

Concluding observations Committee on the Rights of the Child CRC/C/IRN/CO/3-4 para 88(b)

Full recommendation:

In coordination with NGOs and with children themselves, provide children in street situations with the necessary protection, including a family environment, adequate health-care services, the possibility to attend school and other social services.

Assessment using Impact Iran human rights indicators¹

In its 2019 National Report to the Universal Periodic Review, the Government of the Islamic Republic of Iran stated that “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” and added that “on the basis of the 6th Development Plan Act, the Government is obliged to increase protection of [...] street children (Article 78), and to organize and reduce street children and child laborers. »² In June 2020 the Iranian Guardian Council passed a legislation that, among other provisions aimed at protecting children, requires social workers from the State Welfare Organization to promptly investigate the children in situation of “extreme danger” from abuse, exploitation, or being out of school,^{3 4} situations in which most of street children are. However, the law does not specifically address children in street situations. Yet, in its General Comment No.21 on children in street situations, the Committee on the Rights of the Child stipulates that States should “introduce or review an act on child protection or children based on a child rights approach and that specifically addresses children in street situations.”⁵ There is no protection specifically tailored to children in street situation under Iranian law.

In 2016, answering to the Committee on the Rights of the Child, the Government of the Islamic Republic of Iran stated that a range of relevant stakeholders and organizations had formed a Council to deal with the issue of street children, without precisising the membership of such Council or the extent of its scope of work. The government added that there were 37 centers for street children in operation in the country and daily care centers, or ‘drop off canters’ were established in 15 provinces, “where the children could spend their time”.⁶ In its latest annual report (March 2018 to March 2019), the State Welfare Organization reported 31 care centers for

¹ CCPR.24.1.S.1

CCPR.24.1.P.2

CRC.19.1.O.3; CRC.19.1.O.4

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

³ Human Rights Watch <https://www.hrw.org/news/2020/06/23/iran-child-protection-law-positive-insufficient>

⁴ Parliament of the Islamic Republic of Iran, https://rc.majlis.ir/fa/legal_draft/state/1055680

⁵ General Comment No.21 on children in street situations, Committee on the Rights of the Child, CRC/C/GC/21, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/21&Lang=en

⁶ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16940&LangID=E>

street children in the country, which all together admitted a total of 6,198 children during the year, 1,289 of whom were in the Tehran province and 1,075 in Sistan and Baluchistan province.⁷ The report showed that the provinces of Boushehr, Zanjan and Hamedan do not have such centers. Comparatively, official statistics estimated the number of children in street situations to be up to 60,000,⁸ while NGOs believe their number exceeds 200,000.⁹ In its 2019 National Report to the Universal Periodic Review, the Government of the Islamic Republic of Iran stated that “the center for management of street children of SWO, with the participation of interested NGOs, provides free protection and welfare services, with two family-centered and of mental-social harm reduction approaches.”¹⁰ Additionally, the “Social Emergency of SWO, with its 350 centers throughout the country, provides a variety of supportive services to the child victims of violence or to the children exposed to maltreatment, child laborers and the street children under difficult and hard conditions”.¹¹ There is little information as to the precise nature of the protection and welfare services the aforementioned centers provide to children in street situation and to what extent these services are tailored to the various situations and needs of these children.

In 2014, the Iranian Student News Agency, referring to official statistics, stated that while 34% of street children were still in school, 40% of them had dropped out of school and 24% had never attended school in the first place.¹² In 2019, the Islamic Republic of Iran stated that 98,5% of eligible students, including refugee and undocumented children, were offered education free of charge, and that measures to return the children dropped out of school to education were taken.¹³ ¹⁴ According to the Government, “a number of 10,263 of qualified children, who did not have identity documents, benefitted from the law and were enrolled in the school year of 2018–2019, 4,989 students of whom were girls.”¹⁵ However, there is no information as to what extent these measures concerned children in street situations. Additionally, ensuring that children in street situation have the possibility to attend school also includes that they do not rely exclusively on working in the street. Studies have shown that children coming from low-income families tend to

⁷ Behzisti News, <http://www.behzisti.ir/news/11295/>

⁸ U.S. State Department Human Rights Report 2019, Iran, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>

⁹ Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

¹⁰ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

¹¹ Ibid.

¹² Interesting Statistics about Street Children, Iranian Student News Agency published on 16 September 2014 <http://www.isna.ir/fa/news/93062515224/>

¹³ Universal Periodic Review 2019, Islamic Republic of Iran, Response from the State, <https://undocs.org/en/A/HRC/43/12/Add.1>

¹⁴ UN Press, <https://www.un.org/press/en/2018/gashc4232.doc.htm>

¹⁵ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

be sent to the street as an alternative income to their household,^{16 17} therefore limiting their possibility to attend school, even if access is in theory made possible by the Government. Ultimately, the lack of official and recent information about access of street children to school makes it difficult to assess if governmental measures have effectively ensured that children in street situation have all the possibility to attend school.

With regards to adequate health care services, the Government of the Islamic of Iran has taken steps to ensure that all citizens are covered with health insurance.¹⁸ However there is no readily available information as to how the allocation of health care services for street children is ensured, notably as most of them are of foreign nationality and/or undocumented.¹⁹ The dearth of disaggregated data regarding street children in the Islamic Republic of Iran, including concerning the prevalence of HIV/AIDS and other STD's to which street children are particularly vulnerable,²⁰ hinders the development of appropriate measures to provide street children with access to health services. There is, as of now, no information that might indicate that the Islamic Republic of Iran has established mechanisms to facilitate access to health services specifically for street children, including for HIV-positive street children, or that health workers receive specialized training to care for street children.

To address the high number of street children, the Iranian authorities together with the State Welfare Organization (SWO) have been resorting to periodic 'round-ups' of street children, during which they are frequently separated from their families and put into care facilities.²¹ If these children are found on the street for the third time during these 'round-ups', they are removed from their parent's custody.²² Child rights organizations have been reportedly criticizing such plan on the basis that its securitized approach does not address the social and economic root causes of the issue, ultimately leading children to return to the street.^{23 24} According to these organizations, 'collected' children are being kept in inappropriate centers with limited space and lacking care services.^{25 26} In its General Comment No.21 on children in street situations, the Committee on the Rights of the Child stipulates that States should "abolish

¹⁶ The Socioeconomic Status of Street Children in Iran: A Systematic Review on Studies over a Recent Decade Vameghi, Meroe ; Sajadi, Homeira ; Rafiey, Hassan ; Rashidian, Arash Children & Society, 2014-09, Vol.28 (5), p.352-365 referenced in Transnationality of Child Poverty: The Case of Iranian and Afghan Children in Tehran, https://www.researchgate.net/publication/318729333_Transnationality_of_Child_Poverty_The_Case_of_Iranian_and_Afghan_Street_Children_in_Tehran

¹⁷ Transnationality of Child Poverty: The Case of Iranian and Afghan Children in Tehran, https://www.researchgate.net/publication/318729333_Transnationality_of_Child_Poverty_The_Case_of_Iranian_and_Afghan_Street_Children_in_Tehran

¹⁸ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

¹⁹ Ibid.

²⁰ CRC/C/IRN/CO/3-4, para. 87, <https://undocs.org/en/CRC/C/IRN/CO/3-4>

²¹ Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

²² Radio Farda, <https://en.radiofarda.com/a/iran-child-labor-homeless-abuse/29193727.html>

²³ ISNA News, <https://bit.ly/35SMRle>

²⁴ Radio Farda, <https://en.radiofarda.com/a/iran-child-labor-homeless-abuse/29193727.html>

²⁵ Organization for Defending Victims of Violence, <http://www.odvv.org/blog-2140-The-Child-Labour-and-Street-Children-Problem>

²⁶ ISNA News, <https://bit.ly/35S8pOX>

any provisions allowing or supporting the round-up or arbitrary removal of children and their families from the streets or public places”.²⁷ Indeed, the practice of round-ups and ultimately the arbitrary removal of children found in the street for the third time from their parent’s custody does not ensure that the best interests of the children are appropriately considered and therefore might well amount to a violation of the children’s right not to be separated from their family. Additionally, NGOs have reportedly decried the practice of roundups and the placement in facilities as it does not adequately protect children in street situations.

There is little information that might suggest that the Government of the Islamic Republic of Iran is coordinating closely with civil society and with the children themselves to provide them with necessary protection. The Iranian Government established a National Body for the Convention of the Rights of the Child, which has the responsibility “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.²⁸ During the country’s 2016 CRC review, The National Body listed its main achievements, notably the establishment its working groups, notably the Support and Coordination which did “analysis of ways to support street and working children” and the Monitoring and Assessment working group which visited “NGOs active in the area of supporting children, especially street, working and educationally deprived children”.²⁹ There is no readily available information that might indicate that the National Body coordinated with civil society and children in street situation themselves and took effective steps with a view to provide necessary protection and adequate social services specifically to children in street situation.

In 2018 the director of the State Welfare Organization’s office reportedly declared that child workers, including children working in the street, were so numerous that no organization could single-handedly address the issue.³⁰ Yet, child rights organizations have been reportedly deploring the lack of cooperation of the Iranian Government with non-governmental organizations, in particular with regards to the ‘round-ups’ of street children,³¹ where they are frequently separated from their families and put into care facilities.³² The Government of the Islamic Republic of Iran affirmed that many non-governmental organizations working in the area of children’s rights were active and operating in the country as well as in close cooperation with the government.³³ However there are reportedly few non-profit organizations engaged in activities directly linked to

²⁷ General Comment No.21 on children in street situations, Committee on the Rights of the Child, CRC/C/GC/21, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/21&Lang=en

²⁸ Article 2 National Body for the Convention on the Rights of the Child Bylaws

²⁹ The Supplementary Response of the (NBCRC) regarding the Concluding Observation on the Combined third and fourth periodic reports of the Committee on the Rights of the Child for the Islamic Republic of Iran, 2016, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fCOB%2fIRN%2f23480&Lang=en

³⁰ Radio Farda, <https://en.radiofarda.com/a/thousands-of-children-forced-to-work-beg-in-the-streets-in-iran/30142546.html>

³¹ ISNA News, <https://www.isna.ir/news/96070301939/روسیاهی-اقتصاد-با-کار-کردن>

³² Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

³³ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16940&LangID=E>

street children.³⁴ In 2017, the Association to Defend the Street and Working Children's office was reportedly closed by Iranian authorities.³⁵ In July 2020, the UN High Commissioner for Human Rights Michelle Bachelet said that she was alarmed by the Iranian Government's increased pressure on the civil society group Imam Ali Popular Student's Relief Society.³⁶ The organization, which worked on issues such as child labor, was closed by Iranian authorities, who arrested its founding member along with a number of colleagues.³⁷ Consequently, information gathered suggest that coordination with civil society working on/with children in street situation in the Islamic Republic of Iran is limited.

Admittedly, the Government of the Islamic Republic of Iran has engaged in steps that may indirectly provide children in street situation with necessary protection, notably with regards to welfare services. However, there is no readily available information that might indicate that such steps have been taken with a view to provide appropriate and fitted protection to children in street situation in particular and that they have been tailored to adequately address the needs and various situations of these children. Although the Government has mentioned partnerships with stakeholders, including NGOs, information gathered suggest that coordination is limited, included with regards to the practice of roundups. Additionally, NGOs working on child laborers and children in street situations have reportedly faced governmental pressure. Finally, there is no readily available information that might indicate that the Government of the Islamic Republic of Iran has been engaging with the children themselves to provide children in street situation with the necessary protection.

Recommendation Status:

This recommendation has been **PARTIALLY** implemented.

³⁴ Transnationality of Child Poverty: The Case of Iranian and Afghan Children in Tehran, https://www.researchgate.net/publication/318729333_Transnationality_of_Child_Poverty_The_Case_of_Iranian_and_Afghan_Street_Children_in_Tehran

³⁵ HRANA, <https://www.en-hrana.org/association-defend-street-working-children-sealed?hilitte=%27street%27%2C%27children%27>

³⁶ OHCHR News, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26141&LangID=E>

³⁷ Ibid.