

## Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 32

### Full recommendation:

*The Committee recommends that the State party take effective measures, including accountability, to put an end to discrimination against religious, ethnic and linguistic minorities, children born out of wedlock and asylum-seeking and refugee children, and that it ensures that those responsible for any forms of discrimination against such groups are held accountable. Furthermore, the Committee recommends that the State party decriminalise same-sex relations and take measures to eliminate discrimination against LGBTI children.*

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

#### A. Religious, ethnic and linguistic minorities

Article 19 of the Constitution of the Islamic Republic of Iran guarantees that all people in Iran enjoy equal rights, “regardless of the tribe or ethnic group to which they belong” and that “colour, race, language, and other such considerations shall not be grounds for special privileges”. Though this article seemingly protects ethnic and linguistic minorities, the constitution omits religious identity or identity formed around belief as protected characteristics. Additionally, Article 14 of the Constitution sets out that the government and Muslims in Iran are “duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their citizen rights,”<sup>2</sup> but this duty applies only to those “who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”<sup>3</sup>, a charge that is regularly levelled against certain religious minorities and other ethnic groups.<sup>4</sup>

Article 13 of the Constitution of the Islamic Republic of Iran provides that the Zoroastrians, Jewish and Christians religious minorities “are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education” as long as it is “within the framework of the law”.<sup>5</sup> On the other hand, there are no

CRC.8.1.S.1.; CCPR.27.2 S.1; CRC.8.1.S.1; CRC.28.1.S.2.1; CRC.30.1.S.1  
CCPR.27.1.P.2; CRC.30.1.P.3

CRC.8.1.O.2; CCPR.2.1.O.2; CRC.8.1.O.2; CRC.30.1.O.3; CRC.28.1.O.3

<sup>2</sup> The Constitution of the Islamic Republic of Iran, General Principles (Chapter I, Article 14):

<http://www.iranchamber.com/government/laws/constitution.php>

<sup>3</sup> Ibid.

<sup>4</sup> See more: Joint submission to the Human Rights Committee, 2020, All Human Rights for All in Iran; Association for Human Rights in Kurdistan – Geneva (KMMK-G); Association for the Human Rights Of The Azerbaijani People In Iran (AHRIZ); Iran Human Rights Documentation Center (IHRDC); OutRight International; Siamak Pourzand Foundation; Small Media; Impact Iran, [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>5</sup> The Constitution of the Islamic Republic of Iran English translation, [http://www.iranchamber.com/government/laws/constitution\\_ch01.php](http://www.iranchamber.com/government/laws/constitution_ch01.php)

laws protecting the rights of unrecognised religious minorities to ensure the religious moral education of their children in conformity with their own convictions.

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 recognised religious minorities may take separate courses on their religious beliefs. While pupils from recognised minority faiths have access to religious instruction designed by members of their religious communities (but approved by the Ministry of Education), those from unrecognised faiths are obliged to study only Shia Islam.<sup>6 7</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>8</sup> Teaching of Sunni religion has reportedly been banned in some public schools, even those located in predominantly Sunni areas.<sup>9</sup> Reports of Baha'i schoolchildren experiencing exclusion, harassment and abuse are regular.<sup>10</sup> In July 2020, a secondary school student was reportedly expelled from their school after mentioning that they were a member of the *Baha'i* faith.<sup>11</sup>

Yet the Human Rights Committee and the Committee on Economic, Social and Cultural Rights have noted that public education that includes instruction in a particular religion or belief is inconsistent with Articles 18.4<sup>12</sup> of the ICCPR and 13 of the CESCR,<sup>13</sup> “unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians”. The imposition of Shia Islam-centred education as exemplified above is therefore inconsistent with the ICCPR.

Article 8 of the Charter of the Citizen's Rights stipulates that “The Government shall refrain from adopting any decision and taking any action that leads to the widening of the class divide, undue discrimination or deprivation of citizen's rights” including in the context of educational opportunities. Additionally, during its last Universal Periodic Review session in 2019 the Government of the Islamic Republic of Iran affirmed that minorities were free to choose their schools.<sup>14</sup> Yet, following a new ministry initiative entitled Project *Mehr*, the Minister of

<sup>6</sup> Faith and Future, 2018, [https://faithandafuture.com/wp-content/uploads/2018/02/Faith\\_and\\_a\\_Future\\_HR.pdf](https://faithandafuture.com/wp-content/uploads/2018/02/Faith_and_a_Future_HR.pdf)

<sup>7</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>8</sup> Christian Solidarity Worldwide, <http://www.csw.org.uk/2017/09/07/news/3694/article.html>

<sup>9</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>10</sup> Faith and Future, 2018, [https://faithandafuture.com/wp-content/uploads/2018/02/Faith\\_and\\_a\\_Future\\_HR.pdf](https://faithandafuture.com/wp-content/uploads/2018/02/Faith_and_a_Future_HR.pdf)

<sup>11</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/> For more information also see Baha'is

International Community's (BIC) page on Bahais in Iran, <https://www.bic.org/focus-areas/situation-iranian-bahais>

<sup>12</sup> CCPR General Comment No.22: Article 18 (Freedom of Thought, Conscience or Religion)

<https://www.refworld.org/docid/453883fb22.html>

<sup>13</sup> CESCR General Comment No. 13: The Right to Education (Art. 13) <https://www.refworld.org/pdfid/4538838c22.pdf>

<sup>14</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>

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 proselytising, they cannot continue attending school”.<sup>15</sup> The project would give increased authority to schools to identify their students’ religions and to deny education to religious-minority students.

Article 15 of the Constitution of the Islamic Republic of Iran stipulates that Persian is Iran’s official language and 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>16</sup> However, the restrictive language of Article 15 does not fully protect the right of minorities to learn and teach in their mother tongue. Although Article 101 of the Charter on Citizens’ Rights recognises the right of citizens to learn, use and teach their own local language and dialect,<sup>17</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>18 19</sup> These concerns were echoed by the UN Secretary General,<sup>20 21 22</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>23</sup> The reported state-imposed ban on Azeri-Turkish being taught in school would go some way in explaining such struggle.<sup>24</sup> Additionally, teachers need to obtain a state-issued permit to be able to teach the Kurdish language.<sup>25</sup> Kurdish language teachers are reportedly persecuted.<sup>26</sup> In 2016, reportedly up to 40,000 Ahwazi Arab children were denied access to education for failing the Farsi language proficiency test, even though Farsi was their second language.<sup>27</sup> Lack of instruction in linguistic minorities’ mother tongues has reportedly

<sup>15</sup> Iran Wire, 2019, <https://iranwire.com/en/features/6303>

<sup>16</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>17</sup> Charter on Citizens’ Rights, English translation, <http://president.ir/en/96865>

<sup>18</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>19</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>20</sup> IRNA News, [www.irna.ir/news/83404283/](http://www.irna.ir/news/83404283/) (in Farsi).

<sup>21</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>22</sup> Ibid.

<sup>23</sup> Report of the U.N. Secretary General, August 2019, <https://undocs.org/en/A/74/273>

<sup>24</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>25</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019, <https://undocs.org/A/74/188>

<sup>26</sup> Ibid.

<sup>27</sup> UNPO, <https://unpo.org/article/19590>

been increasing school dropout and illiteracy rates, notably among Azeri<sup>28</sup> and Ahwazi Arab children.<sup>29</sup>

There is no readily available information that might indicate the existence of governmental measures and/or policies aiming at providing access to education based on the national curriculum in the native languages of ethnic minorities, in particular in Azeri, Kurdish, Arabic and other languages. 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 severely limiting access to pre-primary education for children from ethnic minorities such as Ahwazi Arabs, Turks, Kurds and Balochs who will be directed to an intensive training in the Farsi language.<sup>30</sup>

While it is technically possible to file non-discrimination complaints with the administration of justice court, the Parliament's Article 90 Commission, and Committees for supervisions of implementation of the Law on Respect for Legitimate Freedoms and Citizenship Rights, there is no evidence that judicial actions are taken in response to complaints of denial of fundamental human rights and freedoms on the basis of ethnic, religious, cultural or linguistic identities.

### **B. Children born out of wedlock**

Considering that illegitimate relationships (where the couple engages in relations without being in a marriage), are criminalised in Iran<sup>31</sup>, children born out of wedlock are subjected to discriminatory measures. According to Article 884 of the Civil Code, children born out of wedlock are not entitled to inheritance. Article 1168 of the Civil Code, however, mandates that both parents are duty-bound to maintain their children, without mentioning specific regulations for children born out of wedlock.

Children of illegitimate relationships are, according to the director of Iran's Civil Registration Agency, entitled to receive a birth certificate pending court approval, which enables them to have access to services such as healthcare, education and social assistance.<sup>32</sup> Despite this, in practice, birth certificates that are issued to children born out of wedlock leave out the name of the father

<sup>28</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>29</sup> Center for Human Rights in Iran, <https://www.iranhumanrights.org/2013/10/khuzestan-teachers/>

<sup>30</sup> ISNA News <https://www.isna.ir/news/99031005237/>

<sup>31</sup> Iranian Penal Code (2013), Article 221-232 and 637, available at: <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/#44> and <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=5447c9274>

or include a fictional name, which immediately identifies the child as illegitimate, thus enabling discrimination<sup>33</sup>.

### C. Asylum-seeking and refugee children

Article 20 of the Constitution restricts the protection of the law and enjoyment of all human, economic social and cultural rights to citizens of the Islamic Republic of Iran.<sup>34</sup>

In 2015, the Supreme Leader issued a decree enabling all Afghan children to attend public schools.<sup>35</sup> Following the decree, the government engaged in a number of improvements for refugees and undocumented Afghans, notably by creating an educational support card for undocumented Afghan children, or enabling their enrolment up to secondary school.<sup>36 37</sup> In 2019, UNHCR reported 480,000 Afghan children benefitting from these inclusive education policies, including 130,000 undocumented Afghan children.<sup>38</sup>

Additionally, the Iranian government passed a new law in June 2020 that would allow for the granting of citizenship to children born of an Iranian mother and a foreign father,<sup>39</sup> provided that they have been cleared by national security checks carried by the Intelligence Ministry and the Islamic Revolutionary Guard Corps' intelligence organisation.<sup>40</sup> Due to the fact that this new law has been put into circulation fairly recently, there aren't any statistical figures to demonstrate its effectiveness.<sup>41</sup> The new law would reportedly, and in theory, allow 800,000 children (mostly children of Afghan refugees and Iranian women) to seek citizenship and therefore facilitate their access to State services who had, until now, been deprived of a legal avenue for obtaining an Iranian birth certificate.

Despite this recent measure, asylum-seeking and refugee children face discrimination in the Islamic Republic of Iran, including in accessing education. Many refugee children are believed to be out of school.<sup>42</sup> For instance, although refugees are exempt from paying school fees, other

<https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/#44> and <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opensslpdf.pdf?reldoc=y&docid=5447c9274>

[://binternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT\\_CRC\\_NGO\\_IRN\\_19809\\_E.pdf](https://binternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf)

<sup>34</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>35</sup> UN News, <https://www.unhcr.org/news/stories/2019/12/5defcb6f4/afghan-children-learn-side-side-iranian-peers.html>

<sup>36</sup> <https://www.alnap.org/system/files/content/resource/files/main/UNESCO-Final-Background-Paper.pdf>

<sup>37</sup> Ibid.

<sup>38</sup> UN News, <https://www.unhcr.org/news/stories/2019/12/5defcb6f4/afghan-children-learn-side-side-iranian-peers.html>

<sup>39</sup> Radio Farda: <https://en.radiofarda.com/a/children-with-iranian-mothers-foreign-fathers-to-receive-citizenship-30652718.html>

<sup>40</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/2019/10/children-born-to-non-iranian-fathers-win-right-to-file-for-citizenship-with-a-catch/>

<sup>41</sup> Radio Farda: <https://en.radiofarda.com/a/children-with-iranian-mothers-foreign-fathers-to-receive-citizenship-30652718.html>

<sup>42</sup> Radio Farda, <https://en.radiofarda.com/a/afghan-refugee-children-denied-education-due-to-government-inaction/29579021.html>

costs associated with education are expensive and families often lack finances to allow their children to finish their education.<sup>43 44 45</sup>

**D. The Committee recommends that the State party decriminalise same-sex relations and take measures to eliminate discrimination against LGBTI children**

Article 3 of the Constitution of the Islamic Republic of Iran stipulates that the government “has the duty of directing all its resources” to, among other goals, “the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres”.<sup>46</sup> Article 19 of the Constitution of the Islamic Republic of Iran guarantees that all people enjoy equal rights, “whatever the ethnic group or tribe to which they belong” and that “colour, race, language, and the like, do not bestow any privilege”.<sup>47</sup> However, the Constitution lacks an explicit provision recognising sexual orientation and/or gender identity as protected characteristics. Article 20 of the constitution states 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>48</sup> The stipulation of “Islamic criteria” excludes lesbian, gay and bisexual individuals from this legal guarantee as same sex relations are penalised under the Iranian ‘Islamic Penal Code’.<sup>49</sup>

The 2013 Penal Code of the Islamic Republic of Iran explicitly forbids sexual relations between same-sex partners, whether such relations are consensual or coerced. The offences and punishments for males engaged in same-sex sexual or intimate conduct (including acts such as kissing or lustful touching) are described in Articles 233 to 237. Depending on whether the convicted individual is active/passive partner, married/single, or whether they are Muslim/non-Muslim, the punishment can range from flogging to the death penalty. The 2013 Penal Code also criminalises female same-sex relations and intimate conduct through Articles 238 to 240, the punishment for which is flogging regardless of circumstance.<sup>50</sup> There are no official, readily

<sup>43</sup> Radio Farda, <https://en.radiofarda.com/a/children-of-undocumented-afghan-refugees-exploited-in-iran/29596142.html>

<sup>44</sup> <https://www.alnap.org/system/files/content/resource/files/main/UNESCO-Final-Background-Paper.pdf>

<sup>45</sup> UN News, <https://www.unhcr.org/news/briefing/2019/12/5dea18ac4/support-needed-refugee-education-iran.html>

<sup>46</sup> Constitution of the Islamic Republic of Iran, English translation, <https://www.refworld.org/docid/3ae6b56710.html>

<sup>47</sup> Constitution of the Islamic Republic of Iran, [http://www.iranchamber.com/government/laws/constitution\\_ch03.php](http://www.iranchamber.com/government/laws/constitution_ch03.php)

<sup>48</sup> Constitution of the Islamic Republic of Iran, [http://www.iranchamber.com/government/laws/constitution\\_ch03.php](http://www.iranchamber.com/government/laws/constitution_ch03.php)

<sup>49</sup> Iran Human Rights Documentation Center, <https://iranhrdc.org/denied-identity-human-rights-abuses-against-irans-lgbt-community/#2>

<sup>50</sup> Islamic Penal Code 2013, Iran Human Rights Documentation Center, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

available statistics on the number of executions for same-sex relations.<sup>51</sup> However, NGO reports have shown that it occurs and suggest the incidence rate is high.<sup>52 53 54 55 56</sup>

A number of other legal provisions directly impact the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals, in particularly Iranian laws related to public decency. Governmental-mandated organisations set up to preserve “public morality”, notably the *Basij* militia, reportedly harassed, arrested, detained and abused LGBTI individuals on the basis of these regulations.<sup>57 58 59</sup>

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The Iranian states’ behaviour towards lesbian, gay and bisexual individuals has been hostile and Iranian authorities publicly criticise the country’s lesbian, gay and bisexual community. In 2013, Mohammad Javad Larijani, secretary of Iran’s high council for human rights said that homosexuality was regarded as “an illness and malady” in the Islamic Republic of Iran.<sup>60</sup> Hateful comments from Iranian officials have been regularly and recently reported, where they used terms such as “immoral”, “corrupt”, “animals”, “sick” or “Western” to qualify homosexual individuals.<sup>61</sup> Such openly hateful behavior towards the lesbian, gay and bisexual community from government officials may impair LGBT persons’ access to employment, social services, health care and education as it creates a permissive environment for exclusion and societal stigmatisation. There is no readily available information that might indicate the existence of state measures to address discrimination against lesbian, gay, bisexual and non-legally recognised transgender individuals.

The Iranian discriminatory legal framework and the Government’s openly hateful behaviour towards the lesbian, gay, bisexual and intersex community from government officials facilitate the violations of LGBTI persons’ rights, including the right to education, as it creates a permissive environment for exclusion and societal stigmatisation. In 2017, the Supreme Leader Ali Khamenei criticised the UNESCO Education 2030’s initiative as a vehicle of Western influence in Iran and other prominent official figures accused it of promoting homosexuality or

<sup>51</sup> Small Media, 2018, [https://smallmedia.org.uk/media/projects/files/BreakingTheSilence\\_2018.pdf](https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf)

<sup>52</sup> Amnesty International, 2017, <https://www.amnesty.org/en/latest/news/2016/08/iran-hanging-of-teenager-shows-brazen-disregard-for-international-law/>

<sup>53</sup> Amnesty International, 2018, <https://www.amnesty.org.uk/urgent-alireza-arrested-15-tortured-confession-be-executed-tomorrow>

<sup>54</sup> Iran Human Rights, 2019, <https://iranhr.net/en/articles/3611/>

<sup>55</sup> Human Dignity Trust, <https://www.humandignitytrust.org/country-profile/iran/>

<sup>56</sup> International Lesbian Gay Bisexual Trans and Intersex Association (ILGA), 2019,

[https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf)

<sup>57</sup> Iranian Lesbian & Transgender Network (6Rang), 2014, <http://6rang.org/english/wp-content/uploads/2014/06/Pathologizing-Identities-Paralyzing-Bodies.pdf>

<sup>58</sup> Iranian Railroad for Queer Refugees (IRQR), 2018, <https://irqr.net/wp-content/uploads/2018/09/IQW-Report.pdf>

<sup>59</sup> OutRight International, 2016, [https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf?\\_ga=2.78516692.1992181521.1595330838-780871412.1595330838](https://outrightinternational.org/sites/default/files/OutRightLesbianReport.pdf?_ga=2.78516692.1992181521.1595330838-780871412.1595330838)

<sup>60</sup> The Guardian, 2013, <https://www.theguardian.com/world/iran-blog/2013/mar/14/iran-official-homosexuality-illness>

<sup>61</sup> Iranian Lesbian & Transgender Network (6Rang), 2017, <http://6rang.org/english/wp-content/uploads/2017/12/Official-Hate-Speech-against-LGBT-People-in-Iran.pdf>

‘perversion’, as it advocates against the use of violence against students and therefore may discourage teachers from confronting students of diverse sexual orientation or gender identity.<sup>62</sup> Students are reportedly physically and mentally abused by teachers and school administrators because of their sexual orientation and/or gender identity, pushing them in some cases to drop out from school.<sup>63</sup> In 2016, the Committee on the Rights of the Child specifically raised concerns about lesbian, gay, bisexual, transgender and intersex children in the Islamic Republic of Iran facing discrimination because of their real or perceived sexual orientation or identity.<sup>64</sup>

The International Gay and Lesbian Human Rights Commission (IGLHRC) and the Iranian Queer Organisation (IRQO) have documented a pattern of bullying and physical and sexual abuse of LGBT children by classmates and school authorities in high school, middle school, and sometimes elementary school. LGBT Iranians reported that from young ages, their classmates would aggressively mock them for perceived gender non-conformity. Gay and transgender teenagers enrolled in all-boys schools often faced sexual groping and assault by their male classmates as well as physical beatings. In some cases, LGBT interviewees reported rape and even group rape as students.<sup>65 66</sup> While some teachers and school administrators take measures to confront bullying and abuse, often abuses are allowed to continue largely unaddressed. LGBT students receive very little protection from abuse in schools. Moreover, according to testimonies collected by IGLHRC and IRQO, teachers and school administrators participate in or lead the abuse at times, often humiliating the students in front of their classmates for mannerisms seen as improper for the student’s gender. IGLHRC and IRQO have also documented several instances of sexual abuse and rape of LGBT students, namely in boys’ schools, by teachers and school administrators. In these cases, interviewees often expressed that the adult targeted them because of a perceived vulnerability or isolation, stemming from gender expression.<sup>67</sup>

There are several means and mechanisms for accepting complaints regarding the violations of citizens' rights, such as the Article 90 Commission of the Parliament,<sup>68</sup> or Oversight Bodies for the exercise of Citizenship Rights in the country's provincial courts.<sup>69</sup> There is no readily available information that might suggest that complaints regarding LGBTI children’s rights violations are addressed, investigated and adjudicated. Although the Iranian National Body for

<sup>62</sup> Quote from Assembly of Experts member Ahmad Alamolhoda, among other examples, cited in Small Media, 2018, [https://smallmedia.org.uk/media/projects/files/BreakingTheSilence\\_2018.pdf](https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf)

<sup>63</sup> Iranian Lesbian & Transgender Network (6Rang), 2015, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT\\_CRC\\_NGO\\_IRN\\_19808\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19808_E.pdf)

<sup>64</sup> Committee on the Rights of the Child, 2016, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRN/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRN/CO/3-4&Lang=En)

<sup>65</sup> Ahmad’s (not his real name) interview with IGLHRC, September 7, 2012, Kayseri, Turkey

<sup>66</sup> Nima’s (Not his real name) interview with IGLHRC, September 7, 2012, Kayseri, Turkey

<sup>67</sup> See more: Joint alternative report by civil society organizations on the implementation of the Convention on the Rights of the Child by the Islamic Republic of Iran, 2015, [https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT\\_CRC\\_NGO\\_IRN\\_19809\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/IRN/INT_CRC_NGO_IRN_19809_E.pdf)

<sup>68</sup> The Article 90 Commission was established to receive the citizens' complaints against government institutions and has the responsibility to review them and transmit cases for judicial procedure accordingly.

<sup>69</sup> These committees have the responsibility to oversee the strict implementation of the "Law on Respect for Legitimate Freedoms and Civil Rights"

the Convention of the Rights of the Child's is "to set up plans and programs to promote the child rights and respect to their character" and to monitor and assess the implementation of child rights in the Islamic Republic of Iran,<sup>70</sup> there is no readily available information that might indicate the existence of initiatives aiming at addressing cases of harassment, bullying and expulsion from school of children based on their gender identity and sexual orientation.

In light of the above, the Islamic Republic of Iran has not taken effective measures, including accountability, to put an end to discrimination against religious, ethnic and linguistic minorities, children born out of wedlock and asylum-seeking and refugee children. The Islamic Republic of Iran has not ensured that those responsible for any forms of discrimination against such groups are held accountable. The Islamic Republic of Iran has not decriminalised same-sex relations and has not taken measures to eliminate discrimination against lesbian, gay, bisexual and intersex children. Although State recognition and support have given transgender individuals a certain level of legal legitimisation, it also has reinforced the societal stigma due to the pathologisation of transgender identities: that trans persons suffer from a medical condition which requires treatment. Meanwhile transgender children who have not been legally recognised face discrimination in the Islamic Republic of Iran.<sup>71 72</sup>

Recommendation Status:

This recommendation has **NOT** been implemented.

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<sup>70</sup> Article 2 National Body for the Convention on the Rights of the Child Bylaws

<sup>71</sup> Small Media, 2018, [https://smallmedia.org.uk/media/projects/files/BreakingTheSilence\\_2018.pdf](https://smallmedia.org.uk/media/projects/files/BreakingTheSilence_2018.pdf)

<sup>72</sup> Outright International, 2016, <https://outrightinternational.org/sites/default/files/OutRightTransReport.pdf>