

## Concluding Observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 82(d)

### Full recommendation:

*Ensure that immigration proceedings involving children are decided on the basis of the best interests of the child, and prevent separation of families during the deportation process.*

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

In its 2019 National Report to the Universal Periodic Review, the Government of the Islamic Republic of Iran stated that “on the basis of the 6th Development Plan Act, the Government is obliged to increase child food protection, to increase protection of children with no guardian, orphans and street children (Article 78) ». The Government of the Islamic Republic of Iran also stipulated: “According to the law, all persons under the age of 18, with no or bad guardian, regardless of religion, ethnicity and nationality, shall enjoy health care, education, medical treatment, subsistence and custodian services.”<sup>2</sup> Different laws and regulations pertaining to refugees and migrants in the Islamic Republic of Iran do not refer to asylum-seeking and refugee children in particular or the best interest of the child.<sup>3</sup> Iranian law does not explicitly provide safeguards for refugee and asylum-seeking children in particular nor explicit provisions to avoid the separation of families during the deportation process.

Currently, the law governing child custody in the Islamic Republic of Iran is the Law on the Protection of Orphaned and Abused Children (or Law on Protection of Children and Juveniles with no or bad guardian), adopted in 2013.<sup>4</sup> The law does not refer directly to unaccompanied asylum-seeking and refugee children yet, the listed conditions to obtain guardianship do not include Iranian citizenship. A number of articles under this law stipulate that the court shall consider the best interests of the child.

The Bureau for Aliens and Foreign Immigrants Affairs (BAFIA) has the responsibility for coordinating affairs relating to asylum-seeking and refugee individuals, including: protection,

<sup>1</sup>CRC.22.1.S.1; CRC.22.1.S.2; CRC.22.2.S.1; CRC.22.2.S.2  
CRC.22.1.P.1; CRC.22.1.P.2;  
CRC.22.1.O.1; CRC.22.1.O.2; CRC.22.1.O.3; CRC.22.1.O.4; CRC.22.2.O.1

<sup>2</sup> National Report, UPR 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

<sup>3</sup> Laws and regulations related to refugee and migrants in the Islamic Republic of Iran include:

Refugee Regulations adopted in 1963, available at <http://atba.ostb.ir/?part=menu&inc=menu&id=71>

Law on the entry and residence of foreign nationals in Iran, adopted in 1931, available at <https://rc.majlis.ir/fa/law/show/92268>

Implementing Regulations of the Law on the Entry and Residence of Foreign Nationals adopted in 1973 and subsequent amendments, available at <https://shenasname.ir/organs/vezarat/khareje/6815>

Regulations of the Iranian Citizenship Law approved in 1935 and subsequent amendments, available at <https://atba.alborz.ir/RContent/12V5MS3>

Marriage regulations of Iranian women with non-Iranian foreign nationals, available at <http://www.davoudabadi.ir/page/0859162/>

<sup>4</sup> Parliament of the Islamic Republic of Iran, <https://rc.majlis.ir/fa/law/show/866926>

health, education, international fundraising, *Amayesh* registration, issuance of travel permits, registration and issuance of marriage certificates, coordination with other ministries on refugee affairs, as well as official visits and coordination between all governmental departments responsible for refugee affairs. A majority of services provided to the refugee and asylum seeking population in the Islamic Republic of Iran come from the United Nations High Commissioner for Refugees (UNHCR), which works in partnerships with BAFIA and other Governmental institutions such as the Ministry of Education, the Literacy Movement Organisation, the Ministry of Health, the State Welfare Organisation, the Technical and Vocational Training Organisation, as well as the Iran Health Insurance Organisation.<sup>5</sup> Services and protection include legal assistance, support with regards to immigration proceedings and documentation, provision of basic needs and essential services such as health care, shelter and education.<sup>6</sup>

However, there is no readily available information that might suggest that the Islamic Republic of Iran ensures in practice that immigration proceedings involving children are decided on the basis of the best interests of the child or to avoid the separation of families during the deportation process. Similarly, there is no readily available information that might suggest that staff in charge of immigration proceedings have received trainings with regards to child protection and the best interests of the child. There is no evidence of the existence of an easily accessible complaint mechanism for children seeking refugee status when not afforded with appropriate protection and assistance.

There is very little official disaggregated data with regards to the refugee and asylum-seeking population in the Islamic Republic of Iran. For instance, there is no readily available official and recent data that might indicate the number of children who sought refugee status or who are considered refugee in the Islamic Republic of Iran in recent years. It is therefore difficult to make a proper assessment of whether immigration proceedings involving children are decided on the basis of the best interest of the child and whether the separation of families during the deportation process is avoided.

In its submission to the Committee on the Rights of the Child in 2015, Human Rights Watch reported cases of Afghan migrant children suggesting that “Iranian authorities frequently detain children in transit detention facilities without due process guardianship, or access to a lawyer”.<sup>7</sup> Reportedly, Iran deported an “estimated 2000 unaccompanied Afghan children through the Islam Qala border crossing with Afghanistan alone”. Many children travelling to Iran were separated from their families during the deportation process, with no opportunity to challenge deportation.<sup>8</sup>

<sup>5</sup> UNHCR, <https://reporting.unhcr.org/sites/default/files/UNHCR%20Iran%20Fact%20Sheet%20-%20Apr-Jun%202020.pdf>

<sup>6</sup> UNHCR, <https://reporting.unhcr.org/node/2527?y=2020#year>

<sup>7</sup> Human Rights Watch, <https://www.hrw.org/news/2015/03/13/iran-submission-committee-rights-child>

<sup>8</sup> Human Rights Watch, <https://www.hrw.org/news/2015/03/13/iran-submission-committee-rights-child>

Although there is no to little official data with regards to refugee and asylum-seeking children in the Islamic Republic of Iran, information gathered by civil society suggest that immigration proceedings involving children are not decided on the basis of the best interests of the child, and that separation of families during the deportation process is not avoided.

Recommendation Status:

This recommendation has **NOT** been implemented.