

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

Full recommendation:

Ensure that children in street situations are not subjected to discrimination, abuse or harassment by the public and by law enforcement officials and that they are not subjected to arbitrary arrest and illegal detention.

Assessment using Impact Iran human rights indicators¹

The Iranian legal framework contains discriminatory provisions against “vagrant” individuals, which may include children living and/or working in the street.² Under the Criminal Code of Procedure (2015), a crime can be considered “evident” -meaning that no warrant is required to arrest the accused of such crime- notably when “the accused is a vagrant and has a negative reputation in the area in question”.³ Such provision may put children in street situation at risk of arbitrary arrests. In its General Comment No.21 on children in street situations, the Committee on the Rights of the Child stipulates that States should “abolish where appropriate offences that criminalise and disproportionately affect children in street situations, such as [...] vagrancy”⁴

To address the high number of street children, the Iranian authorities together with the State Welfare Organisation have been resorting to periodic ‘roundups’ of street children, during which they are frequently separated from their families and put into care facilities.⁵ If these children are found on the street for the third time during these ‘round-ups’, they are removed from their parent’s custody.⁶ Child rights organisations have been reportedly criticising such plan on the basis that its securitised approach does not address the social and economic root causes of the issue, ultimately leading children to return to the street.^{7 8} According to these organisations, ‘collected’ children are being kept in inappropriate centers with limited space and lacking care services.^{9 10} In its General Comment No.21 on children in street situations, the Committee on

¹ CRC.34.1.S.1 ; CCPR.24.1.S.1

CRC.34.1.P.1 ; CRC.34.1.P.2 ; CRC.34.P.3; CCPR.24.1.P.1

CRC.34.1.O.1

² For instance, under Article 177 of the Islamic Penal Code, a vagrant cannot be considered as a witness. Islamic Penal Code (2013), English translation, Iran Human Rights Documentation Centre, <https://iranhrdc.org/english-translation-of-books-i-ii-of-the-new-islamic-penal-code/>

³ Criminal Code of Procedure (2015), as referenced by Amnesty International in <https://www.amnesty.org/download/Documents/MDE1327082016ENGLISH.PDF>

⁴ 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

⁵ Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

⁶ Radio Farda, <https://en.radiofarda.com/a/iran-child-labor-homeless-abuse/29193727.html>

⁷ ISNA News, <https://www.isna.ir/news/96070301939/روسیاهی-اقتصادی-کار-کودک>

⁸ Radio Farda, <https://en.radiofarda.com/a/iran-child-labor-homeless-abuse/29193727.html>

⁹ ODVV, <http://www.odvv.org/blog-2140-The-Child-Labour-and-Street-Children-Problem>

¹⁰ ISNA News, <https://www.isna.ir/news/96070301939/روسیاهی-اقتصادی-کار-کودک>

the Rights of the Child stipulates that States should “abolish any provisions allowing or supporting the round-up or arbitrary removal of children and their families from the streets or public places”.¹¹

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 protection of [...] street children (Article 78)”.¹² In June 2020, the Iranian Guardian Council passed legislation aiming at protecting children from abuse, exploitation, or being out of school,^{13 14} situations in which most of street children are. However, the law does not specifically address abuses against children in street situations. 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.”¹⁵ There is no protection specifically tailored to children in street situation under Iranian law, notably from discrimination, abuse or harassment by the public and by law enforcement officials.

In June 2018, a welfare official reportedly told to the Iranian Students News Agency that “73 percent of child vendors on the streets” face various forms of physical and verbal abuse.¹⁶ There have been reports of abuses perpetrated by the public and law enforcement officials against children in street situations in the Islamic Republic of Iran.¹⁷

The 2020 legislation aforementioned requires social workers from the State Welfare Organisation to promptly investigate the children in situation of “extreme danger” from abuse, exploitation, or being out of school,^{18 19} situations in which most of street children are. Additionally, the Government of the Islamic Republic of Iran established a “Special Investigation Branches and Criminal Courts in the Judiciary for the examination of child abuse crimes” and launched an “SMS hotline 30003636 for child abuse reports”.²⁰ There is no readily available information as to the number of complaints received, addressed and adjudicated by the mechanism regarding abuses against children in street situation.

Additionally, there is no National Human Rights Institution in the Islamic Republic of Iran that is competent to receive and address complaints of violations of children’s rights.

¹¹ 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

¹² National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

¹³ Human Rights Watch, <https://www.hrw.org/news/2020/06/23/iran-child-protection-law-positive-insufficient>

¹⁴ Parliament of the Islamic Republic of Iran, https://rc.majlis.ir/fa/legal_draft/state/1055680

¹⁵ 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

¹⁶ Radio Farda, <https://en.radiofarda.com/a/iran-city-employee-forces-children-to-eat-flowers-they-sell/29707131.html>

¹⁷ Ibid.

¹⁸ Human Rights Watch, <https://www.hrw.org/news/2020/06/23/iran-child-protection-law-positive-insufficient>

¹⁹ Parliament of the Islamic Republic of Iran, https://rc.majlis.ir/fa/legal_draft/state/1055680

²⁰ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

To some extent, Iranian law protects children in street situation from abuses, as the Child and Adolescent Protection law, according to the Government, criminalises “any type of maltreatment, economic exploitation, deal and selling/buying, prostitution and any form of sexual exploitation, any vulgar exploitation and pornography”.²¹ The dearth of recent official reports and disaggregated data on children in street situations in the Islamic Republic of Iran prevents any assessment as to whether such legal protection ensures that children in street situations are not subjected to discrimination, abuse or harassment by the public and law enforcement officials. NGO reports aforementioned suggest otherwise.

As of February 2021, there is no evidence of the existence of a policy measure to ensure adequate monitoring and disaggregated data collection on violence against children, including against children in street situation, in order to generate situation analysis in the Islamic Republic of Iran. The lack of readily available information regarding cases of complaints concerning ill-treatment and abuse of children in street situations prevents any assessment of whether investigations are promptly carried. The apparent regularity of cases of abuses against children in street situations may suggest that these children lack access to even file a complaint in the first place.

Legal provisions concerning vagrancy may well criminalise and disproportionately affect children in street situations and put them at risk of arbitrary arrest and illegal detention. The absence of legal safeguards against arbitrary arrest and illegal detention for children in street situations may well enable such violations to occur. Additionally, although children are protected from violence under the law, in practice children in street situation reportedly suffer from discrimination, abuse or harassment by the public and by law enforcement officials.

Recommendation Status:

This recommendation has **NOT** been implemented.

²¹ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>