agent's rights be forfeited due to the nullification of the contract, especially considering the urgency and financial need?

In addition to civil law, the examination of *kulbari's* legal nature extends to commercial law. Article 1 and Clause 2 of Article 2 in the Commercial Law categorize the carrying and transporting of goods as commercial activities, with carriers recognized as merchants. However, commercial law experts contend that transportation operations necessitate an organized entity, such as a company, challenging the classification of *kulbars* as transportation operators.

The legal status of *kulbari* is a complex interplay of informal contractual relationships, civil law regulations and commercial law classifications. The intricacies of legitimacy, urgency and organizational structure underscore the need for a nuanced legal analysis of *kulbari* within the broader legal framework in order to end the harm to all Iranians and stakeholders arising from the legal opacity enveloping the status of *kulbar* activity.

4.2 Iran's labour law on *kulbari*

Labour rights in Iran have been in the spotlight since the 1930s, gradually gaining traction. It was not until 1958, however, that the first comprehensive labour law was ratified, marking a significant milestone by encompassing workers, employers and workshops. This law governed labour relations until 1990, when a more comprehensive statute was introduced. The current Labour Law, dating from 1990, broadens its reach to include the full array of workers and employers within the formal sector. Articles 1 and 5 thoroughly specify which individuals are encompassed by its provisions. Article 2 characterizes a worker as someone engaged in labour in exchange for compensation at an employer's request. Concurrently, Article 3 defines an employer as either a natural or legal person for whom a worker performs tasks in exchange for remuneration.

These laws provide a framework governing all legal relationships that stem from work performed for another entity. Articles 2 and 3 outline distinctive features that demarcate the labour-employer relationship, distinguishing it from other types of social interactions.

The employee-employer relationship is composed of two primary elements: the employer's solicitation of work and the remittance of wages. In response, the worker fulfils the work request and incurs any related expenditures. This legal and financial correspondence forms the basis for defining the employee-employer relationship. Therefore, when these two elements are

present in a work-related legal context, it is recognized as an employee-employer interaction governed by labour law, barring any specified exceptions.

4.2.1 Provisions relating to the act of transporting goods across an international boundary

Kulbars engage in the transportation of commercial goods upon request from merchants or owners, for an agreed-upon compensation, which is often determined verbally and informally. This arrangement establishes a legal and economic relationship—key criteria for acknowledging a worker-employer connection, even when informally agreed.

The core measures intended to regulate cross-border trade by *kulbars*, though not all culminating in legislation, include:

- The October 2005 Law on the Organization of Border Exchanges.
- A 22 November 2017 initiative announced by the Interior Minister to close certain crossings, allowing only Sole Trader card holders to use the official borders.
- An April 2018 bill formulated by Interior Minister Abdolreza Rahmani Fazli, which was approved by the cabinet to regulate and reform *kulbari*.
- A December 2019 bill proposed by a group of parliament members in response to the growing fatalities among *kulbars*, aiming to amend the law on the use of firearms by the armed forces.
- A July 2021 proposal by Kamal Hosseinpour, representing Sarsdasht and Piranshahr, to establish border bazaars.
- A 28 February 2023 report citing Shahriar Heydari, representing towns in Kermanshah province and a member of the National Security and Foreign Policy Committee, who announced a forthcoming bill to provide a framework for *kulbari*, set for implementation around April/May 2023.

The extensive protections and coverage offered by labour law hinge on the recognition of a legitimate labour contract between the *kulbar* and their employer or contractor. The determination of a contract's validity, even when verbal, depends on conditions specified in Article 9 of the Labour Law, with the contract's legitimacy being a critical aspect, as per paragraph A of Article 9.

The 2005 Law on Border Exchanges categorizes *kulbars* into two groups. The first holds a valid *kulbari* card, enabling lawful passage through official borders under certain conditions, aligning their activities with the law and legitimizing their contracts with goods owners. This establishes an employee-employer relationship that is protected under labour law.

The second group undertakes *kulbari* activities through unofficial borders without settling duties and customs, considered illegal under the 2013 Law on Combating Smuggling of Goods and Currency. Their contracts with goods owners are void, removing them from the protections of labour law. Nevertheless, the employee-employer relationship suggests that labour law protections should arguably extend to these individuals.

The level of legal protection afforded to workers by the law, labour departments and social security hinges on employment legality and work transparency. Those in illegal activities may lack any legal protection. Reviewing *kulbari* against labour law conditions, there is often a failure to meet minimum legal standards, including working hours, safety protocols, workplace health, job security and social security access. Employer identities are frequently unknown, which complicates issues further. In the event of accidents during *kulbari* operations, the lack of employer identification leads to no compensation for the *kulbars*' losses. One *kulbar* interviewee stated 'We [*kulbars*] were ambushed by the state border guards once. They fired shots at us. While fleeing, I fell over a rock and the muscle in my front thigh was torn. The owner of the goods for that trip took no responsibility. In case of injury or death of anyone, neither the employer nor the owner of the goods takes any responsibility'.

Kulbari falls markedly short of providing basic job conditions, endangering workers' physical health and wellbeing. While temporary legal protections may offer relief, there is a concern that they may normalize hazardous work environments, detracting from the need for lasting solutions. Nonetheless, due to the severity of the issues at hand, these temporary measures are crucial as a more comprehensive resolution is sought.

Iran's labour law does not specify provisions for *kulbars* and there's an absence of unions or organizations for their support. Thus, *kulbars* often go without legal protection or assistance, leaving them vulnerable to shootings, natural disasters or wage theft. Many injured *kulbars* also struggle to afford hospital bills and basic living costs.

Kulbari starkly ignores workplace standards mandated by labour norms, such as maximum working hours and safety regulations. The law emphasizes that workplaces must meet safety standards, yet *kulbars* navigate perilous mountains without these safeguards. Furthermore, working hours for *kulbars* are undefined, and the identity of their employers and cargo recipients often remains a mystery, increasing the risk of rights violations, particularly regarding fair payment.

October 2005 Law on the Organisation of Border Exchanges

The October 2005 Law on the Organization of Border Exchanges set out a comprehensive attempt to address regional socio-economic challenges. The 12-article Law:²²

- Created border-market/exchanges at designated border regions, for people who reside in the border region (that is, not only for people engaged in cross-border economic activity, but also for those living in the region) - Article 1; and defined them as an enclosed space, where customs agents would be present; where customs formalities would be carried out; and where regional residents would be entitled to exchange the goods permitted under the law - Article 4.
- Established cooperatives for the benefit of those proven to be living in border regions, to a maximum of 500 tons of tradable goods as defined by the Ministry of Commerce - Article 1.
- Defined the geographical scope of border exchanges, border residence and the method of establishing the latter (relevant for obtaining the 'border resident' or 'Sole Trader' card, which provides the allowances), with reference to Article 10 of the Law on Law on Export and Import Regulations approved 7/4/1372 - Article 2.
- Defined the 'border resident' or 'Sole Trader', the holder of a state-issued document as having that status, as an adult with capacity who has continuously lived in a border region for at least three years, to whom the provincial government has issued a 'Sole Trader' card - Article 3.
- Created a Border Exchange Coordination Council, comprised of the provincial governor or a representative, who is the head of the Council; the Heads of the province's commercial, industrial and mining organizations; (a member of the) Agriculture Ministry and Jihad; representation by the General Intelligence Offices (precise meaning not defined or specific in the law); Cooperatives (not defined); [the provincial body for] State Penalties; Customs [Authority]; Provincial Office of Police Command; [provincial] Prosecutor; and a representative of the Border Cooperative Companies - Article 5.
- Designated the value of tradable goods subject to this law in terms of the government's determination of (province-based) socio-economic need, but provided a national guideline for all such trade, that is, across every land and sea border, at 3 per cent of the previous year's total (formal) import - Article 6.
- Designated, according to a decision by the Ministry of Commerce, the specific items and number of items or goods that could be brought into designated areas, while the actual control of the mechanics, that is, control of the importation process would be under the control of the Customs Authority; while transfer of such quotas and allowances is prohibited - Article 7.
- Designated the reduced tariffs on designated goods, with foods being tariff-free; and some non-foods goods benefitting from up to 50 per cent off duties imposed under the formal import regime - Article 8.
- Provides for the re-sale of designated goods to other provinces in Iran subject to a price regime set by the Border Exchange Coordination Council - Article 9.
- Provided for the allocation of imports according to residents in the region, cooperative enterprises located in border regions and Sole Trader cardholders in line with the capacities of the Border Exchange Coordination Council; under a regime in which the national body responsible for cooperatives provides oversight to the activities to cooperatives located in the designated regions - Article 10.
- Provided for primacy of this law as it related to the designated regions, over other import-related laws, applicable to other parts of the country, under a formal import regime, save for three (sea) ports named in the law - Article 11.

Article 12 of the Law sets out the administrative features of the law. A Kurdish citizen and resident of the region told CSHR for this report that:

[...] the Council of Ministers issued [the law relating to the] implementation [of the Law on the Organization of Border Exchanges] in August 2006. On the basis of the law, differing applications (or: arrangements, ways) were tried which resulted in the opening of kulbar pathways. [...] Kulbari passages were roads that were opened next to the official borders and kulbars could travel through these passages. The route of these passages was short and there was no danger threatening the kulbars. Once a week or more, they used to go to the border areas of Iraqi Kurdistan through these crossings and carry the permitted load on their backs. This work was done completely under the supervision of Iran's border guards [...]

It is not clear, however, to what degree, if any, national governments or provincial administrations implemented the provisions of this text, but it appears to have established a flawed model of administration in relation to *kulbari*.

The Labour Law's dispute resolution mechanism exists to protect workers' rights against employers. Article 157 stipulates using the legal framework to settle disputes, underscoring the importance of legal recourse for workers. However, due to the reasons mentioned, *kulbars* face challenges accessing this legal path. The elusive nature of employers' identities hinders establishing a clear employer-employee relationship. Even when employers are identifiable, they often shun responsibility for *kulbars'* problems or injuries.

Moreover, *kulbars* are deprived of the employment guarantees in Article 30 of the Labour Law, which deals with unemployment from accidents, emphasizing the need for re-employment and livelihood assurances. *Kulbari* issues often involve disabilities from accidents, addressed in Article 31 of the Labour Law. It requires employers to compensate for employment termination due to disability or retirement, based on the worker's last salary. This compensation is distinct from any social security benefits. Yet, *kulbars*, being excluded from Labour Law, lack legal protection in case of disability from accidents.

Article 29 of the Constitution, meant to protect all citizens' rights, including social security covering various aspects of welfare, is mostly unenforced for *kulbars*. The state is supposed to provide these services with public funds and contributions from the people. Public pressure over *kulbar* issues has led to superficial measures, like the '*Kulbars' Insurance*' plan in parliament. This plan covered less than 10 per cent of *kulbars* and lacked sufficient funding, resulting in its abolition in subsequent years. It appeared more symbolic, aimed at public appeasement rather than being an effective solution. According to a *kulbar* interviewee, 'not only has the Islamic Republic of Iran not taken any action to improve the situation of *kulbars*, but it also engineers this situation and, when necessary, smuggles its sanctioned goods through these borders using the *kulbari* method, out of sight of the border guards of other countries'.

Due to the lack of legal conditions for *kulbars*—such as insurance, clear employer identities, standardized work environments, reasonable working hours and labour law oversight—*kulbari* fails to meet labour law requirements. The absence of a conventional workplace makes it impractical for *kulbars* to comply with or fall under labour law regulations. Advocates for *kulbars'* rights argue that *kulbari* should not only be recognized as a job but also be framed and protected under labour laws.

4.3 Other laws affecting *kulbars*

4.3.1 Social security law

Iran's Social Security Law, enacted on 4 March 1975, reaffirms the state's dedication to ensuring individuals'

fundamental right to social security in line with the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 4, Clause A of the Social Security Law, its Amendment, Annex 3 and the Executive Bylaw, stipulate that wage earners or those with salaries are entitled to the social support described in Article 29 of the Constitution. This applies whether they are employed or self-employed, provided their profession is officially sanctioned or recognized by the Social Security Organization's board. *Kulbars* are not acknowledged as workers under Clause A of Article 4 and without the requisite permit, they remain outside the protection of the amended article and its bylaw.

Moreover, Article 4 of the regulation prescribes a self-employment insurance rate of 12 to 18 per cent, which can be prohibitively costly for those whose income scarcely meets essential living costs, making it financially impractical. Thus, *kulbars* are effectively barred from actualizing their right to social security, a right guaranteed by the Constitution. This dilemma is at odds with Article 29, which obliges the state to provide social security services to all citizens. The right to social insurance is universal, covering both the employed and unemployed; any limitation of this right based on legal job approval conflicts with constitutional tenets.

4.3.2 Law on the 'use of firearms by law enforcement agencies during emergency situations'

From 2015 to 2022, at least 72 per cent of deaths and injuries involving *kulbars* were the direct result of shootings, with Iranian Border Guards implicated in 64 per cent of these cases (*Figure 1*). In spite of such a high percentage of assaults on the lives of *kulbars*, in June 2023, a member of the National Security Commission of parliament announced the completion of its review of pending legislation, which would allow the 'use of firearms by law enforcement agencies during emergency situations'. This will make it easier and legally permissible for law enforcement personnel to use firearms against *kulbars*. This plan has been submitted to the Presidium of the parliament for review in a public meeting.

This development persists despite state agents systematically shooting *kulbars* for many years without facing any repercussions. Casualties due to direct shooting of border agents have been on the rise. For instance, based on available data, casualties increased significantly from 2021 to 2022, with the majority of these due to direct shooting of border guards. A *kulbar* interviewee stated, 'I am not aware of any actions taken by the state to improve the situation of the *kulbars*, but what is certain is that each year the shootings at *kulbars* increase and their situation worsens.'

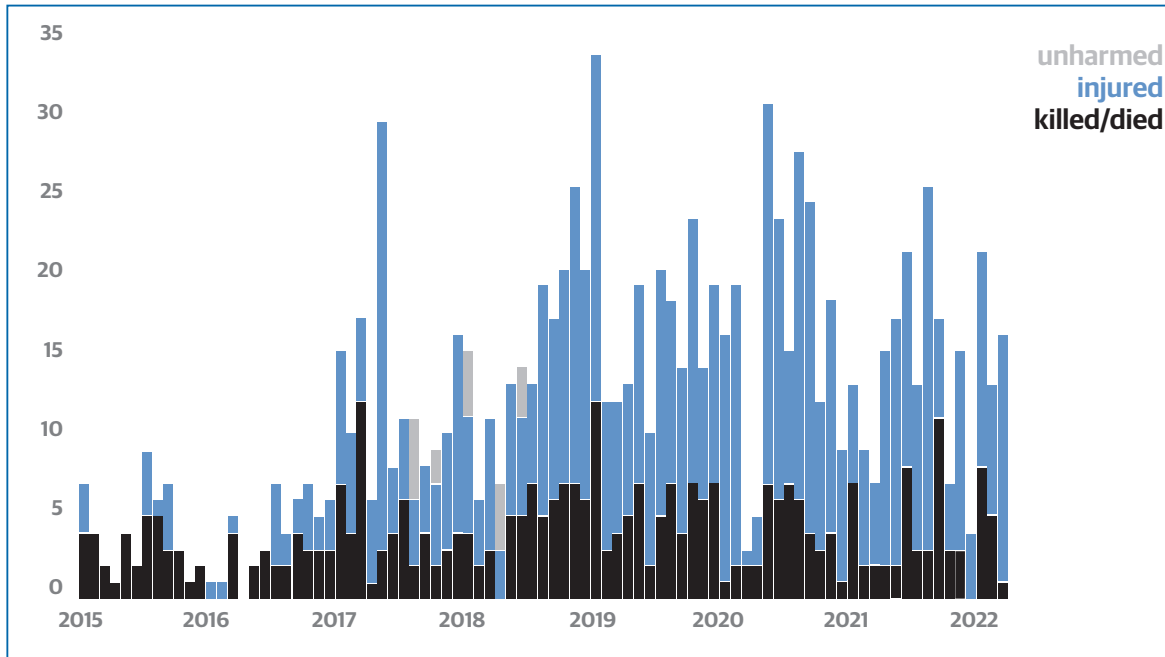


Figure 1 - From January 2015 until March 2022, at least 1,042 kulbars were reportedly killed or injured mainly as a result of excessive use of force by Iranian border guards.

Source: <https://iranbarometer.org/topic/kulbars/>

4.4 Is *kulbari* a kind of smuggling?

The foreign trade landscape in Iran was significantly transformed by the 'Iranian Foreign Trade Monopoly Law' in March 1931 and its revisions. This act transitioned foreign trade from being unregulated to becoming a state monopoly, giving authorities control over imports and exports. Despite legal constraints, like licensing, border residents continued to see cross-border trade as their right. This led to the creation of specialized rules for cross-border exchange. Islamic criminal law, the main criminal legislation, is silent on cross-border transactions and relevant laws. However, specific laws such as the 1993 Export and Import Regulations, the Customs Affairs Law of 2011 and the 2013 Law on Combating Goods and Currency Smuggling address this.

The Export and Import Law does not cover export and import violations, unlike the Customs Affairs Law, which dedicates a section to customs and smuggling. Article 113 defines smuggling as unauthorized goods movement without customs compliance. Notably, this law does not set penalties for smuggling; Article 114 only mentions commercial license revocation.

Smuggling, in the legal sense, involves illegal use of transport methods for cross-border movement of goods or individuals, violating border and customs laws. Although definitions vary, smuggling typically entails illegal transport, intention and lack of valid licenses. Iran's laws, especially the one on smuggling, define it as action against legal formalities for goods and currency movement. Identified smuggling attracts certain penalties. It is detectable at entry points or within Iran, including where goods are sold on the market.

Kulbari can be divided into legal and illegal methods. Legal *kulbars* have permits to transport goods along specific paths, complying with legal standards. In contrast, illegal *kulbars* lack authorization and face risks of arrest or prosecution. According to the principle of necessity in Islamic jurisprudence, even illegal *kulbari* should not result in criminal liability if performed out of necessity. This principle excuses actions typically considered wrong when done under severe conditions. Often in desperate situations, *kulbars* earn meagre wages for transporting goods and are part of a larger cycle of exploitation. Their actions, driven by necessity, should not lead to punishment, as their harsh economic conditions leave them with no other viable options. *Kulbars* are victims of an exploitative system, where they bear the dangers of border crossings and the risk of punishment, yet often receive less than 1 per cent of the value of the goods they transport.

Moreover, international human rights law and conventions, such as the Universal Declaration of Human Rights (UDHR) and the ICESCR, emphasize the right to an adequate standard of living, including the right to work and economic opportunity. Criminalizing *kulbars*, who are compelled by necessity and lack of economic options, contravenes these international standards. Instead, states should focus on addressing the underlying socio-economic conditions that drive individuals to engage in such activities. By aligning national policies with international human rights obligations, governments can ensure that vulnerable populations are protected and that their basic rights to livelihood and dignity are upheld. This approach not only aids in compliance with international law but also promotes social and economic justice. A *kulbar* interviewee stated, 'In my opinion, a fundamental solution must be implemented, which involves establishing

economic infrastructure in the regions where *kulbars* operate, to address and improve this socio-economic problem at its roots. I have no interest in being a *kulbar*. I would prefer to find a decent and civilized job, which is the state's responsibility to provide.'

Chapter 5

A catalogue of dangers

Subject to risks such as physical assault, arrest and the confiscation of goods, *kulbars* navigate challenging conditions to support themselves and their families. The shift towards border trade as a primary means of livelihood in these areas, coupled with reduced state involvement in social welfare, has given rise to a distinct way of life with its own norms, regulations and institutional relationships.

The *kulbari* phenomenon, characterized by the perilous activity of *kulbars* transporting goods across challenging and dangerous border regions without adequate social or legal protection, amidst a national context of discrimination and marginalization, has profound consequences on socio-economic dynamics. These consequences contribute to a range of challenges that affect both the individuals engaged in *kulbari* and the wider communities in the western and northwestern border regions.

5.1 Socio-economic challenges

Repeatedly turning to arduous *kulbari* activities can lead to the disintegration of communities as individuals—particularly young and able-bodied members—seek employment outside their hometowns, regions or even Iran itself, further contributing to underdevelopment, at least in the short run.

The demanding nature of *kulbari* and the challenges faced by *kulbars*, including mistreatment and harassment by border guards, result in human rights violations. Such violations compromise the dignity and well-being of individuals engaged in *kulbari*. The western and northwestern border regions, with their significant potential for economic development, remain underutilized due to the prevalence of *kulbari*. This underutilization hampers the efficient allocation of resources and impedes regional economic progress.

Additionally, *kulbars* may face social stigma and marginalization, as the activity is often associated with poverty and hardship. This further isolates them from mainstream socio-economic opportunities. Therefore, addressing the consequences of *kulbari* requires a comprehensive and multi-faceted approach, involving state policies, legal reforms, economic development initiatives and social awareness campaigns. A con-

certed effort from various stakeholders is essential to mitigate the socio-economic challenges associated with *kulbari* and foster sustainable development in the affected regions.

5.1.1 Dangerous work conditions

A 2019 article by Roya Kakavand drew attention to the precarity and danger of *kulbari*, noting that:

[Kulbars] have to watch out for potholes on the road, mines left over from the war, terrifying valleys and ravines and border guards who may charge them with smuggling at any moment; [or] shoot [those appearing to make an] illegal crossing of the border. The sufferings of these people always double in autumn and winter and the beginning of the cold season, because the risk of frostbite, slippery roads and avalanches are added to the usual dangers.²³

She added that ‘[f]or this reason, every year, many *kulbars* die in transporting goods [...] or suffer serious injuries and permanent disabilities[...]’.

A snapshot of events in February 2020 exemplifies the overlapping dangers experienced by *kulbars*. On 13 February 2020, a Kurdish human rights media platform reported that one *kulbar*, Nabi Ahmad-Panah, suffered from frostbite in the mountains near his home city of Piranshahr. He required urgent medical care in the city. On the same day, the organization reported that security guards shot a *kulbar*, Payman Abdi, whom they injured and that a few days earlier, near Paveh, security officials attacked a *kulbar*, Mohammed Faghezadeh, whom they reportedly left in a critical condition.²⁴

A 14-page assessment by *Kulbar News* covering the 21 March 2022 - 21 March 2023 period states that the 39 fatalities recorded represent 17 per cent of the total of the 234 killed and injured while the injuries comprise 83 per cent of that figure. In respect to the 234 killed and injured in this period:²⁵

- 172 or 73 per cent of the total were a result of being fired upon, of which 69 per cent of the fatalities and 74 per cent if the injuries;

- 12 per cent of the injuries were as a result of falls; and
- 12 per cent of the fatalities were as a result of an accident on the route itself.

According to *Kulbar News*, in the March 2022 – March 2023 period, 128 of the 234 killed and injured were in Kermanshah (54 per cent); 89 in Kurdistan (38 per cent) and 17 in West Azerbaijan province (7 per cent).²⁶

According to statistics collected by *Kulbar News*, over the span of 10 years (2013-2023), at least a total of 1,797 *kulbars* have been either killed or injured along the border regions of Kurdistan. Of this number, 551 *kulbars*, equivalent to 31 per cent, have been killed and 1,246 or 69 per cent, have been injured.²⁷

The profession of *kulbari*, fraught with hazards, places individuals facing an array of risks. These risks are intrinsic to the occupation and are compounded by the unpredictability of environmental conditions. The occupational perils of *kulbari*, coupled with incidents induced by environmental factors, narrate a poignant tale of human vulnerability and resilience amidst dire straits.

Kulbars engage in the arduous task of traversing perilous terrains, laden with heavy burdens that push human stamina to its limits. The unrelenting physical demands associated with this vocation frequently result in exhaustion, musculoskeletal injuries and long-term health complications. The absence of appropriate safety precautions amplifies the risks tied to this strenuous occupation. According to a *kulbar* interviewee, ‘*kulbari* is not very helpful... the little help it may provide for families’ basic needs does not justify the hundred times more physical and mental harm it inflicts on us.’ Additionally, *kulbars* are vulnerable to exploitative practices by employers and traders. One *kulbar* interviewee stated ‘[i]n essence, we do not have a fixed employer and considering the hardships and dangers of the path, they do not pay appropriate and fair wages.’

5.1.1.1 Incidents caused by nature

● Topographical challenges

Climate change significantly impacts *kulbars* by exacerbating the harsh conditions under which they operate. As climate change leads to more extreme weather patterns, such as intense heatwaves, heavy rainfall and severe winters, the already perilous journeys of *kulbars* become even more dangerous. The mountainous regions they traverse are subject to landslides, floods and other natural disasters, which increase the physical risks involved in their work. Additionally, climate change can disrupt local agricultural practices and reduce the availability of natural resources, further diminishing economic opportunities in these areas. This

forces more individuals to resort to *kulbari* as a means of survival. The environmental degradation resulting from climate change also undermines traditional livelihoods, pushing marginalized communities into deeper poverty and making them more dependent on smuggling networks. Addressing the climate crisis and its socio-economic impacts is therefore crucial in mitigating the hardships faced by *kulbars* and providing them with safer and more sustainable livelihood options.

The challenges faced by *kulbars*, who transport goods across the western and north-western border regions of Iran, are significant and multifaceted. The western and north-western border regions of Iran, where *kulbari* is common, are characterized by their steep and rugged mountainous terrain. This terrain presents a formidable challenge to those transporting goods on foot. The paths are usually narrow and treacherous, with steep inclines and descents, which significantly increase the risk of slips and falls. Additionally, these areas are subject to extreme and unpredictable weather conditions, including rain and fog, which can further impair visibility and footing, making the journey even more hazardous for *kulbars*.

In winter, regional un- and underemployment rates tend to rise, in line with engagement in *kulbari*. The winter conditions in the mountainous areas and on the paths used by *kulbars* become markedly more dangerous: they can be blanketed in snow or blizzards, and *kulbars* face danger from the cold, notably frostbite. The paths can be susceptible to avalanches, and, in such conditions, the *kulbars* may lose their footing on the mountainous paths and fall causing injury or death. In 2019, 23 *kulbars* died as a result of such conditions; a further 19 were injured.²⁸

● Avalanches and landslides

The mountainous landscapes in these regions are inherently prone to natural disasters like avalanches and landslides, especially given the extreme weather conditions in these regions. These disasters are often sudden and unpredictable, posing a constant threat to the safety of *kulbars*. The 2017 avalanche in the Bioran area of Sardasht is a stark example of such dangers. On 28 January 2017, a devastating avalanche struck the Bioran area in Sardasht, West Azerbaijan Province, trapping numerous *kulbars* under the heavy snow. This natural disaster resulted in significant loss of life and highlighted the perilous conditions under which these porters operate. At least four *kulbars* lost their lives in the avalanche, while others were injured or went missing. The incident drew attention to the lack of safety measures and support systems for these *kulbars*, who risk their lives daily in the treacherous terrain of the border regions.

The aftermath of the avalanche saw an outpouring of grief and frustration from the affected communities and human rights organizations. Many called for bet-

ter protection and support for *kulbars*, emphasizing the need for safer working conditions and economic alternatives to reduce the reliance on such dangerous work. The incident also underscored the broader socio-economic challenges faced by marginalized communities in these regions, who often turn to *kulbari* out of necessity and lack of viable employment options. This situation also highlights the vulnerability of *kulbars* to natural events, which can occur without warning and with devastating consequences. The loss of lives and injuries in such incidents underscores the extreme risks that *kulbars* face in their line of work.

● Lack of safety measures

The remote and rugged nature of these border regions means that they are often underserved in terms of safety infrastructure and emergency services. This lack of resources exacerbates the risks faced by *kulbars*. In the event of an accident or a natural disaster, such as an avalanche or a landslide, the response time for rescue and emergency services can be significantly delayed. This delay is often due to the difficult terrain, which makes access by emergency responders challenging. Furthermore, *kulbars* typically lack proper safety equipment and training, which would otherwise help mitigate the risks associated with their treacherous journeys.

The consequences of *kulbari*, particularly the dangerous working conditions and natural hazards, underscore the urgent need for comprehensive interventions. Legal protections, safety regulations and initiatives addressing the socio-economic vulnerabilities of *kulbars* are imperative to mitigate the inherent risks associated with this form of forced labour. Furthermore, recognizing and addressing the broader socio-economic context is crucial for creating a safer and more secure environment for individuals engaged in *kulbari*. Additionally, it is essential to take serious steps to introduce alternative employment opportunities to eradicate this exploitative practice.

5.1.1.2 State-sponsored violence

● State-sponsored violence and torture

The issue of state-sponsored violence against *kulbars*, coupled with the prevalence of torture, constitutes a grave human rights crisis. These inhumane practices violate international human rights norms and demand urgent attention. Addressing this problem requires a concerted effort from various stakeholders. Legal reforms are crucial to provide *kulbars* with the protection they deserve under the law, while the state must take serious steps to address the issue of *kulbari* by creating alternative job markets. International pressure can play a significant role in prompting such reforms. Additionally, civil society organizations need to actively advocate for the rights and dignity of *kulbars*, raising awareness about their plight and calling for an end to these abusive practices.

Kulbars often face mistreatment, including physical beatings and insults, when apprehended by border guards. These encounters, framed as efforts to curb smuggling, result in human rights violations and compromise the dignity of those engaged in *kulbari*. The phenomenon of *kulbari* is not only marked by the inherent dangers of a challenging occupation but also tainted by instances of state-sponsored violence and torture, further exacerbating the plight of these vulnerable individuals. State-sponsored violence against *kulbars* is a distressing aspect that demands scrutiny, condemnation and urgent intervention. One *kulbar* interviewee recalled, ‘There are many problems associated with *kulbari*. During my time as a *kulbar*, it was winter. I went to the border, and the guards caught me. In the snow and cold, they took all the clothes I was wearing. When they finally let me go, I had nothing on. I was freezing and humiliated until I reached a village’.

● Targeting and shooting at kulbars

The escalation in targeting and shooting at *kulbars* by border forces, ostensibly to combat smuggling as sanctioned by the Firearms Use Law, has precipitated an alarming increase in both fatalities and severe injuries. Amnesty International, in its annual report dated 22 February 2018, highlighted that in 2017, Iran’s border guards continued the unlawful shooting and killing of *kulbars*, particularly noting the ‘full impunity’ with which such acts were carried out. This claim is substantiated by instances of excessive force, such as the violent suppression of protests in Baneh and Sanandaj following the fatal shootings of two *kulbars*, leading to multiple detentions.²⁹

Between the years 2015-2022, 72 per cent of *kulbar* casualties were documented to be attributable to shootings by the Islamic Republic’s border security forces—quantifying the cost at 226 deaths, 510 injuries, 12 disabilities or amputations. Amongst the deceased, the presence of seven individuals under the age of 18 underscores the tragedy of such enforcement measures. Additionally, the perils of landmines remain apparent, with five deaths, four injuries and 38 life-altering harms reported, attesting to the ongoing dangers posed by these remnants of conflict.³⁰ The extortionate practices faced by *kulbars*, including the requirement to pay bribes and the risk of having their goods confiscated or pack animals killed, further expose the vulnerability and exploitation inherent in their occupation.

The concern raised by the Special Rapporteur on human rights in the Islamic Republic of Iran on 25 February 2020, pertaining to the fatal shootings in West Azerbaijan province on 23 November 2019 and in Kurdistan province on 2 December 2019, serves to underscore the critical human rights implications of these enforcement strategies.

Despite the presence of legislation governing the use of firearms by officers, there are documented instances of *kulbars* being mistakenly shot without carrying contraband, representing a clear divergence from both the legal and moral obligations stipulated. The 1994 Law on the Use of Weapons by Officers delineates explicit scenarios for weapon use, highlighting that such force should be necessary, proportionate and a last resort, further emphasizing the need for warnings prior to use. The repeated transgression of these protocols necessitates a re-examination of both the issuance of firearms to unqualified officers and the adequacy of their training and comprehension of legal regulations.

The legislator's intention behind such restrictions was to prevent undue harm and enforce accountability for the misuse of firearms. As such, rigorous enforcement and penalization for violations are essential. Consistent with this legal framework, border guards must ensure adherence to the prescribed conditions, circumventing arbitrary use of force. Allegations of border guards firing without prior warning are in direct conflict with these legal limitations.

Captured videos displaying *kulbars* shot in vital organs amplify the imperative for state responsibility in preventing unlawful actions and pursuing legal proceedings against offenders. In accordance with the civil liability laws of 1960, the state is obliged to offer recompense to *kulbars* and their families for damages suffered, reinforcing the state's duty to uphold the rule of law and protect its citizens.³¹

● Excessive use of force

Kulbars, in their routine cross-border activities, frequently encounter harsh treatment from border guards, who often resort to excessive force. This force can manifest in various forms, including physical beatings, assaults and in extreme cases, shootings. The rationale for such violence typically centres around suspicions of smuggling. However, it is crucial to note that many *kulbars* are involved in legitimate cross-border trade and are not engaged in illegal activities. Despite this, they often find themselves at the receiving end of aggressive and sometimes lethal actions by border security forces. This excessive use of force raises serious concerns about the disproportionate and unjustified response towards individuals who are primarily engaged in earning a livelihood.

● Dehumanizing treatment

The treatment of *kulbars* by some border officials often goes beyond physical violence to include dehumanizing practices. This mistreatment can take the form of insults, verbal abuse and acts designed to humiliate individuals. Such behaviour not only constitutes a violation of basic human rights but also strips away the dignity of the *kulbars*. This degrading treatment exacerbates the challenges faced by *kulbars*, adding psycho-

logical and emotional abuse to their physical hardships. It reflects a lack of respect for their basic humanity and undermines the principles of dignity and respect that should be afforded to all individuals, regardless of their occupation.

● Climate of impunity

A climate of impunity shaped by decades-long, ingrained social, legal and political discrimination appears to enable security guards to fire on *kulbars* with limited or no accountability. Soleiman and Mohammadpour (2023:13) state that *kulbars* 'are killed indiscriminately and with impunity; they remain outside the state's legal and judicial boundaries. Yet they are situated inside the Shi'i juridical order through the state's penal system'. Moreover, '[i]n Kurdistan the Islamic Republic has no laws concerning where, how and under what circumstances its forces are allowed or forbidden to kill; shooting at *Kolbar* (sic) has thus become a sport like activity as the state forces can kill them at will.'³²

One account stated that (many) *kulbars* believe 'that Iranian border guards and security forces consider their lives worthless and shoot them in the head and the chest while they are carrying heavy loads and cannot escape.' As a result of this, *kulbars* 'take routes that are not used by the armed members of Kurdish opposition parties because these routes are under close observation by the Iranian border guards.'³³ A number of reports and other commentary, some featuring the voices of *kulbars* question why the security forces do not, at first, shoot into the air by way of warning instead of shooting to kill them. For example, in its 22 February 2018 annual report on events in 2017, Amnesty International reported that 'Iran's border guards continued to unlawfully shoot and kill, with full impunity, scores of [*kulbars*].'³⁴ Exemplifying the securitized context set out above, the report adds that 'In September [2017], security forces violently suppressed protests in Baneh and Sanandaj over the fatal shootings of two *kulbars* and detained more than a dozen people.'³⁵

The impunity includes state security forces also removing community means to a livelihood. Security forces are reported to have killed the pack animals—horses and mules—used in *kulbars*' convoys. This, in turn, deprives families of another source of income. In one instance in May 2018, security forces in West Azerbaijan province killed 90 grazing horses.³⁶ Furthermore, on 25 February 2020, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran expressed his concern at reports that security forces had shot and killed two *kulbars* on 23 November 2019 in West Azerbaijan province and another on 2 December 2019 in Kurdistan province. However, the authorities are not known to have taken action to address the situation.³⁷ The lack of accountability for the actions of

border guards emboldens some members of the security forces and normalizes an environment of state-sponsored violence against *kulbars*. The lack of repercussions for such actions signals that the value placed on the lives and rights of these individuals is somehow less, which in turn undermines the rule of law. A *kulbar* interviewee stated,

We can somewhat meet our basic needs with kulbari, but it comes with suffering, misery and stress. The pay is not suitable for the work we do, and sometimes the employer is unreliable and pays very late. There are risks associated with kulbari such as border guards shooting at us, losing our way and frostbite in the winter. Once, border guards shot at us, and some pellets hit my legs. The employers take no responsibility; they only use the kulbar for their benefit and if one dies, they only pay for the goods. I did not file any complaints after I was shot because I feared my situation would worsen, as we have had cases where a kulbar complained but ended up being accused of paying for the bullets.

A 2021 study confirms this claim. A 42-year-old *kulbar* asserted, ‘My uncle was killed by border guards’ gunfire, leaving his four young children orphaned. Many people we know have been killed by gunfire from border guards. *Kulbars* who engage in *kulbari*, when killed or injured by border guards, have their families forced to pay the cost of the bullets used to shoot them. These families are already struggling to make ends meet’.³⁸

● Detention conditions

According to a lawyer interviewee, when *kulbars* are detained, the conditions they face often raise serious human rights concerns. Detainees may be held in overcrowded and unsanitary facilities, which fall far below international standards for the treatment of prisoners. These conditions can amount to torture or inhumane treatment. The lack of access to basic necessities, such as adequate food, water and medical care, further contributes to the suffering of those in custody. These detention conditions highlight the broader issues of disregard for the wellbeing and rights of *kulbars*, compounding the already severe challenges they face in their daily work.

● Lack of due process

The legal framework ostensibly in place to safeguard citizens frequently abandons *kulbars*, leaving them susceptible to capricious detentions, bereft of adherence to established legal protocols. This blatant indifference to due process rights, especially the right to a fair trial, exacerbates the vulnerability of *kulbars* to a spectrum of human rights abuses. The lack of legal protection signifies that *kulbars* may find themselves detained, interrogated and even subject to punitive measures without the means to contest the grounds of their detention or the conditions thereof.

According to a lawyer interviewee, ‘[s]uch systematic disregard for due process does not merely contravene international legal norms but also perpetuates a pervasive atmosphere of trepidation and insecurity within the *kulbar* community’. The spectre of torture and ill-treatment looms large in a milieu devoid of robust legal safeguards, underlining the exigency for judicial reforms. It is imperative that legal amendments be instituted to guarantee the rights of *kulbars* are both recognized and preserved. Only through such reforms can the rule of law be upheld, ensuring *kulbars* are accorded the dignity and justice they are due.

5.1.1.3 Psychological impact

The infliction of torture, both of a physical and psychological nature, imprints severe and enduring trauma upon *kulbars*. Such experiences transcend physical harm, instilling profound psychological disturbances like anxiety, post-traumatic stress and an omnipresent sense of insecurity. These conditions do not merely affect their immediate ability to function and work but also cast long shadows over their mental health, insidiously undermining their day-to-day existence.

The psychological ramifications of torture manifest in deep-seated scars that are not always visible yet pervasively affect *kulbars*’ lives. They can substantially impede their capacity for effective labour, infusing their daily lives with fear and apprehension. The mental anguish borne from such experiences often remains unseen, but its persistence can debilitate their interpersonal relationships, erode self-esteem and degrade their overall life quality.

The long-term mental health consequences for *kulbars* cannot be overstated. The invisible wounds they carry necessitate recognition and intervention. Mental health support and comprehensive rehabilitation services are essential to address the psychological aftermath of their experiences. Without such support, the cycle of trauma and its attendant impacts on their work efficiency and life quality will likely persist, undermining both individual wellbeing and community health. According to a *kulbar* interviewee, ‘*kulbari* provides for basic needs, but at the cost of losing physical and mental health, and after four or five years, you can no longer work.’ In a 2021 study examining the phenomenon of *kulbari*, the authors also concluded that

In addition to physical injuries, kulbars suffer from psychological and emotional damage; mental health issues such as stress, aggression, anger, depression and irritability. These mental and emotional harms are linked to various factors, such as job dissatisfaction, the mismatch between kulbari work and the kulbars’ educational

*background, negative public perception of kulbari, people's harsh reactions towards kulbars, fear and stress during kulbari, exposure to danger, low wages and hard work, low social status of kulbars and more.*³⁹

● Constant stress and anxiety

The daily lives of *kulbars* are characterized by a combination of intense physical strain, potential mistreatment by border guards, the ever-present threat of accidents, continuous stress over life management and affordability, and lack of a sustainable and secure jobs. This combination leads to heightened levels of stress and anxiety. The psychological toll of constantly living under such pressure leads to long-term mental health issues, such as chronic anxiety disorders, depression and stress-related health problems. The psychological burden of their work environment is an added layer that significantly impacts their overall health and well-being.

● Trauma from incidents

According to an academic interviewee, *kulbars* who have experienced traumatic events, such as accidents or witnessing colleagues in perilous situations, may suffer from post-traumatic stress disorder (PTSD) and other forms of trauma. The lack of access to psychological support and mental health care in these regions exacerbates the long-term impact on their mental health. Without adequate psychological support, these individuals may struggle with the long-term effects of trauma, which can include flashbacks, severe anxiety and difficulty coping with daily life. In a 2021 study, a 40-year-old *kulbar* stated, '[w]hen border guards see us, we run away out of fear. Sometimes you feel like you are going to die from exhaustion. You are just breathing and experiencing severe anxiety and fear from the border guards' shooting. In addition to these, there are problems such as cold, heat, the danger of falling, stress, fear, wild animals and many other issues on this path'.⁴⁰

5.1.1.4 Impact on families

● Loss of breadwinners

The dangers faced by *kulbars* not only affect the individuals themselves but also have a profound impact on their families. Incidents resulting from natural disasters or accidents in the line of duty can lead to the loss of the primary breadwinners in *kulbar* families. This tragic outcome places an immense economic burden on the families, who may already be living in precarious financial conditions. The loss of a breadwinner can thrust a family into economic hardship, affecting their ability to afford basic necessities and secure a stable future. This not only compounds the economic vulnerability of these families but also can have cascading effects on their emotional and social well-being. According to a 2021 study, *kulbari* brings significant fear and anxiety for *kulbars* and their families. The job is

filled with dread and fear, causing nightly nightmares for *kulbars*. In worse cases, it leads to irritability and anger. Such instances increase the worry and anxiety of their families. Basan, a 31-year-old *kulbar*, explains: 'This job is full of fear and anxiety. The anxiety that comes with this job causes me to have nightmares. I am not in a good mental state. I used to be a calm person, but since I started *kulbari*, I lose my temper quickly and become angry. My family shares the same anxiety and stress'.⁴¹

● Educational disruption

The psychological and economic consequences of incidents impact the education of children and young people in *kulbar* families. The disruption to their schooling further perpetuates cycles of poverty and limited opportunities for future generations. In a 2021 study, Baqer, a young man from the Oramanat region, reflects on his journey from helping his father in agriculture to pursuing higher education in mathematics and urban planning. Despite his academic achievements, including a master's degree and acceptance into a PhD programme, he faces unemployment and resorts to the dangerous work of *kulbari*. Carrying heavy loads across treacherous mountain paths at night, he and many others risk their lives due to a lack of viable employment opportunities. The work is fraught with physical and emotional tolls yet remains a grim necessity for survival. Baqer's story highlights the harsh realities and limited opportunities faced by educated individuals in his region.⁴²

Since *kulbari* is a form of manual labour where individuals carry heavy loads across mountainous borders, it often severely disrupts the education of those involved. Many young people who become *kulbars* are forced to abandon their studies due to the necessity of earning a livelihood. The demanding nature of this work, coupled with the risks and physical strain, leaves little time or energy for pursuing education. Additionally, the lack of economic opportunities and support systems in their regions exacerbates this issue, trapping them in a cycle of hardship and limiting their potential for educational and personal development. Despite having aspirations and a desire for a better future, many *kulbars* find their dreams deferred or unattainable due to these challenging circumstances.

5.1.2 Economic vulnerability and its ramifications

The economic consequences of *kulbari* extend beyond the individuals engaged in this laborious work, impacting families and communities and contributing to a cycle of economic vulnerability.

5.1.2.1 Poverty and insufficient income

● Limited economic opportunities and dire economic circumstances

Kulbars are often trapped in a relentless cycle of poverty. The income from *kulbari*, typically meagre and unpredictable, fails to provide a stable or sufficient financial base. This instability is compounded by the irregular nature of their work, which means earnings can fluctuate dramatically and without warning. As a result, *kulbars* and their families frequently struggle to meet basic needs, such as food, housing and healthcare, leading to a persistent state of financial insecurity.

This social problem and human tragedy permeate the fabric of society, impacting the lives, homes and families of *kulbars*. The repercussions extend to the women and children in these families. Women, as a discriminated and vulnerable group in Iranian and Kurdish societies and particularly the wives and daughters of *kulbars*, are caught in a vicious cycle of deprivation and marginalization. This cycle is perpetuated by the harsh realities of living with *kulbari*, creating a group of people who endure a ‘traumatic lifestyle’ within society. According to a sociologist,

Kulbari has no set time, day or night and turns the family, which should be a place of tranquillity, into a source of stress and anxiety. A wife anxiously waits, wondering if her husband will return safely or if he has managed to earn an income. This makes life bitter and difficult for a woman. Additionally, since kulbars often suffer from physical problems, illnesses and disabilities, these women must live with and care for a sick person. The family thus transforms from a place of stress and anxiety into a place where the sick is cared for, with all the burdens falling on the woman. Women must undertake these tasks to sustain their lives. Furthermore, if the head of the family loses his life, many women, who are often young and may have small children, will face difficulties in remarrying and bear the costs and care of young children alone, adding to their numerous challenges.⁴³

With the rise of the Islamic Republic in Iran, *kulbari* became a political issue under the pretext of ensuring ‘security’ at the borders of Kurdistan. Due to discriminatory policies, economic poverty and unemployment, *kulbari* was imposed and became widespread. While the state’s duty should be to create jobs and provide for the livelihood of people, the Islamic Republic of Iran has neglected this responsibility, leaving Kurdish regions in a state of underdevelopment and persistent backwardness. The Islamic Republic has failed to implement Article 43 of its own Constitution let alone its international obligations.⁴⁴

5.1.2.2 Lack of social security and safety nets

● Inadequate safety measures and exclusion from social security

Many of the *kulbars* interviewed for this report shared their experiences regarding the dangers of this activity. Many of them have been injured along often hazardous routes. Engaged in the informal sector, *kulbars* are not eligible for social services and security benefits. For example, those who are injured cannot avail themselves of state economic support or that associated with a private firm, which exacerbates regional poverty. Without a social safety net, *kulbars* and their families face an even greater risk of a downward socio-economic spiral and despair when faced with unforeseen challenges such as rampant inflation or a downturn in already precarious regional employment, for instance in agriculture, building or light manufacturing. The Social Security Organization, a social insurance agency in Iran, cut the insurance of *kulbars* because, according to the agency’s definition, *kulbari* is not recognized as a ‘job’.⁴⁵ This situation leaves *kulbars* highly vulnerable to economic hardship following work-related accidents or injuries, with little to no recourse for financial recovery or compensation. According to a lawyer:

Kulbari has no place in Iranian law and is not mentioned anywhere, neither as an occupation nor as a crime. However, individuals who engage in kulbari are treated like criminals, charged with crossing the border and ‘smuggling goods.’ Kulbars do not consider this activity a job and only turn to it out of desperation as a last resort. According to the law, a job should provide for one’s livelihood and physical and mental well-being, without compromising human dignity and health. This is not the case for kulbari. Additionally, this work has no workshop, set working hours, employer or standards. As a result, there are no safety principles, insurance or compensation for kulbars who are killed or injured.⁴⁶

5.1.2.3 Impact on education

● Educational deprivation

The economic struggles inherent in *kulbari* significantly affect educational opportunities, especially for the children of *kulbars*. The financial constraints that come with this occupation often mean that families cannot afford quality education for their children. This lack of access to education perpetuates cycles of limited skill development, as children miss out on vital learning and educational advancements. This deprivation extends beyond basic literacy and numeracy, impacting the broader educational and developmental opportunities necessary for future economic success.

Many children in regions where *kulbari* is common face significant educational deprivation due to regional poverty that forces families into this dangerous work. Despite their genuine interest in learning, these students, who must also engage in *kulbari* because a single *kulbar*'s earnings are insufficient for the family's livelihood, often fall asleep in class from working nights to support their families. The dangerous and labour-intensive nature of *kulbari* leaves them exhausted and unable to focus on their studies. One student even expressed that he had grown too embarrassed to ask his father for money, so he secretly took up *kulbari*. This situation highlights the broader issue that *kulbari* not only puts the lives of these young individuals at risk but also severely hinders their educational opportunities and prospects for a better future. Families relying on the income from *kulbari* are often unable to support their children's education, perpetuating a cycle of poverty and limited opportunities.

Due to the lack of job opportunities in the region, even those who manage to obtain a proper education struggle to find suitable employment. This discourages the next generation from pursuing education, as they see little tangible benefit in it.

● Restricted skills development

Restricted skills development is a significant issue for *kulbars*, whose demanding and dangerous work leaves little room for personal growth and skills acquisition. *Kulbari*, primarily driven by economic necessity, forces individuals into a cycle of physically gruelling labour that offers no opportunities for professional advancement or skills diversification. As a result, *kulbars* are often unable to pursue education or vocational training that could lead to more stable and fulfilling employment. This restriction not only limits their potential for personal and economic development but also perpetuates a cycle of poverty and marginalization. The lack of skills development among *kulbars* has broader implications for the community as well, as it hinders overall socio-economic progress and sustains the region's dependency on precarious labour.

According to Saidi and Asamaeel-zadeh (2009), the insecurity in less developed peripheral areas primarily stems from economic deprivation. A centre-periphery system is dominant, meaning the state's attention to border areas is centralized, and the focus is not uniformly distributed across the entire country. Much needed opportunities and facilities are not provided to border residents. As one moves further from the central hubs of power towards the peripheral cities of the country, the level of access to services and opportunities diminishes. Consequently, access to infrastructure, skills training and other resources decreases.⁴⁷

5.1.2.4 Cycle of inter-generational economic vulnerability

The economic hardships faced by families involved in *kulbari* further constrain their capacity to invest in skills development. This dearth of investment impedes the cultivation of new competencies, which are essential for entering different and potentially more remunerative job markets. Consequently, the youth in these families often find themselves with limited skills, ill-equipped for the varied requirements of the contemporary employment landscape, thereby struggling to escape the persistent cycle of poverty. According to a *kulbar*, 'I dreamed that my children would succeed through education, but due to poverty and deprivation, they dropped out of school. They felt so inadequate and deprived compared to others at school that they could no longer return to their group of friends'.⁴⁸

● Inherited economic challenges

Children born into families of those engaged as *kulbars* often end up taking part in this activity. Regional, intergenerational poverty is cyclical and there is no sign that the authorities are taking any steps to end it. As noted above, the cycle of child food poverty, as a result of having to work in the informal sector, possibly as a *kulbar*, leads to missed schooling and ever-diminishing promise that the spiral can be broken. According to a *kulbar*:

Our right is to have a normal life too. Being able to support our children and provide something for them as we wish has never existed. We have always been under pressure, in poverty, in hardship. To buy shoes for our children, we have had to take money from our daily expenses and food. Many times, we have gone a week to 10 days without money to buy bread and have had to borrow from people. There have been days when I couldn't give my children bread or send them to school.⁴⁹

These factors collectively contribute to an ongoing cycle of economic hardship, where each generation faces similar challenges as the previous one, with little opportunity for upward mobility or economic improvement and can be seen as the precursor to migration to regional or national urban centres or even abroad.

● Dependency on *kulbari*

In many border regions where *kulbars* operate, the lack of diversified economic opportunities results in a continued reliance on *kulbari* as the primary or secondary source of income. In scores of instances reviewed for this report, it is often the only source of income. This dependency is self-perpetuating and hard to break without significant changes in the local economy. Breaking free from this dependency requires comprehensive economic development initiatives that provide alternative and sustainable employment opportunities,

thereby enabling individuals and families to seek livelihoods beyond the risky and unstable occupation of *kulbari*. The lack of major economic infrastructure, high unemployment rates, the absence of significant investments in the agriculture, mining and tourism sectors and the lack of alternative job opportunities are all part of the policies that have led to the deprivation in these regions and led to forced dependency on *kulbari*. According to a *kulbar* interviewee, '[i]f there is a job or occupation that is safe, I would definitely choose it over *kulbari*, even with a lower salary than that of a *kulbar*.' Another *kulbar* interviewee believed that '[w]e should not think about improving the situation of *kulbars* at all because this activity is not dignified. Carrying loads on ones back is an insult to humanity and it should be eliminated by creating proper jobs'.

5.2 Human rights violations

5.2.1 Lack of legal protection

Kulbari, prevalent in the border regions of Iran, is characterized by a pervasive lack of legal protection, resulting in severe consequences for those engaged in this hazardous activity. The absence of robust legal safeguards not only leaves *kulbars* vulnerable to exploitation but also undermines their fundamental rights, perpetuating a cycle of hardship and injustice. This situation necessitates urgent attention and comprehensive reforms to ensure the protection and dignity of *kulbars*, breaking the cycle of exploitation and creating pathways towards sustainable livelihoods.

5.2.1.1 Exploitation and unjust terms and conditions of engagement and payment

● Unequal bargaining power

Individuals who are forced into engaging as *kulbars* face a perpetual, but moderately elastic buyers' market since the supply of labour almost always exceeds demand for it. The merchants and the heads of the caravans (the term used for the teams used to transport the goods) are generally able to dominate price-setting in terms of a particular engagement. Consequently, they are generally compelled to accept fees that are not only unfair but also exploitative, given the character of the activity. The modest payments take no account of the strenuous, physical toll of the task, nor do they provide for any compensation in the event of injury; *kulbari* offers no scope for savings and thus perpetuates the cycle of poverty. According to Shah-Abadi and Mohammadi (2021), *kulbari* does not provide economic security for *kulbars*, and its income is not substantial enough for them to save for the future, for times of disability, old age or life's troubles. The income earned through *kulbari* is so minimal that sometimes it does not even suffice to support their family's livelihood.⁵⁰ While Iran's labour laws include provisions that explicitly prohibit labour exploitation, these laws are ren-

dered ineffective for *kulbars* due to their exclusion from the legal protections normally afforded to workers in the formal sector of the economy.

5.2.1.2 Legal vulnerability and injustice

● Limited access to legal recourse and ineffectiveness of labour laws

Kulbars limited access to legal recourse means that they have little to no means of challenging unfair contracts, seek compensation for injuries or accidents or address other injustices. This situation perpetuates a cycle of disenfranchisement and injustice, leaving *kulbars* vulnerable to continued exploitation and abuse. According to a *kulbar*, '[w]e, as *kulbars*, risk our lives to ensure that goods reach their destination safely. Many *kulbars* have lost their lives due to the risks involved in this activity. The suffering and hardship endured by *kulbars* contribute to the profit of capitalists, while it's *kulbars* who bear the burden.' While Iran's labour laws include provisions that explicitly prohibit labour exploitation, these laws are rendered ineffective for *kulbars* due to their exclusion from the legal protections normally afforded to recognized workers.

5.2.2 Discrimination

Most *kulbars* are Kurds from communities residing in western border regions. They face systemic legal and social discrimination in the Islamic Republic. The UN Special Rapporteur on the situation of human rights in Iran has expressed serious concern about the alleged indiscriminate use of lethal force against Kurdish *kulbars*. This concern is heightened by indications that such actions may be related to the ethnic affiliation of the *kulbars*. The Special Rapporteur has highlighted that Kurdish communities face disproportionate imprisonment and execution rates and that border guards routinely shoot *kulbars*. These practices suggest systemic discrimination and a violation of international human rights standards, emphasizing the need for urgent intervention and reform.⁵¹

Around 66 per cent of Kurds are estimated to be Sunni (Muslim), while around 27 per cent are reportedly Shi'a. Around 6 per cent of the Kurds comprise Sufis (viz Qaderi and Naqshbandi schools) - or Darvish, Yaresan or Ahl-e Haq, Bahá'ís and even, historically, Jews.⁵² The Islamic Republic's state religion is Shi'a Islam and its governance structure is informed by a particular understanding of Shi'a precepts. The state makes provision - sometimes contested in terms of scope - for Sunni civil practices.⁵³ Nevertheless, Sunni Kurdish clerics have faced human rights violations.⁵⁴

Despite their ethno-religious minority status, the Constitution makes sweeping guarantees of equality. Article 19 states that 'All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal

rights; and colour, race, language and the like, do not bestow any privilege'. Article 28, addressing livelihoods, states that 'Everyone has the right to choose any occupation he wishes [...],' and that 'The government has the duty, with due consideration of the need of society for different kinds of work, to provide every citizen with the opportunity to work and to create equal conditions for obtaining it'. Article 43 addresses the socio-economic purpose of economic activity.⁵⁵ It guarantees benefits derived from labour while Article 48 prohibits discrimination between the provinces in respect to economic activity.⁵⁶ Since the inception of the Islamic Republic in 1979, implementation of such guarantees has been and remains flawed.

5.3 Preservation of dignity

Upholding *kulbars'* dignity is paramount amidst the socio-economic difficulties and human rights issues they encounter. The consensus among *kulbars* and their families is clear: their inherent human dignity must be maintained.

This study indicates that to normalize a vision of equality and social inclusion, Iran's public figures and political leaders must take legal and social steps. Furthermore, providing social support, including education and healthcare, will enhance *kulbars'* overall well-being and reinforce their dignity, at last outside *kulbari*.

Cultural sensitivity and understanding are crucial in maintaining *kulbars'* dignity. Tackling stereotypes and discrimination linked to their work is vital for creating an inclusive, respectful society. Public awareness campaigns are key in altering perceptions and building empathy towards *kulbars*, highlighting the obstacles they face.

Preservation of dignity for *kulbars* demands a comprehensive approach, including legal acknowledgement, economic upliftment, social support and cultural insight. By addressing the unique challenges of *kulbars* and cultivating an environment that respects their rights and contributions, society can progress in removing the barriers to their dignity and well-being. A holistic approach is essential for maintaining dignity, addressing both immediate and systemic issues contributing to the precarious conditions in which *kulbars* live.

At the core of this effort is recognizing their rights as individuals, even within the informal sector. This encompasses the right to safe and equitable working conditions, safeguarding from exploitation and acknowledgment of their economic input to the region. Enhancing *kulbars'* economic prospects and social welfare is critical to honouring their dignity. This means not only alleviating their immediate struggles but also addressing the root causes of their marginalization.

5.3.1 Basic needs

Meeting *kulbars'* basic needs is essential for their welfare and dignity. *Kulbari*, which involves manually transporting goods across borders, leaves *kulbars* economically vulnerable, making it critical to address their primary needs. *Kulbars* rely on a stable income, meriting fair wages and protection against exploitation. Enhancing economic security might entail fair labour practices and safeguarding against labour exploitation. The dangers of *kulbari* necessitate safety measures, which must be addressed immediately until proper economic infrastructures are put in place in the border regions. This includes terrain navigation training, provision of protective gear and hazard reduction protocols. Safety from harm is crucial for their basic needs.

Healthcare access is vital, given *kulbari's* physical demands and border crossing risks. Creating health facilities nearby and offering affordable medical services meet their health needs, encompassing emergency care and preventive health strategies. Educational opportunities for *kulbars* and their kin are key to breaking the poverty cycle. Quality education provides alternative livelihood options and socio-economic advancement, overcoming obstacles like remoteness and financial limitations.

Kulbars face isolation and occupational stigma, needing strong social support. Mental health networks, community initiatives and combating *kulbari* stigma foster supportive environments and social inclusion. Thus, supporting *kulbars* requires more than economic aid; it involves fostering an environment that upholds their rights and safety, enabling personal and family progress. Focusing on these elements helps enhance *kulbars'* overall well-being and respect their dignity.

Chapter 6

International human rights law and state obligations

International human rights law serves as a critical framework for protecting the inherent dignity and rights of individuals worldwide. States, as parties to various international agreements and treaties, bear a significant responsibility to ensure that the rights enshrined in these instruments are respected and upheld within their jurisdictions. This holds particularly true for *kulbars*—individuals engaged in cross-border transportation of goods—who often encounter unique challenges that intersect with a spectrum of human rights.

Iran is a founding member of the United Nations and continues to play an important international role. Today's Islamic Republic of Iran possesses the legislative framework and tools to promote respect for human rights. Its Constitution enshrines fundamental freedoms and rights and it is a state party to five (of nine) international human rights treaties (*Table 1*): The International Covenant on Civil and Political Rights (ICCPR), the ICESCR, the Convention on the Elimination of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC).

Table 1: The Islamic Republic of Iran's ratification of international human rights treaties

Treaty	Signature Date	Ratification Date, Accession(a), Succession(d) Date
CCPR - International Covenant on Civil and Political Rights	04 Apr 1968	24 Jun 1975
CERD - International Convention on the Elimination of All Forms of Racial Discrimination	08 Mar 1967	29 Aug 1968
ICESCR - International Covenant on Economic, Social and Cultural Rights	04 Apr 1968	24 Jun 1975
CRC - Convention on the Rights of the Child	05 Sep 1991	13 Jul 1994
CRPD - Convention on the Rights of Persons with Disabilities	–	23 Oct 2009 (a)
Three human rights treaties to which the Islamic Republic of Iran is <i>not</i> a state party⁵⁷		
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women		
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment		
Ottawa Treaty - Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction		

These legally binding treaties, whose implementation is periodically examined by UN-appointed experts, codify international standards of law and practice relating to various areas, including the right to life and the prohibition of torture, due process and fair trial rights, freedoms of religion or belief, expression, assembly and association, freedom from discrimination and the rights of children.⁵⁸ They require the Islamic Republic of Iran to uphold and promote the rights of people belonging to minorities and take steps towards eliminating discrimination, notably in the fields of

civil and political rights, as well as economic, social and cultural rights.⁵⁹ Three other notable conventions, namely CEDAW, CAT, and the Ottawa Treaty remain to be signed and ratified by the Islamic Republic of Iran. In examining the state obligations regarding *kulbars*, key aspects of international human rights law pertaining to the right to life, right to work, right to dignity, right to equality, right to freedom, prevention of exploitation, women's rights and the right to development will be discussed.

6.1 Right to life

The right to life is a fundamental principle enshrined in international human rights documents, and its significance is particularly poignant for *kulbars*, who often face life-threatening dangers, especially from actions by border forces. States are obligated to protect this right and to conduct thorough investigations into any alleged breaches, ensuring the preservation of every individual's right to life. This right serves as the cornerstone of human rights, remaining non-derogable even during crises or security concerns, as emphasized in the ICCPR. Both the UDHR and the ICCPR affirm the sanctity of life. Legal frameworks are established to prevent arbitrary loss of life. Documents such as the Islamic Declaration of Human Rights safeguard life as a fundamental right, a principle reaffirmed by Iran's Constitution alongside other human rights.

Kulbars face an increasing threat from forces supposedly combatting smuggling. However, regulations governing the use of firearms by officers, including border guards, impose strict conditions. Any shooting outside these rules constitutes a violation of the law. Taking lives under the guise of law enforcement, especially when individuals resort to *kulbari* out of desperation, violates both human rights and domestic legislation. It is imperative for the Iranian state and judiciary to address this issue promptly, ensuring the *kulbars'* right to life is upheld through civil and criminal mechanisms. The state's failure to protect this fundamental right represents a significant breach of its duty to its citizens. This duty encompasses ensuring access to essential needs such as food, housing, healthcare and education, as neglecting these areas leaves the right to life vulnerable and threatens overall freedom. The Iranian Constitution includes provisions to address these concerns, outlined in various articles that address the protection and provision of basic necessities.

6.2 Right to dignity

Dignity forms the foundation of all human rights. It is imperative for states to safeguard the dignity of *kulbars* by ensuring that their working and living conditions uphold their inherent value. The Constitution of the Islamic Republic of Iran, drawing on both international human rights norms and Islamic teachings, also emphasizes the fundamental concept of human dignity. Various principles within the Constitution, particularly Articles 22, 39 and 171, highlight the importance of preserving dignity.

Shah-Abadi and Mohamadi (2021) liken *kulbari* to 'modern slavery' due to its exploitative nature.⁶⁰ A lawyer interviewee also stated,

This strenuous activity [kulbari] inflicts harm on the dignity and human rights of the kulbars in

two significant ways. First, kulbars find themselves in a position akin to slavery, subject to exploitation by merchants engaged in cross-border trade. The burdens they carry, both physically and mentally, take a toll on their bodies and souls. Secondly, kulbars who operate through unofficial channels often endure mistreatment, including physical beatings and insults, when apprehended by border guards.

Kulbars endure exploitative conditions reminiscent of historical slavery. When caught via unofficial channels, *kulbars* often face abuse from border guards. Such mistreatment along with the labelling of *kulbars* as 'smugglers' to justify harsh treatment, contravenes human rights standards guaranteed in International conventions including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Article 10 of the ICCPR requires that all detained persons be treated humanely. Disrespectful conduct by border agents, documented in eyewitness accounts and videos, violates both international norms and domestic laws. The Criminal Procedure Law of Iran, enacted in 2013, reinforces these international commitments, mandating respect for citizens' rights at all stages of criminal proceedings, as per the Law on Respect for Legitimate Freedoms and Protection of Citizen's Rights of 2006.

Iranian law stipulates that border guards, as law enforcement officers, must respect the rights of citizens when apprehending individuals, protecting the dignity of *kulbars* against violence, abuse, mockery or coercion. Any act that degrades human dignity is contrary to the values of humanity and the laws of Iran.

The narrative surrounding *kulbars* underscores the harsh reality of their plight, highlighting their role as victims ensnared in a system of exploitation. Despite bearing the brunt of perilous journeys and gruelling working conditions, *kulbars* often receive meagre wages that fail to reflect the extent of their sacrifices. While some may benefit from the constraints of closed trade borders, it is not the *kulbars* who reap the rewards but rather those who exploit their vulnerabilities for personal gain. This stark inequality underscores the urgency of recognizing *kulbars* as victims of exploitation rather than perpetrators of illegality. Based on the indicators of human trafficking outlined by the International Labour Organization (ILO) Delphi methodology (Table 2), several strong, medium and weak indicators emerge, shedding light on the nuanced dynamics between *kulbari* and trafficking. These indicators provide insight into the exploitation faced by *kulbars* and underscore the need for comprehensive measures to combat human trafficking and protect vulnerable individuals.

Table 2: ILO Delphi Indicators of Human Trafficking (Labour exploitation section)

	Strong indicators	Medium indicators	Weak indicators
Indicators of recruitment by abuse of vulnerability	–	<ul style="list-style-type: none"> – Abuse of difficult family situation – Abuse of illegal status – Control of exploiters – Economic reasons – Family situation – Personal situation – Psychological and emotional dependency – Relationship with authorities/legal status 	<ul style="list-style-type: none"> – Abuse of cultural/religious beliefs – General context – Difficulties in the past
Indicators of exploitation	<ul style="list-style-type: none"> – Excessive working days or hours 	<ul style="list-style-type: none"> – Bad living conditions – Hazardous work – Low or no salary – No respect of labour laws or contract signed – No social protection (contract, social insurance, etc.) – Very bad working conditions – Wage manipulation 	<ul style="list-style-type: none"> – No access to education
Indicators of coercion at destination	<ul style="list-style-type: none"> – Isolation, confinement or surveillance 	<ul style="list-style-type: none"> – Forced into illicit activities – Threat to impose even worse working conditions – Threats of violence against victim – Withholding of wages 	–
Indicators of abuse of vulnerability at destination	<ul style="list-style-type: none"> – Violence on victims 	<ul style="list-style-type: none"> – Dependency on exploiters – Economic reasons – Family situation – Relationship with authorities/legal status 	<ul style="list-style-type: none"> – Difficulties in the past

6.3 Right to equality

The principle of equal opportunity is pivotal, requiring states to eradicate discrimination that bars *kulbars* from fair and equal work opportunities.

Equality is the cornerstone of individual rights and freedoms, with human beings rightfully possessing inherent rights, irrespective of physical differences. The UDHR, in Article 1, affirms inherent equality in dignity and rights for all humans and Article 2 declares entitlement to rights and freedoms set forth in the Declaration without discrimination.

The ICCPR obligates signatory states to ensure the equal rights of men and women. The Constitution of the Islamic Republic of Iran echoes this, mandating a just economy to ensure prosperity and eradicate deprivation. Economic struggles and underdevelopment in Iran's western and north-western border regions, leading to the prevalence of *kulbari*, can be attributed to ingrained inequality and discrimination. Heavily affected by an eight-year war, these regions have not received adequate attention or funding for reconstruction, despite the urgent need.

The post-war years have witnessed persistent neglect in funding for the western border provinces, owing to centralized policies. Despite objections from regional representatives, little has changed. Equal opportunity is paramount for fostering talent and human development, thereby fuelling societal and economic advancement. In societies where individuals lack equal access to resources vital for growth and excellence, comprehensive progress remains elusive. The absence of equitable opportunities for all society members impedes overall advancement and stifles the nurturing of talents.

6.4 Right to freedom

Like any other individuals, *kulbars* have the right to freedom. Achieving a robust framework of political and civil rights is intrinsically linked to the establishment of fundamental welfare rights. The deprivation of essential economic, social and cultural rights such as stable employment and sufficient income, redirects individuals' focus away from vital civil and political rights. These encompass freedoms like the right to thought, belief, conscience, religion, association, assembly, press and active participation in elections. The

consequence of such deprivation is a diminished capacity to actively pursue these rights.

At present, *kulbars* and their families grapple with dire poverty, dedicating their energies to securing a minimal income for basic sustenance. This grim reality leaves little mental space for contemplating civil and political rights, let alone actively engaging in their realization. To foster the talents, creativity and aspirations of individuals, it is imperative to provide access to quality education, mental security derived from relative prosperity and sustained involvement in civil and political activities. Deprivation of the basic necessities for subsistence can lead to apathy regarding political rights and a reduced participation in civic affairs. Beyond the fundamental rights to life, protection from attacks on individual dignity and honour and the right to equality, the right to enjoy freedom, encompassing freedom of speech, emerges as a pivotal aspect of the rights landscape for *kulbars*.

6.5 Right to work

The ICESCR affirms the right to access work under just and favourable conditions. States must protect their citizens from violence, exploitation, human trafficking and dignity-violating work conditions. Employment is a fundamental socio-economic right, supported by a host of essential labour rights, which includes the freedom of work choice, prohibition of forced labour, prevention of exploitation, freedom of association (the right to freely form and join a trade union) and the right to strike. A comprehensive employment policy must support technical and vocational guidance, job assistance and unemployment aid.

The Declaration of Philadelphia acknowledges the ILO's role in promoting employment to improve living standards globally. The UDHR and the ICESCR endorse the right to freely chosen work, fair conditions and protection against unemployment. The Islamic Republic of Iran ratified the ILO Convention No. 122 on employment policy, which calls for full and productive employment through policies that are non-discriminatory. Iran's Constitution enshrines the right to employment, job security and employment equality. The Iranian Constitution also mandates the state to ensure just economic policies to foster job creation and ensure decent work opportunities for all, reflecting an obligation to create conditions conducive to employment.

Despite these legal frameworks, official statistics indicate high unemployment in regions like Kurdistan, forcing individuals into alternative employment such as *kulbari*. *Kulbars* often operate outside legal frameworks and lack safeguards required under international human rights and international labour standards for decent work. The state is responsible for

providing productive and stable employment. It should ensure minimum socio-economic rights equitably, despite resource constraints and avoid discriminatory practices in policy and resource allocation.

The underdevelopment of certain regions is not just due to a lack of resources but also due to discriminatory policies, mismanagement and centralized governance. The western and northwestern border regions, despite their potential for agriculture, minerals and tourism, remain underdeveloped. These regions could, through strategic policymaking and utilization of geographic advantages, become hubs for employment and sustainable development, transcending the current state of under- and unemployment and the expansion of *kulbari* activities.

6.6 *Kulbari* and the right of women

Kulbari also intersects with the broader context of women's rights, where female *kulbars* encounter gender-specific challenges. These women endure not only the general hardships of *kulbari*—such as physical danger, lack of legal protection and economic instability—but also unique struggles rooted in gender discrimination. In a socio-cultural landscape where women's roles are often limited, female *kulbars* are particularly vulnerable. They frequently bear the dual burden of arduous physical labour and traditional domestic responsibilities, exacerbating their overall strain.

Moreover, the lack of access to education and health-care disproportionately affects female *kulbars*, further entrenching gender inequality. Social norms and systemic barriers prevent *kulbar* women from seeking legal recourse or support, leaving them more susceptible to exploitation and abuse. The intersection of *kulbari* with women's rights underscores the urgent need for targeted interventions that address both the economic and gender-specific vulnerabilities of female *kulbars*. Ensuring equitable access to opportunities, safeguarding their rights and providing comprehensive support systems are essential steps towards empowering these women and advancing gender equality in regions where *kulbari* is prevalent.

International human rights documents uniformly highlight the principle of gender equality. To rectify historical discrimination against and ongoing exclusion of women, affirmative action measures have been implemented globally. Specialized treaties to protect and advance women's rights include:

- ILO Conventions on the Prevention of Night Work for Women (1919, 1934, 1948, 1990).
- ILO Conventions on the Prohibition of Harsh Work for Women Workers (1935, 1967).

- International Convention on Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100, 1951).
- International Convention on the Elimination of Discrimination in Employment and Occupation (No. 111, 1958).
- Declaration on the Elimination of Discrimination against Women (1967).
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979).

Iran, citing compatibility with Islamic Sharia, has not ratified certain treaties, including CEDAW. In border regions, women *kulbars* often head their households, facing onerous work due to family constraints.

6.7 The right to development

The right of development, obligate states to foster conditions for the holistic well-being of their citizens and to promote their economic, social and cultural progress. International documents recognize the right to a minimum level of welfare and explicitly include the right to development as an intrinsic human right, critical to both individual and societal prosperity. For underdeveloped societies, achieving sustainable well-being remains elusive without development. Individual development involves improving quality of life and well-being, resting on longevity, knowledge and a decent standard of living. Without these, rights like political freedom and human dignity cannot be fulfilled.

The right to development was formally introduced by UN General Assembly Resolution 36/133 on December 14, 1981 and further emphasized in the Declaration on the Right to Development by Resolution 128/41 on December 4, 1986. The Islamic Republic of Iran's Constitution aims for comprehensive human, economic, social and cultural development. However, such development hinges on the full realization of citizenship rights. All Iranian citizens are entitled to holistic development, irrespective of geographic location.

After four decades, Iran's western border regions still lack comprehensive development, a shortcoming evident in the persistence of *kulbari*, due to state mismanagement and unfulfilled obligations. These areas have potential for development, given strategic location, resources and human capital. The *kulbari* issue reflects systemic neglect in Iran's western regions. Without economic and social progress, human development and access to basic rights remain unachievable for many locals. As informal workers, *kulbars* are denied access to formal work protections and face issues like contract absence, social security exclusion, job insecurity,

rights denial, poor working conditions and stigmatization.

The state is obligated to implement immediate measures that protect the dignity and well-being of *kulbars* while simultaneously accelerating the establishment of economic infrastructure to create alternative employment opportunities. Ensuring the safety and dignity of *kulbars* requires urgent attention, but long-term solutions must also be pursued to address the root causes of their plight. By fostering sustainable economic development and generating new job opportunities, the state can offer viable alternatives to *kulbari*, thereby improving the overall quality of life and securing a more stable and prosperous future for those currently engaged in this hazardous occupation.

Iran has recently ratified international labour standards for health and safety. This would likely entail Iran's active engagement with the ILO. Iran, an ILO founding member since 1919, has ratified 13 ILO Conventions, including five core ones, with one effective from 2024 (Table 3). These Conventions, which are legally binding international labour standards, cover the elimination of forced labour, child labour, discrimination and now occupational safety and health as an ILO fundamental principle and right at work.

The Islamic Republic's adherence to its convention obligations is reviewed on a periodic basis by the ILO's Committee of Experts on the Application of Conventions and Recommendations (CEACR).⁶² Iran's commitment to international labour standards, particularly in addressing the situation of *kulbars*, suggests a willingness by the state to implement these standards.

Table 3: The Islamic Republic of Iran's ratification of ILO treaties

Convention	Date	Status	Note
1 C029 - Forced Labour Convention, 1930 (No. 29)	10 June 1957	In Force	
2 C100 - Equal Remuneration Convention, 1951 (No. 100)	10 June 1972	In Force	
3 C105 - Abolition of Forced Labour Convention, 1957 (No. 105)	13 April 1959	In Force	
4 C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	30 June 1964	In Force	
5 C155 - Occupational Safety and Health Convention, 1981 (No. 155) <i>P155 - Protocol of 2002 to the Occupational Safety and Health Convention, 1981 ratified on 07 Feb 2023 (Not in force)</i>	07 Feb 2023	Not in force	<i>The Convention will enter into force for Iran (Islamic Republic of) on 07 Feb 2024.⁶¹</i>
6 C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)	08 May 2002	In Force	

Chapter 7

Conclusions and recommendations to stakeholders

7.1 Conclusions

In light of this analysis, it is evident that policy interventions should primarily focus on investing in alternative employment opportunities. Simultaneously, it is imperative to ensure that the fundamental rights of *kulbars* are guaranteed and respected.

Kulbari serves as a stark microcosm of broader systemic failures. Iran's border regions, while rich in potential, are mired in a cycle of underdevelopment that, in the absence of state intervention, perpetuates the reliance on *kulbari* as a source of subsistence. The *kulbars* themselves, coerced by the inexorable push of poverty, confront a reality fraught with risks from both the terrain and the trigger-happy disposition of border security forces.

The occupation's resemblance to modern-day servitude is more than allegorical; it manifests in the palpable disregard for *kulbars*' basic rights to life and dignity as enshrined in the global human rights canon. This dissonance between Iran's legal commitments and the on-ground realities for *kulbars* betrays a significant enforcement gap in the nation's human rights obligations. International conventions, which Iran has ratified, mandate not only the guarantee of life and dignity of citizens but also the protection of individuals against occupational hazards and exploitation.

Yet, *kulbars* continue to navigate a precarious tightrope between forced labour and state neglect—a duality that not only undermines their socio-economic standing but also places them outside the ambit of legislative protection. This marginalization is not solely an outcome of legal oversight but arguably a product of systemic governance deficits that have historically underserved the border regions.

Gender disparities introduce an additional layer of complexity to the *kulbari* narrative. Women, already navigating the intersecting oppressions of gender bias and economic deprivation, are disproportionately burdened. The need for gender-sensitive policy interventions and protective frameworks is thus not only critical but a measure of Iran's commitment to equality and human rights.

The challenges endemic to the border regions suggest a malaise deeper than mere geographic misfortune. The historical narrative of underinvestment and centralized governance strategies has fostered conditions where risky and undignified livelihoods such as *kulbari* become the norm rather than the exception. To break this cycle, a concerted policy shift is required—one that leverages local capacities, diversifies economic opportunities and prioritizes human capital development.

For the Iranian government, the path forward involves a rigorous re-evaluation of its socio-economic strategies and a genuine commitment to upholding the rule of law. Addressing the root causes of *kulbari* requires a multi-faceted approach: stimulating economic growth in the border regions to reduce the dependence on high-risk jobs, enacting and enforcing labour protections in line with international standards and ensuring that social safety nets are both accessible and adequate. Furthermore, it is crucial to invest in education and vocational training to equip the local population with the skills needed for alternative employment opportunities.

Only through a comprehensive and sustained reform agenda can the dignity of the *kulbars* be restored. This task demands political will, strategic vision and a renewed pledge to human rights—an endeavour that, if undertaken, could pave the way towards a future where the grim realities of *kulbari* are relegated to history. The eradication of *kulbari* is not merely an aspiration but an achievable goal, contingent on the collective commitment to fostering an inclusive and equitable socio-economic landscape in Iran's border regions. By prioritizing investment in alternative jobs and ensuring robust protection of human rights, the Iranian government can transform these border areas from zones of despair to hubs of opportunity and dignity.

7.2 Recommendations to:

7.2.1 The Islamic Republic of Iran

- **Promote Alternative Livelihoods:** Mitigating the economic vulnerability associated with *kulbari* requires a concerted effort to promote alternative livelihoods in the border regions. This involves

creating economic opportunities that are sustainable, diverse and provide a more stable income for residents.

- **Policy Reforms:** Introduce and implement comprehensive policies addressing the economic, social and human rights aspects of the *kulbari* phenomenon. Prioritize the development of border regions to create sustainable employment opportunities.
- **Social Security and Legal Protections:** Strengthen legal protections for *kulbars*, ensuring their inclusion in social security schemes. Address gender-specific challenges faced by female *kulbars* through targeted policies. Social security and legal protection should be in place while the state builds a sustainable economic infrastructure to promote alternative jobs to *kulbari*.
- **Domestic Legal Reform:** Urgent reforms within the domestic legal framework are essential to address the root causes of state-sponsored violence against *kulbars*. This includes strengthening legal protections, ensuring due process rights and implementing accountability measures for those responsible for violence.
- **Align International Law with Domestic Law:** Ratify further international human rights treaties, notably the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, as well as Additional Protocols I and II to the Geneva Conventions. The Islamic Republic of Iran should also ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Treaty). These treaties must be ratified without any reservations and their principles must then be incorporated into domestic law.
- **UN Special Procedures:** Facilitate monitoring visits to Iran by UN Special Procedures, including the Special Rapporteur on the human rights situation in Iran, to enter the country for monitoring visits.
- **Inclusion in Social Security Framework:** *Kulbars* should be included in the social security framework, ensuring access to healthcare, disability benefits and other welfare rights. This inclusion would contribute to a more equitable socio-economic landscape for *kulbars* and their families.
- **Enforcement of Anti-Exploitation Laws:** Strengthening the enforcement of existing anti-exploitation laws is crucial. This includes measures to prevent unjust contracts, protect *kulbars* from mistreatment, abuse [and trafficking for] labour exploitation and establish mechanisms for holding those who violate labour rights accountable.
- **Amend the Islamic Penal Code:** Repeal or amend vaguely worded articles in the Islamic Penal Code that address, in broad terms, national security and which restrict and unfairly criminalise or otherwise suppress peaceful expression, association and assembly.
- **Amend the Code of Criminal Procedure:** Repeal or amend provisions in the Code of Criminal Procedure in order to bring administration of justice in line with international standards.
- **Investment in Border Region Development:** State initiatives focused on the economic development of the western and northwestern border regions are essential. Allocating resources to infrastructure, education and healthcare can create an environment conducive to economic growth, reducing the reliance on *kulbari*.

7.2.2 Law enforcement agencies

- **Human Rights Training:** Provide comprehensive human rights training to border guards and law enforcement personnel to ensure the fair and respectful treatment of *kulbars* during apprehension.
- **Adherence to International Standards:** Enforce the principles outlined in international human rights treaties, particularly regarding the humane treatment of individuals, regardless of their occupation.

7.2.3 Civil society organizations

- **Legal Aid and Support:** Establish legal aid programmes to assist *kulbars* in asserting their rights and seeking justice for any mistreatment or exploitation.

7.2.4 International organizations

- **Monitoring and Reporting:** Collaborate with local organizations to monitor the situation of *kulbars*, report human rights violations and advocate for systemic changes.
- **Advocacy:** Continue advocacy efforts to raise awareness about the challenges faced by *kulbars*. Mobilize public support for policy changes and social initiatives that benefit *kulbars*. State-sponsored violence and torture against *kulbars* violate numerous international human rights standards, including the prohibition of torture and cruel, inhuman or degrading treatment. Advocacy at the international level is crucial to holding the Islamic Republic of Iran accountable for these violations.
- **Capacity Building:** Provide support for capacity-building initiatives in the affected regions, focusing on education, skill development and economic empowerment.

7.2.5 Educational institutions

- **Skill Development Programmes:** Collaborate with local communities and organizations to establish skill development programmes, empowering *kulbars* with alternative employment opportunities.
- **Raise Awareness:** Integrate educational initiatives that raise awareness about the rights and dignity of individuals engaged in manual labour, fostering a culture of respect and understanding.

7.2.6 Media outlets

- **Sensitize Reporting:** Ensure accurate and sensitive reporting on *kulbars*, shedding light on their challenges and advocating for positive change.
- **Public Awareness Campaigns:** Engage in public awareness campaigns to inform the general population about the struggles faced by *kulbars* and the need for supportive policies.

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- 52 Unrepresented Nations and People's Organization (UNPO) at: <https://unpo.org/members/7882>. The Yazidi are a faith community with pre-Islamic roots. The Ahl-e Haq or People of the Truth, are also known as Ali Illahis or Yaresan. Most of the Ahl-e Haq live in Kermanshah and in or around the big cities. Their faith shares aspects of Islam's tenets but is also widely seen as embodying Kurdish religious identity. As a faith community, it is not recognized under law and its rituals are, formally, if not in practice, prohibited. Public discussion - such as on radio or in print and online - of its beliefs, like other heterogeneous beliefs linked in broad terms to Islam, is, in practice, banned.
- 53 The Sunni community, which makes up 5-10 per cent of Iran's total population, comprises Baluchis and Turkmen; most Kurds; Arabs located in the southern part of the country and small communities of Persians - mainly in Khorasan and southern Iran, as well as related ethnic groups, such as the Talysh or Lari.
- 54 For example, see the relevant section in Amnesty International - Iran: Human rights abuses against the Kurdish minority, 30 July 2008, at <https://www.amnesty.org/en/documents/mde13/088/2008/en/>
- 55 Article 43 states (excerpts) that the economy "with its objectives of achieving the economic independence of the society, uprooting poverty and deprivation and fulfilling human needs in the process of development while preserving human liberty, is based on [...] (1) the provision of basic necessities for all citizens: housing, food, clothing, hygiene, medical treatment, education and the necessary facilities for the establishment of a family; (2) ensuring conditions and opportunities of employment for everyone, with a view to attaining full employment; placing the means of work at the disposal of everyone who is able to work but lacks the means, [...]; (3) the plan for the national economy, must be structured in such a manner that the form, content and hours of work of every individual will allow him sufficient leisure and energy to engage, beyond his professional endeavour, in intellectual, political and social activities leading to all-round development of the person, to take active part in leading the affairs of the country, improve his skills and to make full use of his creativity; and (4) respect for the right to choose freely one's occupation; refraining from compelling anyone to engage in a particular job [...]."
- 56 Article 46 states that "Everyone is the owner of the fruits of his legitimate business and labour, and no one may deprive another of the opportunity of business and work under the pretext of his right to ownership [...]." Article 48 states "There must be no discrimination among the various provinces with regard to the exploitation of natural resources, utilization of public revenues and distribution of economic activities among the various provinces and regions of the country, thereby ensuring that every region has access to the necessary capital and facilities in accordance with its needs and capacity for growth."
- 57 Not including optional protocols, which are voluntary commitments which include allowing the relevant treaty body to address specific cases or matters.
- 58 Since 2010, there has been a significant lag in the submission by the Islamic Republic of Iran of the required periodic reports and, as a result, review of treaty implementation by the treaty bodies.
- 59 Articles 21 and 22 of the ICCPR provide for freedom of association and assembly; Article 26 of the ICCPR requires states to uphold equal protection of the law and non-discrimination in the exercise of human rights. The Human Rights Committee, the body that examines state compliance with the treaty, states that this requirement extends to all human rights, including economic, social and cultural rights.
- 60 Shah Abadi, Akbar Zare and Arezoo Mohammadi (2021) Examining the Phenomenon of Porterage (Kolberi) in the City of Baneh. *Journal of Applied Sociology*, 32 (1) p. 149.
- 61 ILO - The Islamic Republic of Iran ratifies one of the fundamental Conventions concerning occupational safety and health and its Protocol, 7 February 2023, at: https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/WCMS_867501/lang--en/index.htm#:~:text=The%20Islamic%20Republic%20of%20Iran%20is%20the%20seventy%2Dsixth%20Member,one%20year%20after%20their%20ratification
- 62 CEACR is provided with reports from the state on its own implementation (workers are supposed to be consulted by the state. Otherwise can also submit 'shadow reports' on that state's implementation). Periodically: 3 yearly for core conventions, 6 yearly otherwise.



This report highlights the complex interplay of socio-economic, legal and human rights factors that shape the lives of kulbars, shedding light on the adverse conditions and risks they encounter. It explores the implications for individuals, their communities and the broader regional context. By examining the challenges faced by kulbars, the report advocates for a new, decisive and comprehensive understanding of the kulbari phenomenon by both regional and national state representatives in Iran, alongside regional and international stakeholders. It asserts that informal workers, too, are entitled to the same rights as those in the formal sector. The report calls for targeted, practical and legal interventions to tackle the systemic issues affecting kulbars, aiming to enhance their well-being and safeguard their rights in the western border regions of Iran.

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