

## Concluding Observations Committee on Economic Social and Cultural Rights E/C.12/IRN/CO/2 para 28

### Full recommendation

*The Committee recommends that the State party intensify its efforts to ensure that all children receive birth certificates and that the lack of such a document is not an impediment for school enrolment of a child. It recommends that the State party take measures to ensure that refugee children have access to education, regardless of whether their parents have registered with the authorities, and that primary education, including enrolment thereto, is offered free of charge. The Committee also recommends that the State party intensify its measures to guarantee an inclusive education for children with disabilities, including through the Organization for Special Children and the Seven-Point Guideline for Universal and Consolidated Education for Children and Students with Special Needs, and to ensure that all children of nomadic communities have access to primary education, including through the establishment of mobile schools.*

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

#### A. The State party should intensify its efforts to ensure that all children receive birth certificates and that the lack of such document is not an impediment for school enrolment of a child

Article 20 of the Constitution of the Islamic Republic of Iran stipulates that “all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria”.<sup>2</sup> Therefore, non-citizens living in the Islamic Republic of Iran are excluded from this legal protection. The birth certificate is considered as proof of Iranian nationality,<sup>3</sup> and the lack of state-issued identification thereof can create barriers for children to be enrolled in a school.<sup>4</sup>

Reports have shown that obtaining birth certification may be difficult, particularly for those living in rural areas. The reported lack of birth certificate registrations offices in small cities and villages and lack of transportation to larger cities<sup>5</sup> are among identified challenges. Additionally, the time-consuming and complicated process to obtain birth certificates has been found to create legal, administrative, financial and cultural barriers.<sup>6</sup>

<sup>1</sup> ESCR.13.1.S.1; ESCR.13.1.S.3; ESCR.13.2.S.1; ESCR.14.1.S.1  
ESCR.13.1.P.2 ; ESCR.13.1.P.3; ESCR.14.1.P.1

ESCR.13.1.O.4; ESCR.13.2.O.2; ESCR.13.2.O.4; ESCR.13.1.O.6; ESCR.14.1.O.1;

<sup>2</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>3</sup> Universal Periodic Review, Islamic Republic of Iran, 2019, <https://undocs.org/A/HRC/WG.6/34/IRN/3>

<sup>4</sup> US Department of State, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>

<sup>5</sup> Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>6</sup> NGO Submission, Institute on Statelessness and Inclusion, Eindhoven; Global Campaign for Equal Nationality Rights, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/3>

The Iranian government reportedly engaged in a number of ad-hoc efforts to facilitate the accession of people living in the Sistan and Baluchestan province to birth registration and education. In 2013, the Iranian Government facilitated the application process for birth certification registration in the province for applicants likely to be Iranian.<sup>7</sup> Reportedly 24,000 birth certificates were issued in 2017, a number likely reached thanks to such process.<sup>8</sup> In February 2017, a special card was issued for Baluchi children without birth certificates to register to school, reportedly enabling 20,000 children to register for school in the province and 19,000 to attend.<sup>9 10</sup> However, in July 2017, one Iranian official reportedly said that approximately 36,000 children could not attend school because of the lack of proper identification,<sup>11</sup> and challenges reportedly remained for Baloch families to access official documentation.<sup>12</sup>

Despite these efforts in the Sistan and Baluchestan province, there is no readily available information that might indicate the establishment of governmental policies aiming at reaching marginal and isolated communities to ensure unhindered and adequate access to birth registration in the Islamic Republic of Iran.<sup>13</sup> There is an estimated one million Iranians countrywide who reportedly do not have birth certificates or other proof of citizenship in the Islamic Republic of Iran, including 400,000 children.<sup>14</sup> The lack of birth certificate or official documentation has been reportedly affecting access to education in the Islamic Republic of Iran.<sup>15 16</sup>

**B. The State party should take measures to ensure that refugee children have access to education regardless of whether their parents have registered with the authorities, and that primary education, including enrolment thereto, is offered free of charge**

Article 20 of the Constitution restricts the protection of the law and enjoyment of all human, economic social and cultural rights to citizens of the Islamic Republic of Iran.<sup>17</sup> However, all

<sup>7</sup> Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>8</sup> Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>9</sup> See <http://www.salamatnews.com/news/228675/23>

<sup>10</sup> Report of the Special Rapporteur on the situation of human Rights in the Islamic Republic of Iran, March 2018, <https://undocs.org/en/A/HRC/37/68>

<sup>11</sup> See Radio Farda <https://en.radiofarda.com/a/iran-school-drop-out-among-girls/28726094.html>.

<sup>12</sup> See IRNA <http://www.irna.ir/fa/News/82431374>

<sup>13</sup> Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>14</sup> Islamic Consultative Assembly News Agency, 'Undocumented continue to wait for IDs: permanent deprivation of children from public services and citizenship rights (Persian),' 7 May 2017 referenced in <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>

<sup>15</sup> See Minority Rights Group, <https://minorityrights.org/wp-content/uploads/2018/03/Rights-Denied-Violations-against-ethnic-and-religious-minorities-in-Iran.pdf>.

<sup>16</sup> Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, July 2019, <https://undocs.org/A/74/188>

<sup>17</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

children, regardless of their legal status, can have access to the national education system.<sup>18</sup> During its 2019 Universal Periodic Review, the Government of the Islamic Republic of Iran stated that 98.5% of eligible students, including refugees, were offered education free of charge.<sup>19</sup>

In 2015, the Supreme Leader issued a decree enabling all Afghan children to attend public schools.<sup>20</sup> Following the decree the government engaged in a number of improvements for refugees and undocumented Afghans, including through the creation of an educational support card for undocumented Afghan children, or enabling their enrollment up to secondary school diploma.<sup>21 22</sup> In 2019, UNHCR reported 480,000 Afghan children benefitting from these inclusive education policies, including 130,000 undocumented Afghan children.<sup>23</sup> Additionally, in 2019 the Iranian government enabled Iranian mothers who married a foreign national to pass on their nationality to their children, provided that they have been cleared by national security checks carried by the Intelligence Ministry and the Islamic Revolutionary Guard Corps' intelligence organization.<sup>24</sup> The new law would reportedly, and in theory, allow 800,000 Afghan children to seek citizenship and therefore facilitate their access to education.<sup>25</sup> Despite these measures, many refugee children are believed to be out of school.<sup>26</sup> For instance, although refugees are exempt from paying school fees, other costs associated with education are expensive and families often lack finances to allow their children to finish their education.<sup>27 28 29</sup>

**C. The State party should intensify its measures to guarantee an inclusive education for children with disabilities, including through the Organization for Special Children and the Seven-Point Guideline for Universal and Consolidated Education for Children and Students with Special Needs**

Article 30 of the Constitution of the Islamic Republic of Iran guarantees free education for all through the secondary level.<sup>30</sup> The Law on the Protection of the Rights of Persons with

<sup>18</sup> Report of the UN Secretary General, January 2020,

[https://www.ohchr.org/Documents/Countries/IR/Report\\_of\\_the\\_Secretary-General\\_on\\_the\\_situation\\_of\\_human\\_rights\\_in\\_the\\_Islamic\\_Republic\\_of\\_IranA4320.pdf](https://www.ohchr.org/Documents/Countries/IR/Report_of_the_Secretary-General_on_the_situation_of_human_rights_in_the_Islamic_Republic_of_IranA4320.pdf)

<sup>19</sup> Universal Periodic Review, Islamic Republic of Iran, 2019, <https://undocs.org/en/A/HRC/43/12/Add.1>

<sup>20</sup> UNHCR, <https://www.unhcr.org/news/stories/2019/12/5defcb6f4/afghan-children-learn-side-side-iranian-peers.html>

<sup>21</sup> Paper commissioned for the 2019 Global Education Monitoring Report, Migration, displacement and education: Building bridges, not walls <https://www.alnap.org/system/files/content/resource/files/main/UNESCO-Final-Background-Paper.pdf>

<sup>22</sup> Paper commissioned for the 2019 Global Education Monitoring Report, Migration, displacement and education: Building bridges, not walls <https://www.alnap.org/system/files/content/resource/files/main/UNESCO-Final-Background-Paper.pdf>

<sup>23</sup> UNHCR, <https://www.unhcr.org/news/stories/2019/12/5defcb6f4/afghan-children-learn-side-side-iranian-peers.html>

<sup>24</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/2019/10/children-born-to-non-iranian-fathers-win-right-to-file-for-citizenship-with-a-catch/>

<sup>25</sup> Info Migrants, <https://www.infomigrants.net/en/post/20252/iran-recognizes-800-000-invisible-children>

<sup>26</sup> Radio Farda, <https://en.radiofarda.com/a/afghan-refugee-children-denied-education-due-to-government-inaction/29579021.html>

<sup>27</sup> Radio Farda, <https://en.radiofarda.com/a/children-of-undocumented-afghan-refugees-exploited-in-iran/29596142.html>

<sup>28</sup> Paper commissioned for the 2019 Global Education Monitoring Report, Migration, displacement and education: Building bridges, not walls <https://www.alnap.org/system/files/content/resource/files/main/UNESCO-Final-Background-Paper.pdf>

<sup>29</sup> UNHCR, <https://www.unhcr.org/news/briefing/2019/12/5dea18ac4/support-needed-refugee-education-iran.html>

<sup>30</sup> Constitution of the Islamic Republic of Iran, English translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

Disabilities adopted in 2018 stipulates that new government-funded buildings must be accessible to people with disabilities,<sup>31</sup> and that the Health Ministry has the responsibility to cover medical treatment and rehabilitation services for persons with disabilities registered with the State Welfare Organization.<sup>32</sup> Article 111 of the Charter on Citizen's Rights, introduced in 2016 as a guideline for the implementation of the Constitution, states that "Disabled persons must be given the opportunity and possibility to study and acquire skills appropriate to their capabilities. Disability must not lead to deprivation of the right to acquire knowledge and professional skills."<sup>33</sup> Additionally, through its executive Rules on Integrated Education, the Government commits to support and make mainstream education accessible for students with disabilities.<sup>34</sup>

Despite these legal guarantees, access to inclusive education is reportedly limited for children with disabilities. All Iranian children aged 6 years old must undergo a national medical assessment which determines whether a child can be educated, and if so whether he/she may attend mainstream education or be sent to a special needs school.<sup>35</sup> The Ministry of Education's Special Education Organization is in charge of the education of children with disabilities who have been deemed as able to access education (whether mainstream or specialized), while the State Welfare Organization is responsible for children considered "ineducable".<sup>36</sup> Such an assessment has been criticized as maintaining segregation of children with disabilities and contributing to discriminations against them.<sup>37</sup>

In 2017, the Centre for Human Rights in Iran reported 5% of children with disabilities attending special needs schools.<sup>38</sup> During the 2018-2019 school year, Human Rights Watch reported 150,000 children with disabilities who were enrolled in school out of an estimated 1.5 million, 43% of whom in mainstream education while the rest were admitted in special schools.<sup>39</sup> Reasons explaining such a low enrollment include the national medical assessment, physical inaccessibility to educational infrastructures and lack of reasonable accommodations, lack of training for teachers and education officials in inclusive education methods, lack of

<sup>31</sup> Department of Foreign Affairs and Trade, Australia, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

<sup>32</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/2020/01/english-translation-irans-law-to-protect-the-rights-of-the-disabled/>

<sup>33</sup> Charter on Citizen's Rights, English translation, <http://president.ir/en/96865>

<sup>34</sup> See Center for Human Rights in Iran <https://iranhumanrights.org/wp-content/uploads/Iran-Disability-Education-Children.pdf> and, [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn97](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn97)

<sup>35</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/wp-content/uploads/Iran-Disability-Education-Children.pdf> and, Human Rights Watch [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn97](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn97)

<sup>36</sup> Center for Human Rights in Iran <https://iranhumanrights.org/wp-content/uploads/Iran-Disability-Education-Children.pdf> and, Human Rights Watch [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn10](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn10)

<sup>37</sup> Human Rights Watch, [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn10](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn10)

<sup>38</sup> Information from the Centre for Human Rights in Iran. "Some 137,000 students study at special schools in Iran", Tehran Times, 2 December 2017, <https://www.tehrantimes.com/news/418987/Some-137-000-students-study-at-special-schools-in-Iran>

<sup>39</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/wp-content/uploads/Iran-Disability-Education-Children.pdf> and, Human Rights Watch [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn97](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn97)

information about the right to inclusive education among parents, discriminations and social stigma.<sup>40</sup> In its 2017 review the Committee on the Rights of Persons with Disabilities raised concerns on these issues as well as the absence of measures to improve access to education for children with disabilities living in rural communities.<sup>41</sup>

Recently, the Iranian Government has reportedly adopted a number of measures to improve access to education for children with disabilities, notably by increasing the budget for their education, establishing physical accessibility requirements and extending educational support for children with disabilities attending mainstream schools.<sup>42</sup> However, government-funded buildings built before 2018 remain largely inaccessible to persons with disabilities,<sup>43</sup> and there is no comprehensive data informing about the number of new schools built in compliance with these new accessibility standards.<sup>44</sup> In 2019, the Government of the Islamic Republic of Iran indicated that a law on the protection of the rights of persons with disabilities was being discussed in parliament.<sup>45</sup>

Despite these commitments, children with disabilities still lack access to inclusive education in the Islamic Republic of Iran, notably due to the instituted “triage” among students deemed “educable” and whether they can attend mainstream school. Article 24 of the ICRPD requires that “people with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability”.<sup>46</sup> In its General Comment on Article 24, the Committee stipulated that the full realization of inclusive education “is not compatible with sustaining two systems of education: a mainstream education system and a special/segregated education system.”<sup>47</sup> The Committee also stipulates that State parties should ensure full accessibility and quality education, provide reasonable accommodations and train teachers as well as education officials on methods of inclusive education.<sup>48</sup>

<sup>40</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/wp-content/uploads/Iran-Disability-Education-Children.pdf> and, Human Rights Watch [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn97](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn97)

<sup>41</sup> Concluding Observations, Committee on the Rights of Persons with Disabilities, May 2017,

<https://undocs.org/Home/Mobile?FinalSymbol=CRPD%2FC%2FIRN%2FCO%2F1&Language=E&DeviceType=Desktop>

<sup>42</sup> Human Rights Watch, <https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities>

<sup>43</sup> Department of Foreign Affairs and Trade, Australia, 2020, <https://www.dfat.gov.au/sites/default/files/country-information-report-iran.pdf>

<sup>44</sup> Center for Human Rights in Iran, <https://iranhumanrights.org/wp-content/uploads/Iran-Disability-Education-Children.pdf> and, Human Rights Watch [https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#\\_ftn97](https://www.hrw.org/report/2019/10/02/just-other-kids/lack-access-inclusive-quality-education-children-disabilities#_ftn97)

<sup>45</sup> Report of the UN Secretary General on the situation of human rights in the Islamic Republic of Iran, August 2019, <https://undocs.org/en/A/74/273>

<sup>46</sup> Convention on the Rights of Persons with Disabilities, art. 24, para 2(a)

<sup>47</sup> General comment No. 4 (2016) on the right to inclusive education

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/4&Lang=en)

<sup>48</sup> General comment No. 4 (2016) on the right to inclusive education

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**D. The State party should ensure that all children of nomadic communities have access to primary education, including through the establishment of mobile schools**

Article 19 of the Constitution of the Islamic Republic of Iran contains guarantee of equality for all the people of the Islamic Republic of Iran, regardless of ethnic group or tribe, and states that “colour, race, language, and the like, do not bestow any privilege”.<sup>49</sup> Additionally, Article 30 provides that the Government shall make available and free of charge educational facilities for all up to the close of the secondary stage.<sup>50</sup>

According to the last census of the Statistical Center of Iran estimating the size of the nomadic population in the country in 2008, there was 212,660 nomadic families in Iran.<sup>51</sup> The Center also estimated that among them, 662,736 individuals were literate.<sup>52</sup> There is no more recent and readily available official census of nomadic populations in the Islamic Republic of Iran. However, in its National Report to the Universal Periodic Review in 2019, the Government stated it had identified 17,167 “deprived-of-study students” in nomadic areas.<sup>53</sup> The establishment of nomadic or mobile schools is considered in the Iranian educational system and reportedly 188,000 students attend such schools. There are reportedly 5,429 primary schools in the country open to and/or designed for nomadic communities, which includes schools in buildings and mobile schools either in tents, grass huts and containers.<sup>54</sup> However the number of such mobile infrastructures is reportedly limited and often lack facilities such as sanitation and electricity or access to internet. The number of teachers for such education is also reportedly low.<sup>55</sup> In its National Report to the Universal Periodic Review in 2019, the Government of the Islamic Republic of Iran indicated that “ensuring access to appropriate education in all regions of the country, regardless of race and gender, with emphasis on the education of girls and vulnerable groups in less-developed, rural and nomadic regions, is among the most important objectives of the country”.<sup>56</sup> The Government also mentioned measures to ensure that children who dropped-out return to school, including children in nomadic areas.<sup>57</sup> The lack of readily available, recent and official disaggregated data with regards to the nomadic population of the Islamic Republic of Iran hinders possible assessment as to whether the said measures have been successful.

The Government of the Islamic Republic of Iran has implemented a number of measures in order to improve access to education for children without birth certificates, refugee children,

<sup>49</sup> Constitution of the Islamic Republic of Iran, English Translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>50</sup> Constitution of the Islamic Republic of Iran, English Translation, <https://irandataportal.syr.edu/wp-content/uploads/constitution-english-1368.pdf>

<sup>51</sup> Iran Open Data, <https://iranopendata.org/en/dataset/number-nomadic-families-province-1366-1377-1387/resource/64bfdb56-9946-4b2f-9186-5717e8f3edbe>

<sup>52</sup> Iran Open Data, <https://iranopendata.org/en/dataset/the-literate-population-nomads-gender-1366-1377-1387/resource/928f4262-b860-4d0c-a262-16e9840f85e6>

<sup>53</sup> National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

<sup>54</sup> See <https://www.mehrnews.com/xMFFw> and <https://www.mehrnews.com/xN64x>

<sup>55</sup> See <https://www.mehrnews.com/xMFFw> and <https://www.mehrnews.com/xN64x> and [www.mehrnews.com/xRH4z](https://www.mehrnews.com/xRH4z)

<sup>56</sup> National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

<sup>57</sup> National Report, UPR 2019, Islamic Republic of Iran, <https://undocs.org/A/HRC/WG.6/34/IRN/1>

children with disabilities and children of nomadic communities. However, in practice, access to education for these children is reportedly limited. This suggest that the policies implemented by the Government, although representing positive steps, do not adequately address these issues.

**Recommendation Status:**

This recommendation has **NOT** been implemented.