

Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 90

Full recommendation:

The Committee reiterates its previous recommendation (see CRC/C/15/Add.254, para 71) that the State party take all appropriate legislative and administrative measures to prevent and eliminate this phenomenon [trafficking and sale of persons under the age of 18 years] and to ensure that traffickers are prosecuted, convicted and punished.

Assessment using Impact Iran human rights indicators¹

A. Take all appropriate legislative and administrative measures to prevent and eliminate trafficking and sale of persons under the age of 18 years

In 2018, the Global Slavery Index reported that Iran is among the top 10 countries in terms of prevalence of modern slavery.² According to the same source, Iran was one of 10 countries in which the government has taken the least action to combat modern slavery.³

Since 2004, the trafficking of persons under the age of 18 (hereafter “children”) has been criminalised in Iran with a maximum penalty of 10 years imprisonment.⁴ Article 1 of the Anti-Human Trafficking Law defines human trafficking while Article 2 defines acts that are considered human trafficking. The law prescribes an additional penalty if any State actor is involved in this crime or violates this law.⁵ The law is however only implemented when trafficked humans cross Iran’s border and is silent about human trafficking within Iran’s borders. Article 3 of this law imposes fines and prison terms ranging from 2 to 10 years. Note 1 of Article 3 of the law emphasised that if the victim was under 18 years of age, the maximum punishment could still be considered. However, this note was repealed in 2020 with the passage of a new Law on the Protection of Children and Adolescents (“Protection Law”).⁶ In Articles 12 and 13 of the Protection Law, child trafficking is considered a third-degree violation of the Islamic Penal Code, potentially attracting punishment in the form of fines and imprisonment between 10 to 15 years.⁷

¹ CRC.33.1.S.2; CRC.35.1.S.1
CRC.33.1.P.1; CRC.35.1.P.1; CRC.35.1.P.3
CRC.30.1.O.1; CRC.33.1.O.1

² [In a 2018 report, Iran ranked 10th out of 167 countries.](#) The report examined data on reported cases of individuals being bought and sold in public markets, forced to marry against their will, forced to work inside clandestine factories on the promise of a salary that is often withheld, or in an unhealthy work environment. It also looks at State policies and action to combat related crimes.

³ Iran ranked as the fifth top country in this matter.

⁴ Anti-Human Trafficking Law, adopted July 18, 2004: <https://rc.majlis.ir/fa/law/show/94178>

⁵ Ibid.

⁶ Law on the Protection of Children and Adolescents, adopted on May 12, 2020: <https://shenasname.ir/laws/6788>

⁷ Article 19 of Islamic Penal Code.

Moreover, Article 43 of Iran's Constitution states that Iran's economy will be based inter alia on respect for an individual's freedom to choose an occupation, preventing the exploitation of another's labour and from compelling anyone to engage in a particular job. Under Section 6 of the Labour Code, it is prohibited to force a person to perform work against one's will or to exploit others. Section 172 of the Labour Code also prohibits all forms of forced labour.

In addition to domestic law, countries must have cross-border cooperation, both bilaterally and multilaterally, to ensure the effectiveness of their fight against human trafficking. In this regard, Iran claims that "in recent years, it has taken great strides at all national, regional and global levels in the fight against human trafficking. At the international level, Iran is a member of several international conventions and has signed separate memoranda of understanding with the International Organisation for Migration and the International Labor Organisation to strengthen the capacity of its institutions to combat human trafficking."⁸ Reliable information and statistics are nevertheless unavailable, making it difficult to evaluate the effectiveness and efficiency of these measures.

A few years after the Anti-Human Trafficking Law was enforced, Iran's judiciary drafted a bill to amend and improve this law and to fill gaps that authorities had identified during its implementation. The amendment is currently before parliament for review and adoption.⁹ In the text of the amendment, special attention is paid to children, women and immigrants in addressing trafficking and the sale of human organs. However, the current draft of the amendment does not address all of the gaps within the law, including the need to measure the incidence of trafficking and sale of children; to provide a mechanism for protection of children (including the power to identify risk factors for children at the risk of abduction, sale of or trafficking and the ability to remove the children from such situations as a preventive measure); and a clear procedure to investigate and report violations of the law.

Additionally, in March 2020, the head of Iran's judiciary released guidelines ("Judiciary Guidelines") on how non-governmental organisations can engage and collaborate with the judiciary, which included a provision on cooperating with public institutions in "identifying and collecting evidence related to individuals, groups, and institutions involved in trafficking in women and children."¹⁰ There is no available information on the implementation of these guidelines yet.

⁸ ISNA, Statement by the Permanent Mission of Iran to Vienna: <https://www.isna.ir/news/98062210165/>

⁹ https://rc.majlis.ir/fa/legal_draft/show/1151427

¹⁰ Article 21 of the Judiciary Guidelines: <https://rc.majlis.ir/fa/law/show/1459763>

Despite some positive steps, including the introduction of the Anti-Trafficking Law and the Judiciary Guidelines, there still are not comprehensive mechanisms for protecting children from trafficking and sale, nor is there a clear procedure for investigating and reporting legal violations.

Furthermore, there is insufficient information and statistics on the performance of State institutions responsible for preventing and eliminating trafficking and sale of persons under 18 years old. It is not possible to conduct a comprehensive assessment of how laws and administrative regulations impact the number of children or reported number of children (disaggregated as a proportion of the total) who are abducted, sold or trafficked for any purpose in any shape or form.

In summary, the problem of human trafficking and sale of minors old still persists in Iran, and is still occasionally reported on by the media.¹¹

B. Take all appropriate legislative and administrative measures to ensure that traffickers are prosecuted, convicted and punished

As mentioned in the previous section, the trafficking of children has been criminalised under the Anti-Human Trafficking Law with a maximum penalty of 15 years imprisonment.¹² A draft amendment to this law, which would expand the scope of offences and increase the punishment if the victims are children or women, was under review by Parliament as of February 2021.¹³

All law enforcement agencies are obligated to accept reports and take action on alleged cases of human trafficking, including children trafficking, but the main agencies that deal with human traffickers are the Police Department and the Ministry of Intelligence and Security. These institutions are responsible for receiving and following up on complaints. Police stations are usually the source of complaints because they are more accessible to the public, though the Ministry of Information and Security, in cooperation with other security agencies, has more responsibility for identifying and dealing with smugglers' networks.

Criminal proceedings in cases related to human trafficking do not have a separate procedure, and criminal procedure that applies to other laws, including the Islamic Penal Code, also applies to cases related to human trafficking. Therefore, all of the shortcomings of the Code of Criminal Procedure¹⁴ remain in this regard. These include restrictions on access to a lawyer¹⁵ from the beginning of detention, and other issues related to a fair trial under Iranian law.

¹¹ <https://iranwire.com/fa/special-features?filter=ht>

¹² <https://rc.majlis.ir/fa/law/show/94178>

¹³ <https://www.mizanonline.com/0028NJ>; and https://rc.majlis.ir/fa/legal_draft/show/1597246

¹⁴ Criminal Procedure Code: <https://shenasname.ir/laws/2327-keifari>

¹⁵ Article 48 of the Criminal Procedure Code

Iran claims that "in recent years, it has taken great strides at all national, regional and global levels in the fight against human trafficking", including bilateral measures. Though once again, verifiable information and statistics are not available to evaluate the effectiveness and efficiency of these measures.

Iran does not publish statistics that could demonstrate how many cases of human trafficking have been filed, processed or sentenced, and whether or not the judicial process of those cases complied with fair trial standards or not. Therefore, the State has not released any official figures to indicate that there have been any prosecutions for the sale or trafficking of children.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.