

## Concluding Observation Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 12

### Full recommendation:

*The Committee urges the State party to urgently repeal its laws and policies that are discriminatory against girls and religious and ethnic minorities and ensure that all children, irrespective of their gender, ethnicity or religious beliefs, enjoy equal rights and freedoms as guaranteed under the Convention. In particular, the Committee urges the State party to ensure that the State party's legislation does not leave the interpretation and implementation of its legislation to the wide discretion of the judiciary without providing them with the necessary training and interpretative guidelines.*

### Assessment using Impact Iran human rights indicators<sup>1</sup>

#### **A. The Committee urges the Islamic Republic of Iran to repeal its laws and policies that are discriminatory against girls and religious and ethnic minorities and ensure that all children, irrespective of their gender, ethnicity or religious beliefs, enjoy equal rights and freedoms as guaranteed under the Convention.**

Although the rights of children are ostensibly protected under the Iranian legal framework, discriminations against children based on their gender, ethnic and religious identities is present in multiple aspects of daily life in Iran, including in the field of education.

Article 19 of the Constitution of the Islamic Republic of Iran contains guarantee of equality for all the people of the Islamic Republic of Iran, regardless of ethnic group or tribe, and states that “colour, race, language, and the like, do not bestow any privilege”.<sup>2</sup> Additionally, Article 30 provides that the Government shall make available and free of charge educational facilities for all up to the secondary stage.<sup>3</sup> Article 20 of the Constitution of the Islamic Republic of Iran stipulates that “all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria”.<sup>4</sup> Yet, by including the caveat of “Islamic standards”, Article 20 of the Constitution restricts the protection of the law and enjoyment of all human, economic social and

<sup>1</sup> ESCR.13.1.S.1; ESCR.13.1.S.2; ESCR.13.1.S.3; CRC.28.1.S.1; CRC.28.1.S.2; ESCR.13.1.P.2; ESCR.13.1.P.6; ESCR.13.1.O.1; ESCR.13.2.O.4; ESCR.13.2.O.3

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

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

<sup>4</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

cultural rights to citizens of the Islamic Republic of Iran.<sup>5</sup> However, all children, regardless of their legal status, can have access to the national education system.<sup>6</sup>

Education in the child's mother tongue is not guaranteed in the Islamic Republic of Iran. Article 15 of the Constitution of the Islamic Republic of Iran identifies Persian as the official language but permits the use of "regional and ethnic languages in the press, the mass media, and the teaching of their literature at schools, alongside the Persian language..."<sup>7</sup> However, the restrictive language of Article 15 does not protect fully the right of minorities to learn and teach in their mother tongue. Although Article 101 of the Charter on Citizens' Rights recognizes the right of citizens to learn, use and teach their own local language and dialect,<sup>8</sup> the Charter is not legally binding. The Special Rapporteur on the human rights situation in the Islamic Republic of Iran raised concerns about reports of Kurdish, Ahwazi Arab and Azerbaijani-Turk (or Azeri-Turk) lacking access to education in their mother tongues.<sup>9 10</sup> These concerns were echoed by the U.N Secretary General,<sup>11 12 13</sup> noting reports indicating that members of ethno-linguistic minorities, including the Azeri community as well as Arabs, were being denied the opportunity to teach their language in schools.<sup>14</sup> The reported state-imposed ban on Azeri-Turkish being taught in school would go some way in explaining such struggle.<sup>15</sup> The Ministry of Education has reportedly circulated reminders to teachers and school administrators that the use of Kurdish and Turkish languages inside public schools is forbidden.<sup>16</sup> Furthermore, Kurdish language teachers have been facing harassment and persecution.<sup>17 18</sup> Education in some minority

<sup>5</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>6</sup> Report of the UN Secretary General, January 2020, [https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Secretary-General\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4320.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf)

<sup>7</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandatportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>8</sup> Charter on Citizens' Rights, English translation, <http://president.ir/en/96865>

<sup>9</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2020, [https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Special\\_Rapporteur\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4361.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Special_Rapporteur_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4361.pdf)

<sup>10</sup> See more : Association for the human rights of the Azerbaijani people in Iran, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT\\_CRC\\_NGO\\_IRN\\_19735\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19735_E.pdf)

<sup>11</sup> IRNA News, [www.irna.ir/news/83404283/](http://www.irna.ir/news/83404283/) (in Farsi).

<sup>12</sup> Report of the U.N. Secretary General, January 2020, [https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Secretary-General\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4320.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf)

<sup>13</sup> Report of the U.N. Secretary General, January 2020, [https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Secretary-General\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4320.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf)

<sup>14</sup> Report of the U.N. Secretary General, August 2019, <https://undocs.org/en/A/74/273>

<sup>15</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/2019/03/irans-intelligence-ministry-slaps-azeri-rights-activist-with-new-charges-claim-hes-organizing-protests-from-prison/>

<sup>16</sup> Minority Groups, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>17</sup> Joint submission to the Human Rights Committee from All Human Rights for All in Iran, Association for Human Rights in Kurdistan – Geneva, Association for the Human Rights of the Azerbaijani People in Iran, Iran Human Rights Documentation Center, OutRight International, Siamak Pourzand Foundation, Small Media, Impact Iran, 2020, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_NGO\\_IRN\\_42317\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_NGO_IRN_42317_E.pdf)

<sup>18</sup> Radio Zamaneh: < <https://www.radiozamaneh.com/519191> >

languages like Kurdish is available only through private classes, reducing the accessibility and affordability of Kurdish education. Furthermore, private teachers are required to obtain a license from the state to teach Kurdish, which places an additional barrier to private practice.

In 2012, reportedly 70% of students who started their education in the Islamic Republic of Iran did not have Farsi (Persian) as their mother tongue,<sup>19</sup> yet ethnic minorities lack access to education in their mother tongue. In 2016, reportedly up to 40,000 Ahwazi Arab children were denied access to education for failing the Farsi language proficiency test, although Farsi being their second language.<sup>20</sup> In 2019, Rezvan Hakim Zadeh, deputy of the regime's elementary education department, announced that the health assessment plan for pre-school children will include an evaluation of the children's level of proficiency and comprehension in Persian. Children who fail to pass the assessment will not be able to attend state kindergartens, therefore limiting severely access to pre-primary education for children from ethnic minorities such as Ahwazi Arabs, Turks, Kurds and Balochis who will be directed to an intensive training in the Farsi language.<sup>21 22</sup> The lack of access to mother tongue education in primary and secondary schools remains a major challenge in the Islamic Republic of Iran. This access at a young age is critical both to preserve minorities' distinct cultural identity, and to promote equality of opportunities. A lack of teaching in a children's mother tongue has reportedly been causing high school dropout and illiteracy rates, notably among Azeri<sup>23</sup> and Ahwazi Arab children.<sup>24</sup>

Children from religious minorities face discriminations to access education. The Ministry of Education determines the religious curricula of public schools, which must all include a course on Shia Islamic teachings. All curricula must include a course on Shia Islamic teaching although Sunnis and members from recognized religious minorities may take separate courses on their religious beliefs. While pupils from recognized minority faiths have access to religious instruction designed by members of their religious communities (but approved by the Ministry of Education), those from unrecognized faiths are obliged to study only Shia Islam.<sup>25</sup> In 2017, children of parents and guardians from the Christian minority have reportedly been threatened to be expelled from their school if they refused to study Shia Islam.<sup>26</sup> Teachings of Sunni religion in some public schools has reportedly been banned, even those located in predominantly Sunni areas.<sup>27</sup> During its last UPR review session the government of the Islamic Republic of Iran

<sup>19</sup> UNPO, <https://unpo.org/article/21115>

<sup>20</sup> UNPO, <https://unpo.org/article/19590>

<sup>21</sup> ISNA News <https://www.isna.ir/news/99031005237/>

<sup>22</sup> Dur Untash Studies Center, <https://www.dusc.org/en/drasat/3966/>

<sup>23</sup> Association for the human rights of the Azerbaijani people in Iran, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT\\_CRC\\_NGO\\_IRN\\_19735\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19735_E.pdf)

<sup>24</sup> Center for Human Rights in Iran, <https://www.iranhumanrights.org/2013/10/khuzestan-teachers/>

<sup>25</sup> 2019 Report on International Religious Freedom: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/iran/>

<sup>26</sup> Christian Solidarity Worldwide, <http://www.csw.org.uk/2017/09/07/news/3694/article.html>

<sup>27</sup> 2019 Report on International Religious Freedom: Iran, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/iran/>

affirmed that religious minorities were free to choose their schools.<sup>28</sup> Yet, following a new ministry initiative entitled Project Mehr, the Minister of Education Mohsen Haji-Mirzaei announced on September 11<sup>th</sup>, 2019 that “If students say that they follow a faith other than the country’s official religions and this is seen as proselytizing, they cannot continue attending school”.<sup>29</sup> The project would give to schools increased authority to identify children’s religion in school and to deny education to religious minorities students. As the *Baha’i* faith is generally considered by Iranian authorities as a sect<sup>30</sup> and the Government’s official policy towards members of the *Baha’i* is to limit their access to education,<sup>31</sup> children from this religious minority are at risk of being denied education under this project. In July 2020, a secondary school student was reportedly expelled from their school after mentioning they were a member of the *Baha’i* faith.<sup>32</sup>

Girls in the Islamic Republic of Iran face discriminations to access education. Over the past decade in the Islamic Republic of Iran, there has been almost as many girls as boys enrolling in primary and secondary education.<sup>33</sup> Despite this, the rate of drop-out for girls is much higher than that of boys.<sup>34</sup> In 2018, a representative of the Ministry of Education reportedly stated that more than 151,046 girls dropped out of school that year.<sup>35</sup> Reports identified a number of factors that might explain the reasons behind the high drop-out rate of girls. Child marriage has been reportedly one of the most common reasons for children to drop out of school,<sup>36</sup> particularly for girls and even more so in rural communities.<sup>37</sup> <sup>38</sup> One survey showed that about 37.5% of married children were illiterate while a far majority of them are girls.<sup>39</sup> <sup>40</sup> Other reasons identified were the lack of schools in rural areas as well as long distances between villages, reportedly forcing girls to drop out,<sup>41</sup> <sup>42</sup> notably due to economic constraints and families being more willing to send boys travelling long distances to reach their schools.<sup>43</sup> The lack of female

<sup>28</sup> Report of the Working Group on the Universal Periodic Review Islamic Republic of Iran, 27 December 2019, <https://undocs.org/A/HRC/43/12>

<sup>29</sup> Iran Wire, 2019, <https://iranwire.com/en/features/6303>

<sup>30</sup> Baha’i International Community, [https://www.bic.org/sites/default/files/pdf/iran/the\\_bahais\\_of\\_iran\\_-\\_a\\_persecuted\\_community.pdf](https://www.bic.org/sites/default/files/pdf/iran/the_bahais_of_iran_-_a_persecuted_community.pdf)

<sup>31</sup> HRANA: <<https://www.en-hrana.org/category/religious-minorities> >

<sup>32</sup> Center for Human Rights in Iran, 2020, <https://www.iranhumanrights.org/2020/07/bahai-youth-expelled-from-secondary-school-for-gifted-students-solely-due-to-his-faith/>

<sup>33</sup> International Monetary Fund, <https://www.imf.org/en/Publications/CR/Issues/2018/03/29/Islamic-Republic-of-Iran-Selected-Issues-45768>

<sup>34</sup> Iran-HRM, <https://iran-hrm.com/index.php/2018/10/25/drop-out-of-children-exceeds-7-4-million-this-year/>

<sup>35</sup> Beyond the Veil: Discrimination against women in Iran, <https://www.justice.gov/eoir/page/file/1203136/download>

<sup>36</sup> Shahrzad News: <http://www.shahrzadnewz.net/index.php?page=1&newsitemId=3938&Language=en>

<sup>37</sup> Beyond the Veil: Discrimination against women in Iran <https://www.justice.gov/eoir/page/file/1203136/download>

<sup>38</sup> Radio Farda <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>

<sup>39</sup> Iran Open Data <https://iranopendata.org/en/dataset/age-distribution-of-spouses-at-the-time-of-marriage-in-1397>

<sup>40</sup> Report of the U.N. Secretary General, August 2019, <https://undocs.org/en/A/74/273>

<sup>41</sup> Radio Farda, ‘Half the girls living In border areas drop out of school,’ 9 September 2017. <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>

<sup>42</sup> Beyond the Veil: Discrimination against women in Iran, <https://www.justice.gov/eoir/page/file/1203136/download>

<sup>43</sup> Beyond the Veil: Discrimination against women in Iran, <https://www.justice.gov/eoir/page/file/1203136/download>

teachers has also been identified as a factor discouraging families to send their girls to school.<sup>44</sup> Additionally, reports have showed that in poor areas, families rely often on children as laborers,<sup>46</sup> a phenomenon that reportedly affects more girls than boys.<sup>47</sup> Governmental statistics from 2016 reported that the literacy rate of women living in rural areas (72.8%) is below than the literacy rate of women living in urban areas (88.0%), and much lower than the rate of literacy of men both in urban (93.5%) and rural areas (83.9%).<sup>48</sup> Iranian authorities have reported that only 40% to 50% of girls living in border provinces complete their high school education.<sup>49 50</sup> These figures may indicate that both gender and economic factors can hinder access to and/or stay in school, resulting in the high drop-out rate of girls in rural areas. Girls from ethnic minorities and living in rural areas have been reportedly further disadvantaged. For instance, according to the latest available statistics, the Sistan-Baluchestan province, inhabited predominantly by the Baluchi ethnic group, has a majority of its population living in rural areas<sup>51</sup> and had a reported dropout rate of girls of 60% by the fifth grade.<sup>52</sup> The dropout rate of girls in Khuzestan, an area inhabited mostly by Ahwazi Arabs, increased from 30% at the elementary to 50% at the secondary and 70% in high school.<sup>53</sup>

In 2014, the Ministry of Education and the Ministry of Women and Family Affairs reportedly signed a number of memorandums committing the government to, among other goals, address girls dropout in Iran.<sup>54</sup> The government also reportedly engaged in a number of measures considered key in the return of almost 34,000 girls to school in 2016.<sup>55</sup> Yet drop-out rates among girls in rural areas remain high as of February 2021.

In light of the above, the Islamic Republic of Iran has not repealed its laws and policies that are discriminatory against girls and religious and ethnic minorities and has not ensured that all children, irrespective of their gender, ethnicity or religious beliefs, enjoy equal rights and freedoms as guaranteed under the Convention.

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<sup>44</sup> Beyond the Veil: Discrimination against women in Iran, <https://www.justice.gov/coir/page/file/1203136/download>

<sup>45</sup> Radio Farda, <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>

<sup>46</sup> Radio Farda, <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>

<sup>47</sup> Farda News Agency, <https://bit.ly/334rdHt>

<sup>48</sup> Statistical Centre of Iran, *Nataayej-e-tafsili-ye-sarshomaari-e-omoumi-e-nofous va maskan 1395* [Detailed report of the results of national population and housing censuses of the year 1395], May/June 2018, <https://bit.ly/2MsGQm8>

<sup>49</sup> Radio Farda <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>

<sup>50</sup> Radio Farda, <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>

<sup>51</sup> Iran Wire, <https://iranwire.com/en/features/5523>

<sup>52</sup> Beyond the Veil: Discrimination against women in Iran, <https://www.justice.gov/coir/page/file/1203136/download>

<sup>53</sup> Beyond the Veil: Discrimination against women in Iran, <https://www.justice.gov/coir/page/file/1203136/download>

<sup>54</sup> Mehrnews, <https://en.mehrnews.com/news/104849/Girl-dropouts-to-return-to-school>

<sup>55</sup> Financial Tribune, <https://financialtribune.com/articles/people/51541/gov-t-struggling-to-reduce-dropout-rates-in-schools>

**B. The Committee urges the Islamic Republic of Iran to ensure that the State party’s legislation does not leave the interpretation and implementation of its legislation to the wide discretion of the judiciary without providing them with the necessary training and interpretative guidelines.**

The Islamic Republic of Iran’s legal framework leaves the interpretation and implementation of its legislation to the wide discretion of the judiciary, often referred as the “judge’s knowledge”.

For instance, under Article 220 of the Islamic Penal Code and Article 167 of the Iranian Constitution, a judge may refer to Islamic law – namely authoritative Islamic sources and fatwas (a ruling on a point of Islamic law given by a recognized authority) – to convict and sentence individuals to crimes and punishments not explicitly codified by the law.

Additionally, Article 91 of the Islamic Penal Code, revised in 2013, allows judges to pronounce alternative sentences in circumstances where the juveniles “do not realise the nature of the crime committed or its prohibition, or if there is uncertainty about their full mental development, according to their age”.<sup>56</sup> The Article further adds that “the court may ask for the opinion of forensic medicine or resort to any other method that it sees appropriate in order to establish the full mental development [of the accused]”. In 2017, a number of UN special procedure mandate holders considered the ongoing executions of child offenders in the Islamic Republic of Iran as “conclusive proof of the failure of the 2013 amendments to stop the execution of individuals sentenced to death as children”.<sup>57</sup> In 2019, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran found that the aforementioned assessment of the mental development of the accused at the time of the offence was “arbitrary and inconsistent, and at the sole discretion of the judge, who can choose whether to seek medical advice or not”.<sup>58</sup>

For its Universal Periodic Review in 2019, the government of the Islamic Republic of Iran reported that it held “Human rights training for judges, judicial officers and administrative staff on the rights of the child, the rights of persons with disabilities, the prohibition of torture and ill-treatment and the confronting against domestic violence” as well as “training courses on citizenship rights for judges, staff and judicial officers”.<sup>59</sup> However, frequent reports of the violation of fair trial rights and due process standards suggest that the training received by the members of the judiciary in the Islamic Republic of Iran has not been appropriate.<sup>60</sup>

<sup>56</sup> Article 91, Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

<sup>57</sup> See OHCHR News, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21547&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21547&LangID=E)

<sup>58</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, January 2019, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F40%2F67&Language=E&DeviceType=Desktop>

<sup>59</sup> National Report, Islamic Republic of Iran, UPR, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

<sup>60</sup> See more: Joint submission to the Human Rights Committee from the Abdorrahman Boroumand Center, Iran Human Rights Document Center, Impact Iran and Human Rights Activists in Iran, 2020, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT\\_CCPR\\_ICSR\\_IRN\\_42313\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRN/INT_CCPR_ICSR_IRN_42313_E.pdf)

Recommendation Status:

This recommendation has **NOT** been implemented.