

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

Full recommendation:

Promptly investigate complaints concerning ill-treatment and abuse of children in street situations.

Assessment using Impact Iran human rights indicators¹

In June 2020, the Islamic Republic of Iran adopted a law on Child Protection² which criminalizes a range of abuses and violence against children, including physical harm and preventing access to education.³

Access to justice is guaranteed in Iran under Article 34 of the Constitution, which states that: “It is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have the right to access such courts, and no one can be barred from courts to which he has a legal right of recourse.” According to the Iranian Civil Code, all persons are entitled to civil rights but nobody can utilize and employ these rights unless they possess the legal capacity to do so.⁴ However, only children over the age of 15, who are legally deemed mature, may bring a case to the courts unassisted;⁵ all other children need to bring cases through their legal guardian.⁶ The father’s consent is needed to initiate legal proceedings, except where the father is the person against whom a complaint is made or he is unavailable to provide his consent.⁷

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), and to organize and reduce street children and child laborers. »⁸ Iranian law, however, does not address specifically the rights and protection of 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.”⁹

¹CRC.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 Parliament of the Islamic Republic of Iran, https://rc.majlis.ir/fa/legal_draft/state/1055680

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

⁴ Civil Code, Article 958.

⁵ Civil Code, Article 1210.

⁶ Civil Code, Article 1210.

⁷ For example see Article 1172 of the Civil law.

⁸ National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

⁹ 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

The 2020 Child Protection legislation requires social workers from the State Welfare Organization (SWO) to promptly investigate the children in situation of “extreme danger” from abuse, exploitation, or being out of school,^{10 11} situations in which most of children in street situations find themselves. However, there is no readily available information that might indicate the number of complaints received, addressed, promptly investigated and adequately adjudicated by the SWO. The Government of the Islamic Republic of Iran also established “Special Investigation Branches and Criminal Courts in the Judiciary for the examination of child abuses crimes” and launched an SMS hotline 30003636 for child abuse reports.¹² Similarly, there is no readily available information as to whether complaints concerning ill-treatment and abuse of children in street situations have been promptly investigated and adequately adjudicated, and whether cases prosecuted led to convictions.

Another situation where children in street situations found themselves at risk of abuse is while working in the streets. The lack of protective child labor laws and the widespread use of children as cheap labor in the Islamic Republic of Iran facilitate the existence of child laborers, in particular children working in the streets, notably in waste management.¹³ Child laborers have been reportedly working in hazardous conditions such as in garbage collection, brick kilns, and industrial workshops, without protective clothing.¹⁴ Although the Iranian Government noted the existence of labor inspectors exercising monitoring functions,¹⁵ private companies have been reportedly escaping governmental scrutiny, notably for out of waste disposal services informally employed by municipalities.¹⁶ There is no readily available information that might indicate the existence of a mechanism enabling children employed illegally or working in illegal conditions to file complaints.¹⁷

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.

In 2015, a SWO official reportedly stated that 21% of children living on the streets have experienced sexual abuse.¹⁸ In 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

¹⁰ Human Rights Watch, <https://www.hrw.org/news/2020/06/23/iran-child-protection-law-positive-insufficient>

¹¹ Parliament of the Islamic Republic of Iran, https://rc.majlis.ir/fa/legal_draft/state/1055680

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

¹³ 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

¹⁴ CRC/C/IRN/CO/3-4, para. 87, <https://undocs.org/en/CRC/C/IRN/CO/3-4>

¹⁵ Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

¹⁶ CRC/C/IRN/CO/3-4, para. 87, <https://undocs.org/en/CRC/C/IRN/CO/3-4>

¹⁷ Center for Human Rights in Iran, <https://www.iranhumanrights.org/wp-content/uploads/Days-to-remember-low.pdf>

¹⁸ Persia Educational Foundation, https://www.persia.education/wp-content/uploads/2017/01/PEF_Irans-Childrens-Report.pdf

¹⁹ National Council of Resistance of Iran, <https://www.ncr-iran.org/en/news/21-of-iran-s-street-children-face-sexual-abuse/>

and verbal abuse.¹⁹ There have been reports of abuses against children in street situations in the Islamic Republic of Iran.²⁰

At time of writing, there is no evidence of the existence of a policy measure to ensure adequate monitoring and disaggregated data collection on violence against children 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.

Recommendation Status:

This recommendation has **NOT** been implemented.

¹⁹ Radio Farda, <https://en.radiofarda.com/a/iran-city-employee-forces-children-to-eat-flowers-they-sell/29707131.html>

²⁰ Ibid.