Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Iran - 7th Session – 2009
15th February, 9am to 12pm

National Report

47. For further protection of the rights of the child and where it is needed special branches of the General Courts are dedicated to hearing the offences committed by children. The Office for the Protection of the Rights of Women and Children

51. This office was established in 2004 in the Judiciary. All general departments of the Ministry of Justice are required to establish special office for the protection of rights of children and women.

59. The Judiciary has established constructive cooperation with some of the United Nations specialized agencies including the five-year plan for cooperation with UNICEF (2004-2009) for the purpose of harmonizing national laws and regulations with the international norms on the rights of children and juveniles, holding of training courses in disadvantaged areas and on children at risk.

79. The second national report of Iran to the Committee on the Rights of the Child was submitted in 2002 and the third and fourth reports will be submitted in 2010.

92. Ministry of Education has carried out a number of programs to promote the right to education and to elevate it qualitatively and quantitatively for all segments of population, especially the vulnerable groups in the society. Moreover, the Ministry of Higher Education, Research and Technology has also been effectively promoting higher education in the country.

93. According to the latest statistics, literacy of men stands at 88.75 per cent and literacy of women at 80.3 per cent among the population above the age of six. The ratio of girl students to total number of students has increased 10 per cent from 38.4 per cent to 48.6 per cent. The number of students of non-profitable schools has increased two folds from 620,068 to 1,086,361. The total number of schools has increased 3 folds, from 53,885 to 146,213.

94. Diversification of methods of higher education by establishing new fields and disciplines, development of inter-disciplinary fields, increasing the enrolment in continuous education courses, development of advanced medical education, expansion of non-governmental and non-profitable higher education institutes, development of applied and modular courses are among the fundamental measures taken by the higher education, research and technology sector to achieve the qualitative goal of increasing access to higher education in the framework of the primary ambitious goals of the Fourth Development Plan. In the 2008 academic year, the total number of university students was 3,392,000 which indicate an increase of 20 per cent comparing with the previous academic year.

108. The importance of the rights of the child has a long record in Iranian and Islamic culture. In addition, there are numerous considerations in the Islamic Sharia that compel; paying attention to children in psychological, moral, living and legal aspects. Iran has taken a wide range of measures to realize these teachings and aspirations.

109. Promoting education of girls, reducing the gender gap, providing legal protection to children, including children born out of wedlock, amending certain legislations relating to children, expanding pre-elementary education, protections before and after birth, increasing the participation of children in decision-making, paying attention to their views by establishing students' parliament, prohibition of torture and other cruel punishments, access to proper information, raising awareness and sensitivity among teachers toward the rights of the child, holding training courses and workshops on the rights of the child, implementing joint projects with UNICEF, providing health care and services, free food for students and disabled children, providing safe houses for street children, access to 100 per cent of urban residents and more than 87 per cent of rural population to health facilities are all among the important...
measures taken by the government in promoting the rights of the child. These measures were commended by chairperson and members of the Committee on the Rights of the Child after presenting the report of Iran.

UN Compilation

1. In 2008, the Secretary-General noted that the Islamic Republic of Iran had a practice of entering general reservations upon signature or ratification, repeatedly cited by treaty bodies as impeding enjoyment of some human rights.7 In 2005, the Committee on the Rights of the Child (CRC) cited the broad and imprecise nature of Iran’s reservation, raising concern about compatibility with the object and purpose of CRC.8


8. In 2009, UNICEF reported that a bill on the establishment of juvenile courts, submitted to parliament in 2005, was under review, and referred to related amendments to the penal code bill and Penal Procedure Code. A new child protection bill, considering child victims and witnesses of crime needing protection, was also before parliament.21

14. CRC recommended that Iran develop a comprehensive policy on children.28 UNICEF reported that the first National Plan of Action on Violence against Children was developed in a broad consultation process. In 2008, the Ministry of Welfare took steps to include violence against children in the draft five-year National Development Plan.29

19. CRC expressed concern that children whose mother is Iranian and who marries a non-Iranian, without official Government consent, will not be recognized as Iranian nationals. The situation affects a large number of children who consequently have neither birth certificate nor nationality.53 The Special Rapporteur on the human rights of migrants noted particularly that marriage between an Afghan man and an Iranian woman is not officially recognized and their children have no legal status because the Afghan man’s presence is irregular.54

23. The High Commissioner in 2007, 2008 and 2009 expressed her grave concern over executions of juveniles.60 The Secretary-General noted in 2008 that the head of the judiciary reportedly established a non-binding moratorium on juvenile executions,61 but UNICEF cited trends of prolonging cases involving juvenile offenders until they reached 18 years when the risk of execution became higher.62 The Secretary-General noted that reportedly, between 1990 and 2006, 107 offenders under 18 were sentenced to death. The Iranian authorities disputed those figures.63

26. The Secretary-General in 2008 noted reports of amputation, flogging, suspicious deaths and suicides of prisoners,70 justified by the authorities as Islamic punishments.71 It was also reported that those accused of homosexual acts were routinely flogged and threatened with execution.72 CRC expressed similar concerns regarding offenders under the age of 18.73

34. CRC reiterated its serious concern at the Penal Code provision that fathers who kill their child, or their son’s child, are only required to pay one-third of the blood money to the mother, and are subjected to discretionary punishment, if the mother makes a formal complaint.89 It was also concerned about legislation providing for corporal punishment within the family, and that certain forms of sexual abuse of children or grandchildren were not explicitly prohibited.90

35. CRC was concerned about the large number of children living in prisons with their mothers, their living conditions and the regulation of their care if they are separated from their mothers.91

37. The Special Rapporteur on violence against women cited reports indicating a worrying increase in trafficking of girls and women, mostly in the eastern provinces where women are kidnapped, bought or entered into temporary marriage to be sold into sexual slavery.93 CRC echoed concerns over trafficking facilitated by temporary marriages or siqeh - which last from 1 hour to 99 years.94 In 2009, the ILO Committee of Experts requested Iran to ensure that children under 18, particularly young girls, are prevented from engaging in trafficking for commercial sexual and labour exploitation.95 It requested immediate measures to ensure that the use, procuring or offering of children for prostitution or the production of pornography or pornographic performances are urgently prohibited.96

38. CRC continued to be concerned about the large number of children living and/or working on the streets.97 The ILO Committee of Experts noted that the prospect of forced early marriages was reportedly one of the underlying causes of the recent phenomenon of runaway girls.98 It remarked that street children were particularly exposed to the worst forms of child labour.99

42. The Secretary-General, the Special Rapporteur on violence against women,106 CRC107 and UNICEF108 noted that the age for criminal responsibility was set at 14 years and 7 months (15 lunar years) for boys and 8 years and 9 months (9 lunar years) for girls. Children who commit serious crimes could be processed as adults under the Penal Code.109

43. CRC remained concerned at the poor quality of the juvenile justice system.110 The Secretary-General in 2008 noted that the bill on the establishment of juvenile courts, welcomed by CRC,111 promotes restorative justice, community-based solutions and alternatives to criminal sentences.112

44. CRC regretted that in all actions or decision-making relating to children, the principle of the best interests of the child was not a primary consideration.113 The Special Rapporteur on violence against women noted that because child custody laws favour men, women frequently feel no choice but to remain in a relationship with a violent partner.114 CRC was concerned at insufficient information on discrimination against and stigmatization of children born out of wedlock.115

45. CRC noted the increase in the age of marriage for girls from 9 to 13 years (15 for boys) and was seriously concerned at the very low minimum ages.116 CRC urged Iran to set the age of majority at 18 years.117
58. CRC remained concerned at the number of children below 15, particularly in rural areas, involved in child labour, especially in the informal sector. It noted that the Labour Code sets the minimum employment age at 15, but the Agricultural Code at 12.

63. CRC recommended measures addressing adolescent health issues and a comprehensive policy on reproductive health counselling and services. UNICEF cited drug use as the highest cause of HIV infection. Approaches aimed at HIV prevention for young people remained a sensitive issue.

68. The Secretary-General noted great improvements in the education sector, while challenges included a significant rise in the school-age population and inadequate rural facilities. The Special Rapporteur on violence against women cited the ratio of girls to boys in primary school as almost equal. In higher education, 62 per cent of students were women.

69. CRC remained concerned that working children, children living on the streets and without complete personal documents, particularly refugees with binational parents, had reduced access to schools, citing also the lack of mobile schools for nomadic children.

80. In 2006, Iran declared it was considering accession to CEDAW and CAT, and reconsidering its reservation to CRC. It pledged to continue extending full cooperation with the Human Rights Council, including special procedures and the UPR. It committed to upholding the highest standards of all human rights, doubling its continuous and target-oriented efforts, and protecting against and preventing discrimination in law and practice.

82. CRC recommended the Government collaborate with NGOs working with street children and seek technical assistance from relevant international organizations. On young people and the fight against HIV/AIDS, CRC encouraged Iran to seek technical assistance from WHO, the Joint United Nations Programme on HIV/AIDS, UNICEF, the United Nations Office on Drugs and Crime and the United Nations Population Fund.

Stakeholder Compilation

2. FPC stated that Iran had a record of creating generalised reservations to ignore articles or provisions in international law that it deemed in contradiction to “Islamic laws and the internal legislation in effect,” citing, inter alia, the formal reservation to the Convention on the Rights of the Child (CRC).

3. The Committee of the Rights of the Child of the Isfahan Lawyers’ Association recommended steps towards harmonization of Iranian laws and justice mechanisms with CRC.

26. The Global Initiative to End All Corporal Punishment of Children noted that corporal punishment was lawful in the home, as a sentence for crime in the penal system, and as a disciplinary measure in penal institutions, recommending the introduction of legislation to prohibit all corporal punishment of children.

32. According to AI, the age for criminal responsibility under Iranian law was set at fourteen years and seven months for boys and eight years and nine months for girls. Amputation and flogging were provided for under the Penal Code.

61. According to BIC, Baha’i children and adolescents have been subjected to vilification and severe psychological pressure in primary, middle and high schools throughout Iran, and these abuses were committed by their teachers and school administrators.

62. The Maryam Educational Charity Institute noted the Government’s obligation to take effective measures in the field of education in villages. According to the Corporate Social Responsibility Development Center, consideration of human rights concepts in secondary school textbooks was not followed in a balanced manner. Imam Sadeq Scientific Research Institute recommended training in human rights in primary schools, high schools, university centres and through the mass media.

63. The United Nations Association of Iran (UNA-IRAN) noted that Afghan children were entitled to education from elementary to high school but must pay annual education fees which, in spite of supportive laws with regard to cost reductions for the more deprived refugees, a substantial number of families could not afford. As a result, children were deprived of education.

Final Report and Conclusion - To Follow