



Convention on the Rights of the Child

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Committee on the Rights of the Child Thirty-eighth session

Summary record of the 1015th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 January 2005, at 10 a.m.

Chairperson: Mr. Doek

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (agenda item 5)

Second periodic report of the Islamic Republic of Iran ((CRC/C/104/Add.3); list of issues (CRC/C/Q/IRN/2); written replies of the Iranian Government to the list of issues (CRC/C/RESP/71))

1. *At the invitation of the Chairperson, Mr. Akhoondzadeh, Mr. Jamshidi, Mr. Sajjadpour, Mr. Zadeh, Ms. Faramarzian, Mr. Yaqoobi and Mr. Zareian (Islamic Republic of Iran) took places at the Committee table.*

2. **Mr. Akhoondzadeh** (Islamic Republic of Iran), having stressed that the Iranian Government attached great importance to achieving the objectives of the Convention, presented the salient points of the second periodic report of the Islamic Republic of Iran. The bill on the establishment of a national institution to deal with child-rights issues was shortly to be submitted to the competent authorities for approval. The bill, prepared by a working group set up by the Ministry of Foreign Affairs and the office of the United Nations Children's Fund (UNICEF) in Teheran, was based on the results of the UNESCO Chair in Human Rights, Peace and Democracy Studies research project on the subject.

3. The delegation of Iran took the opportunity to thank the international community and the specialized institutions, particularly UNICEF, for their contribution to the rescue and relief operations conducted in Iran after the earthquake which had wreaked havoc in and around Bam in 2004.

4. **Mr. Filali** congratulated the State party on the measures it had taken to strengthen its legal armoury in areas connected with the rights of the child and welcomed the introduction of a number of programmes and projects as a positive development, particularly in the areas of education and protection of the most vulnerable children. However, he regretted that the documents submitted by the Iranian Government did not provide more specific information on the implementation of the Convention, or a critical evaluation of the effects of the measures that had been taken to deal with the situation of children.

5. While some of the recommendations contained in the Committee's concluding observations on the first report submitted by Iran had been duly implemented, the recommendations relating to the definition of the child, the right to life, freedom from discrimination and justice for minors had had little effect.

6. The general nature of the reservation expressed by the State party when it ratified the Convention tended to hamper its implementation and it would have been preferable for the State party to state clearly which articles it disagreed with. Its position on that point was all the more difficult to understand in that it had not expressed reservations of that kind about other instruments to which it was a party.

7. It would be useful if the delegation could shed some light on the status of the Convention in the domestic legal system, indicating whether it could be invoked in proceedings before the Iranian courts and whether it could serve as the basis for a judicial decision. It would also be useful if it could provide detailed information on the work of the Islamic Human Rights Commission, on the action taken in connection with any complaints that might have been referred to that body, and on the effects of its activities at regional and local level. The coordination of the implementation of the Convention in general was causing some concern in view of the high degree of centralization in the Iranian State, and it was necessary to ascertain in particular how the decisions of national institutions were passed on to regional and local levels and what monitoring mechanisms existed at those levels.

8. A number of other matters were causing some concern in the Committee and called for action by the State party. Mention had to be made here of the inconsistencies in the definition of the child, which were reflected in particular in discrimination against girls in respect of legal capacity (age of marriage), civil liability and criminal responsibility. Attention had also to be drawn to the inequalities between boys and girls in terms of access to education, particularly in rural areas, and to the cases of discrimination on religious grounds, particularly against the Baha'i community. Another problem concerned the mother's right of custody of children over 7 years of age in the event of parental separation. Lastly, as a result of traditions that remained very strong, there was still only limited respect for the child's views at school, before the courts and in the family, and the delegation might indicate whether any measures were planned to remedy that state of affairs.

9. **Mr. Al-Sheddi** asked for detailed information on the status and composition of the National Committee responsible for evaluating the implementation of the Convention. He stressed the need to have reliable statistics in order to prepare appropriate policies, and wished to know whether the State party planned to take any measures to improve the registration of births, particularly in rural areas. Also, since there was no specific budget heading to cover the funding of services for children, the question arose of the methods employed to determine the proportion of funds allocated to those services and the results of using those resources.

10. Under the terms of article 1179 of the Civil Code, parents had the right to discipline their children within certain limits, and it would therefore be interesting to know when discipline could be regarded as excessive and classified as abuse and what steps had been taken to raise families' awareness of the problem of corporal punishment. Similarly, the circulars distributed by the Ministry of Education concerning the prohibition of corporal punishment at school did not seem to be very clear, and the delegation might indicate whether specific measures were being taken to prohibit the practice, which was apparently still employed by some teachers, and to establish a mechanism to monitor compliance.

11. Lastly, it would appear that there was no comprehensive and systematic approach to the measures to circulate the Convention and ensure that members of the public and professionals working with children were better acquainted with its provisions, and the Committee therefore wished for clarification on that point.

12. **Ms. Sardenberg** observed that, although the delegation was very distinguished — which was to be welcomed — it included only one woman and she was concerned about the implication of such under-representation. She noted that the most recent reports Iran had submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights dated back to 1993, and asked whether the Government intended to submit further reports to those bodies in the near future. It would be interesting to know whether the Government had already established mechanisms to evaluate the work of the National Committee responsible for evaluating the implementation of the Convention and whether it had considered the measures to be taken if adjustments were needed.

13. There was every reason to be pleased that non-governmental organizations (NGOs) and universities participated in the work of the National Committee, and the delegation might provide detailed information on the Government's relations with the universities in that regard and indicate, in particular, whether there was systematic cooperation for the purposes of research and the preparation of policies.

14. It would be useful to know whether there had been any change in the Government's position on the general reservation expressed by Iran, since the Government of Iran had stated in its written replies that no decision had been taken about withdrawing the reservation but did not mention whether any thought was being given to the matter. Simply

acknowledging the effects of the reservation on the implementation of the Convention as a whole would be a step in the right direction.

15. It sometimes seemed that the policies were fragmentary and that there was no overall strategy, and it would therefore be useful to have information on the coordination of activities connected with the implementation of the Convention in the 28 provinces and to know whether budgets and results varied from one province to another.

16. Further information on the Islamic Human Rights Commission would be welcome; it was necessary to know, for example, whether it could hear complaints against the Government. It would also be useful to know how Iran's cooperation with the UNESCO Chair in Human Rights had begun. Lastly, could the delegation indicate whether, in general, the Government felt that attitudes had changed as a result of its efforts to raise awareness of the rights of the child?

17. **Ms. Al-Thani** noted that Iran did not address some of the Committee's grounds for concern about the right to life, survival and development, in particular the fact that the death penalty applied to people under 18 years of age and that the sentence handed down in the case of a child killed by its father or grandfather was relatively light and was imposed only if the mother lodged a complaint. It would also be interesting to know the origin of that practice, which was not an inherent part of Islamic culture.

18. On the subject of corporal punishment, it was necessary to know whether the Government planned to prohibit physical sanctions against juvenile detainees. It would be useful to have further information about the work of the advisory technical committee established by the Ministry of Health. Lastly, it would be interesting to know whether the telephone helplines for children in care were still used and whether they were accessible to other abused children.

19. **Mr. Citarella** stressed that the principles enshrined in the Convention encountered cultural obstacles in many countries because some sections of society still had difficulty in accepting the idea that children had rights. The report and written replies showed that Iran had moved forward considerably in that respect, making its general reservations about the Convention even harder to understand. Similar developments in legislation were now needed, to enable those reservations to be withdrawn in the near future.

20. Despite the Committee's recommendations, the definition of the child remained incompatible with the Convention in that it set different minimum ages for boys and girls. The Government should consider abolishing the practice of temporary marriage, as it could encourage trafficking in human beings. Lastly, there was discrimination, in respect of the exercise of the right to nationality, between children with an Iranian father and children who had only an Iranian mother.

21. **Mr. Krappmann** observed that respect for the views of the child was a good way to determine the predominant ideas about children in any society, and that the information provided on that point in the second periodic report was somewhat disappointing. It was reported that the Union of Students' Islamic Societies had started work but nothing was said about what it did, and it would therefore be useful to know what bodies afforded children an opportunity to express their views and the extent of participation in such bodies. Lastly, it was regrettable that, in legal proceedings, the views of the child could be expressed only by the father, the paternal grandfather or a legal guardian.

22. **Ms. Vuckovic-Sahovic** stressed that the collection of data was essential for the preparation of targeted strategies and that international cooperation could be very useful in that regard. She welcomed the fact that education in the rights of the child had been introduced in schools but asked whether the police also received training of that kind — which appeared to be particularly necessary in view of the reports of police violence against

children. Lastly, there had been an alarming increase in the number of refugee children who became street children.

23. **Ms. Lee** asked whether there had been any discussion on abolishing the cultural discrimination between boys and girls in relation to inheritance.

24. **Mr. Liwski** welcomed the initiatives designed to encourage the participation of children, including the celebration of International Children's Day and the 2000 resolution inspired by the Convention, but he asked whether the dialogue with children and adolescents had continued and had led to further meetings and discussions. He also wished to know what action had been taken in response to the Committee's recommendation concerning Note 2 of article 49 of the Islamic Criminal Code, which authorized corporal punishment of young offenders.

25. **Ms. Ouedraogo** was concerned at the major disparities in the registration of births: people in rural areas were still unaware of the practice; the children of refugees had not been registered in 2003; and unmarried couples had difficulty in getting their children registered. The discrimination on grounds of nationality against children of an Iranian mother and a foreign father was also a cause for concern. Lastly, the delegation might indicate whether there had been any improvement in the situation of children who had no access to basic social services because they belonged to a religious community that was not recognized.

26. **Ms. Aluoch** asked for details of the selection criteria ("gozinesh") restricting certain minorities' access to work.

27. **The Chairperson** asked whether Iran planned to adopt a national plan of action, as recommended in the document "A World Fit for Children". The delegation might also provide further information about the National Management and Planning Organization and indicate, in particular, whether it was involved in coordinating activities connected with the implementation of the Convention.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

28. **Mr. Akhoondzadeh** (Islamic Republic of Iran) said that Iran had faced a number of challenges since its initial report was considered, including a massive influx of refugees as a result of the conflicts in Iraq and Afghanistan, with all the problems that could cause in border areas, but that the period covered by the second periodic report had nevertheless been marked by progress in several areas, including the development of a spirit of transparency, as demonstrated by the dialogue with the Committee.

29. **Mr. Jamshidi** (Islamic Republic of Iran) said that Iran had been engaged for some years in reforming its judicial system within the framework of the "Judicial Development Programme", the aspect of the reform of most interest to the Committee being the preparation of a draft law on young offenders which provided for the establishment of juvenile courts. That comprehensive and coherent measure comprising 54 articles, drafted two years ago by the judicial authorities in close cooperation with UNICEF, had just been approved by the Council of Ministers and all that now remained was for it to be adopted by Parliament, which should happen shortly. Under the bill, juvenile courts would consist of a judge and two associate judges, including one woman. The judges in question would have to be married, to have children, to have at least five years' professional experience and to be specially trained.

30. In the judicial system, more emphasis was now placed on the treatment of criminals and offenders, and it was in that spirit that the new bill on young offenders provided that there should be an opportunity for conciliation between the perpetrators of the crime or offence and the victims at every stage in the proceedings, including the stages during and after hearings. Likewise at any point in the proceedings, the judge would have the option of

suspending or stopping the prosecution if needed to create the conditions for a proper defence.

31. Under the same bill, minors in conflict with the law were treated in accordance with their age, girls and boys alike. Three age groups had been defined for that purpose: 9 to 12 year-olds, 12 to 15 year-olds and 15 to 18 year-olds. Minors between 9 and 12 years of age could not be given a sentence in the strict sense of the term and they were generally required to appear again before the court with their parents, who had to undertake to see that they behaved themselves in future, and to attend interviews with psychologists and social workers. They could also, if necessary, be sent to a cultural institution or training establishment, or to a detoxification unit in the case of drug addicts. Thus, the authorities' main concern was to deal with those children's problems and prevent them getting into trouble or falling in with the wrong people. In cases where it was impossible to rely on the parents, it might be necessary to call on a foster family.

32. The same measures applied in the case of 12 to 15 year-olds, with two additional requirements: the minors in question had to undertake not to commit any further offences in future and they might also be required to attend a correction centre for a maximum period of three months to a year, in accordance with an individual assessment of their responsibility.

33. Those over 15 years of age were more responsible for their actions and could therefore be ordered to pay a fine or placed in a rehabilitation centre where they might be subject to a wide range of corrective activities and educational programmes, generally lasting no more than a year. For acts that normally carried a sentence of life imprisonment or the death penalty, a minor could be placed in a rehabilitation centre for up to eight years.

34. The death penalty would no longer apply to minors, and corporal punishment, including flogging and solitary confinement, would be prohibited in the case of minors. Court hearings of minors would not be public and it would be prohibited to disclose the identity of the minors concerned. Special police forces had been formed to deal with cases involving minors, and the officers concerned were already beginning to receive special training.

35. A number of projects were currently being prepared with the assistance of various organizations, including the Ministry of Social Affairs and UNICEF, focusing particularly on children who were vulnerable or "at risk", that is to say children who had not yet committed an offence but whose parents or guardians did not look after them, for example, and also measures other than deprivation of liberty — which were currently being developed and from which minors would be the first to benefit.

36. That development also placed the emphasis on prevention and was accompanied by training programmes for judges, warders in correction centres and members of the police service. In that connection, 15 training courses lasting several days, designed with the help of UNICEF, had already been organized for police officers. The training courses organized for judges had had direct positive repercussions in terms of the extent to which the provisions of the Convention were taken into account in judgments. Indeed, the Convention had been an integral part of domestic Iranian law since its ratification and was legally binding, so that there was no need to wait for further legislation to be passed before implementing it on Iranian territory, and its provisions had already been invoked.

37. Further procedures had also been introduced on the basis of circulars. Thus, a circular on child protection published at national level had led to the establishment of local legal aid offices designed to help minors in conflict with the law. It was the same offices, established two years ago, that were tasked with a country-wide evaluation of the situation of the rights of the child in the judicial field.

38. **Mr. Yaqoobi** (Islamic Republic of Iran) said that there were more than 10 million Iranians attending school. The education system comprised three levels — primary, secondary and higher — the first level being compulsory for all Iranians, including those in remote areas. Families were sometimes reluctant to send their children to school and in that case everything possible was done to persuade them to do so, firmly stressing the quality of the teaching that was provided.

39. Various educational projects were currently being conducted with UNICEF, UNESCO, the United Nations High Commissioner for Refugees, the United Nations Population Fund and other international organizations with which Iran maintained good relations for cooperation purposes. One of the projects conducted under the aegis of UNICEF and launched three years ago was designed to expand education for girls and contribute to a better knowledge of their rights. Meetings of experts organized at the Ministry of Education had resulted in the preparation of a comprehensive national plan containing instructions to the other ministries and a plan for the least favoured regions, focusing particularly on girls. The rights of girls were an area in which major advances could already be seen. The various plans and projects had been presented by Iran at an international meeting in Istanbul attended by Ministers of Education and representatives of UNESCO, and they might well be taken into account by Iraq and Afghanistan. They were the subject of a controlled evaluation by international bodies, in which the University of Toronto and Johns Hopkins University were also involved. In addition to those initiatives, there were also national and regional workshops attended by minors and educators.

40. UNICEF and the Ministry of Education had published a book setting out the principles enshrined in the Convention, written in simple language easily accessible to children and distributed in several of the country's provinces. It was also planned to translate the Convention into Farsi.

41. The Ministry of Education had also produced a code of conduct for heads of schools, which prohibited the use of corporal punishment as a form of discipline and provided for sanctions against teachers who failed to respect the ban.

42. **Mr. Filali** asked whether the members of Parliament who were currently considering the bill on justice for minors had received any training in the principles enshrined in the Convention. It would be interesting to know whether a minor condemned to death for the murder of another minor could be executed at the request of the victim's parents under retributive justice ("talion" or *qisâs*) and whether the bill on justice for minors proposed replacing capital punishment with a life sentence.

43. It would also be useful to have fuller information about the principle of blood money (*diya*), which appeared to discriminate against girls; about the mass arrests of refugee children released on condition that their parents agreed to return to their country of origin; and about the practice, common among child traffickers, of marrying a minor in order to get her out of the country legally and then divorcing her before handing her over to a prostitution network in a third country.

44. Lastly, it would be interesting to know what measures the State had taken to provide children with protection in the event of a natural disaster, particularly during the first 72 hours.

45. **Mr. Al-Sheddi** asked whether the Government of Iran planned to extend the network of pre-primary schools throughout the country in view of the glaring disparities between the regions in that connection; whether the State party paid due attention to the purposes of education listed in article 29 of the Convention; and whether it ensured that education in human rights in general, and the rights of the child in particular, was included in the school curriculum, including the primary school curriculum.

46. **Ms. Lee** asked what accounted for the reported increase in the number of children separated from their parents between 2001 and 2003, and how many children with a disability were attending ordinary schools in the current academic year.

47. She would appreciate it if the delegation could let the Committee have a copy of the book published by the Ministry of Education to promote knowledge of the Convention, and indicate whether it had been distributed to primary school pupils.

48. Lastly, the Committee would appreciate knowing whether the State party planned to address the problem of refugee children, who obviously had no access to education, and the problem of children living in prison while their mothers were being detained there.

49. **Ms. Al-Thani** regretted that the report did not enable readers to form a clearer idea of the situation of children with a disability in the State party, and asked whether there was a government body responsible for centralizing all measures taken in that regard. She wished to know whether Iran had adopted any legislation to protect the disabled against all forms of discrimination and enable them to participate in all aspects of public life with the aid of arrangements to facilitate access to public buildings and public transport.

50. Had the State party introduced any plans for children suffering from retarded growth or a wasting disease, or programmes to inform young people about HIV/AIDS and sexually transmitted diseases, and about the harmful effects of tobacco, alcohol and drugs?

51. **Mr. Krappmann** wished to know whether the State party intended to allocate more human and financial resources to preschool education and why it had waited so many years to adopt the law extending compulsory education beyond the end of primary school attendance. He wondered, in that regard, whether the net rate of school attendance reported by UNESCO (74 per cent) might not be closer to reality than the figure given by the State party (97 per cent), which clearly included only children enrolled in the first year and did not count those who abandoned their studies before the compulsory school leaving age.

52. He also wished to have a general idea of the policy the State party was pursuing with regard to refugee children and street children, among whom the rate of school attendance was very low, and asked why a certain number of young Baha'i had recently been refused access to higher education.

53. Lastly, the Committee wished to know whether the State party planned to increase the budget allocated to primary and secondary education and what teaching methods were employed in Iran in the age of the information society, which attached priority to interactive learning methods.

54. **Ms. Vuckovic-Sahovic** considered that the number of unaccompanied refugee children was a matter of some concern and asked why repatriation procedures were so lengthy in cases where the child's father was not an Iranian national.

55. She asked what measures the State party had taken to combat the trade in Afghan children brought into Iranian territory illegally with a view to making them work on the streets, and to what extent it was possible in Iran to prosecute those who engaged in that trade.

56. **Ms. Ouedraogo** asked whether the code of conduct for head teachers was respected in schools in rural areas, whether any provision had been made to ensure that it was correctly implemented and whether it had been stressed that there were non-violent forms of discipline.

57. As mothers were stripped of their parental authority in the event of divorce, it was reasonable to wonder whether the State party might not consider reviewing the relevant legislation with a view to bringing it into line with the Convention, which recommended shared custody of the child in such cases.

58. Lastly, the Committee would appreciate having further information on the reasons why children were placed in institutions and on the typical profile of the children in question.

59. **Mr. Liwski** wished to know whether the State party planned to extend health service cover in rural areas — where only 87 per cent of children and adolescents had access to medical services, compared with 100 per cent of children living in towns — and, if so, whether the competent authorities were aware of the need to take the specific features of the various communities and traditional lifestyles into account when defining health programmes.

60. He asked for information on the results of the study, which was to have been undertaken in every province in 2001, to determine the epidemiological profile of the social and psychological difficulties encountered by young people.

61. **Ms. Sardenberg** asked about the relationship between the project on the organization and content of preschool education, which envisaged including the most recent scientific and specialized innovations in the school curriculum, and the rights of the child, and why it was left for the Parent-Teacher Association in the Islamic Republic of Iran to conduct various educational and cultural programmes in order to guide and advise parents all over the country.

62. **Ms. Ortiz** wished to know what repercussions temporary marriage had for the children born of such marriages and what the State party's policy was on adoption. To be more precise, how many children were adopted each year and what rights did they have as compared with the biological children of their adoptive parents, particularly in terms of inheritance? It would also be interesting to know whether Iran authorized intercountry adoption and whether the State party planned to take measures to protect Afghan and Iraqi children who were separated from their parents and returned to their country of origin, and to amend the legislation with a view to introducing the possibility of issuing longer residence permits to children of an Iranian mother and a foreign father if they could not be granted Iranian nationality.

The meeting rose at 1.10 p.m.