

**A Synthesis Report of NGO Submissions to the  
UN Committee on the Rights of the Child for  
Consideration of the Third Periodic Report of  
The Islamic Republic of Iran During the 71<sup>st</sup>  
Pre-Sessional Working Group**

**February 2015**

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## INTRODUCTION

This synthesis report is submitted to the UN Committee on the Rights of the Child (the Committee) ahead of its consideration of the third periodic report of the Islamic Republic of Iran (hereafter Iran) on its implementation of the UN Convention on the Rights of the Child (CRC).

The report is a summary of the individual submissions of 11 NGOs to the 71st Pre-Sessional Working Group. The NGOs reflect the diverse geographic, ethnic and cultural differences that exist in Iran, and specialize in a wide range of human rights issues. The 12 NGOs are:

- Amnesty International (AI)
- Association for Crisis Assistance and Solidarity Development Cooperation (WADI)
- Association for the human rights of the Azerbaijani people in Iran (AHRAZ)
- Bahá'í International Community (BIC)
- Front Line Defenders (FLD)
- Insight Iran
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- Society Protecting the Rights of Street and Working Children (Kashaneh)
- The Advocates for Human Rights (Advocates) and Iran Human Rights (Advocates & IHR)
- Unrepresented Nations and Peoples Organization (UNPO)

The full submissions of the 11 NGOs are attached as Appendices to this report.

## 1. GENERAL MEASURES OF IMPLEMENTATION (ARTS. 4, 42, 44(6))

1. Amnesty International (AI) notes that Iran ratified the CRC on 13 July 1994 but expressed a general reservation in respect to its implementation.<sup>1</sup> The reservation states: “The Islamic Republic of Iran is making reservation to the articles and provisions which may be contrary to Islamic Laws, and preserves the right to make such particular declaration, upon its ratification.”
2. AI expresses its shared concern with the Committee that the “broad and imprecise nature of the State party’s general reservation potentially negates many of the Convention’s provisions and raises concern as to its compatibility with the object and purpose of the Convention.”<sup>2</sup> Similarly, Justice for Iran (JFI) states that the general and vague reservation allows Iran to disregard any of the provisions in the CRC, and favours domestic laws over international commitments.<sup>3</sup>
3. Insight Iran states that Iran’s reservation to the CRC narrows the scope of the Convention impermissibly and makes Islamic Shari’a law supreme. Insight Iran adds that by seeking to limit its obligations only as far as they are consistent with Shari’a law, Iran has demonstrated an unwillingness to ensure respect for the rights and protection of children.<sup>4</sup>
4. AI notes that Iran has not, since its previous periodic review, expressed any intention to amend its general reservation, despite the specific recommendations of the Committee for it to do so.<sup>5</sup>
5. AI notes that Iran did not lodge any reservation when it ratified the International Covenant on Civil and Political Rights (ICCPR) in 1975 and successive governments have not altered that position. AI believes that Iran’s contradictory commitments under the ICCPR and CRC, including in relation to the age of majority and full



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criminal responsibility, are not tenable and should be promptly rectified in favour of full implementation, without reservations, of the CRC.<sup>6</sup>

6. JFI notes that Iran conditions all laws and commitments of the State to “Islamic criteria”, including the rights of the child as a legal subject, and that this imparts a negative impact on recognition of the independent legal status of the child with regards to the legal ages of majority and marriage.<sup>7</sup>
7. JFI notes that although Iran established a national body to monitor the protection and promotion of the CRC, its “independent” nature remains ambiguous at best.<sup>8</sup>
8. The Bahá’í International Community (BIC) and the Unrepresented Nations and Peoples Organization (UNPO) note that because Iran’s Constitution only acknowledges Zoroastrian, Jewish and Christian Iranians, Bahá’ís – who constitute the largest non-Muslim religious minority in Iran – and other faith groups are essentially stripped of constitutional guarantees of freedom of expression, association and assembly, and the freedom to practice their religion.<sup>9</sup>
9. UNPO notes the reported lack of statistics or censuses by Iran on its ethnic, linguistic or religious groups, which makes it difficult to research and analyse implementation of the rights of children from minority communities.<sup>10</sup> While recognizing that figures are disputed, UNPO further notes independent figures which estimate that all non-Persian ethnic groups combined comprise around half of the entire Iranian population, if not more.<sup>11</sup>
10. UNPO reports that Iran has refused access to UN Special Rapporteurs and independent experts, which means the State is not only mostly failing to implement the recommendations made under the periodic review and other UN human rights processes, but also prevents the collection of adequate data on the situation of human rights in the country.<sup>12</sup> UNPO states that without this access and the needed cooperation of Iran, the overall human rights situation and especially that of particularly vulnerable groups, such as children belonging to ethnic minority communities, has little chance of improving significantly.<sup>13</sup>
11. Insight Iran notes that the criminal justice system in Iran, despite some developments, is far from international standards and, when it comes to children, fails to comply with Iran’s international obligations.<sup>14</sup>
12. Front Line Defenders (FLD) notes that key concerns regarding defenders of children’s rights in Iran include the restrictive legal framework regulating the activities of NGOs and civil society, and judicial harassment of defenders.<sup>15</sup> FLD states that legal restrictions on civil society organizations working on children’s and other rights include the Executive Regulations Concerning the Formation and Activities of Non-Governmental Organizations, which have been used to ensure control of the activities of NGOs, including by denying registration.<sup>16</sup>
13. UNPO notes that in relation to children belonging to ethnic groups, Iran has been reluctant to fulfil its obligation to undertake all appropriate legislative, administrative and other measures to implement economic, social and cultural rights, to the maximum extent of its available resources and, where needed, within the framework of international cooperation.<sup>17</sup> UNPO notes, as an example, reports of poverty among Ahwazi Arabs in Khuzestan and a much higher number of malnourished children there than in the rest of the country, even though Khuzestan accounts for around 90% of Iran’s oil production.<sup>18</sup>

## 2. DEFINITION OF THE CHILD (ART. 1)

14. AI, Insight Iran, UNPO and Advocates & IHR note that while the CRC considers a child to be any person under 18 years, Iranian law treats children convicted of capital offences in the same way as adults at significantly lower ages and discriminates in this regard on gender grounds. Under Article 147 of Iran's new Penal Code, which came into effect in May 2013, girls become criminally liable for capital offences on the same basis as adults when they reach nine lunar years (8.7 solar years); boys incur the same liability when they reach 15 lunar years (14.6 solar years).<sup>19</sup>
15. AI and Advocates & IHR note that the new Penal Code introduces a range of measures that provide for the removal of individuals who commit *ta'zir* crimes<sup>1</sup> below the age of 18 from the criminal justice system to the care of social services or correctional centres for children. Both organizations, however, note that the new Penal Code fails to clarify adequately whether this exclusion of children held to have committed *ta'zir* crimes includes persons under 18 who are convicted of drugs-related crimes – offences that are punishable by death under Iran's Anti-Narcotics Law<sup>2</sup> and are generally considered to fall in the category of *ta'zir*.<sup>20</sup>
16. JFI notes that Iran's Civil Code sets the legal age of marriage at 13 for girls and 15 for boys, which violates the requirement of intending spouses to grant free and full consent to marriage.<sup>21</sup> JFI states that the same law allows girls below the age of 13 and boys below the age of 15 to be wed with the consent of their father and the permission of a court judge. JFI also reports that the Iranian parliament's legal affairs committee is pushing to lower the legal age of marriage for girls to 9 years of age.<sup>22</sup>
17. JFI notes official statistics by Iran's National Registry which show that the rate of marriages involving girls below the age of 15 continues to rise. In 1392 (March 2013-March 2014), 5.35% of marriages involving girls below the age of 15 (about 41,500 marriages) and 30.33% involving girls aged between 15 and 19 (235,000 marriages) were registered across Iran.<sup>23</sup> In 1392, early marriage for girls aged between 10 and 14 reached its highest figure in five years – involving more than 41,000 girls in 5.32% of marriages. In the same year, 201 girls were forced to marry under the age of 10, an increase from the previous year.

## 3. GENERAL PRINCIPLES

### Non-discrimination (art. 2)

18. JFI states that gender discrimination in family law drastically affects the lives of thousands of children in Iran who are living as married girls.<sup>24</sup> JFI notes that Iranian law governing the rights and responsibilities of women during marriage states that “the position of the head of the family belongs exclusively to the husband.” JFI concludes that this discriminatory arrangement leads to a range of restrictive and exclusionary laws that impair or nullify the recognition, enjoyment and exercise by girls and women of their human rights and fundamental freedoms.<sup>25</sup>

<sup>1</sup> The term *ta'zir* refers to crimes that are not defined in the Penal Code but are defined by the Islamic law. The term *ta'zir* is derived from the Arabic word *ta'zir* which means to discipline or punish. The term *ta'zir* is used in the Islamic law to refer to crimes that are not defined in the Penal Code but are defined by the Islamic law. The term *ta'zir* is used in the Islamic law to refer to crimes that are not defined in the Penal Code but are defined by the Islamic law.

<sup>2</sup> The Anti-Narcotics Law is a law that was passed in 2003. It is a law that is used to punish people who are involved in the production, distribution, or consumption of narcotics. The law is used to punish people who are involved in the production, distribution, or consumption of narcotics. The law is used to punish people who are involved in the production, distribution, or consumption of narcotics.

19. JFI notes that discriminatory laws facing married girls (and women) include those that oblige a wife to fulfil the sexual needs of her husband at all times; allow a man to nullify the right of his wife to leave the country; allow a husband to prevent his wife from working in certain professions or trades; deny women the right to pass on their nationality to their children; and give wives unequal share of inheritance.<sup>26</sup>
20. JFI notes that Iranian laws deny married girls below the age of 18 the right to file a complaint on family issues that may affect the parties financially, such as divorce, child custody, maintenance and other matters, and that may reflect the violation of their rights within their marriage and family unit.<sup>27</sup>
21. JFI notes that girls (and women) do not enjoy equal right to divorce; a man is entitled to divorce his wife whenever he wishes provided that he fulfils certain conditions such as paying his wife's alimony, whereas a woman must prove that she is enduring an intolerable level of difficulty and hardship in the marriage.<sup>28</sup>
22. JFI notes that the law discriminates between men and women by allowing men the exclusive right to be married to two permanent wives and to have an unlimited number of temporary wives.<sup>29</sup>
23. JFI notes the compulsory laws of *hijab* involve schoolgirls as young as 7 even though Islamic Shari'a law sets the legal age for *hijab* and other provisions at 9 lunar years.<sup>30</sup> JFI states that the enforced *hijab* laws potentially expose girls to gender discrimination, physical and psychological abuse and torture sanctioned by the State.<sup>31</sup>
24. JFI concludes that Iran is not just failing to undertake legal reforms and practices to promote non-discrimination and gender equality, but is doing everything within its power to perpetuate, endorse and entrench traditional, harmful practices involving discrimination, coercion and violence against women.<sup>32</sup>
25. Insight Iran notes that the Penal Code specifies that a woman's *diya* (blood money) is not equal to that of a man, and that the same rules apply to children.<sup>33</sup> Insight Iran also notes that the same blood money rules discriminate against non-Muslim children who belong to religious minorities that are not recognized in the Constitution, such as Bahá'ís.<sup>34</sup>
26. The Iranian Lesbian and Transgender Network (6Rang) states that adolescents who are lesbian, gay, bisexual or transgender (LGBT) face widespread discrimination because of their real or perceived sexual orientation and gender identity.<sup>35</sup> It notes that the discrimination stems, first and foremost, from the Penal Code, which criminalizes same-sex sexual conduct by anyone over the minimum age of criminal responsibility with penalties ranging from flogging to the death penalty.
27. 6Rang notes that discrimination also stems from mandatory dress codes that are used by police, paramilitary *basij* forces, school administrators and other public officials to harass, abuse and detain individuals. This provision has a particularly severe impact on female adolescents (and adults) who do not conform to stereotypical models of femininity, and wish, for example, to wear clothing stereotypically associated with men. The same legal provisions impose flogging for those who engage in conduct that is "religiously forbidden" (*haram*) or otherwise "offends public morals", which is understood to include "cross-dressing".<sup>36</sup>
28. 6Rang states that in recent years, discrimination against LGBT adolescents has also manifested itself in State policies and practices that require transgender individuals to undergo sex reassignment procedures, including sterilization, to enjoy the right to gender recognition and thereby obtain identity documents matching their appearance, documents that are required to access social services.<sup>37</sup>

29. FLD notes that Iran's ethnic and religious minorities have long suffered discrimination in the enjoyment of their civil and human rights, and that human rights defenders working on child rights issues within these communities are particularly vulnerable to abuses of their rights.<sup>38</sup> FLD reports that in a number of cases, the judicial harassment of human rights defenders working on child rights appears to be linked to their perceived or actual religious affiliation.<sup>39</sup>
30. UNPO notes that although the ethnic and linguistic groups of Azeri Turks, Baloch, Ahwazi Arab and Kurdish children differ greatly, they all face similar economic, cultural and political discrimination, with children being in a particularly vulnerable situation.<sup>40</sup> Similarly, the Association for the human rights of the Azerbaijani people in Iran (AHRAZ) notes that children belonging to ethnic minority groups in Iran are discriminated against in terms of access to various welfare services and are deprived of basic rights.<sup>41</sup>
31. UNPO notes that religious discrimination is institutionalized in Iran, as exemplified by the use of procedures such as *gozinesh*, a selection procedure for prospective State employees that requires them to demonstrate allegiance to the State religion (Shi'a Islam).<sup>42</sup> UNPO states that children belonging to religious minorities simply disregard certain career choices due to the discrimination they know they will encounter.
32. UNPO notes that State forces commonly discriminate against ethnic minority children due to their parents' activities and opinions.<sup>43</sup>
33. BIC states that Bahá'ís continue to face persecution, intimidation and discrimination solely on account of their religious beliefs.<sup>44</sup> BIC adds that State policy towards the Bahá'ís is summarized in an Iranian government memorandum obtained by the then Special Representative on Iran in 1993, which calls for the progress and development of Bahá'ís to be blocked, for Bahá'ís to be kept illiterate and uneducated, and for Bahá'ís to live only at a subsistence level.<sup>45</sup> BIC notes that the memorandum also calls for Bahá'ís to be expelled from universities and for employment to be refused to persons identifying themselves as Bahá'ís.
34. BIC notes that Bahá'ís are banned from working in the public sector and face harassment, intimidation and denial of permits in the private sector, resulting in economic hardship for families, many of which include children.<sup>46</sup>
35. BIC notes the government's extensive use of the mass media and other means to denigrate and vilify the Bahá'í community, which has a traumatizing effect on the children and instils fear, hate and prejudice towards them among their peers.<sup>47</sup>

### **Best interests of the child (art. 3)**

36. 6Rang deplors that Iran systematically disregards the best interests of LGBT children in favour of maintaining a highly gendered society.<sup>48</sup> It also raises concern about policies and practices in Iran that increasingly promote harmful "reparative therapies", such as electroshock therapy, which seek to "correct" children's sexual orientation and gender identity.
37. UNPO notes that the environment of fear linked to the suppression of a community's cultural, linguistic and political life, and high levels of poverty among certain ethnic minority, impedes the psychological, physical, moral and social development of children.<sup>49</sup>

### **Right to life, survival and development (art. 6)**

38. AI, Insight Iran, UNPO, the Advocates for Human Rights and Iran Human Rights (Advocates & IHR) note that more than two decades after its ratification of the CRC, Iran still applies the death penalty against, and executes, persons convicted of crimes committed before they reached the age of 18.<sup>50</sup> AI regrets that that Iran's state report

to the Committee makes no reference to the execution of child offenders, rather confining its reference to the right to life of the child to issues such as “the child’s right to life [at] the prenatal stage” and “insurance against incidents and congenital disabilities”.<sup>51</sup>

39. Insight Iran notes that provisions in the Penal Code that specify lenient sentences for fathers and any male paternal ascendant (e.g. father’s father) who kill their child or grandchild, usually in “honour killings” or domestic disputes, send a signal that men can get away with such crimes.<sup>52</sup>
40. 6Rang notes the impunity for domestic violence against children that arises from these laws, and expresses concern that the lack of appropriate and proportionate penalties may exacerbate the risk of violence against and threats to the lives of LGBT children.<sup>53</sup>
41. UNPO notes reported arbitrary killings by Iranian police and security officials of children belonging to the Ahwazi Arab, Azeri Turkish, Baloch and Kurdish communities.<sup>54</sup>
42. UNPO notes that in Iranian Kurdistan, a severe lack of adequate housing means that many Kurdish children grow up in unsafe homes.<sup>55</sup>

## **4. CIVIL RIGHTS AND FREEDOMS**

### **Birth registration and name (art. 7)**

43. UNPO notes a report that Kurdish parents are forbidden from officially registering specific names linked to their culture for their children.<sup>56</sup>

### **Preservation of identity (art. 8)**

44. UNPO notes that because Iran does not encourage or assist minorities to preserve their culture and traditions, and in fact discourages the use of languages other than Persian and the expression of non-Persian culture, children of non-Persian background risk being deprived of their identity.<sup>57</sup>
45. 6Rang notes that Iran does not respect the right of the child to preserve his or her identity by failing to recognize diverse sexual orientations and gender identities.<sup>58</sup> It notes that LGBT adolescents (and adults) must either seek to “cure” themselves of same-sex desires and transgender expressions in order to obtain equal recognition before the law, or live a marginalized life marked by homophobic hate crimes, police abuse, family and community violence and widespread discrimination in access to services.<sup>59</sup>

### **Right to freedom of expression and to seek, receive and impart information (art. 13)**

46. 6Rang states that laws and policies censoring discussions about homosexuality have impaired and denied public access to credible medical information.<sup>60</sup> It adds that this has contributed to the stigmatization of LGBT adolescents (and adults) and set the stage for medical abuse in the form of attempts to “cure” those who engage in same-sex activity or exhibit transgender expressions.
47. BIC notes that Bahá’í children in Iran have long been denied freedom of expression, and that attempts by Bahá’í pupils to express their opinion in school have resulted in the expulsion of several children.<sup>61</sup>

48. FLD notes that the right to freedom of expression for human rights defenders in Iran continues to be violated.<sup>62</sup> It also reports that human rights defenders working on child rights have been judicially harassed apparently because their public advocacy on child rights has been considered as criticism of the State. FLD states that, in some cases, defenders have faced charges related to national security or “propaganda against the state”.<sup>63</sup>

### **Freedom of thought, conscience and religion (art. 14)**

49. JFI notes that the enforced *hijab* laws apply regardless of the religious affiliation of girls and women, violating the principle of freedom of religion. It adds that the policy also constitutes zero tolerance towards any transgender or female-to-male person who may wish to express “masculinity”.<sup>64</sup>
50. UNPO notes that in Iran the majority of Kurdish and Baloch peoples, as well as a minority of Ahwazi Arabs and Azeri Turks, are Sunni Muslims and therefore children from these communities face discrimination due to their religion and limitations in the possibility of professing it.<sup>65</sup> UNPO adds that similar religious discrimination faces Iranian Kurds who adhere to various indigenous and minority religions, including Yarsan, Yazidism, Christianity and Judaism.<sup>66</sup>
51. BIC notes that Iran considers belief in the Bahá’í faith as heresy and therefore any involvement in the faith is considered as “engaging in conspiracy or activity against Islam”.<sup>67</sup> It further notes that official documents state that Bahá’ís are “infidels” or even “apostates”.<sup>68</sup>

### **Freedom of association and of peaceful assembly (art. 15)**

52. UNPO states that Iran’s restrictions on the rights to practice a religion, especially holding and participating in religious ceremonies, can be seen as a violation of the right to freedom of association and peaceful assembly.<sup>69</sup>
53. BIC states that Bahá’í children are denied freedom of association and peaceful assembly.<sup>70</sup> It notes that Bahá’í children do not have the right to practice and profess their religion in community with others,<sup>71</sup> and that the authorities have harassed families worshipping in small groups in homes.<sup>72</sup>
54. FLD states that the Constitution and other Iranian laws restrict freedom of association and the activities of NGOs working to defend children’s rights.<sup>73</sup> FLD reports that Iran has refused to register some child rights NGOs and that some have been shut down on the grounds that they were operating without registration.<sup>74</sup>

### **Access to information from a diversity of sources and protection from material harmful to his or her well-being (art. 17)**

55. 6Rang notes with concern that LGBT adolescents in Iran are deprived of access to accurate information on sexual orientation and gender diversity because of censorship as well as dissemination by the State of materials that reinforce demeaning stereotypes and prejudice.<sup>75</sup> It states that Iran’s Cyber Crime Act criminalizes anyone who uses digital communications to incite the public to “participate in... acts of sexual perversion”, and that similar restrictions are applied to the print media.
56. UNPO notes that Kurdish children are denied the right fully to enjoy a diversity of media sources, including more critical sources in their mother tongue, due to the alleged ban on newspapers, books and journals in the Kurdish language and the persecution of Kurdish writers, journalists and publishers who have criticized State policies.<sup>76</sup>

## **5. VIOLENCE AGAINST CHILDREN**

### **Abuse and neglect, including physical and psychological recovery and social reintegration (arts. 19 and 39)**

57. JFI states that discrimination in law and practice as well as the lack of governmental protection means that married girls in Iran are the potential subjects of domestic violence.<sup>77</sup> It states that the legal framework under which the wife has a “duty” of sexual submission and obedience towards her husband puts child brides at risk of sexual abuse, including marital rape.
58. 6Rang reports physical and mental violence within families against LGBT children, including beatings, flogging and various forms of psychological abuse such as enforced seclusion, neglect, insults and death threats.<sup>78</sup> 6Rang notes that for lesbians and female-to-male transgender people, the abuses are often accompanied by the threat or reality of forced and arranged marriages. LGBT individuals in Iran often have no recourse to justice or support for the abuse and violence they routinely suffer in their families. This impunity emboldens abusive family members to commit more homophobic and transphobic abuses.
59. 6Rang notes that gender segregation in the school system means that transgender adolescents whose appearance contradicts their identification documents are particularly at risk of abuse, including bullying.<sup>79</sup> It adds that school authorities are believed to rarely take effective action against such bullying, and that physical and mental violence at the hands of teachers and school administrators is reported.<sup>80</sup>
60. 6Rang also reports community violence, including rape, against LGBT adolescents arising from the general stigmatization and criminalization of people with diverse sexual orientations and gender identities.<sup>81</sup>
61. BIC notes the traumatization of Bahá’í children when their homes are raided by government agents.<sup>82</sup>

### **Right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including corporal punishment (arts. 37(a) and 28(2))**

62. Insight Iran notes that the new Penal Code did not introduce an absolute ban on inhuman and degrading punishments for children, such as flogging, stoning and amputation, although it does allow for certain exemptions for children at the discretion of the judge.<sup>83</sup>
63. UNPO notes that although the widespread torture reported in Iran affects children of all backgrounds, it disproportionately affects children belonging to minority groups, as minorities are arrested at much higher rates than ethnic Persians.<sup>84</sup> UNPO adds that the lack of reporting from the regions, where a majority of minority groups live, indicates that such abuses of children might be even more prevalent than available reports suggest.
64. AI states that the law relating to *qesas* in capital cases has resulted in situations that may amount to torture and other cruel, inhuman or degrading treatment or punishment. In many cases, families of murder victims have agreed to stay a condemned person’s execution and pardon them in return for “blood money” after months and years of pleading; thereby exposing the condemned prisoner, including child offenders, to extremely prolonged periods on death row, amounting to cruel and inhuman treatment.<sup>85</sup> The organization also notes that there have been an increasing



number of reports about families of murder victims who have decided to stay an execution and pardon the condemned prisoner at the very last minute when they have already put the noose around the prisoner's neck and prepared to kick the chair from under his or her feet. These last-minute stays of executions have an effect akin to that of a mock execution, which has been considered to amount to torture and other cruel, inhumane and degrading treatment.<sup>86</sup>

65. AI notes the negative impact of public executions on the mental health and well-being of children in Iran and recalls Iran's obligations under the CRC to protect children from all forms of physical or mental violence, and ensure that no child is subjected to cruel, inhuman or degrading treatment.<sup>87</sup>
66. JFI notes the State campaign to enforce *hijab* laws in schools and public spaces through means of discipline, violence and punishment, including arrest, detention, fines and up to 74 lashes.<sup>88</sup> It states that because of the low age of criminal responsibility, girls as young as 9 can be subjected to such punishment.<sup>89</sup>
67. Insight Iran notes that the Penal Code does not rule out corporal punishment as a method of correcting children; indeed, it allows it "if necessary".<sup>90</sup> The Penal Code stipulates that disciplinary acts committed by parents and legal guardians of minors are exempted from punishment, provided they are exercised "within the customary and religious limits for chastisement and protection." Insight Iran states that these limits are too vague.<sup>91</sup>
68. 6Rang highlights that capital and other severe punishment under the Penal Code for certain types of same-sex sexual activity, including for children who have reached the minimum age of criminal responsibility, has legitimized community violence and police brutality against LGBT adolescents (and adults).<sup>92</sup>
69. 6Rang highlights cases that indicated that LGBT adolescents were being subjected to electroshocks, hormones and strong psychoactive medications in order to "correct" transgender expressions and sexual arousal patterns.<sup>93</sup> These treatments generally took place in the context of social stigma and parental rejection, lack of access to resources that would aid self-awareness and self-acceptance, and inadequate disclosure of the risks and benefits associated with reparative therapies. 6Rang notes that these treatments may place Iran in breach of its obligation to protect LGBT adolescents from torture or other ill-treatment.
70. JFI reports that girls (and women) arrested and temporarily detained for violating *hijab* laws are held alongside people charged with drug offences and other crimes, and are subjected to abusive treatment in custody.<sup>94</sup> It cites a report published by Iran in 1389 (2010-2011) that indicated that 0.8% of those arrested for failure to comply with *hijab* laws were under the age of 15, and 46.9% were aged between 16 and 20. JFI also reports that the Social Deputy of the Minister of the Interior announced that 67% of citizens charged with "bad *hijab*" who were arrested in April and May 2010 were between the ages of 16 and 20<sup>95</sup>.

## **6. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **Children deprived of a family environment (art. 20)**

71. UNPO notes that many ethnic minority children are deprived of their family environment in circumstances where one or both of their parents are imprisoned or have been killed and their children cannot rely on the protection of the State.<sup>96</sup>

## **Adoption (art. 21)**

72. JFI notes with concern an amendment to the Bill on Protection of Children and Adolescents with No Guardian or Abusive Guardian, which legalizes marriage between an adoptive parent and the adopted child with a judge's permission. JFI concludes that this effectively removes a minimum age for marriage, exposing children to paedophilic and abusive relationships.<sup>97</sup>

## **7. DISABILITY, BASIC HEALTH AND WELFARE**

### **Health and health services (art. 24)**

73. UNPO notes that poverty in Iran plays an important role in the health of children. It cites, as an example, the country's poorest region of Sistan-Balochistan, which has the highest infant and child mortality rates.<sup>98</sup>
74. UNPO states that Iran has typically ignored the environmental and health consequences of industrial development that affect the residents of regions where there are large ethnic minority populations.<sup>99</sup>
75. 6Rang reports on the lack of knowledge of the specific needs of LGBT adolescents in youth care, sexual health care, medical care and psychological health care.<sup>100</sup> The lack of knowledge, it says, leads many mental health professionals to still believe that homosexuality is a form of mental illness, and gender variance is in and of itself a pathological condition. Accordingly, instead of supporting their clients in identity exploration, health professionals are understood to prescribe treatments that mainly revolve around converting homosexual orientation and aligning sex, gender and sexuality.<sup>101</sup> This generally reinforces homophobia and transphobia, leading to distress and poor mental health in LGBT individuals.
76. JFI notes that the absence of shelters for victims of domestic violence means that many married girls are forced to remain in marriage, even at the expense of violence and abuse which may lead to suicide or homicide.<sup>102</sup>
77. JFI reports that the practice of early marriage results in a high number of child mothers and has a negative impact on the reproductive health of girls.<sup>103</sup> It cites the latest official statistics of the National Registry, which indicate that in 2013 at least 84,273 women who became mothers in 2013 were below the age of 19, representing 7.82% of all births.<sup>104</sup>
78. JFI notes that new policies, including Bill 315 on Comprehensive Population and Family Excellence Plan, reinforce Iran's stance on population and family planning, which endorses infringements on the dignity and autonomy of women and girls, as well as their right to health, education and work. JFI states that Bill 315 also restricts access to contraceptives and criminalizes delivery of abortion-related medical services, measures that place greater restrictions on the freedom of choice for married girls in cases of forced, unhealthy or unwanted pregnancies.
79. BIC notes that Bahá'í children imprisoned along with their mothers have developed medical problems in prison.<sup>105</sup> BIC adds that many of the 100 Bahá'í prisoners currently serving prison sentences have children who suffer when one or both parents are imprisoned.

## **Measures to prohibit and eliminate all forms of harmful traditional practices, including, but not limited to, female genital mutilation and early and forced marriages (art. 24(3))**

80. The Association for Crisis Assistance and Solidarity Development Cooperation (WADI) notes that FGM is not specifically prohibited in Iran.<sup>106</sup> WADI notes studies that found that FGM is practiced in the provinces of Kurdistan, Western Azarbaijan, Kermanshah, Illam, Lorestan and Hormozghan, with prevalence rates among women and girls ranging from 40% to 85%.<sup>107</sup> WADI states that FGM is usually performed on girls aged under 10, without anaesthesia and in unhygienic conditions.<sup>108</sup> It says that sometimes the girls are forced to sit in a bucket of ice to stop the bleeding.
81. JFI notes that the low age of majority in Iran facilitates the harmful practice of early and forced marriages. It also notes Iran's failure to record all early marriages and that marginal and more traditional communities, where early marriage is more prevalent, often do not officially register marriages.<sup>109</sup>
82. JFI notes that State policies violate measures that help prohibit or eliminate all forms of harmful traditional practices.<sup>110</sup> Such policies include the legalization of marriage between parents and adopted children if a court approves.
83. JFI states that a *fatwa* by the founding father of the Islamic Republic, Ayatollah Khomeini, whose ideology continues to influence State policies, does not allow sexual intercourse with wives below the age of 9 lunar years, but that "other forms of sexual pleasure" including "rubbing penis between the buttocks and thighs... of even... a nursing baby" are permitted.<sup>111</sup>
84. UNPO notes that numerous child psychologists and legal experts have warned that the age of majority is of vital importance to the wellbeing of children, and that children who have to take on the responsibilities of adults very early in life often face irreversible and damaging consequences.<sup>112</sup>

## **8. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Right to education, including vocational training and guidance (art. 28)**

85. JFI notes that Iranian law controls both private and public aspects of the lives of girls (and women), and that the enjoyment of the right to education for married girls can be denied if the husband obtains a court ruling that his wife's education is "incompatible with the interests of the family or with his or his wife's dignity."<sup>113</sup> JFI adds that Iran's school policies refer to the exclusion of married girls in day schools on a full-time basis.<sup>114</sup>
86. JFI notes that Iran's *hijab* laws directly affect the rights of girls to education, and that harassment and abuse of girls due to these laws infringe on their right to education.<sup>115</sup>
87. UNPO reports that higher education is restricted because all students must pass a test on Islamic theology based on Shi'a Islam, which clearly disadvantages non-Shi'a students, including the majority of students from the Ahwazi and Kurdish communities.<sup>116</sup>
88. UNPO states that Iran has not taken sufficient measures to promote regular school attendance and to reduce drop-out rates.<sup>117</sup> It says that in Sistan-Balochistan, for instance, the lack of female teachers makes many parents uncomfortable with sending their daughters to school.<sup>118</sup>

89. 6Rang notes that homophobic discrimination is extremely common in schools in Iran. School authorities regularly discriminate against young people because of their sexual orientation or gender expression, sometimes leading to their being refused admission or being expelled. 6Rang states that LGBT children risk expulsion from school, especially if they do not comply with mandatory gendered dress codes or have gender expressions that defy social expectations of femininity or masculinity.<sup>119</sup>
90. UNPO notes that school textbooks seem to portray the Iranian identity as being linked to Shi'a Islam and Persian ethnicity, leaving little space for other religions and ethnic minorities. It states that such policies and the harassment of ethnic minority educators and activists mean that children belonging to ethnic minorities are not able to reach their full potential.<sup>120</sup>
91. BIC notes that the State has called for all Bahá'í children, including pre-schoolers, to be identified, with the result in some cases that children have been refused registration at schools or their advancement has been blocked, and some have been detained and interrogated.<sup>121</sup> BIC reports that Bahá'í children have been shunned and intimidated in schools because of their beliefs, and expelled when they honestly fill out mandatory declarations of religion on registration forms, or when they do not remain silent when teachers make false accusations about their religion in class.<sup>122</sup>
92. BIC also reports that Bahá'í youth have been denied access to higher education since the inception of the Islamic Republic and that the few who have been accepted have been expelled once it became apparent that they were Bahá'ís.<sup>123</sup> BIC notes that the State has persistently interfered with the work of the Bahá'í Institute for Higher Education (BIHE) – the only hope of Iranian Bahá'í children to pursue higher education in their own country. BIC also points out that the BIHE was established by the Bahá'í community of Iran to meet the educational needs of Bahá'ís who had been systematically denied higher education.

### **Rest, play, leisure, recreation and cultural and artistic activities (art. 31)**

93. JFI notes that the enjoyment of the right to leisure and cultural activities for married girls can be denied if her husband obtains a court ruling that this would be “incompatible with the interests of the family or with his or his wife’s dignity”.<sup>124</sup>
94. JFI notes that the *hijab* laws directly affect the rights of girls to leisure, sport and cultural activities.<sup>125</sup> It also notes that harassment and abuse of girls due to *hijab* laws have infringed on their rights in relation to leisure and cultural activities.<sup>126</sup>
95. 6Rang reports that many LGBT adolescents say they avoid recreational spaces because they are a hostile environment and that their school teachers and authorities exclude them from such spaces because they hold homophobic or transphobic attitudes.<sup>127</sup>

## **9. SPECIAL PROTECTION MEASURES**

### **Children belonging to minority groups (art. 30)**

96. UNPO reports that Azeri Turkish, Baloch, Ahwazi Arab and Kurdish children are often unable to receive education in their mother tongue and grow up in communities that have to face daily difficulties in expressing their languages and cultures.<sup>128</sup>
97. AHRAZ notes that Iran recognizes Persian as the sole official language, and that discrimination against native speakers of other languages has been institutionalized.<sup>129</sup> AHRAZ notes that even though the Constitution permits teaching

of other ethnic languages, central government continues with policies of assimilation of Turkish-speaking Azarbaijani children.<sup>130</sup>

98. AHRAZ and UNPO note that Azeri Turkish children who have been deprived of the right to receive education in their mother tongue inevitably experience high levels of illiteracy and academic failure together with feelings of low self-esteem, self-alienation and humiliation.<sup>131</sup>
99. AHRAZ notes that the State has responded with extreme violence and police brutality to various movements campaigning around identity and language issues within the Azarbaijani ethnic groups.<sup>132</sup> It states that every year Azarbaijani youth are arrested and charged with crimes such as “separatism” in connection with events such as International Mother Language Day, and face long prison terms.
100. BIC reports that an entire generation of Bahá’ís in Iran has been deprived of the right to elect and benefit from Bahá’í institutions, which it states are foundational features of Bahá’í community life.<sup>133</sup>
101. UNPO notes that Iran prohibits the dissemination of the Baloch culture and identity.<sup>134</sup>

### **Economic exploitation, including child labour, with specific reference to applicable minimum ages (art. 32)**

102. The Society for Protecting the Rights of Street and Working Children (Kashaneh) notes that Iran allows child labour: the minimum age that children can be employed under Iranian law is 15.<sup>135</sup>
103. Kashaneh states that a 2003 law that exempts workshops with fewer than 10 workers from some provisions of Iran’s Labour Laws has particularly serious consequences for child workers, including their ability to defend themselves against exploitation and human rights violations. The provisions exempted include the right to return to work after breaks for education; the prohibition on employers suddenly changing working conditions or annulling contracts; the system of classification and identification of hazardous labour for children; maximum working hours and the requirement that child labourers work fewer hours; and the requirement for an annual medical examination and a doctor’s opinion on the appropriateness of the work for children aged 15-18.<sup>136</sup>
104. Kashaneh notes Iran’s failure to adjust the law regarding hours and other aspects of employment for children who need to work, or to ensure that employers provide clear and protective contracts for child workers.<sup>137</sup>
105. Kashaneh notes that the 2012 Apprenticeship scheme allows employers and craftsmen to employ children aged 15-18 without being subject to Labour Laws and the Social Security Act, denying them vital protections.<sup>138</sup>
106. Kashaneh notes an official programme in one province that employs child newspaper sellers on street corners and appears to put children’s education, health and welfare at risk.<sup>139</sup>
107. Kashaneh cites reports on the employment by official bodies in Tehran of Afghan children aged 12-15 to collect and carry rubbish without appropriate protective clothing and for extremely low pay. It also cites reports that Tehran municipality authorizes and charges a fee for children as young as 9 to work as porters in the city’s bazaar.<sup>140</sup>
108. Kashaneh reports on child labour in Iran’s private sector in occupations such as weaving, sewing, farming, gardening, helping in foodstores, and labouring in brick kilns and industrial workshops.<sup>141</sup>

109. Kashaneh notes the failure of Iran to collect information on work-related accidents, including those involving children.<sup>142</sup>
110. UNPO notes that due to high levels of poverty in regions where they live, children belonging to minority communities face a greater risk of economic exploitation and child labour.<sup>143</sup>

### **Sentencing of children, in particular the prohibition of capital punishment (art. 37(a)) and the existence of alternative sanctions based on a restorative approach**

111. AI, Insight Iran, UNPO, the Advocates for Human Rights and Iran Human Rights (Advocates & IHR) deplore that Iran continues to execute child offenders – those who at the time of their alleged commission of an offence had not reached the age of 18 years.<sup>144</sup> Advocates & IHR note that Iran executes more juvenile offenders than any other country.<sup>145</sup> AI notes that it has received reports of at least 72 executions of child offenders in Iran since 2005 and refers to the Report of the UN Secretary General on the situation of human rights in Iran in August 2014 that states more than 160 juvenile offenders were on death row in Iran.<sup>146</sup>
112. Insight Iran notes that in an attempt to alleviate criticism, Iran has often postponed the execution of juvenile convicts until they reach the age of 18 and then claimed that it does not execute juveniles, thereby deliberately abusing international standards that take into account the age of the offender at the “time of commission”, not the “time of execution”.<sup>147</sup>
113. AI notes that under Iran’s Penal Code, children can be sentenced to death for a large number of offences, many of which do not even meet the threshold of “most serious crimes” under international law, which international human rights bodies have interpreted as being limited to crimes involving intentional killing.<sup>148</sup>
114. AI notes that *hodoud* offences<sup>3</sup> for which children can be sentenced to death include “adultery while married” (*zina*), conviction for the fourth time for fornication by an unmarried person, conviction for the fourth time for drinking alcohol, “anal sex between men” (*lavat*), conviction for the fourth time for “same-sex sexual conduct between men without penetration” (*tafkhez*), conviction for the fourth time for “same-sex sexual conduct between women” (*mosaheqeh*), and “insulting the Prophet, the 12 Shi’a Imams or Prophet’s daughter Fatemeh” (*sabbi nabi*).<sup>149</sup> AI notes that other *hodoud* crimes which can attract the death penalty include the vague and overly broad offences of “sowing corruption on earth” (*efsad-e fel-arz*) and “enmity against God” (*moharabeh*).<sup>150</sup>
115. 6Rang highlights that the Penal Code imposes the death penalty for certain types of same-sex sexual activity, including on individuals below the age of 18 years.<sup>151</sup>
116. AI, Advocates & IHR and Insight Iran welcome the legislative changes made in the new Penal Code that introduced alternative sanctions for children convicted of *ta’zir* crimes. They note, however, that it fails to clarify adequately whether this exclusion of children held to have committed “discretionary” (*ta’zir*) crimes includes persons under 18 who are convicted of drugs-related crimes – offences that are considered *ta’zir* crimes and are punishable by death under Iran’s Anti-Narcotics Law.<sup>152</sup> AI notes that at least two child offenders have been executed on drugs-trafficking charges since the adoption of the new Penal Code.<sup>153</sup>

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<sup>3</sup> See note 1 for the definition.

117. AI and Advocates & IHR also note Article 91 of the new Penal Code that gives judges discretion not to impose the death penalty for *hodoud* and *qesas* crimes when convicting defendants who were under 18 at the time of the crime if they determine that the child offender did not comprehend the nature of the crime or its consequences or that the defendant's mental growth and maturity is in doubt.<sup>154</sup> AI expresses concern about the wide discretion given to judges to determine the mental maturity of those they convict as child offenders and the fact that some judges appear to exercise this discretion without seeking expert opinion although they lack adequate knowledge and expertise on issues of child psychology.<sup>155</sup> Insight Iran stresses that Article 91 still does not comply with Iran's international obligations as it leaves the door open for executions of juvenile offenders.<sup>156</sup>
118. AI welcomes a 2014 "pilot judgment" by Iran's Supreme Court that rules all persons on death row for crimes committed when they were under 18 are entitled to submit applications for judicial review of their cases to the Supreme Court based on Article 91 of the new Penal Code.<sup>157</sup> It notes, however, that it is unclear whether child offenders convicted of security-related crimes will be permitted to seek judicial review.<sup>158</sup> AI also notes that families of child offenders on death row who have low literacy skills or limited resources may either not be informed of or be able to afford pursuing this new means of legal recourse.<sup>159</sup>
119. AI notes that it remains to be seen how fully the new legal development will be implemented in practice and whether it will prevent further executions of child offenders.<sup>160</sup> Insight Iran states that it is extremely unlikely that the courts will change their previous decisions in re-trial, as recent cases have already demonstrated.<sup>161</sup>
120. AI notes that the regular public executions, often held in the main squares of cities and sometimes involving several condemned people, are witnessed by children.<sup>162</sup> AI notes that some reports suggest that children have lost their lives as a result of being exposed to public executions.<sup>163</sup>
121. AI states that the legal arrangements relating to *qesas* have created opportunities for extortion and placed child offenders from poorer families who cannot raise the amount of *diya* (blood money) demanded at greater risk of execution.<sup>164</sup>

### **Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

122. UNPO notes Iran's failure to take all appropriate measures to remove landmines and other explosive remnants of the Iran-Iraq war, thereby failing to ensure that Kurdish children can grow up in a safe environment.<sup>165</sup>

### **Administration of juvenile justice (art. 40), the existence of specialized and separate courts and the applicable minimum age of criminal responsibility**

123. UNPO states that the low age of criminal responsibility in Iran disproportionately affects children belonging to ethnic minority groups, as people from these groups are arrested, imprisoned, tortured and executed at a much higher rate than ethnic Persians.<sup>166</sup> It adds that Iran does not adequately protect the rights of ethnic minority children who are accused of a crime, and that consequently arbitrary arrest, detention, imprisonment, torture, forced confessions and arbitrary killings all disproportionately affect ethnic minorities.<sup>167</sup>
124. Insight Iran notes that according to the Criminal Procedure Code, "children's courts" should be established in each judicial district, but that the jurisdiction of these courts is not absolute.<sup>168</sup> It also notes that when a crime falls under the jurisdiction of

Revolutionary Courts (e.g. for a drug-related offence) or a Provincial Criminal Court (e.g. for offences including murder and rape), the accused child will be tried by these courts.<sup>169</sup> Insight Iran states that these courts lack any special safeguards for children, and frequently impose the death penalty or cruel, inhuman or degrading punishments. Insight Iran notes that they are also notorious for unfair trials.<sup>170</sup>

## **KEY RECOMMENDATIONS TO IRAN**

### **General measures of implementation**

- 1) Withdraw the reservation to the CRC. (AI, JFI, Insight Iran, UNPO)
- 2) Pending the complete withdrawal of the reservation, refrain from invoking the reservation as legal authority to allow for the execution of child offenders. (AI)
- 3) Ratify the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, without reservation. (JFI)
- 4) Cooperate with the UN Special Rapporteur on Human Rights Defenders and other special procedures' mandate holders. (FLD)
- 5) Fully implement the adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels. (FLD)

### **Definition of the child**

- 6) Amend the Penal Code to increase the minimum age of criminal responsibility to 18 years. (Insight Iran)
- 7) Set a gender-neutral minimum age requirement for boys and girls and eliminate discrimination on the basis of sex in determining the minimum age of criminal responsibility. (Insight Iran)
- 8) Increase the minimum age of marriage to 18 for both men and women. (JFI)
- 9) Urgently revise the Civil Code and other relevant legislation to prohibit marriage of girls below the age of 18 under all conditions, even when consent is provided. (JFI)

### **General principles**

#### **Discrimination**

- 10) Repeal all provisions of the Civil Code which discriminate against women in matters relating to marriage, divorce, child custody and freedom of movement, ensuring that women have equal rights, in law and practice, during the marriage and at its dissolution. (JFI)
- 11) Amend articles 550 and 560 of the new Penal Code and guarantee equal compensation for boys and girls in all cases of death and bodily injury. (Insight Iran)
- 12) Repeal all laws that impose mandatory wearing of the *hijab*. (JFI, 6Rang)
- 13) Take effective measures, including enacting or rescinding legislation, to prevent and eliminate discrimination against children on the grounds of sexual orientation and gender identity. (6Rang)



- 14) Ensure that lesbian, gay, bisexual and transgender (LGBT) children are not subjected to “reparative therapies” or otherwise ill-treated on account of their sexual orientation or gender identity. (6Rang)
- 15) End discrimination against Bahá’í children. (BIC)
- 16) Ensure equal access to a fair and independent trial for everyone, including children and persons belonging to ethnic minorities. (UNPO)

#### **Best interests of the child**

- 17) Review all legislation and administrative measures to ensure that the principle of the best interests of the child is reflected and implemented in all actions concerning children. (6Rang)
- 18) Ensure that the best interests of LGBT children are not disregarded for the sake of maintaining a strict female-male binary. (6Rang)
- 19) Allow transgender adolescents to determine their gender identity and obtain matching identification documents, without the requirement to undergo gender reassignment surgery. (6Rang)

#### **Civil rights and freedoms**

- 20) Abolish the prohibition on having Turkish names for public venues and choosing Turkish names for children. (AHRAZ)
- 21) Guarantee in all circumstances that human rights defenders in Iran, including child rights defenders, are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions, including judicial harassment and imprisonment, and ensure full respect for the UN Declaration on Human Rights Defenders. (FLD)
- 22) Immediately drop all charges against human rights defenders who are being unjustly prosecuted. (FLD)
- 23) Take effective measures to guarantee the exercise of the right to freedom of association, assembly, expression and religion, including amending relevant security and criminal laws. (FLD, 6Rang)
- 24) Refrain from censoring, withholding or intentionally misrepresenting health information, including with regard to sexual orientation and gender identity. (6Rang)
- 25) Respect the rights of the children belonging to religious minorities to profess and practice their religion in the privacy of their homes or in community with others. (BIC)
- 26) End the practice of requiring Bahá’í students to participate in Islamic congressional prayers at school. (BIC)
- 27) Release Azarbaijani activists who have been imprisoned for demanding the right to education in their mother tongue. (AHRAZ)

#### **Violence against children**

- 28) Enact legislation to criminalise domestic violence, including marital rape, with appropriate and proportionate penalties. (JFI)
- 29) Take effective measures to end the culture of violence against students in schools and guarantee that teachers and school authorities do not apply any form of unlawful punishment, including corporal punishment, against children. (Insight Iran)
- 30) Take effective legislative and other measures to prohibit and prevent all forms of physical and mental violence against LGBT children, including corporal punishment

and sexual abuse, in the family, in schools and in other institutions, and ensure that all those who abuse children are punished. (6Rang)

- 31) Abolish all forms of cruel, inhuman and corporal punishments, including amputation of limbs and flogging, unconditionally for all children under 18 for all categories of crimes. (Insight Iran)
- 32) Guarantee that children are not subjected to torture and other ill-treatment because of not having hijab or wearing improper clothing (*bad hijabi*). (JFI)
- 33) Prohibit all forms of torture and other cruel, inhuman or degrading treatment or punishment, such as flogging, for same-sex sexual conduct, particularly when committed by individuals aged under 18. (6Rang)
- 34) Take all necessary measures to ensure that persons under 18 are not subjected to torture and other cruel, inhuman or degrading treatment or punishment in health-care settings. (6Rang)
- 35) Outlaw all forms of “reparative therapies”, including medications and electroshocks, designed to change children’s sexual orientation and gender identity. (6Rang)
- 36) Amend Article 301 of the new Penal Code and increase the sentence for fathers who murder their children. (Insight Iran)
- 37) Collect and make available to the Committee on the Rights of the Child disaggregated data on the number of girls in early and forced marriages, indicating (a) the age, ethnicity and geographic location of each married girl; (b) the social, economic, cultural and other circumstances that led to the marriage; (c) which court approved the marriage, and (d) whether the marriage has resulted in separation or divorce.

### **Family environment and alternative care**

- 38) Repeal article 27 of the Law for the Protection of Children and Adolescents Who Either have no or Abusive Guardians which allows marriage between adoptive parents and their adopted child. (JFI)

### **Disability, basic health and welfare**

- 39) Withdraw the Bill on Comprehensive Population and Family Excellence Plan which discriminate against women and girls and deny them control over their sexual and reproductive life, including the number and spacing of their children as well as over their career and other life aspirations. (JFI)
- 40) Ensure technically competent health care professionals can provide adolescents with quality sexual health education and information, including with respect to sexual and gender diversity. (6Rang)
- 41) Ensure that medical professionals do not diagnose gender non-conforming adolescents with a gender identity disorder based on stereotypical notions of masculinity and femininity. (6Rang)
- 42) Refrain from assigning a diagnosis of mental disorder to children with homosexual feelings and transgender expressions and reclassify aspects relevant to the provision of health care in a non-stigmatizing health category. (6Rang)
- 43) Abolish the requirement to undergo psychiatric assessment and receive a diagnosis of “transsexuality” in order to obtain legal gender recognition. (6Rang)
- 44) Pass a law specifically banning FGM that allows people other than the injured to file a complaint. (WADI)
- 45) Conduct a national survey on the practice of FGM in Iran, and support campaigns against FGM in the provinces where it is practiced. (WADI)

## **Education, leisure and cultural activities**

- 46) Ensure girls, including married girls, have access to primary and secondary education and that marital status is not used as a justification for denial of enrolment or expulsion. (JFI)
- 47) Take all necessary legislative, administrative and other measures to ensure equal access to primary and secondary education and recreational activities without discrimination on the grounds of sexual orientation or gender identity. (6Rang)
- 48) End the requirement to observe *hijab* as a pre-condition for girls to enjoy their right to education and participate fully in cultural, artistic, recreational and leisure activities. (JFI)
- 49) Exercise due diligence to prohibit, prevent and punish homophobic or transphobic violence and bullying in school environments. (6Rang)
- 50) Introduce into education curricula modules about diversity and about the human rights of all, including lesbian, gay, bisexual and transgender people. (6Rang)
- 51) Guarantee access to education in minority languages, in accordance with Article 15 of the Constitution. (UNPO)
- 52) Address the lack and poor quality of schools in regions where non-Persian minorities reside. (UNPO)
- 53) Teach and facilitate the teaching of Azeri Turkish and literature in schools within the Turkish speaking provinces. (AHRAZ)
- 54) End the practice of identifying Bahá'í children in schools or through other means and expelling them on account of their religion. (BIC)
- 55) Take all appropriate measures to prevent discriminatory practices against Bahá'í students in school. (BIC)
- 56) Respect the right of Bahá'í youth to access higher education. (BIC)

## **Special protection measures**

### **Children belonging to minorities**

- 57) Respect the distinct rights of Ahwazi Arabs, South Azarbaijani, Baloch and Kurds to speak their language, express their culture and practice their religion, and to pass these on to future generations. (UNPO)

### **Economic exploitation**

- 58) Ensure that the minimum age of 15 for admission to employment under the Labour Code applies in all situations of labour, and it is vigorously enforced in both public and private sectors. (Kashaneh)
- 59) Absolutely ban any type of work by individuals less than 18 years of age which jeopardizes their physical, mental or moral health and safety. (Kashaneh)
- 60) Revise the Regulations on Quick-return Enterprises, the Statute on the Exemption of Small Workshops with Fewer than 10 Employees and the Exemption of Small Workshops with Fewer than 10 Employees Act, in order to ensure that children are protected against exploitation under those laws. (Kashaneh)
- 61) Ensure that all immigrant Afghan children enjoy basic rights and the right to education with a view to reducing child labour. (Kashaneh)

### **Death penalty**

- 62) Abolish the death penalty for all crimes, and pending this step prohibit the use of the

death penalty in all cases where those convicted of capital crimes were under 18 years of age at the time that the crimes were committed. (AI, Advocates & IHR, Insight Iran, UNPO)

- 63) Immediately establish a moratorium on execution of all those convicted of crimes committed before they were 18. (AI)
- 64) Take all legal measures necessary to ensure that all child offenders sentenced to death are granted a judicial review of their cases, in accordance with Article 91 of the Penal Code, and that their death sentences are commuted if their convictions are upheld. (AI)
- 65) Revise Iranian legislation to ensure that all persons sentenced to death can seek pardon or commutation of their sentence, irrespective of their financial status. (AI)
- 66) Establish a moratorium on all public executions and ensure full compliance with the moratorium. (AI)
- 67) Publish regularly comprehensive disaggregated data on the use of the death penalty against persons who were under 18 at the time of the crime for which they were convicted, indicating (a) the nature of the crime, when and where it was committed; (b) the age, gender and ethnicity of the person convicted; (c) which court convicted them, and (d) whether the conviction and sentence is awaiting appeal or have been confirmed. (AI)

#### **Juvenile justice**

- 68) Provide children with access to counsel throughout all phases of criminal investigation, trial and appeal, and give unrestricted access to the file and any evidence against the accused. (Advocates & IHR)
- 69) Guarantee in law and practice that child offenders fully enjoy fair trial standards, including the safeguards in Article 40 of the CRC. (Insight Iran)
- 70) Ensure that all criminal charges against children are dealt with in competent and well-trained courts and prosecution offices that take into account the special needs of children. (Insight Iran)
- 71) Ensure that all persons involved in the administration of juvenile justice, including trial judges, receive appropriate training on Article 91 in a manner consistent with Iran's obligations under the CRC. (AI)
- 72) Provide comprehensive, gender-sensitive training for judicial and law enforcement officials, parents and other care-givers, including teachers and healthcare workers, about homophobia, transphobia, and sexual and gender diversity. (6Rang)

## ENDNOTES

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- <sup>1</sup> AI, p5.
- <sup>2</sup> AI, p5.
- <sup>3</sup> JFI, paras 1-2.
- <sup>4</sup> Insight Iran, para 3.
- <sup>5</sup> AI, p6.
- <sup>6</sup> AI, pp5-6.
- <sup>7</sup> JFI, para 12.
- <sup>8</sup> JFI, para 17.
- <sup>9</sup> BIC, p3; UNPO, p 3.
- <sup>10</sup> UNPO, p 4.
- <sup>11</sup> UNPO, p4.
- <sup>12</sup> UNPO, p 6.
- <sup>13</sup> UNPO, p 6.
- <sup>14</sup> Insight Iran, p5.
- <sup>15</sup> FLD, p3.
- <sup>16</sup> FLD, p4.
- <sup>17</sup> UNPO, p6.
- <sup>18</sup> UNPO, p6.
- <sup>19</sup> Insight Iran, paras 10-11 and paras 13-15; AI, p5; Advocates & IHR, paras 9-11; UNPO p1.
- <sup>20</sup> AI, p13; Advocates & IHR, para 11.
- <sup>21</sup> JFI, para 21.
- <sup>22</sup> JFI, para 23.
- <sup>23</sup> JFI, para 25.
- <sup>24</sup> JFI, para 29.
- <sup>25</sup> JFI, para 30-31.
- <sup>26</sup> JFI, paras 32-38.
- <sup>27</sup> JFI, para 29.
- <sup>28</sup> JFI, para 29.
- <sup>29</sup> JFI, para 38.
- <sup>30</sup> JFI, para 67.
- <sup>31</sup> JFI, para 67.
- <sup>32</sup> JFI, para 40.
- <sup>33</sup> Insight Iran, paras 18-19.
- <sup>34</sup> Insight Iran, para 23.
- <sup>35</sup> 6Rang, p1.
- <sup>36</sup> 6Rang, p1.
- <sup>37</sup> 6Rang, pp1-2.
- <sup>38</sup> FLD, p4.
- <sup>39</sup> FLD, p4.
- <sup>40</sup> UNPO, p 4.
- <sup>41</sup> AHRAZ, p5.
- <sup>42</sup> UNPO, p5.
- <sup>43</sup> UNPO, p 5.
- <sup>44</sup> BIC, p1.
- <sup>45</sup> BIC, p4.
- <sup>46</sup> BIC, p7.
- <sup>47</sup> BIC, pp8-9.
- <sup>48</sup> 6Rang, p2.
- <sup>49</sup> UNPO, p9.
- <sup>50</sup> AI, p7; Advocates & IHR, para 3; Insight Iran, para 53; UNPO, p3.
- <sup>51</sup> AI, p7.
- <sup>52</sup> Insight Iran, paras 26-29.
- <sup>53</sup> 6Rang, p7.
- <sup>54</sup> UNPO, p8-9.
- <sup>55</sup> UNPO, p5.
- <sup>56</sup> UNPO, p10.
- <sup>57</sup> UNPO, p10.
- <sup>58</sup> 6Rang, pp4-5.
- <sup>59</sup> 6Rang, pp4-5.
- <sup>60</sup> 6Rang, p6.
- <sup>61</sup> BIC, p4.
- <sup>62</sup> FLD, p2.
- <sup>63</sup> FLD, p3.
- <sup>64</sup> JFI, para 70.
- <sup>65</sup> UNPO, p3.
- <sup>66</sup> UNPO, p5.
- <sup>67</sup> BIC, p4.
- <sup>68</sup> BIC, p4.
- <sup>69</sup> UNPO, p11.
- <sup>70</sup> BIC, p4.
- <sup>71</sup> BIC, p1.

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- <sup>72</sup> BIC, p4.  
<sup>73</sup> FLD, p4.  
<sup>74</sup> FLD, p6.  
<sup>75</sup> 6Rang, p5.  
<sup>76</sup> UNPO, p12.  
<sup>77</sup> JFI, para 42.  
<sup>78</sup> 6Rang, p7.  
<sup>79</sup> 6Rang, p11.  
<sup>80</sup> 6Rang, pp7-8.  
<sup>81</sup> 6Rang, p8.  
<sup>82</sup> BIC, p8.  
<sup>83</sup> Insight Iran, para 52.  
<sup>84</sup> UNPO, Executive Summary, p1.  
<sup>85</sup> AI, p11.  
<sup>86</sup> AI, p12.  
<sup>87</sup> AI, pp17-18.  
<sup>88</sup> JFI, para 80.  
<sup>89</sup> JFI, para 80.  
<sup>90</sup> Insight Iran, para 31.  
<sup>91</sup> Insight Iran, para 33.  
<sup>92</sup> 6Rang, p4.  
<sup>93</sup> 6Rang, pp8-9.  
<sup>94</sup> JFI, para 84.  
<sup>95</sup> JFI, para 88.  
<sup>96</sup> UNPO, p14.  
<sup>97</sup> JFI, paras 52-56.  
<sup>98</sup> UNPO.  
<sup>99</sup> UNPO, p15-16.  
<sup>100</sup> 6Rang, pp10-11.  
<sup>101</sup> 6Rang, pp10-11.  
<sup>102</sup> JFI, para 47.  
<sup>103</sup> JFI, para 57.  
<sup>104</sup> JFI, para 57.  
<sup>105</sup> BIC, p7.  
<sup>106</sup> WADI, p4.  
<sup>107</sup> WADI, p1.  
<sup>108</sup> WADI, p3.  
<sup>109</sup> JFI, para 16.  
<sup>110</sup> JFI, para 21 & 55.  
<sup>111</sup> JFI, para 20.  
<sup>112</sup> UNPO, p7.  
<sup>113</sup> JFI, para 64.  
<sup>114</sup> JFI, para 65.  
<sup>115</sup> JFI, para 91.  
<sup>116</sup> UNPO, p15.  
<sup>117</sup> UNPO.  
<sup>118</sup> UNPO, p16-17.  
<sup>119</sup> 6Rang, p2.  
<sup>120</sup> UNPO, p18.  
<sup>121</sup> BIC, p6.  
<sup>122</sup> BIC, pp1, 10.  
<sup>123</sup> BIC, p11.  
<sup>124</sup> JFI, para 64.  
<sup>125</sup> JFI, para 91.  
<sup>126</sup> JFI, para 91.  
<sup>127</sup> 6Rang, p12.  
<sup>128</sup> UNPO, p20.  
<sup>129</sup> AHRAZ, p6.  
<sup>130</sup> AHRAZ, p6-7.  
<sup>131</sup> AHRAZ, p3; UNPO, p5.  
<sup>132</sup> AHRAZ, p 8-9.  
<sup>133</sup> BIC, p20.  
<sup>134</sup> UNPO, p20.  
<sup>135</sup> Kashaneh, p1.  
<sup>136</sup> Kashaneh, pp1-2.  
<sup>137</sup> Kashaneh, p2.  
<sup>138</sup> Kashaneh, pp3-4.  
<sup>139</sup> Kashaneh, p4.  
<sup>140</sup> Kashaneh, pp5-6.  
<sup>141</sup> Kashaneh, p7.  
<sup>142</sup> Kashaneh, p7.  
<sup>143</sup> UNPO, p20.  
<sup>144</sup> AI, pp7-8; Advocates & IHR, para 3; Insight Iran, para 53; UNPO, p3.  
<sup>145</sup> Advocates & IHR, para 3.

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- <sup>146</sup> AI, p8.  
<sup>147</sup> Insight Iran, para 57.  
<sup>148</sup> AI, p8.  
<sup>149</sup> AI, pp9-10.  
<sup>150</sup> AI, p9.  
<sup>151</sup> 6Rang, p4.  
<sup>152</sup> AI, pp13-14; Insight Iran, p12, Advocates & IHR, para 11.  
<sup>153</sup> AI, p14.  
<sup>154</sup> AI, p14; Advocates & IHR, para 11.  
<sup>155</sup> AI, p15.  
<sup>156</sup> Insight Iran, paras 60-63.  
<sup>157</sup> AI, p14.  
<sup>158</sup> AI, p14.  
<sup>159</sup> AI, p15.  
<sup>160</sup> AI, p 14.  
<sup>161</sup> Insight Iran, paras 60-61.  
<sup>162</sup> AI, p17.  
<sup>163</sup> AI, p17.  
<sup>164</sup> AI, p12.  
<sup>165</sup> UNPO, p12-13.  
<sup>166</sup> UNPO, p23.  
<sup>167</sup> UNPO, 23  
<sup>168</sup> Insight Iran, para 69.  
<sup>169</sup> Insight Iran, paras 70-71.  
<sup>170</sup> Insight Iran, para 70.

## **Annex 1:**

### **Amnesty International**



# IRAN

## STILL EXECUTING CHILD OFFENDERS

SUBMISSION TO THE UN COMMITTEE ON  
THE RIGHTS OF THE CHILD FOR THE 71  
PRE-SESSIONAL WORKING GROUP (8  
JUNE 2015 - 12 JUNE 2015)

**AMNESTY**  
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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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# 1. INTRODUCTION

This submission to the UN Committee on the Rights of the Child (the Committee) is made ahead of the Committee's consideration of Iran's third periodic report on its application of the UN Convention on the Rights of the Child (the CRC).

The submission focuses on Iran's execution of child offenders, a particularly egregious violation of the CRC. Amnesty International also has other concerns in Iran relevant to the Committee's mandate - such as violence and discrimination against girls, children from ethnic and religious minorities, children of diverse sexual orientations and gender identities, children of Afghan refugees and migrants, street children and child workers – but is pleased to note that some of these issues are addressed in submissions made to the Committee by other NGOs. This submission, therefore, is concerned with the use of the death penalty against and executions of child offenders. It also briefly addresses the negative impact of public executions on the mental health and well-being of children in Iran. The submission includes Amnesty International's key recommendations to the Iranian government on these issues of concern.

## 2. MEASURES LIMITING IMPLEMENTATION (ARTICLE 51)

The Islamic Republic of Iran ratified the UN Convention on the Rights of the Child (the CRC) on 13 July 1994, maintaining a general “reservation to the articles and provisions which may be contrary to Islamic Laws” that it entered when signing the Convention. As the Committee has previously noted, the “broad and imprecise nature of the State party’s general reservation potentially negates many of the Convention’s provisions and raises concern as to its compatibility with the object and purpose of the Convention.”<sup>1</sup>

At its previous periodic review of Iran’s application of the CRC, the Committee recommended that Iran should amend its general reservation; however, Iran’s government has taken no steps to comply.<sup>2</sup>

Iran did not enter reservations to any provisions of the International Covenant on Civil and Political Rights (ICCPR) when ratifying that treaty in 1975. Nor did Iran do so following the change of governmental structure in 1979 that saw the establishment of the Islamic Republic, or at any time since. This contrasts with Iran’s approach to the CRC, in relation to which, upon ratification, Iran reserved the right not to apply any provisions or articles of the CRC that it deems incompatible with “Islamic Laws”. For example, while the CRC considers a child to be any person under 18 years, Iranian law treats children convicted of capital offences in the same way as adults at significantly lower ages and discriminates in this regard on gender grounds. Under the Penal Code, girls become criminally liable for capital offences on the same basis as adults when they reach nine lunar years (8.7 solar years); boys incur the same liability when they reach 15 lunar years (14.6 solar years).

Iran’s reservations to the CRC are particularly inappropriate in light of its ratification of the ICCPR without reservations, and injurious to the rights of children in Iran. Amnesty International urges the Committee to draw Iran’s attention to this untenable contradiction and recommend that Iran remedies it by withdrawing its reservation to the CRC and committing to full implementation of the Convention.

### **Amnesty International urges the Iranian authorities to:**

- Withdraw Iran’s reservation to the Convention on the Rights of the Child; such a general reservation is not compatible with the object and purpose of the Convention.

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<sup>1</sup> Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of), UN Doc. CRC/C/15/Add.123, 28 June 2000, para. 7.

<sup>2</sup> Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of), UN Doc. CRC/C/15/Add.123, 28 June 2000, para. 8; Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of), UN Doc. CRC/C/15/Add.254, 31 March 2005, para. 7.

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- Pending Iran's withdrawal of the reservation, refrain from invoking the reservation as a legal justification to allow for the execution of child offenders.

## 3. EXECUTIONS OF CHILD OFFENDERS (ARTICLES 6 AND 37)

More than two decades after its ratification of the CRC, Iran still applies the death penalty against, and executes, persons convicted of crimes committed before they reached the age of 18. Iran has maintained this policy and practice although the Committee has stated that it “deplores the fact that such executions have continued since the consideration of the State party’s initial report”<sup>3</sup> and “emphasizes that such a penalty [sentence of death] is incompatible with the Convention.”<sup>4</sup>

Amnesty International notes that Iran’s state report to the Committee makes no reference to the execution of child offenders, rather confining its reference to the right to life of the child to issues such as “the child’s right to life [at] the prenatal stage” and “insurance against incidents and congenital disabilities”.

AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

**To the Iranian Parliament:**

- Abolish the death penalty for all crimes, and pending this step prohibit the use of the death penalty in all cases where those convicted of capital crimes were under 18 years of age at the time that the crimes were committed.

**To the Head of the Judiciary:**

- Take steps to ensure that the death penalty may never be imposed for crimes committed when a person was under 18 and that no persons are executed for crimes committed before they reached the age of 18;
- Take the necessary legal measures to commute, without delay and in conformity with the CRC, all death sentences imposed on persons who were under 18 years of age when the crimes of which they were convicted were committed.

### AVAILABLE DATA

Ayatollah Sadeq Amoli Larijani, the head of Iran’ judiciary, responded in April 2014 to a European Parliament resolution condemning the high number of executions, including of minors, in Iran, stating: “In the Islamic Republic of Iran, we have no execution of people under the age of 18. This is a blatant lie by the European Parliament.” He also challenged

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<sup>3</sup> Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of), UN Doc. CRC/C/15/Add.254, 31 March 2005, para. 29.

<sup>4</sup> Concluding Observations of the Committee on the Rights of the Child: Iran (Islamic Republic of), UN Doc. CRC/C/15/Add.123, 28 June 2000, para. 29.

the European Parliament to name the victims: “if the claim about the execution of people under the age of 18 is genuine, why then have the names of these individuals not been announced.”<sup>5</sup>

In fact, Amnesty International has received reports of at least 72 executions of child offenders in Iran since 2005, all of which have been carried out without the knowledge and permission of the head of the judiciary. The crimes for which these 72 child offenders were sentenced to death included rape, “non-consensual anal sex with a member of the same sex” (*lavat* or *lavat be on onf*), “enmity against God” (*moharebeh*) and drugs-related charges (See Appendix 1). According to the Report of the UN Secretary General on the situation of human rights in Iran in August 2014, more than 160 child offenders are currently on death row.<sup>6</sup> Amnesty International has repeatedly appealed to the Iranian authorities to cease executions of child offenders; in many cases, they are believed to have been sentenced to death after proceedings that failed to meet international standards for fair trial.<sup>7</sup>

Amnesty International faced many obstacles in obtaining this data, and recognizes that it is probably incomplete. The Iranian authorities have not allowed Amnesty International access to Iran to conduct human rights research for more than 30 years; the last such research visit by Amnesty International to Iran took place shortly after the 1979 Revolution. Moreover, detailed information on child offenders under sentence of death, including their precise number, is not readily available in Iran. Cases in which the death penalty is imposed are not regularly reported by the media in Iran or by the judiciary, and often such cases come to attention for the first time when the Supreme Court has confirmed the death sentence or when the execution has been carried out. Even in cases that come to light earlier, including cases of child offenders sentenced to death, it is often difficult or impossible to monitor developments closely. This is because lawyers and families of prisoners on death row are often reluctant to provide information and share court documents for fear that this could place them in jeopardy from Iranian security authorities or because they too are unable to obtain information about those on death row.

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<sup>5</sup> “We do not have execution of people under the age of 18”, *Iranian Students’ News Agency*, 9 April 2014, at: <http://bit.ly/1ENw9Ox> (accessed 27 January 2015).

<sup>6</sup> Situation of human rights in Iran: Report of the UN Secretary General, UN Doc. A/69/306, 12 August 2014, para. 17.

<sup>7</sup> “Iran: Juvenile offender at risk of execution in Iran: Rasoul Holoumi”(MDE 13/040/2014), 11 July 2014, at: <http://www.amnesty.org/en/library/info/MDE13/040/2014/en>; “Iran: Youth at risk of hanging amid disturbing rise in juvenile executions”, 15 July 2014, at: <http://www.amnesty.org/en/news/iran-youth-risk-hanging-amid-disturbing-rise-juvenile-executions-2014-07-15>; “Iran: Juvenile offender nearing execution” (MDE 13/037/2014), 19 June 2014, at: <http://www.amnesty.org/en/library/info/MDE13/037/2014/en>; “Iran: Execution of child offender Makwan Moloudazdeh is a mockery of justice”, 6 December 2007, at: <http://www.amnesty.org/en/for-media/press-releases/iran-execution-child-offender-makwan-moloudazdeh-mockery-justice-2007120>.



AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

**To the Head of the Judiciary:**

- Publish regularly comprehensive disaggregated data on the use of the death penalty against persons who were under 18 at the time of the crime for which they were convicted, indicating (a) the nature of the crime, when and where it was committed; (b) the age, gender and ethnicity of the person convicted; (c) which court convicted them, and (d) whether the conviction and sentence is awaiting appeal or have been confirmed;
- Publish and make available to the Committee on the Rights of the Child the number and identities of all persons executed in Iran for crimes committed when younger than 18 since 13 July 1994, the date of Iran's CRC ratification.

## IRANIAN LAW AND THE DEATH PENALTY

Under Iran's Penal Code, children can be sentenced to death for a wide range of offences, many of which do not meet the threshold of "most serious crimes" under international law. International human rights bodies interpret the term "most serious crimes" as excluding crimes other than those that involve intentional killing.<sup>8</sup>

Iran's legal system distinguishes four types of punishments: *hodoud* (fixed punishments prescribed by "Islamic Law" (*Shari'a*)); *qesas* (retribution-in-kind, broadly akin to "an eye for an eye" punishment); *diyah* (financial compensation referred to as "blood money"); and *ta'zir* (punishments not fixed and predetermined by *Shari'a* which are imposed at the discretion of judges for crimes proscribed by the Penal Code).

Capital *hodoud* offences for which children can be sentenced to death include: "adultery while married" (*zina*),<sup>9</sup> conviction for the fourth time for fornication by an unmarried person,<sup>10</sup> conviction for the fourth time for drinking alcohol,<sup>11</sup> "anal sex between men" (*lavat*),<sup>12</sup> conviction for the fourth time for "same-sex sexual conduct between men without penetration" (*tafkhez*),<sup>13</sup> conviction for the fourth time for "same-sex sexual conduct between

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<sup>8</sup> Special Rapporteur on extrajudicial executions, UN Doc. A/HRC/4/20, 29 January 2007, paras. 53, 65; Special Rapporteur on extrajudicial executions, UN Doc. A/67/275, 9 August 2012, para 67.

<sup>9</sup> The Islamic Penal Code, Article 225 (2 May 2013), at: <http://rc.majlis.ir/fa/news/show/845002> (accessed 16 February 2015).

<sup>10</sup> The Islamic Penal Code, Articles 225 and 136.

<sup>11</sup> The Islamic Penal Code, Articles 264 and 136.

<sup>12</sup> The Islamic Penal Code, Article 234.

<sup>13</sup> The Islamic Penal Code, Article 236 and 136.

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women”(*mosaheqeh*),<sup>14</sup> and “insulting the Prophet, the twelve Shi’a Imams or Prophet’s daughter Fatemeh” (*sabbi nabi*).<sup>15</sup>

## MAKWAN MOLOUDZADEH

Makwan Moloudzadeh, a child offender from Iran’s Kurdish minority, was executed in Kermanshah Central Prison on 4 December 2007 after he was convicted of “having anal sex by force” (*lavat be onf*) with a 13-year-old boy. Makwan Moloudzadeh was aged 13 at the time of the alleged offence. His trial, held in the western cities of Kermanshah and Paveh, was unfair.

On 7 June 2007, Branch One of the Criminal Court in Kermanshah convicted Makwan Moloudzadeh and sentenced him to death. In court, he retracted a pre-trial “confession” that he had engaged in a sexual relationship with a 13-year-old boy in 1999, which he alleged interrogators had extracted from him under torture and other ill-treatment in detention. During his trial, the complainants against Makwan Moloudzadeh withdrew their accusations, saying either that they had lied or that they had been forced by police to lodge complaints. Despite this and the absence of evidence of an offence, the judge relied on his “knowledge” and concluded both that the alleged offence had been committed and that Makwan Moloudzadeh should be tried as an adult. Under Article 120 of the former Islamic Penal Code, a judge who hears a case involving alleged “anal sex between men” (*lavat*) has discretion to “make his judgement according to his knowledge which is obtained through conventional methods”.

The death sentence was upheld by the Supreme Court in August 2007. However, in November 2007, after Makwan Moloudzadeh’s lawyer filed a request for a judicial review on the case, the then Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi, granted a temporary stay of execution pending further review. On or around 1 December 2007 the review found no fault with the verdict, and Makwan Moloudzadeh was executed soon after; his lawyer was not given advance notice of the execution as required by Iranian law.

According to the media interviews given by Makwan Moloudzadeh’s relatives and lawyer at the time, the authorities paraded Makwan Moloudzadeh through the streets of Paveh riding on a donkey with his head shaved shortly after his arrest on 1 October 2006. No investigation is known to have been held by the Iranian authorities into Makwan Moloudzadeh’s allegations of torture and other ill-treatment in detention or the allegations of coercion made by complainants who withdrew their accusations against Makwan Moloudzadeh and said they had been forced to provide false testimony.

Other *hodoud* crimes which can attract the death penalty include the vague and overly-broad offences of “sowing corruption on earth” (*efsad-e fel-arz*) and “enmity against God” (*moharabeh*). The former applies to those who “commit crimes against the physical well-being of the public; engage in crimes against internal or external security, publish lies, damage the economy of the country, engage in destruction and sabotage ... or operate or manage centers of corruption or prostitution in a way that seriously disturbs the public order and security of the nation”.<sup>16</sup> The latter applies to those who “threaten public security by

<sup>14</sup> The Islamic Penal Code, Article 239 and 136.

<sup>15</sup> The Islamic Penal Code, Article 262.

<sup>16</sup> The Islamic Penal Code, Article 286.

drawing arms with the intent to kill, injure, steal, or frighten members of the public”.<sup>17</sup>

As *hodoud* crimes are regarded as crimes against God, unlike *ta'zir* punishments, they are not open to pardon by the Supreme Leader on the recommendation of the Head of the Judiciary.

## **SAMAN NASEEM & BARZAN NASROLLAHZADEH**

**Saman Naseem**, a member of Iran's Kurdish minority, was sentenced to death after he was convicted of “enmity against God” (*moharebeh*) and “corruption on earth” (*isfad fil- arz*) for allegedly taking part in armed activities against the state, that led to the death of a member of the Revolutionary Guards. He was 17 years old at the time of the alleged crime. Authorities secretly scheduled Saman Naseem's execution for 19 February 2015, but when this became known it sparked wide international concern and appeals to the Iranian authorities by, among others, the European Parliament, the UN Special Rapporteur on the Situation of Human Rights in Iran, the UN Special Rapporteur on Extrajudicial Executions, and the Office of the UN High Commissioner for Human Rights, urging the Iranian authorities not to proceed with Saman Naseem's execution and send his case for judicial review.

Despite these interventions, the Iranian authorities removed Saman Naseem from Oroumieh Central Prison to an unknown location the day before his scheduled execution, and subsequently refused either to confirm his execution or disclose his whereabouts, causing his family, who remain uncertain of his fate, acute mental anguish.

Saman Naseem was arrested on 17 July 2011 after an armed clash in Sardasht, Western Azerbaijan Province, between Iran's Revolutionary Guards and members of the Party For Free Life of Kurdistan (PJAK) armed opposition group. According to court documents, one Revolutionary Guard died in the clash and three others were wounded. Following his arrest, Saman Naseem was transferred to a Ministry of Intelligence detention centre in Oroumieh, West Azerbaijan province, where he was detained for two months without access to a lawyer or his family. In September 2011, he was forced to make a televised “confession” which was aired on state television.

Saman Naseem's trial before the Revolutionary Court of Mahabad was grossly unfair. During the first court session, he retracted his “confession” made in pre-trial detention, the contents of which he said he had not been permitted to read, and alleged that interrogators had tortured him by suspending him upside down while blindfolded, extracted his toe and finger nails, and beaten him on his back, legs and abdomen. The court dismissed Saman Naseem's allegations of torture and other ill-treatment and admitted his pre-trial “confession” as evidence against him.

Saman Naseem was first sentenced to death in January 2012 by the Revolutionary Court of Mahabad, but Branch 32 of the Supreme Court overturned this sentence in August 2012 and sent his case to a court of first instance for retrial, noting that he was under 18 at the time of the crimes of which he was convicted. In April 2013, a Criminal Court in Mahabad sentenced Saman Naseem to death for a second time; it too accepted his torture-tainted “confession” as evidence against him. The court documents make no reference to the earlier Supreme Court ruling that Saman Naseem was under 18 at the time of the crime but allege that he joined the

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<sup>17</sup> The Islamic Penal Code, Article 279.

PJAK knowing that it aimed to overthrow the current system in Iran.

In December 2013, the same Branch of the Supreme Court that had previously overturned the verdict upheld Saman Naseem's death sentence. The death sentence was subsequently sent to the Office for the Implementation of Sentences, which meant Saman Naseem could be executed at any time.

**Barzan Nasrollahzadeh**, a Sunni Muslim school student and member of Iran's Kurdish minority, was sentenced to death by a Revolutionary Court that convicted him of "enmity against God" (*moharebeh*) for "having connections with Salafist groups". He was arrested on 29 May 2010 apparently by Ministry of Intelligence officials in plain clothes in the city of Sanandaj, Kordestan Province, as he returned home from school. He alleges that one officer in plain clothes shot him in the abdomen, causing injuries to his spleen for which he did not receive adequate medical care. He was under 18 at the time of his arrest. Following his arrest, he was held for several months in a Ministry of Intelligence detention facility in Sanandaj during which he was denied access to a lawyer. He alleges that security officials there tortured him by using an electric-shock device, suspended him upside down from a ceiling, and beat him. Barzan Nasrollahzadeh has said that the authorities did not permit him to obtain representation by a lawyer of his own choosing but instead appointed a state lawyer to represent him whom he was not able to meet. Branch 28 of the Revolutionary Court in Tehran sentenced Barzan Nasrollahzadeh to death after a single hearing on 21 August 2013 that is said to have lasted less than one hour. He is currently awaiting the outcome of an appeal to the Supreme Court.

In the category of *qesas*, the death penalty is provided for murder, which is treated as a private dispute between two civil parties. This means that in cases of murder, the family of the murder victim is entitled to ask that their relative's killer be put to death at any time after the *qesas* sentence has been confirmed by the Supreme Court and sent to the Office for the Implementation of Sentences. The family can also choose to forgive the culprit or accept payment of "blood money" (*diyeh*) instead. As a result, sentences of *qesas* are not open to pardon or amnesty by the Supreme Leader.

This legal arrangement is believed to have created opportunities for extortion and placed child offenders from poorer families who are unable to raise the amount of "blood money" demanded, at greater risk of execution. In many cases, families of murder victims have agreed to stay a condemned person's execution and pardon them in return for "blood money" after months and years of pleading; thereby exposing the condemned prisoner, including child offenders, to extremely prolonged periods on death row, amounting to cruel and inhuman treatment.

In recent years, there have been also an increasing number of reports about families of murder victims who have decided to stay an execution and pardon the condemned prisoner at the very last minute when they have already put the noose around the prisoner's neck and prepared to kick the chair from under his or her feet. These last-minute stays of executions have an effect akin to that of a mock execution, which has been considered to amount to torture and other cruel, inhumane and degrading treatment.

The Iranian authorities point to this phenomenon of last-minute stays of execution as a positive example of forgiveness without giving adequate consideration to its adverse impact on the mental health of convicted child offenders and other prisoners sentenced to death in the context of *qesas*.

## SINA PAYMARD

**Sina Paymard**, a juvenile offender on death row, was taken to the gallows twice before the family of the victim agreed to pardon him. He was sentenced to death for the murder of an alleged drug dealer in 2004 when he was aged 16 and his death sentence was subsequently confirmed by Branch 33 of the Supreme Court. He was first scheduled for execution on 20 September 2006, two weeks after his 18th birthday, but as a last request as he was about to be hanged, he was allowed to play the *ney*, a type of flute, which so moved relatives of the murder victim who were present to witness his execution that they agreed to a last-minute reprieve in return for payment of the “blood money” (*diyeh*). His execution was then postponed for two months for the families of Sina Paymard and his alleged victim to agree the amount of *diyeh* to be paid. However, when Sina Paymard’s family were able to raise only US\$70,000 of the US\$160,000 demanded by the victim’s family, his execution was rescheduled for 18 July 2007. At the last moment, however, the Head of the Judiciary intervened to grant a stay of execution to enable the families more time to conclude a settlement, which they did with the help of financial donations human rights activists and others in Iran.

After the payment of the *diyeh* at the end of July 2007, Sina Paymard remained in custody pending the decision of a Criminal Court on the length of time he would still have to serve in prison. The Court ruled that he should be released, as he had already spent three and half years in prison. Sina Paymard was released on 24 December 2007.

### AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

#### To Parliament

- Urgently revise the Islamic Penal Code to explicitly prohibit the use of the death penalty against persons convicted of crimes committed below eighteen years of age, in all cases and without reservation.
- Immediately pass legislation establishing a moratorium on all executions with a view to eventual abolition of the death penalty.
- Revise Iranian legislation to ensure that all persons sentenced to death can seek pardon or commutation of their sentence, irrespective of their financial status.

## INADEQUATE REFORMS AND INCONSISTENT IMPLEMENTATION

In its last periodic review by the Committee in 2005, Iran highlighted its efforts to adopt a law prohibiting the death penalty in respect of children. Ten years later, Iran has still to take the legislative measures necessary to abolish the death penalty for child offenders.

In May 2013, Iran adopted a new Penal Code that introduced a range of measures that provide for the removal of children who commit “discretionary” (*ta’zir*) crimes from the criminal justice system to the care of social services or correctional centres for children.<sup>18</sup> However, the new Penal Code failed to clarify adequately whether this exclusion of children held to have committed “discretionary” (*ta’zir*) crimes includes persons under 18 who are convicted of drugs-related crimes – offences that are considered *ta’zir* crimes and are

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<sup>18</sup> The Islamic Penal Code, Articles 88-90.

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punishable by death under Iran's Anti-Narcotics Law.<sup>19</sup> In an advisory opinion dated 31 May 2014, the Legal Office of the Judiciary held that children convicted of capital drug-related offences must be sentenced in accordance with the alternative measures set out in the new Penal Code.<sup>20</sup> However, it is unclear whether Revolutionary Courts, which have jurisdiction over drug-related offences, accept and are complying with this advisory opinion. Since the adoption of the new Penal Code, Amnesty International notes that at least two child offenders, **Osman Dahmardeh** and **Janat Mir**, have been executed after Revolutionary Courts convicted them on drugs-trafficking charges.

Iran's revised Penal Code also failed to prohibit the imposition of the death penalty on child offenders convicted of *hodoud* and *qesas* crimes. It did, however, include a provision - Article 91 - that gives judges discretion not to impose the death penalty for *hodoud* and *qesas* crimes when convicting defendants who were under 18 at the time of the crime if they determine that the child offender did not comprehend the nature of the crime or its consequences or that the defendant's mental growth and maturity is in doubt.

Between May 2013 and January 2015, some branches of Iran's Supreme Court granted the requests of several child offenders' lawyers for judicial review (*e'adeyeh-e dadres*) based on Article 91 of the revised Penal Code, and remitted cases back to court of first instance for retrial. Other Supreme Court branches, however, refused to accept that Article 91 provided valid grounds for judicial review or retrial. This inconsistency in the jurisprudence led some lawyers in 2014 to apply to the General Board of the Supreme Court for a "pilot judgement"; on 2 December, 2014, the General Board ruled that all persons on death row for crimes committed when they were under 18 are entitled to submit applications for judicial review of their cases to the Supreme Court.<sup>21</sup>

This is a positive and welcome development but it remains to be seen how fully it will be implemented in practice and whether it will prevent further executions of child offenders.

In particular, it is unclear whether child offenders convicted of security-related crimes will be permitted to seek judicial review. The case of Saman Nasseem, cited above, suggests that this may not be permitted.

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<sup>19</sup> Iran's Anti-Narcotics Law applies the death penalty for making, trafficking or possessing more than 30g of specified synthetic, non-medical psychotropic drugs and for recruiting or hiring people to commit any of the crimes under the law, or organizing, running, financially supporting, or investing in such crimes where they are punishable with life imprisonment. It also provides for a mandatory death sentence for the "heads of the gangs or networks", although there is no definition given of a gang or network. For more information see, Amnesty International, *Addicted to Death: Executions for Drugs Offences in Iran* (MDE 13/090/2011), 15 December 2011, at: <http://www.amnesty.org/en/library/info/MDE13/090/2011> (accessed 30 January 2015).

<sup>20</sup> Legal Office of the Judiciary, Advisory Opinion No. 357/93/7, 31 May 2014, at: <http://edarehoquqy.ir/Default.aspx?tabid=4988&articleType=ArticleView&articleId=87698> (accessed 23 February 2015).

<sup>21</sup> "The Judgement of the Supreme Court on [the availability of] Judicial Review for under 18 people sentenced to *qesas*", Iranian Students' News Agency, 21 January 2015, at: <http://www.isna.ir/fa/news/93110100386/رای-عالی-دیوان-رای-محکومان-دادرسی-اعاده-درباره-عالی-دیوان-رای> (accessed 30 January 2015).

Further, families of child offenders on death row who have low literacy skills or limited resources may either not be informed of or be able to afford pursuing this new means of legal recourse.

Also, trial judges have wide discretion to determine the mental maturity of those they convict as child offenders. In doing so, they may seek expert opinion from the Legal Medicine Organization of Iran or use other means that they consider appropriate. Some judges appear to exercise this discretion without seeking expert opinion although they lack adequate knowledge and expertise on issues of child psychology, as reflected in the case of Fatemeh Salbehi, described below.

## **FATEMEH SALBEHI**

**Fatemeh Salbehi** was sentenced to death in May 2014 by Branch 4 of the Criminal Court in Fars Province after it convicted her of the murder of her husband, whom she had married when she was 15. She was 17 at the time of the crime for which she was convicted. Prior to the marriage, she had not met her husband, a distant relative almost twice her age. She said that it was a forced marriage that her parents forced her into after she had divorced her first abusive husband, who she was also forced to marry.

Fatemeh Salbehi was initially sentenced to death in May 2010 by Branch 5 of the Criminal Court in Fars Province. This sentence was upheld by Branch 14 of the Supreme Court in August 2010. Following the adoption of the new Penal Code in May 2013, Fatemeh Salbehi's lawyer submitted a "judicial review" request that was granted by the same branch of the Supreme Court in September 2013. Her case was subsequently sent to Branch 4 of the Criminal Court in Fars Province to be retried in light of Article 91 of the revised Penal Code.

Fatemeh Salbehi's retrial lasted around three hours. The judges asked her if she had understood the nature of the crime at the time she was alleged to have committed it; whether she had studied religious textbooks in school and prayed and read the Quran; and whether she understood that killing another human being is "religiously forbidden" (*haram*). The court then re-sentenced Fatemeh Salbehi to death in May 2014 based on her responses to these questions, after concluding that she was mentally mature and understood the nature of her alleged crime at the time it was committed.

The court rejected a defence request to refer Fatemeh Salbehi for examination by the Legal Medicine Organization of Iran (LMOI), relying instead on a May 2009 LMOI finding that she was "not insane". Fatemeh Salbehi is currently awaiting the outcome of her second appeal to the Supreme Court.

PENDING THE ADOPTION OF A LAW ABOLISHING THE USE OF THE DEATH PENALTY AGAINST CHILD OFFENDERS, AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

### **To the Head of the Judiciary:**

- Immediately establish a moratorium on all executions of those convicted of crimes committed before they were 18;
- Take all legal measures necessary to ensure that all child offenders sentenced to death are granted a judicial review of their cases, in accordance with Article 91 of the Penal Code, and that their death sentences are commuted if their convictions are upheld;
- Ensure that all persons involved in the administration of juvenile justice, including trial judges,

receive appropriate training on Article 91 in a manner consistent with Iran's obligations under the CRC.

## UNFAIR TRIALS

In Iran, serious failings in the justice system commonly result in unfair trials, including in cases where alleged child offenders and other defendants face the death penalty. These failings include: lack of access to legal counsel and to a lawyer of one's choice; torture and other ill-treatment in pre-trial detention; allowing confessions extracted under duress to be used in trial proceedings; the use of detention centres outside the official prison system; denial of the right to call defence witnesses; failing to give adequate time to the defence to present its case; and imprisoning defence lawyers if they protest against unfair proceedings.

Under Iran's current Code of Criminal Procedure, defendants only have the right to a lawyer after investigations are complete and they have been formally charged. This allows prolonged periods of incommunicado detention as well as interrogation without the presence of lawyers, both of which facilitate the use of torture or other ill-treatment to obtain confessions.

### RASOUL HOLOUMI

**Rasoul Holoumi**, now aged 22, was sentenced to death in October 2010 under "retribution-in-kind" (*qesas*) by Branch 17 of the Criminal Court in Khuzestan Province. The court convicted him of killing another boy in a fight involving others in 2009, when he was aged 17. The court convicted him on the basis of testimony by others involved in the fight that he threw a hard object at the head of the victim. According to the court documents, Rasoul Holoumi initially admitted causing the fatal head injuries, but retracted his confession weeks later.

The authorities denied Rasoul Holoumi access to a lawyer during the investigation phase and did not allow him adequate time and facilities to prepare his defence. His death sentence was confirmed by the Supreme Court later in 2010.

Rasoul Holoumi was scheduled to be executed on 4 May 2014 but the execution was stopped after the family of the victim agreed to forgo their request for *qesas* if Rasoul Holoumi's family transferred the deeds of their house and farm to them and paid them 3.5 billion rials (135,323\$) as *diyah* (blood money).

In 2014, Rasoul Holoumi's lawyer filed a request with the Supreme Court for a "judicial review" of the case under Article 91 of the Islamic Penal Code. In xx 2014, the Supreme Court granted the request for judicial review and remitted the case back to Branch 16 of the Criminal Court in Khuzestan Province for retrial.



## 4. CHILDREN WITNESSING PUBLIC EXECUTIONS (ARTICLES 19 AND 37)

Iranian laws do not explicitly provide for public executions as a form of punishment; however, trial judges have discretion to determine whether a death sentence should be implemented in public. Amnesty International recorded at least 44 public executions in Iran in 2013 and 29 in 2014; in those cases, officials used construction cranes as gallows, so that the victims were raised up for spectators to see as they hanged by the neck from a rope attached to the crane. Most victims of public executions were convicted of crimes such as rape, armed robbery, aggravated murder, and drugs-related offences. Public executions – including multiple executions - are sometimes carried out in the main squares of cities or at the location where the crimes of which they were convicted were carried out. In January 2008, the then Head of the Judiciary, Ayatollah Mahmoud Hashemi-Shahroudi, issued a decree prohibiting executions in public without the prior approval of the Head of the Judiciary and, even then, allowing them only in cases of “societal needs.” The decree also banned publication of any images of executions in the media. In an interview at the time, the Spokesperson of the Judiciary stated: “The capital punishment, which is based on the country’s legislation and is applicable to a very limited number of crimes, should not be publicized in a manner that causes the society, in particular children and adolescents, mental disturbance”.<sup>22</sup>

This decree was of short duration. In July 2008, the authorities resumed public executions and images of execution appeared in the media again. The images often show a large gathering of spectators, including young children, raising concern as to the negative impact on the mental well-being of children who witness public executions. Some reports suggest that children have lost their lives as a result of being exposed to public executions. For example, in September 2013, local media in the city of Kermanshah, Western Iran, reported that Mehran Yousofi, a boy of eight, had hanged himself when playing with his friends after seeing images of a public execution.<sup>23</sup> In November 2013, media also reported that Mohammad Ashoubi, aged 7, died from strangulation when he hanged himself while attempting to reconstruct a public execution scene by placing a noose made from laundry rope around his neck and standing on his car toy.<sup>24</sup> In September 2014, media reported that Ali Akbar Younesi, aged 12, had died from hanging when using his father’s belt to replicate an execution scene that he had witnessed two weeks earlier on 10 September in the city of Hamedan, Western Iran.<sup>25</sup>

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<sup>22</sup> Ebtakar News, *Public executions are banned*, 31 January 2008, available at: <http://ebtekarnews.com/Ebtekar/News.aspx?NID=27494> (accessed on 3 February 2015)

<sup>23</sup> Tabyan, *Execution; the new game of children*, 19 November 2013, available at: <http://tebyan.net/newindex.aspx?pid=263116> (accessed on 3 February 2015)

<sup>24</sup> Bahar News, *“Execution game” took the life of a seven-year old child*, 12 November 2013, available at: <http://baharnews.ir/vdchmvni.23nzvdf2.html> (accessed on 3 February 2015)

<sup>25</sup> Alef, *Public execution caused the death of a boy*, 24 September 2014, available at: <http://www.alef.ir/vdcjx8e8vugexhz.fsfu.html?242941> (accessed on 3 February 2015)

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By allowing children to witness public executions, Iran may be in breach of Articles 19 and 37 of the CRC which place an obligation on state parties to protect children from all forms of physical or mental violence, and ensure that no child is subjected to cruel, inhuman or degrading treatment.

PENDING THE ADOPTION OF A LAW ABOLISHING THE USE OF THE DEATH PENALTY, AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS:

**To the Head of the Judiciary:**

- Immediately reintroduce a moratorium on all public executions and ensure full compliance with the moratorium.

## 5. APPENDIX 1 – REPORTED JUVENILE EXECUTIONS 2005-2014

No	Name	Age at time of alleged offence	Age at time of execution	Date	Location	Charge/Comment
<b>2005</b>						
1	Iman Farrokhi	17	22	19/01/2005	Tehran	Iman Farrokhi was sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly stabbing a man to death when he was hiking in the mountains outside Tehran in October 2000. In November 2002, Iman Farrokhi was also sentenced to three years in prison for carrying an illegal weapon and theft, and 80 lashes for the consumption of alcohol. The death sentence was upheld by Branch 4 of the Supreme Court in 2004 and carried out on 19 January 2005, the same day that the Committee on the Rights of the Child examined Iran's report.
2	Ali Safarpour Rajabi	16	20	13/07/2005	Lorestan	Ali Safarpour Rajabi was executed for allegedly killing Hamid Enshadi, a police officer, in Poldokhtar, Lorestan province western Iran. He was 16 years old at the time of the arrest and 17 years old when sentenced to death.
3	Mahmoud Asghari	15 or 16	16 or 17	19/07/2005	Mashhad	A member of Iran's Arab minority, Mahmoud Asgari was publicly hanged in a square in Mashhad, north-eastern Iran, after he was convicted, together with Ayaz Marhoni, of having "anal sex by force" ( <i>lavat be onf</i> ) with a 13-year old boy. The true nature of the alleged crime is disputed. Some sources have said that Ayaz Marhoni and Mahmoud Asgari were a couple who were executed for engaging in consensual sexual acts with each other, and possibly with the 13-year-old boy. They

						<p>were flogged 228 times before their execution for drinking alcohol, theft and causing public disorder.</p> <p>Photographs of the two boys being transported to their execution and of the execution itself were publicized around the world, and prompted international condemnation. One photo shows them crying while being interviewed by journalists en route to their hanging. Another shows them dangling from the crane. Witnesses said it took around 20 minutes for Ayaz Marhoni and Mahmoud Asgari to die, and a large crowd appears to have watched the execution.</p>
4	Ayaz Marhoni	16 or 17	17 or 18	19/07/2005	Mashhad	<p>A member of Iran's Arab minority, Ayaz Marhoni was publicly hanged in a square in Mashhad, north-eastern Iran, after he was convicted, together with Mahmoud Asghari, of having "anal sex by force" (<i>lavat be onf</i>) with a 13-year old boy. The true nature of the alleged crime is disputed. Some sources have said that Ayaz Marhoni and Mahmoud Asgari were a couple who were executed for engaging in consensual sexual acts with each other, and possibly with the 13-year-old boy. They were flogged 228 times before their execution for drinking alcohol, theft and causing public disorder.</p> <p>Photographs of the two boys being transported to their execution and of the execution itself were publicized around the world, and prompted international condemnation. One photo shows them crying while being interviewed by journalists en route to their hanging. Another shows them dangling from the crane. Witnesses said it took around 20 minutes for Ayaz Marhoni and Mahmoud Asgari to die, and a large crowd appears to have watched the execution.</p>
5	Farshid Farighi	14	21	01/08/2005	Bandar Abbas	<p>Farshid Farighi, aged 21, was hanged in the southern city of Bandar Abbas. He was convicted of stabbing to death five men, reported to be taxi drivers, in separate incidents. The first of the killings was in 1998 when Farshid Farighi was 14 years old. He was reportedly arrested in 2000</p>

						when he was 16. He was flogged before he was executed.
6	Name unknown	N/A	17	23/08/2005	Bandar Abbas	At least one 17-year-old youth (name unknown) was among four men under the age of 23, named only as AP, BK, HK and HJ, who were executed in public on 23 August in Bandar Abbas, according to Kayhan newspaper. Kayhan reported that HK and HJ had been convicted of kidnapping and rape, and that AP and BK had been convicted of rape and theft, and were flogged before they were executed.
7	Name unknown	17	22	12/09/2005	Fars	A 22-year-old man (name unknown) from a village named as Doust Iran Nodan was reported to have been hanged at dawn in public in Fars province. He had reportedly been sentenced to death for rape in 2000.
8	Rostam Tajik	16	20	10/12/2005	Esfahan	Rostam Tajik, a 20-year-old Afghan national, was executed in public in Esfahan on 10 December 2005. The previous day the UN Special Rapporteur on extrajudicial, summary or arbitrary executions had called on the Iranian authorities not to proceed with the execution. Rostam Tajik had been sentenced to death by Branch 9 of the General Court of Esfahan for the murder of a woman, Nafiseh Rafi'i, in May 2001 when he was 16 years old.
<b>2006</b>						
9	Majid Segound (Sagvand)	17	17	13/05/2006	Lorestan	Majid Segound was 17 when he was executed in public in Khorramabad, capital of Lorestan province, along with an unnamed 20-year-old man. According to Iranian press reports, the two had abducted, raped and murdered a 12-year-old boy, Kamran, in April 2006. Majid Segound and the unnamed man reportedly confessed to the crime during interrogation. The two were tried in an extraordinary session - an accelerated process - and were executed just one month after the murder.
10	Sattar	17	18	00/09/2006	Khorasan	Sattar had reportedly been sentenced to death by a court in Tehran on 26 January 2005, when he was 17, for the murder of a man named Mahmoud in Islamshahr,

						southern Tehran. The killing allegedly took place during a fight several months earlier.
11	Morteza M	16	18	07/11/2006	Yzad / Meybod	Morteza M was reported to have been publicly hanged in Yazd on 7 November 2006. According to reports, he was 18 at the time of execution and had been sentenced to death under <i>qesas</i> (retribution-in-kind) for the murder of his friend two years earlier.
12	Naser Batmani	17	22	na/12/2006	Sanandaj	Naser Batmani, aged 22, was hanged in Sanandaj Prison, Kordestan Province in late December 2006 for a murder allegedly committed when he was 17 years old, according to the Kurdistan Human Rights Organization. He was executed after serving a five-year prison sentence.
<b>2007</b>						
13	Mohammad Mousawi	16	19	22/04/2007	Shiraz	Mohammad Mousavi was reportedly hanged on 22 April 2007 in Shiraz when he was aged 19. His family are said not to have been notified of his execution. According to reports, Mohammad Mousavi was sentenced to death under <i>qesas</i> (retribution-in-kind) for a murder committed when he was 16.
14	Sa'id Qanabar Zahi	17	18	27/05/2007	Zahedan	<p>A member of Iran's Baluchi minority, Sa'id Qanabar Zah was sentenced to death at the age of 17 along with six other Baluchi men in March 2007. Information provided to Amnesty International suggests that the seven may have been arrested because of their family ties to those suspected of involvement in blowing up a bus carrying members of Iran's Revolutionary Guards Corps on 14 February 2007 in Zahedan, in which at least 14 people were killed.</p> <p>Unconfirmed reports suggest Sa'id Qanabar Zahi and the six others were tortured to "confess" including by having bones in their hands and feet broken, by being "branded" with a red-hot iron, and by having an electric drill applied to their limbs, shredding their muscles.</p>

15	Mohammad Pezhman	Under 18	N/A	29/05/2007	Boshehr	Sentenced to death by Bushehr Criminal Court for rape. The death sentence was upheld by Iran's Supreme Court.
16	Amir Asgari	Under 18	N/A	10/10/2007	Tehran	Sentenced to death for a crime he allegedly committed before reaching the age of 18.
17	Hossein Gharabaghloo	16	19	17/10/2007	Tehran	Hossein Gharabaghloo was sentenced to death under <i>qesas</i> (retribution-in-kind) by Branch 71 of Tehran General Court for allegedly stabbing his friend Mahmoud to death during a fight on 1 December 2004 in Robat-e Karim, near Tehran. The death sentence was upheld by Branch 31 of the Supreme Court on 13 December 2006.
18	Babak Rahimi	17	22	17/10/2007	Tehran / Evin	Babak Rahimi was sentenced to death under <i>qesas</i> (retribution-in-kind) for the alleged murder by suffocation of his roommate on 12 January 2002.
19	Name unknown (1)	Under 18	N/A	N.A/10/2007	N/A	The Afghanistan Independent Human Rights Commission (AIRHC) reported in early October 2007 that two Afghan children had recently been executed. Amnesty International does not have further information.
20	Name unknown (2)					
21	Mohamad Reza Turk	16	18	15/11/2007	Hamedan	Mohammad Reza Turk from Hamedan was executed for a murder allegedly committed in November 2005, when he was aged 16.
22	Makwan Moloudzadeh	13	21	04/12/2007	Dizelabad Prison, Kermanshah	<p>A member of Iran's Kurdish minority, Makwan Moloudzadeh was sentenced to death by Branch One of the Criminal Court of Kermanshah on 7 June 2007, for having "anal sex by force" (<i>lavat</i>) with a 13 year old. The death sentence was upheld by Iran's Supreme Court in August 2007.</p> <p>Makwan Moloudzadeh retracted his "confession" to having had a sexual relationship with a 13-year-old boy in 1999 in court, saying the "confession" had been extracted under torture during his interrogations.</p> <p>According to the media interviews given by Makwan Moloudzadeh's relatives and lawyer at the time, the authorities paraded Makwan Moloudzadeh through the streets of Paveh riding on a donkey with his head shaved shortly after his arrest on 1 October</p>

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						2006 and prior to his trial and conviction. No investigation of Makwan Moloudzadeh's allegations of torture is known to have been conducted by the trial court or other Iranian authorities.
23	Amir Hoshang Fazlollahzadeh	16	NA	31/12/2007	Gilan	Sentenced to a death for a crime allegedly committed when he was aged 16.
<b>2008</b>						
24	Javad Shoja'i	16	24	26/02/2008	Esfahan	Javad Shojaei was executed in a prison yard in the central city of Isfahan. He was sentenced to death under <i>qesas</i> (retribution-in-kind) for an alleged murder in the year 2000 when he was only 16 years old. His sentence was upheld by the Supreme Court.
25	Mohammad Hassanzadeh	15	16 or 17	10/06/2008	Sannadaj	Mohammad Hassanzadeh was hanged in Sanandaj prison following his conviction for the murder, when aged about 15, of a 10-year old boy.
26	Rahman Shahidi	Under 18		22/07/2008	Boshehr	Sentenced to death by Bushehr Criminal Court for rape. Both death sentences were upheld by Iran's Supreme Court.
27	Hassan Mozafari					
28	Behnam Zare'	15	19	26/08/2008	Fars	Behnam Zare' was sentenced to death under <i>qesas</i> (retribution-in-kind) by Branch 5 of Fars Criminal Court after being convicted of murder. The sentence was subsequently upheld by the Supreme Court and confirmed by the head of the judiciary. Neither his parents nor his lawyer were notified in advance of his execution, even though a 48-hour notification period is required under Iranian law.
29	Reza Hejazi	15	20	19/08/2008	Esfahan	Reza Hejazi was among a group of people allegedly involved in a fight with a man on 18 September 2004, which resulted in the man being fatally stabbed. Reza Hejazi was arrested and tried for murder, and on 14 November 2005 he was sentenced to death



						<p>under <i>qesas</i> (retribution-in-kind) by Branch 106 of the Esfahan General Court. The sentence was approved by Branch 28 of the Supreme Court in Mashhad on 6 June 2006.</p> <p>Reza Hejazi's execution was carried out without a 48-hour notification to his lawyer. On 18 August, Reza Hejazi's family learned that he had been transferred to solitary confinement in advance of the implementation of his sentence, and they informed Reza Hejazi's lawyer accordingly.</p> <p>On 19 August 2008, the lawyer reached Esfahan prison at 4.30am, and attempted to find out when the execution was to be carried out. Prison guards informed him that executions normally took place between 7 and 8 am. It is understood that after attempting for several hours to secure a stay of execution, at around 10am the lawyer was told by the judicial official supervising executions that Reza Hejazi's execution had been halted. He set off back to his office in the capital, Tehran, a five-hour journey away. While he was travelling, he was informed that Reza Hejazi had been hanged at 11am.</p>
30	Gholamreza H.	17	19	29/10/2008	Esfahan	<p>Gholamreza H., an Afghan national, was sentenced to death under <i>qesas</i> (retribution-in-kind) by Branch 17 of the Criminal Court in Esfahan after being found guilty of stabbing to death another Afghan boy, Shir-Agha Hoseini, on 29 November 2006. He is reported to have confessed to the killing, stating that the victim had been harassing his sister and insulting his honour, and that he had bought a knife, and arranged to meet the boy to stab him.</p>
31	Ahmad Zare	17	N/A	30/12/2008	Sanandaj	<p>Sentenced to death under <i>qesas</i> (retribution-in-kind) for the alleged killing of a man in a village on the outskirts of Sanandaj, Kordestan province.</p>

2009						
32	Mola Gol Hassan	Under 18	21	21/01/2009	Tehran	Sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly killing a woman named Fakhroddin, while trying to steal money from her.
33	Delara Darabi	17	22	01/05/2009	Gilan	<p>Delara Darabi was sentenced to death under <i>qesas</i> (retribution-in-kind) after being convicted of the murder of her father's 58-year-old female cousin Mahin in September 2003. Delara Darabi initially confessed to the murder, but later retracted her statement. She said that her boyfriend, Amir Hossein Sotoudeh, was the murderer and that she had admitted responsibility to protect him from execution, claiming that he had told her that as she was 17 she could not be executed.</p> <p>Delara Darabi was initially sentenced to death under <i>qesas</i> (retribution-in-kind) by Branch 10 of the General Court in Rasht on 27 February 2005. In January 2006, the Supreme Court found "deficiencies" in the case and returned it to a children's court in Rasht for retrial.</p> <p>Following two trial sessions in January and June 2006, Delara Darabi was sentenced to death for a second time by Branch 107 of the General Court in Rasht. Amir Hossein Sotoudeh was sentenced to 10 years' imprisonment for complicity in the murder. Both received sentences of three years' imprisonment and 50 lashes for robbery, and 20 lashes for an "illicit relationship". Delara Darabi's death sentence was confirmed by the Supreme Court on 16 January 2007.</p>
34	Ali Jafari	17	N/A	20/05/2009	N/A	Sentenced to death under <i>qesas</i> (retribution-in-kind) for the alleged murder of a man reported as J. M.
35	Behnoud	17	21	11/10/2009	Tehran	Behnoud Shojaee was sentenced to death under <i>qesas</i> (retribution-in-kind) after

	Shojaee					<p>Branch 74 of the Criminal Court in Tehran convicted him of stabbing a boy in the chest with a piece of broken glass during a fight in August 2005, involving the victim, Behnoud Shojaee and his friend. During his trial, Behnoud Shojaee accepted that he stabbed the victim in the chest but said that he did so only once and after the victim threatened him with a knife.</p> <p>Behnoud Shojaee's death sentence was upheld by Iran's Supreme Court. Its implementation was postponed several times as a result of international pressure.</p>
36	Mosleh Zamani	17	N/A	17/12/2009	Kermanshah	Mosleh Zamani was hanged at Dizel Abad Prison in Kermanshah province, along with four other unidentified prisoners.
<b>2010</b>						
37	Mohammad A.	17	20	17/07/2010	N/A	Mohammad A. was executed for crimes he allegedly committed when he was 17. Born on 9 January 1989, he was three months short of 18 at the time of his alleged crime on 5 April 2007.
<b>2011</b>						
38	A.N.	17	N/A	20/04/2011	Bandar Abbas	On 20 April 2011, two juvenile offenders – identified only as “A.N” and “H.B” - were among three individuals hanged in public in Bandar Abbas, southern Iran, after being convicted of charges of rape and murder. They were 17 at the time of the alleged crimes.
39	H.B.	17	N/A	20/04/2011	Bandar Abbas	On 20 April 2011, two juvenile offenders – identified only as “A.N” and “H.B” - were among three individuals hanged in public in southern Iran, after being convicted of charges of rape and murder. They were 17 at the time of the alleged crimes.

40	Ali Reza Molla Soltani	17	17	21/09/2011	Karaj	<p>A 17-year old convicted of killing an athlete known as "Iran's strongest man" was publicly hanged in the city of Karaj, near Tehran on 21 September 2011. Alireza Molla-Soltani was sentenced to death under <i>qesas</i> (retribution-in-kind) in August 2011 for stabbing Ruhollah Dadashi, a popular athlete during a driving dispute on 17 July 2011. The 17-year old said he panicked and stabbed Ruhollah Dadashi in self-defence after the athlete attacked him in the dark, according to local media reports. An official commenting afterwards said that Alireza Molla-Soltani was over 18 according to the Islamic calendar which has a shorter year and that there was no reason for the execution not to be carried out.</p> <p>Alireza Molla-Soltani was arrested a day after Ruhollah Dadashi reportedly punched Alireza Molla-Soltani in the mouth and slammed him against the car while the two were arguing. Shortly after Alireza Molla-Soltani was arrested, a state prosecutor called for "a speedy resolution" of the case. A court in Karaj convicted him of "intentional murder" and on 20 August 2011 sentenced him to death by hanging in public. Iran's Supreme Court upheld the death sentence on 11 September.</p>
41	Mohammad Norouzi	17	20	18/09/2011	Tehran	<p>Mohammad Norouzi was executed on 18 September apparently on drug related offences. Reports indicated that he was an Afghan national.</p>
42	Vahid Moslemi	17	19	18/09/2011	Tehran	<p>Vahid Moslemi was executed on 18 September apparently on drug related offences. Reports indicated that he was an Afghan national.</p>
43	Ehsan	17	N/A	21/10/2011	Marvdasht	<p>"Ehsan" was executed in public after he was convicted of "having anal sex by force" (<i>lavat</i>) with an 11 year old boy. "Ehsan" was arrested at the age of 17 after a man brought a complaint against him and two other youths, alleging that the three had</p>

						attempted to rape him.
44	Amir Shirmohammadi	17	21	16/10/2011	Esfahan	An Afghan national, Amir Shirmohammadi was executed on drug-trafficking charges, allegedly committed at the age of 17. There are reports that the authorities intentionally registered him as 33 years old to avoid criticism. His family was apparently placed under pressure to remain quiet and hold his funeral under strict monitoring by intelligence officials.
<b>2012</b>						
45	Amir. A	14	24	18/04/2012	Esfahan	Amir. A was executed on 18 April in the Central prison of Esfahan after spending 9 years in prison. He was arrested on 21 April 2003 and was accused of stabbing a man to death almost a year earlier on 14 April 2002. Media reports indicated that he admitted to stabbing the man following an argument. He was sentenced to death under <i>qesas</i> (retribution-in-kind) by Branch 102 of the General and Criminal Court in Esfahan.
46	Shahruz	17	21	24/10/2012	Karaj	According to reports, Shahruz as was arrested in 2008 when he was 17 on charges of kidnapping and sexually assaulting a number of teenage boys.
47	Samad	16	24	24/10/2012	Karaj	Samad was sentenced to death under <i>qesas</i> (retribution-in-kind) by Branch 71 of the Criminal Court in Tehran after being found guilty of stabbing to death a man named "Rahim" in 2004. His death sentence was upheld by Iran's Supreme Court.
48	Bahram Ahmadi	17	20	27/12/2012	Karaj	Bahram Ahmadi was arrested in Sanandaj, Kordestan Province on 19 September 2009 by men believed to belong to the Ministry of Intelligence. The men did not show him

						<p>an arrest warrant. He was 17 at the time of arrest. Following his arrest, he was held in Ministry of Intelligence detention centres in the cities of Sanandaj, Hamedan and Tehran for 17 months. According to another prisoner who had seen Bahram Ahmadi during his detention in Sanandaj, his interrogators tortured him including by subjecting him to electroshocks and floggings and deprived him of food for long periods of time. The interrogators also allegedly threatened him with the arrest of his family members in order to make him “confess” to “having connections with extremists and enemy groups”.</p> <p>Bahram Ahmadi was not allowed access to a lawyer and his family during his detention and was permitted only a few phone calls to his family.</p> <p>On 12 February 2011, Branch 28 of the Revolutionary Court in Tehran sentenced him to death on the charge of “enmity against God” (<i>moharebeh</i>) through “having connections with Salafist groups”. He was also convicted of the charge of “spreading propaganda against the system”.</p> <p>His execution was carried out on 27 December 2012 in circumstances shrouded by secrecy.</p>
<b>2013</b>						
<b>49</b>	Said Afshar	15	25	03/07/2013	Karaj	Said Afshar was sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly committing murder when aged 15. He was executed at the age of 25, 10 years after his arrest and imprisonment in Raja’i Shahr prison.
<b>50</b>	Abdolhamid Sekhavatian	Under 18	28	21/08/2013	Jahrom	Abdolhamid Sekhavatian’s execution was carried out in public in Jahrom, Fars province in 2013. According to reports, he was sentenced to death under <i>qesas</i>

						(retribution-in-kind) by Branch 102 of the Criminal Court in Jahrom for allegedly stabbing and causing the death of an individual named "Firuz Sh." when he was under the age of 18. His death sentence was upheld by the Supreme Court and was carried out in public following the permission of the Head of the Judiciary.
51	Arman Mohammadi	12	18	20/08/2013	Kermanshah	He was arrested at the age of 12 and was sentenced to death under <i>qesas</i> (retribution-in-kind) on the charge of "murder". His execution was carried out after six years once he reached the age of 18.
52	Unknown	14	18	18/09/2013	Kazerun	Sentenced to death under <i>qesas</i> (retribution-in-kind) on the charge of "murder". The sentence was upheld by the Supreme Court and was implemented after reaching the age of 18. He was 14 years old at the time of the alleged crime.
53	Unknown	Under 18	NA	22/10/2013	Eslamabad Gharb	Sentenced to death for allegedly committing murder when under the age of 18.
54	Abdul Wahab Rigi	17	20	26/10/2013	Zahedan	<p>A member of Iran's Baluchi minority, Abdul Wahab Rigi was executed in October 2013, along with 15 other Baluchi men. According to press reports, Zahedan's Prosecutor Mohammad Marzieh confirmed that the executions were carried out in direct retaliation for an overnight ambush that led to the killing of 14 border guards in a mountainous region outside Saravan, on the south-eastern border with Pakistan. It is not clear what connection if any Abdul Wahab Rigi and the other 15 men had to the attack.</p> <p>Abdul Wahab Rigi was arrested by Ministry of Intelligence officials in Sistan and Baluchestan Province in 2010 when he was 17 years old. He was tried and sentenced</p>

						to death by a Revolutionary Court for the charge of «enmity against God» ( <i>moharebeh</i> ). According to the Human Rights News Agency, Abdul Wahab Rigi did not receive a fair trial and was not allowed access to a lawyer.
55	Mehrollah Rigi	17	20	26/10/2013	Zahedan	<p>A member of Iran's Baluchi minority, Mehrollah Rigi was executed in October 2013, along with 15 other Baluchi men. According to press reports, Zahedan's Prosecutor Mohammad Marzieh confirmed that the executions were carried out in direct retaliation for an overnight ambush on that led to the killing of 14 border guards in a mountainous region outside Saravan, on the south-eastern border with Pakistan. It is not clear what connection if any Abdul Wahab Rigi and the other 15 men had to the attack.</p> <p>Mehrollah Rigi was arrested by Ministry of Intelligence officials in Sistan and Baluchestan Province in 2010 when he was 17 years old. He was tried and sentenced to death by a Revolutionary Court for the charge of «enmity against God» (<i>moharebeh</i>). According to the Human Rights News Agency, Abdul Wahab Rigi did not receive a fair trial and was not allowed access to a lawyer.</p>
56	Ahmad Seif Panahi	16	24	07/11/2013	Sanandaj	Ahmad Seif Panahi was sentenced to death under <i>qesas</i> (retribution-in-kind) after being convicted of the charge of "murder". He was accused of stabbing an individual to death during a street fight.
57	Ahmad Jenkihoo	15	19	07/11/2013	Bandar Abbas	
58	Abdolaziz Ra'isi	17	24	17/12/2013	Zahedan	Abdolaziz Ra'isi spent 7 years in prison before he was executed in Zahedan prison for a crime he allegedly committed at the



						age of 17.
59	Iraj Nasiri	15	20	19/12/2013	Orumieh	A member of Iran's Kurdish minority, Iraj Nasiri was executed in 2013 on the charge of "murder". He was 15 at the time of the alleged crime.
<b>2014</b>						
60	Hassan Gholami	14	21	02/03/2014	Shiraz	Hassan Gholami was sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly killing a man when he was only 14. He was executed at the age of 21, seven years after the committed crime. Reports indicated that the authorities had not informed his family members before his execution.
61	Hassan Zolfaqari	17	23	02/03/2014	Zahedan	Hassan Zolfaghari was executed at the age of 23 after being imprisoned for six years. He had been sentenced to death under <i>qesas</i> (retribution-in-kind) apparently on the charge of "murder". He was 17 at the time of the alleged crime.
62	Reza Ganjlu	16	20	04/03/2014	Karaj	Reza Ganjlu was executed in Raja'i Shahr Prison in Karaj near Tehran at the age of 20. He had been sentenced to death under <i>qesas</i> (retribution-in-kind) apparently on the charge of "murder". He was 16 at the time of the alleged crime.
63	Ahmad Rahimi	17	21	17/04/2014	Bandar Abbas	Ahmad Rahimi was executed in Bandar Abbas Prison. He had been sentenced to death apparently on the charge of "murder". Reports said that he was 17 at the time of the alleged crime.
64	Ali Fouladi	16	22	17/04/2014	Bandar Abbas	Ali Fouladi was executed in Bandar Abbas Prison. He had been sentenced to death apparently on the charge of "murder". According to reports, he was 16 at the time of the alleged crime.

65	Ebrahim Hajati	16	20	21/04/2014	Mashhad	Ebrahim Hajati was executed in Vakil Abad Prison in Khorasan province. He had been sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly killing a man during a fight. He was 16 at the time of the alleged crime.
66	Amir Sardaha'i	17	NA	10/06/2014	Tabriz	Amir Sardaha'i was executed in Tabriz. He had been sentenced to death apparently on the charge of "murder". He was 17 at the time of the alleged crime.
67	Osman Dah Mardeh	17	NA	09/08/2014	Zahedan	Osman Dah Mardeh was executed in Zahedan's Central Prison along with his mother. He had been sentenced to death on drug related offences. He was 17 at the time of the crimes he was accused of.
68	Hadi Veisi	15	18	25/08/2014	Kermanshah	Hadi Veisi was executed in Kermanshah Prison. He had been sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly killing one of his classmates. He was 15 at the time of the alleged crime.
69	Fardin Ja'farian	14	18	18/10/2014	Tabriz	Fardin Ja'farian was executed in the Central Prison of Tabriz. He had been sentenced to death under <i>qesas</i> (retribution-in-kind) on the charge of "murder". He was 14 at the time of the alleged crime.
70	Rahim Norollahzadeh	14	19	30/11/2014	Tabriz	Rahim Norollahzadeh was executed in the Central Prison of Tabriz. He had been sentenced to death under <i>qesas</i> (retribution-in-kind) on the charge of "murder". He was 14 at the time of the alleged crime.
71	Mehras Rezaei	17	21	26/02/2014	Mazandaran	Mehras Rezaei was sentenced to death under <i>qesas</i> (retribution-in-kind) for allegedly killing his cousin during the course of a fight when he was 17.
72	Janat Mir	Under 18	NA	00/04/2014	Esfahan	Janat Mir, an Afghan national, was executed in Esfahan apparently in March 2014 on drug-related charges. He was under the age of 18 at the time of the alleged crimes. Reports indicated that he

						was not allowed access to a lawyer and that the authorities did not give his body back to his family to be returned to Afghanistan for burial.
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## 6. APPENDIX 2 – PICTURES OF CHILDREN WITNESSING A PUBLIC EXECUTION





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## **Annex 2:**

### **Association for Crisis Assistance and Solidarity Development Cooperation (WADI)**

# The Actual State of FGM Practice in Iran

Association for Crisis Assistance and Solidarity Development Cooperation (WADI)

## Summary

In Iran local studies show that FGM is practiced in the provinces of Kurdistan, Western Azarbaijan, Kermanshah, Illam, Lorestan and Hormozghan. No studies have been conducted in other provinces. The existing studies have found prevalence rates between 40 and 85%. In most cases type I is performed but there is also a relevant number of type II mutilations.



Red provinces with FGM prevalence from North to South: West Azarbaijan, Kurdistan, Kermanshah, Illam, Lorestan and Hormozghan

Reasons for the practice are tradition, religion and purity. The belief persists that the cutting of a female's genitals will turn women into pure Muslims and that the food they cook is halal (religiously allowed). In some areas, women are not allowed to have sexual relations with their husbands unless circumcised – the mutilation will be performed at an adult age in such a case. According to women in Illam and Lorestan the clitoris will grow big and ugly. Furthermore, a Hadith tradition quotes that circumcision makes women prettier. However, the most important reason behind mutilation is depriving women of sexual desires.

According to existing research FGM is only or at least mainly practiced by Sunni Muslims in Iran. Shia clerics in Iran are taking a careful distance to the practice pointing out that it



is allowed in Islam but not necessary and only common among Sunni Muslims. There have been a few media reports on FGM. But generally, the topic remains a taboo. Health organizations do not react to the issue.

## Statistics

A study conducted in Western Azarbaijan and Kurdistan with 855 respondents from 70 villages found an FGM rate of 69%, the rate being slightly higher in Western Azarbaijan than in Kurdistan.

Province	Town	Number of Villages	Women Respondants	Circumcised Women
Western Azarbaijan	Oshnavieh	7	84	56
Western Azarbaijan	Naghadeh	4	61	36
Western Azarbaijan	Mahabad	9	107	79
Western Azarbaijan	Sardasht	7	59	41
Western Azarbaijan	PI.R. Iranshahr	11	169	132
Western Azarbaijan	Bukan	8	76	45
Western Azarbaijan	Takab	10	127	98
Kurdistan	Baneh/ Marivan	10	133	84
Kurdistan	Sanandadj	4	39	16

Statistics compiled by Kameel Ahmady

A study by Tahereh Pashaiee carried out in Ravansar, Kermanshah among 348 women found a prevalence rate of 55,7%, with 47% affirming that they would continue the practice. But 56,9% also believed that a legal ban would stop the practice effectively.

A study in Minab, Hormozghan found a prevalence rate of 70%. The same rate was found in a study conducted in Kong, Hormozghan.

In a research carried out by Rayekeh Mozafarian on the island of Ghesm (Hormozghan), among 400 women, 333 (83.2%) were already mutilated, 59.7% were in favor of mutilating their daughters. In this region religion played an important role as motivation with 74% ranging before tradition 66% and better chances to marry (57%).

Positive answer to Phrases	Circumcised type 2		Circumcised type 1		Not Circumcised	
	#	%	#	%	#	%
FGM is a tradition and should be done	23	65.7	143	58.6	26	21.5
FGM will cause the girls to be real Muslims	26	74.3	173	70.9	33	27.3
Men prefer circumcised girls for marriage	20	57.1	100	41	20	16.5
FGM preserves the girls from men rapes	11	31.4	76	31.1	11	9.1
more marriage chances for circumcised girls	10	28.6	36	14.8	10	8.3
Circumcised and non- circumcised girls are valued equally in society	12	34.3	125	51.2	106	87.6
Circumcised women give birth to the healthier children	19	54.3	115	47.1	16	13.2

### Age and other circumstances

Usually, FGM is performed on girls under 10 years of age. In the province of Hormozghan it is done after birth. In the provinces of Illam and Lorestan it is also frequently done right before marriage.

The girls are usually accompanied by their mothers. The practice is carried out more of less in clandestine, without anesthesia and under bad hygienic conditions. Instead ash, some local traditional medications, in some cases Betadine and alcohol are used to clean the genitals. Sometimes the girls are forced to sit in a bucket full of ice to stop the bleeding.

### Religion

All studies conducted so far in Iran have found the practice among Shafi'i Sunni minorities, but not among the Shia majority population. But evidence indicates that Shi'a women who live in close proximity with the Shafi'i Sunnis in Illam, Kermanshah (followers of the Ahleh Hagh sect) and Lorestan practice it.

The Shafi'i law school generally sees female circumcision as a religious duty (wajib). Thus, Sunni local clergy of this law school supports or even demands the practice as several interviewees confirmed. The Shia clergy takes a distance and has in some cases condemned FGM.

Upon request the office of the Supreme Leader of the Islamic Republic of Iran Grand Ayatollah Khamenei answered:

*"Today, female circumcision is not common among Shiites but the usage narrative show that it does not hurt if it can be done with its conditions, including compliance with health issues. But because the social norms have changed today, this action would not be acceptable like many other topics which their meaning was changed due to circumstances and facts."*

Ayatollah Bayat Zanjani answered: *"Women are not circumcised. Islam has been the subject of circumcision of the male penis. Because the women do not have this part of genital."*

Ayatollah Makarem Shirazi answered: *"We have ordered a ban on it."*

The official religion in I.R. Iran is Shi'a. Laws that pass through parliament must be in accordance with Shia rulings. As fatwas of the highest Shia clergy are opposing FGM there is no obstacle from this body when passing a legal ban of FGM.

### **Human Rights Convention in the I.R. Iran**

In 1994, I.R. Iran ratified the Convention on the Right of the Child (CRC).

Article 2 paragraph 2 of the Convention states that "States parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."

According to Article 24 of the CRC: "States parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

States parties shall pursue full implementation of this right and, in particular, shall take appropriate measures: to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.

States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

States parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

### **Legal Situation**

Under Iranian law FGM is not prohibited specifically. But it could be punishable under Article 386 of the Islamic penal Code effective since 27th May 2013 provides: "If done intentionally, any criminal act on a body organ will be punished due to the retaliation "Qisas" law in case that the person against whom the crime was committed or the guardian request it and other conditions specified in the law exist, else he will be punished due to the Blood money "

Definition of retaliation (Qisas): Punishment for criminal is equal to his/her crime.

Definition of blood money (diya): monetary compensation prescribed by Shari'a for the crime. In cases in which an unintentional accident has occurred and as consequence a person is injured or dead, a liability for blood money is created.

In the case of article 386 the complaint must be filed by the injured or its legal guardian. In the case of FGM, the injured party is still for many years a minor and must therefore be represented by her father. Since a parent will not file a complaint against himself, the injured girl would have to wait until she turns 18 before she can file a complaint which means that many years will have passed between the deed and the complaint. Even if such a complaint is possible in theory it seems unlikely that a daughter will sue her parents under an article stipulating retaliation.

### **Recommendations**

1. Conduct a national survey on the practice of FGM in Iran
2. Pass a law specifically banning FGM which allows others but the injured to file a complaint
3. Support campaigns against FGM in the provinces where FGM is practiced

## **Annex 3:**

### **Association for the human rights of the Azerbaijani people in Iran (AHRAZ)**



**Association for the human rights  
of the Azerbaijani people in Iran**

## **Deprivation from Learning Mother Tongue and Its Effects on Azerbaijani Turk Children in Iran**

Duman S. Radmehr, Azra Azari  
1/24/2015

## About AHRAZ

**Association for the human rights of the Azerbaijani people in Iran (AHRAZ)** concentrates on minorities' human rights situation, especially Azerbaijani Turks in Iran. Considering the fact that AHRAZ has a precise knowledge about Azerbaijani Turks in Iran, this group is missioned to monitor and improve the human rights situation considering the rights based on identity, religion, labor, gender and children rights.

Azerbaijani Turk people are the biggest minority in Iran. They speak Azerbaijani Turkish and mostly live in north-west of Iran. Regarding the difference between Azerbaijanis and official-state culture which is Farsi (Persian), the government's policies almost always have been discriminational and intended to assimilate Azerbaijani culture. This in turn has doubled pressure on Azerbaijani women and labors more than those who belong to the major culture.

As a result of this discrimination the new Azerbaijani generation focused their activities on demanding education in mother language, women and workers' rights, establishing party and peaceful demonstration, and environmental activities. However, Iranian government have always responded to this activities with violence, detention, torture, long term imprisonment, and even murdering.

AHRAZ founders themselves who are victims of the suppression applied by Islamic Republic have witnessed the effect of the international human rights organizations support. Therefore, they established this non-political association intending to reflect the human rights situation in the region in order to attain the support of international human rights organizations and institutes all over the world. AHRAZ believes that despite this group's local approach to deal with human rights issues, its success requires support of global organizations as well as their collaboration. To this end, in addition to its local human right activities, AHRAZ also is intending to reinforce the communication between the international supporters and local activists.

It worth mentioning that in addition to systematic violation of minorities and individuals rights by government and semi-government groups, ordinary people belong to dominant ethnic group also violate those rights as well. For this reason, we as AHRAZ believe that informing people about their rights and responsibilities is the most effective tool to improve the situation of human rights. By establishing a network between like-minded activists, AHRAZ follows this goal. This network fulfils the duty of monitoring and reporting the violations of human rights as well. AHRAZ is an independent and non-governmental foundation established in 2014. The official registration of the foundation is under process. AHRAZ members are present in Europe and North America and collaborating with varied human rights organizations and foundations.

**AHRAZ Board, 2014**

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**Note!** In this document the terms of “Azerbaijan” refers to the region of Azerbaijan inside Iran and **NOT** the Republic of Azerbaijan. The Azerbaijani people in Iran mostly recognize themselves as “Turk” and their language as “Turkish or Azerbaijani Turkish”. Thus, in this report the terms of “Azerbaijani”, “Azerbaijani Turk”, “Azeri Turk” and “Turk” are the same and refer to the indigenous people of the region inside Iran and **NOT** The Republic of Azerbaiian or Turkev.

## 1. Summary of Findings and Recommendations

The Convention on the Right of the Child emphasizes the right of children of ethnic minorities to learning their native language, ethnic art and culture as well as participating in recreation [of these art forms]. In 1991, the Islamic Republic of Iran signed and in 1994 the Islamic Consultative Assembly ratified that international convention, under the condition that its sections do not contradict the Islamic legal code and the Constitution of the Islamic Republic of Iran. The Islamic Republic of Iran’s Constitution only recognizes Persian (Farsi) as the official language [of Iran] and does not mention other languages of Iranian ethnic minorities such as Azerbaijani Turkish. However, the constitution grants freedom to practice languages of ethnic minority origin, specifically referring to them as “regional and tribal languages.” Thus, from the point of view of compliance with the Iranian legal code, the implementation of the articles of the convention- which are about the states’ commitment to teach minorities’ children their mother language- is legal. Despite of this fact, not only Iran regime does not keep his commitment to teach the Azerbaijani Turk children their mother tongue but also in different ways it prevents the activists and non-governmental organization to practice this right. Consequently, Iran regime, as a signatory of the Convention on the Rights of the Child should be held accountable.

Azerbaijani Turks and Persian-speaking people make up the majority of the population of Iran. Although there are no official figures for Iran's ethnic population, according to the statements made by the officials of the Islamic Republic 40% of the population of Iran speaks (Azerbaijani) Turkish. Therefore, there are about nine million children whose mother language is (Azerbaijani) Turkish. Even though the article 15 of the Iranian Constitution declares that teach language of other ethnic minorities is legal, to this day no effort has been made to implement this law. In reality, the central government continues the policies of the former regime regarding “Persianization” and denying the ethnic identity of Turkish-speaking minorities and continues the systematic policy to assimilate Turkish children. Research and statistics show that depriving Azerbaijani children from learning their mother language causes high illiteracy rates, decline in academic performance, and a sense of humiliation and alienation of those children. Since the 1990s, when the Azerbaijani’s desire for distinguishing their identity was demonstrated through increased emphasis on learning Azerbaijani Turkish, the government of the Islamic Republic has confronted this minority group with arrests and police brutality. Every year dozens of Azerbaijani youth are arrested at special gatherings such as the International Mother Language Day, charged with "separatism" and are sentenced to long prison terms. Although in his campaign, the new president of Iran Hassan Rohani, acknowledged and promised to implement the right to receiving education in native language for the first time in the history of the Islamic Republic of Iran, the current statements of government officials has destroyed all hope of government’s actions towards this goal.

Regarding the facts and investigations on the Azerbaijani children's privation of the right to acquire and using of their language and culture, which is summarized in this report, the Association for the Human Rights of the Azerbaijani People in Iran (AHRAZ) requests that the United Nation's Committee on the Rights of the Child hold the Iranian government responsible to implement the following:

- Teaching Azerbaijani Turkish language and literature in schools in the provinces where the Azerbaijani Turkish is the native language.
- Provide the conditions that non-governmental organizations and educational institutions can freely teach the Azerbaijani Turkish language.
- Freeing Azerbaijani civil society activists who were arrested and imprisoned for demanding the right to receive education in their native language.
- Establishing the Azerbaijani Turkish Language Institute to preserve this language and also to provide the educational books for children in this language.
- Broadcasting TV programs for children and adolescents in Azerbaijani Turkish language.
- Implementing positive discrimination in governmental facilities and providing subsidies for publishing children's books and publications in Azerbaijani Turkish language.
- Removing ban on using Turkish names for public places.
- Removing ban on choosing Turkish names for children.
- Reviewing the current educational (school) textbooks in order to remove contents offensive to Turks.

## **2. Introduction and background**

The Convention on the Right of the Child (CRC) prohibits any discrimination against children and obliges the governments to guarantee the rights of children belonging to ethnic, religious and lingual minorities to learn and practice their culture. In articles 17, 20, 29 and 30, the CRC insists upon member's duty to attend to the needs and rights of children of ethnic minorities to learning their languages, culture, literature and arts and specifically emphasizes respecting and granting freedom of communication and cultural expressions in the media. In its general comments No. 17, the Committee on the Rights of the Child insists that the necessary time and expertise should be expended so that minority children acquire, participate in and recreate their culture and arts such as music, dramatic arts, literature, poetry and fine arts as well as [cultural] sports and games.

The Islamic Republic of Iran signed the Convention in 1991 and the Islamic Consultative Assembly ratified the Convention after adding a condition. The aforementioned condition states that "if the articles of the CRC is inconsistent with the provisions of Islamic legal code and Islamic Sharia, the Islamic Republic will not observe it"<sup>1</sup>. The right of non-Persian children to learn their mother tongue is one of the most important cases which seemingly no legal ban exists for exercising it. But instead, unwritten laws that usually originate from nationalistic policies and religious views of the Iranian regime hinder

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<sup>1</sup> "Children's Rights: Iran". Library of Congress. 4 April 2011. Retrieved 28 May 2012. [.link:](#)

the implementation of these laws and civil activists who demand the enforcement of these laws are pursued and severely prosecuted. Compared with Persian speaking children, the children of these minority groups are not only discriminated against with regards to access to welfare services (e.g. economic, social and cultural), they are generally deprived of fundamental rights such as the right to learning their native language. This report delineates the result of academic research on the extent and consequence of privation of Azerbaijani children of the right to learn their native language.

### 3. Children of Azerbaijani Turks in Iran

Iran's population of over 75 million people comprises various ethnic minority groups. Turkish (Azerbaijani), Persians, Kurds, Baluchis, Arabs and Turkaman minorities have been living together in this country for centuries. The Iranian Turks include Azerbaijani Turks living in the North West and the center of Iran in provinces of Eastern Azerbaijan, Western Azerbaijan, Ardebil, Zanjan, Qazvin, Tehran, Alborz, Tehran, Qom, Markazi, Gilan, Kermanshah and Kurdistan; Khalaj Turks in central Iran; Qashqai Turks in the central and south of Iran and south; and Khorasani Turks in the East of Iran (Figure 1). No official statistics exists that shows the population of ethnic minorities of Iran, or none has been published. Furthermore, dispersion and migration of Azerbaijani Turkish speakers to different areas has made it difficult to calculate their population. Still, careful observation of the claims made by the Islamic Republic authorities has provided reasonable estimates for the population of Azerbaijani Turks and Turkish speaking children in Iran. The former minister of education announced the statistics of (non-Farsi speaking) bilingual children as seventy percent<sup>2</sup> and the former Foreign Minister announced the Azerbaijani Turkish speaking population as forty percent<sup>3</sup> of the total population of Iran. Therefore, according to these figures approximately 40% of the population of total children in Iran is of Azerbaijani Turkish descent. According to the information provided by the Statistical Centre of Iran on the age of the Iranian population and considering that by the Convention on the Right of the Child a person is considered a minor until the age of eighteen, the population of children in Iran in the year 1390 (2011) was more than 24 million<sup>4</sup>, which would bring the population of Azerbaijani Turkish children (40% of total population) to more than nine million in that year.

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<sup>2</sup> Iran's Minister of Education Mr. Hamid Reza Babaie: "Seventy percent of the total student in the country are bilingual and after the first year in school their mother tongue does not change to Farsi (Persian)", Fars News Agency, 15 December 2009. [Link in Persian](#)

<sup>3</sup> Iran's Foreign Ex-Minister Mr. Ali Akbar Salehi: "Forty percent of Iran's population speaks Turkish and this is a big link between Turkey and Iran", Interview with the journalist in Turkey, January 2012. [Video Link](#).

<sup>4</sup> The age distribution of the population in Iran, Official data from the Iranian governmental organization of "Statistical Center of Iran", 2010. [Link in Persian](#).



Distribution of Turk-speaking population in Iran

In the history of this geographic area, Turkish language has been a major language of the residents of the region alongside Persian and Arabic languages. Traditionally, Turkish has been taught in traditional educational institutions and seminaries. In 1894, the year new schools and modern education system were established in Iran, subjects were taught in Turkish<sup>5</sup>. After the coup of 1921 and the rise of Reza Shah Pahlavi who believed in the “One nation, one language” (Unified nation, unified language) policy, Persian (Farsi) was chosen as the only official language and using Turkish language was banned. In that era, a student would have been fined for speaking Turkish in school. After the Azerbaijani government was established in 1945, Turkish was once again taught in academic institutions in Azerbaijan. However, in 1946 with the occupation of Azerbaijan by the Iranian Army, teaching Azerbaijani Turkish language was banned again and educational books printed by the national government were burned on December 17, 1946<sup>6</sup>. Although the Revolution of 1979 brought the expectation of improved minority rights and in particular the hope of teaching Turkish language, particularly at its onset, the newly established Islamic Republic suppressed protests of various ethnic groups and has never taken action towards this goal.

#### 4. Islamic Republic’s Laws Regarding the Language and Culture of Ethnic Minorities

The Constitution of the Islamic Republic of Iran only recognizes Persian (Farsi) as the official language. As a result, discrimination against the speakers of other ethnic languages has been institutionalized. The constitution does not mention the name or language of ethnic minorities such as (Azerbaijani) Turks,

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<sup>5</sup> “Introduction to the History of the Education in Azerbaijani Turkish language in Iran”, Shiva Farahmand, Stockholm 2013. [Link in Persian](#)

<sup>6</sup> “Strange Lands and friendly people”, William O. Douglas, ISBN 1-4067-7204-6, 1950s

Kurds, etc., hence directly disregards their legitimacy and refers to them as “regional and tribal,” an expression with a negative connotation in the Persian language. Nevertheless, it does not legally ban instruction of native language. The fifteenth article of the Constitution states, "Persian (Farsi) is the official language and the script of Iranian people. Documents, correspondences, official texts and textbooks should be in this language and script. However, the use of regional and tribal languages in the press and mass media, and the instruction of their literature in school alongside Persian is allowed." Article nineteenth of the Iranian constitution states that, “The people of Iran enjoy equal rights regardless of their ethnicity or tribe; Race, skin color, language, and the like will not cause favoritism.”

In other words, implementing the articles of the Convention on the Rights of the Child about his or her language and culture, does not contradict the Constitution of the Islamic Republic of Iran. However, in practice, the right of Turk children to learn their native language, literature, culture and art are violated in various forms.

### **5. Islamic Republic of Iran’s Policy towards Learning Native Languages**

The laws of the Islamic Republic of Iran strictly stress the importance and development of the Persian (Farsi) language and only ambiguously refer to the rights of other languages. Private publications and institutions that work on Azerbaijani language, culture and art are under severe pressure by security organizations and in many cases face license cancelations.<sup>7</sup> Obtaining license for books written in Azerbaijani Turkish language is difficult and under the supervision of security agencies.<sup>8</sup> The ban on using Turkish names in public places<sup>9</sup>, strict regulations against naming children Turkish names,<sup>10</sup> changing Turkish names of the geographic area to Persian names,<sup>11</sup> banning children’s Turkish language

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<sup>7</sup> As one of the tens examples, in 2006 the journal of “Dilmaj” which had been published monthly in the culture and social issues of Turkish people in Iran faced license cancelation without being informed the reason. “ Dilmaj, the school which was closed”, Ali Jamali, Radiozamani, 2007. [The link in Persian](#)

<sup>8</sup> As an example, Ms. Sharifeh Jafari, the owner for the publication company of “Pinar, who has been active in publishing of Turkish books in Iran, has been threaten several time by Iranian security forces and had to flee from the country. “The Sad Story of the Turk Publishers in Iran”, Sharife Jafari, Iranwire, 2014. [The Link in Persian](#).

<sup>9</sup> The governmental department for Islamic Culture and Guidance in BouSHehr province has issued a directive in 2013 ordering that to protect the language of Farsi (Persian) it was forbidden to name the business and public place in other languages including Turkish. “Ban on using Turkish words to name public name”, Oyannews news agency, 2013. [The link in Persian](#).

<sup>10</sup> For just one example, Mr. Firouz Yousefi has been denied to name his child “Alp Orhan” because it is Turkish and not Persian. His struggle is still continuing to submit his son’s name. “Refusing to submit the name for a child”, Hra-News, September 2014. [The link in Persian](#).

<sup>11</sup> The weekly journal of “Navid Azerbaijan” has collected more than 500 geografuc name which has been changed from Turkish to Farsi (Persian) during last 70 years. “Changing of the geographic names of Azerbaijan 1937-2006”, Navid Azerbaijan, December 2013. [The link in Persian](#).

TV programs from broadcasting on regional channels,<sup>12</sup> humiliating Turks in official media,<sup>13</sup> publishing material offensive to Turks and misrepresenting their history in textbooks,<sup>14</sup> and implementing economic discrimination against the Azerbaijan region that has resulted in widespread immigrations<sup>15</sup> are examples of Iranian regime's policies implemented in the Azerbaijan region. In addition to not following the CRC, the Islamic Republic of Iran has not fulfilled its duties to uphold the cultural rights of children. Instead, it actively and severely punishes cultural activists of Azerbaijan. Among the alleged charges that security officials of the Islamic Republic have used to arrest and indict civil rights activists who have been sentenced to long prison terms in courts are "Propaganda against the regime" and "acting against national security." Since 1990s, the "national movement of Azerbaijan," a movement proclaiming national rights of Azerbaijani Turks, has formed in Iran. Their primary demand is establishing schools where the language of instruction is Turkish. Turkish language schools and ethnic dance and national Azerbaijani music classes that are taught underground in the homes of activists are raided by government agents and result in arrests on charge of "separatism"<sup>16</sup>. Since 1999, Azerbaijani activists celebrate February 21<sup>st</sup>, UNESCO's the International Mother Language Day, with ceremonies and street demonstrations. Every year on this day, the majority of cities in Azerbaijan experience heightened security conditions that result in detentions and violent police repressions<sup>17</sup>. During the Islamic Republic regime, officials have always attempted to reject the public demand for providing education in mother language by denying the arrests and indictments. Among the prisoners of activism for Turkish cultural rights is Said Matinpour (photo below), an Azerbaijani journalist sentenced to eight years of prison who is currently serving the fifth year of his prison term in Evin prison. He was charged with "propaganda against the regime" and "communicating with foreigners."<sup>18</sup>

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<sup>12</sup> Islamic Republic of Iran Broadcasting banned the regional (also governmental) channel from having program in Turkish for children. Hra-News, May 2010. [The link in Persian.](#)

<sup>13</sup> As one of the hundreds examples, after publishing of an insulting carton against Turks in Iran Governmental newspaper of "Iran", in 26 may 2006 hundred thousands of Azerbaijani Turk held demonstration to protest it. By police brutality tens of demonstrators died during two weeks protest in different cities. For more information look [here.](#)

<sup>14</sup> As an example, In the school book of Persian literature for the student at grade six, the language for the inhabitant in city of Tabriz which is the largest Turk city in Iran has been introduced as Farsi. The Lesson has been removed from the book after the Turk teachers protested it. Khabar-online agency, February 2013. [The link in Persian.](#)

<sup>15</sup> The manager for the The National Organization for Civil Registration in East Azerbaijan Province, Mr. Ali Jafari: "East Azerbaijan has had the largest number of migrants in country. During last two years 2.5 million has migrated from the province." Mehr News Agency, November 2013. [The link in Persian.](#)

<sup>16</sup> As an example, the Azerbaijani singer Mr. Abbas Nikravan and his music band were raided by Iran police on their performance and after being bitten were arrested. Oyannews news agency, September 2014. [The link in Persian.](#)

<sup>17</sup> "Arresting Waves on the Eve of International Mother Language Day", February 2014, Oyannews agency. [The Link.](#)

<sup>18</sup> The webpage about Said Matinour. [The link.](#)





Said Matinpour, a jailed Turkish cultural rights activist

In addition to systematically preventing the formation of classes with teaching licenses, authorities of the Islamic Republic have repeatedly claimed that Turkish speakers are not interested in learning their language. In the last presidential election, for the first time in the history of the Islamic Republic of Iran, Mr. Rohani admitted the Azerbaijani's widespread demand for receiving their education in their mother language.<sup>19</sup> However, after his election to presidency, his special deputy to minority affairs claimed that Azerbaijani Turks are not interested in learning their native language.<sup>20</sup>

#### **6. Lack of Availability of Education in Mother Language and its Effects on Azerbaijani Children**

Since the Iranian Constitution does not mention ethnic minority groups, and the statistics on the population of these minorities is not published, conducting academic research on national minorities in Iran also faces challenges. Moreover, the importance of receiving education in one's native language and the depth of its impact on a child's life is a complex topic and assessing its various consequences is difficult. Language is not only the most important tool for connecting a child to the outside world, but it is also a power tool in interpersonal and social relationships. Depriving a child from access to his or her native language is in fact depriving the child from the most important tool for having power in social life and interpersonal relationships. Nowadays, researchers believe that in bilingual children,

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<sup>19</sup> The speech of Mr. Hasan Rohani in Tabriz during his presidential campaign in which he promised to take action to provide education in Azerbaijani Turkish and also to establish the institute for this language. 2013. [Video Link](#).

<sup>20</sup> The Iran's special deputy president to minorities affair, Mr. Ali Younesi: "Education in mother tongue is not a public of the minorities' people. March 2014. Mehr News Agency. [The link in Persian](#).

consequences [of these deprivations] can surface in the form of feelings of humiliation, delayed speech in language development in toddlers, lisp, and alienation from self and others.<sup>21</sup>

"Mother language and Azerbaijani Turkish children" has been the subject of many academic studies. Below is the summary of the results from three examples. The researches mentioned below are important because they investigate some of the consequences of depriving Azerbaijani children from being educated in their mother language such as its impact on other dimensions of their personality and social life.

### 6.1 First Study: Investigating Educational Issues of Bilingual Children in Eastern Azerbaijan

Ms. Solmaz Modarres, graduate of the Faculty of Linguistics at Allameh Tabatabai University in Tehran in 1993, researched "Educational issues of Bilingual Children in East Azerbaijan"<sup>22</sup> for her Master's thesis.<sup>23</sup> In order to compare Turkish children with Persian children (or you can say children of Turkish parents/children of Persian parents) in Iran, she selected 24 schools. This selection contained 12 schools in Tehran (the capital) and the surrounding villages and 12 schools in Tabriz (the city with the largest Turkish population) and the surrounding villages. Also, as noted in the following table, half of the schools are all-boys schools and half all-girls schools. Also, half are located in rural and half in urban areas.

Table 1. Distribution of selected schools for the first study

	Tehran		Tabriz		Total
	City	Villages	City	Villages	
All-Girls Schools	3	3	3	3	12
All-Boys Schools	3	3	3	3	12
Total number of Schools in Region	6	6	6	6	24
Total number of Schools in Area	12		12		

She randomly chose files of 10 first graders, and after checking and copying information from their

<sup>21</sup> "Bilingual Children's Mother Tongue: Why Is It Important for Education?" Jim Cummins, University of Toronto, 2001. [The link.](#)

<sup>22</sup> "Educational issues of Bilingual Children in East Azerbaijan", Solmaz Modarres, 2004, Dilmaj 4 pp 31-41.

<sup>23</sup> "The policy of the education in non- mother tongue language and the academic failure in Children", Alireza Sarrafi, 2000.



records, she returned to all of the schools in the third trimester before the exams and gave the same test to all of the students in subjects of dictation, Persian (Farsi) reading comprehension, science and mathematics. She subsequently gathered results for comparison and obtaining final conclusions.

Her thesis includes lengthy explanations including charts, graphs, sample of the exam questions and obtained answers. Here is a brief summary of her thesis' main findings:

1. In Persian dictation exam, Turkish speaking students had on average 7, when Persian speaking students had 1.5 mistakes.

2. Among all the exams, Azerbaijanis received the highest grades in mathematics, while children from Tehran obtained the best score in Persian reading comprehension. The reason is obvious; mathematics does not require language abilities, but scientific skills. Therefore, Azerbaijanis have less difficulty with mathematics.

3. In the villages, 14 (out of 20) is the grade point average of Persian speaking students whose both parents are illiterate. However, the grade point average of Turkish speaking students whose both parents are literate is 10 (out of 20).

4. The average grade point average of Persian-speaking children in these tests was 15, while it was 8.5 for Turkish-speaking children.

Ms. Modarres creates an interesting experiment for testing the subject of science. She asks a group of Azerbaijani students some questions in Persian (Farsi) and asks them to answer the questions in Persian (Farsi). She asks the same questions from the other group in their native language, and asks them to respond in their native language. In the first scenario, the average grade was 9 and in the second the average grade was 16.

At the end of her thesis she recommends that elementary education be taught in a child's mother tongue and secondary and higher levels in Persian (Farsi).

## 6.2 Second Study: Bilingualism and Diglossia in Turkish Speakers of Iran

For his doctoral thesis from Sorbonne University (2003), Mr. Sonel Bosnali<sup>24</sup> investigated bilingualism and diglossia<sup>25</sup> in Iranian Turkish speakers who have been educated in a language other than their mother tongue, and have had to write and speak Persian<sup>26</sup>.

He picked Tehran (the capital) and Salmas (a town in the province of Western Azerbaijan with majority Turkish population) as two sample cities for his research and studied the use of Turkish language in these two cities. According to Mr. Bosnali the cities of Tehran and Salmas were chosen because in

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<sup>24</sup> Webpage for Dr. Sonel Bosnali. [the link](#).

<sup>25</sup> "Diglossia as a Sociolinguistic Situation", Harold F. Schiffman, South Asian Regional Studies, University of Pennsylvania, 2012, [Link](#)

<sup>26</sup> "Bilingualism and Diglossia in Iranian Turkish Speakers", Hasan Rashedi, 2000.

Tehran, Turkish language is spoken alongside Persian (Farsi) and other traditional Iranian languages, and that other language such as Armenian and Kurdish [are also spoken] in Salmas.

In Tehran, Mr. Bosnali picked randomly 555 people (the relative sampling of 1/10000) and in Salmas 36 people (the relative sampling of 2/1000. In Tehran, he asked his questions of the bilingual Turkish speakers who:

- A. had Turkish speaking parents and were born in Tehran
- B. had one Turkish speaking parents
- C. were Turkish speakers who have been living in Tehran for a long time.

No selective criteria were used in Salmas.

In Tehran, he surveyed three social classes (upper middle class in the north of Tehran), middle class (center of the city of Tehran) and lower class (south of Tehran).

Respondents in Tehran and Salmas referred to Turkish language as follows:

In Tehran: Azerbaijani Turkish, Azeri Turkish, Azeri, Turkish

In Salmas: Azerbaijani Turkish, Azeri Turkish, Azeri, Turkish, Ajami  
(Ajami is a name that some Kurdish people use to refer to Turkish language.)

In Salmas, 86% of the respondents considered Turkish their native language and the remaining 14% who had non-Turkish speaking parents considered another language their native language.

In Tehran, among the 146 respondents with at least one Turkish parent, 74% considered Turkish their native language. Of the remaining 26%, 21% considered Persian (Farsi) and 4% considered Gilaki, Taleshi or Lori their native language. The people with at least one Persian (Farsi) speaking parent considered their native language Persian (Farsi). However, 2% considered their native language Turkish even without having Turkish parents.

Following is the table of responses to the question: Where do you speak Turkish? Note its social significance [to the respondent] from least important to most important:

Table 2. Respondents Answer to the Question: Where do you speak Turkish?

	Home	Neighborhood	Market	School	Office	Everywhere
Salmâs	74%	91%	88%	86%	70%	75%
Tehran	81%	49%	48%	33%	28%	26%

In this context, "school" means academic environment, since all of the respondents responded "no" to the question about whether they spoke Turkish in the classroom.

Of the respondents in Tehran, 29% only speak Turkish at home and 26% speak it everywhere. However, 10% do not speak Turkish and 3% stated that they speak Turkish when necessary or everywhere only if everyone is Turkish speaking.

Only one of the respondents in Salmas positively responded to the question, 'Do you only speak Turkish at home?'

According to the provided statistics of the two sample cities of Tehran and Salmas, Turkish language is mostly used in the home environment. Considering the significance of public places in social interactions among new generations in Tehran, the number of people who use Turkish outside of home environment has decreased. In Tehran, most respondents considered their home the proper place for speaking Turkish and do not use this language in public places. Some even refuse to use it in official and formal settings.

According to Mr. Bosnali, although "Bilingualism or Diglossia" is very evident in Tehran, diglossia, or refusing to speak mother language, does not exist among the Turkish speakers in Salmas.

In Salmas, more people speak Turkish in public places than at home, which could mean that other ethnic language speakers, such as Kurdish speakers also speak Turkish in public places in Salmas.

In Salmas, use of Turkish language relatively declines only in the authorities' places. The statistics obtained from Salmas shows that Turkish language has a higher social status in Salmas, and this status declines in Tehran to the extent that some actively refuse to speak Turkish anywhere [in Tehran]. The following conclusions can be drawn from Mr. Bosnali's research:

Of the bilingual children of Tehran, 29% only speak Turkish at home and refuse to speak it outside the home environment. 10% do not speak Turkish at all. These statistics demonstrate the sense of inferiority of the 39% of Turkish speaking children who cannot bear insults and humiliations directed at their native language, and by assimilating and refusing to speak their native language outside of home, even with people who don't speak Persian (Farsi), use Persian (Farsi) language as a refuge. Furthermore, 70% of children of Turkish parents considered Persian (Farsi) their mother tongue which demonstrates their sense of insecurity associated with having a Turkish identity [that makes them] assume a Persian identity instead.

Although no comment can be made regarding the existence of diglossia in Salmas, only 74% of the 86% of the people who declared Turkish as their mother language speak Turkish at home [in that city]. This means that the remaining 12% of these families, influenced by TV and radio advertisements, journals and other Persian (Farsi) speaking media, have assimilated and began speaking Persian (Farsi) to their children at home as a result of psychological pressure. This shows that in Tehran social assimilation happens at home and outside, but in Salmas it starts at home!

### **6.3 Third study: Comparing Literacy Rates in Provinces with Majority Turkish Speakers and Those with Majority Persian (Farsi) Speakers**

Statistical Center of Iran published the latest statistics on literacy rates in various provinces of Iran in

2006<sup>27</sup>. The table below demonstrates literacy rates (ability to read and write Persian) four cities with majority Turkish and four with majority Persian (Farsi) speakers.

Table 3. Literacy Rates in Azerbaijan Provinces according to the Latest Census Gathered by the Statistical Center of Iran in 2006

Name of Province	Literacy Rate	National Ranking
<b>Provinces with Majority Persian Speaking Population</b>		
Tehran	83.73%	1
Semnan	80.34%	2
Isfahan	80.08%	3
Fars	78.89%	4
<b>Provinces with Majority Turkish Speaking Population</b>		
Eastern Azerbaijan	73.98%	17
Zanjan	73.82%	19
Ardebil	72.40%	24
Western Azerbaijan	69.56%	29

Noting the rate of literacy in Turkish speaking provinces and comparing it to that of Persian speaking provinces that are ranked among the first [in the nation], it is evident that the population of Persian (Farsi) speakers who can read and write is approximately 10% more than the literate Turkish speaking population. Undoubtedly, lack of receiving education in native language in Turkish speaking provinces (in addition to the lack of necessary provisions) has reduced the desire to attend to school and learn to read and write.

<sup>27</sup> Official data from the Iranian governmental organization of “Statistical Center of Iran”, 2006 . [Link in Persian](#)

## **Annex 4:**

# **Bahá'í International Community (BIC)**

## **Submission to the Committee on the Rights of the Child**

71st Pre-Sessional Working Group

***(With regard to the presentation of the Third Periodic Report  
by the Islamic Republic of Iran)***

January 2015

### **Abstract**

This submission to the Committee on the Rights of the Child presents the human rights situation of Bahá'í children in the Islamic Republic of Iran. The Bahá'í community is the largest non-Muslim religious minority in Iran. Since the Islamic revolution of 1979, Bahá'ís have faced persecution, intimidation, and discrimination solely on account of their religious beliefs. Bahá'í children are particularly affected by the government's policies towards that community: they have been singled out and maliciously excluded, shunned, and intimidated in their schools because of their beliefs; expelled when they correctly and honestly fill out mandatory declarations of religion on registration forms, or when they express their opinion and do not remain silent while teachers make false accusations about their religion in class. Young Bahá'ís continue to be barred from accessing higher education and those few who are accepted are expelled once it becomes apparent that they are Bahá'ís. Moreover, the government interferes with community initiatives to educate youth who are otherwise denied access to higher education. Today, 100 Bahá'ís remain in Iranian prisons many of whom have minor children. Among these prisoners are the 12 Bahá'í educators, who have been imprisoned for their involvement in the Bahá'í Institute for Higher Education.<sup>1</sup> Young Bahá'ís bare the brunt of the persecution their parents endure, whether it is the loss of employment and economic hardship, imprisonment, or when they are faced with violent raids on their homes. In fact, a number of infants have been and still are imprisoned with their parents. Finally Bahá'í children do not have the right to practice and profess their religion in community with others. The extent and systematic nature of the persecution – and the fact that it constitutes deliberate government policy – have been documented in reports issued by various UN bodies.

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<sup>1</sup> Bahá'í World News Services, *Iran's campaign to deny higher education to Baha'is Profiles of Baha'i educators*, <http://news.bahai.org/human-rights/iran/education/profiles> (accessed 29 January 2015)

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## INTRODUCTION

The Concluding Observations on Iran's initial report to the Committee on the Rights of the Child in 2005 expressed concern about the situation of the Bahá'í community in the following terms:

### Freedom of thought, conscience and religion

41. The Committee is concerned that little progress has been made in the area of freedom of religion and notes that members of unrecognized religions continue to be discriminated against and do not have the same rights as those of recognized religions, for example with regard to access to social services. In addition, it continues to be concerned at reports that these minorities, in particular the Baha'i minority, are subjected to harassment, intimidation and imprisonment on account of their religious beliefs.

### Education

59. Although the Committee notes the high level of literacy in Iran and the measures taken by the State party to increase school enrolment and lower drop out dropout rates, it remains concerned that not all children are enrolled in primary school, or graduate from primary school. Working children, children living on the streets, and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools. It is also concerned that refugee children are currently only being enrolled in schools if their parents have registered with the authorities, and that the enrolment of refugee children is not currently being offered free of charge. It is further concerned about well-documented information that a large number of Baha'i students were not admitted to university on the grounds of their religious affiliation.

The purpose of this report and its documented information on the current situation of Bahá'í youth is to provide ample evidence of Iran's violation of the Convention. It is requested that the Committee use this information to question the State delegation, to express its continued concern about the situation and to strongly recommend that the State party fulfill its obligations under the Convention by ensuring that the human rights of Bahá'í children are respected.

The report focuses on five thematic clusters of the Convention: *general principles; civil rights and freedoms; basic health and welfare; education, leisure and cultural activities; and special protection.*

## 1. GENERAL PRINCIPLES (ARTICLES 2, 3, 6 AND 12)

The general principle of anti-discrimination contained in Article 2 of the Convention stipulates that States parties should ensure all the rights of the Convention to each child without any discrimination "irrespective of the child's or his or her parents' or legal guardian's race, colour, sex, language, **religion**, political or other opinion, national, ethnic or social origin, property, disability, birth or other status" [emphasis added].

Whilst Article 19 of the Iranian Constitution forbids discrimination, it does so without specifically mentioning religion: "All people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; color, race, language, and the like, do not bestow any privilege."

Article 13 of the Iranian Constitution stipulates that, Zoroastrian, Jewish, and Christian Iranians are the only recognized minorities who are free "within the limits of the law", to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. As such, Bahá'ís – who constitute the largest non-Muslim religious minority in Iran – are not a recognized minority under the Iranian Constitution and since religious practices are effectively limited to those three religions, Bahá'ís and other religious minorities not recognized under the Constitution are essentially stripped of Constitutional guarantees of freedom of expression, association and assembly and the freedom to practice their religion.



Article 14 of the Iranian Constitution stipulates “the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights.” This principle applies to all who “refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran”. This conditionality in Article 14 serves as a justification for the persecution of non-Muslims who are judged to be engaged in conspiracy or activity against Islam. Belief in the Bahá’í Faith is considered a heresy by the Iranian government. Thus, any involvement in the Faith is then considered as “engaging in conspiracy or activity against Islam”. In fact, the Iranian government has used the vague conditionality of Article 14 to bring conspiracy charges against members of the Bahá’í Faith including “propaganda activities against the regime in the interest of the Baha’i sect” and “propaganda against the holy regime of the Islamic Republic of Iran”. According to recent verdicts Iran’s judiciary considers “membership in... the misguided Bahaist sect” as such an offence.

Discrimination of the Bahá’ís on the basis of religion is further evidenced by the fact that, in all official documents, administrative letters and in the media, the Iranian government or their proxies refer to the Bahá’í Faith with derision, calling it a "misguided sect" or "perverse sect" and stating that the Bahá’ís are "infidels" or even "apostates".

The Iranian government’s policy towards the Bahá’ís is summarized in an Iranian government memorandum obtained by the then Special Representative on Iran in 1993.<sup>2</sup> Produced in 1991 by Iran’s Supreme Revolutionary Cultural Council and approved by the Islamic Republic’s Supreme Leader, Ali Khamenei, this document sets forth specific guidelines for dealing with the Bahá’ís. Stamped "confidential", the memorandum was signed by Hujjatu’l Islam Seyyed Mohammad Golpaygani, Secretary of the Council, and approved by Mr. Khamenei, who added his signature to the document. The memorandum specifically calls for Iran’s Bahá’ís to be treated so "that their progress and development shall be blocked." The document indicates, for example, that the government aims to keep the Bahá’ís illiterate and uneducated, living only at a subsistence level. The memorandum also states that all Bahá’ís should be expelled from universities and that "employment shall be refused to persons identifying themselves as Baha’is."

The government memorandum directly contradicts the general principles of the Convention regarding non-discrimination, care and protection of children, the survival and development of the child and freedom of expression.

## Recommendations

- The State should uphold its obligation under the CRC and extend the non-discrimination principles contained in article 2 of the Convention to Bahá’í children.

## 2. CIVIL RIGHTS AND FREEDOMS (ARTICLES 13, 14, 15)

Bahá’í children in Iran have long been denied freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14) and freedom of association and peaceful assembly (Article 15).

The government’s policies towards the Bahá’ís directly impacts freedom of expression, thought, conscience and religion of Bahá’í children and adolescents. The Bahá’í pupils’ attempts to express their opinion in school have resulted in the expulsion of several children. In 2012, for example, several Bahá’í pupils and high school students were expelled from their schools because they had

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<sup>2</sup> The text of the 1991 government memorandum can be accessed through the following links:  
Persian original: [http://news.bahai.org/documentlibrary/575/5\\_TheISRCCdocument.pdf](http://news.bahai.org/documentlibrary/575/5_TheISRCCdocument.pdf)  
English translation: [http://news.bahai.org/documentlibrary/575/5\\_TheISRCCdocument\\_en.pdf](http://news.bahai.org/documentlibrary/575/5_TheISRCCdocument_en.pdf) The original Persian memorandum and its English Translation have also been included as **Annex I**.

asked not to participate in congregational prayer<sup>3</sup> or had not remained silent when teachers made false accusations about their religion in class or had correctly and honestly filled out mandatory declarations of religion on registration forms. Specific cases with names of pupils and details of the incidents are listed under section 4, *education, leisure and cultural activities*.

Since 1983, the Bahá'í community in Iran has been denied both the right to assemble officially and the right to maintain its sacred institutions. Iranian Bahá'ís gradually made arrangements to worship in small groups, conduct classes for their own children and take care of other community needs in private homes. However, authorities have continued to harass the community by disrupting meetings and arresting teachers of children's or "family life" classes. The following demonstrate how the government interferes with the rights of the Bahá'ís to assemble or harasses those who provide educational classes for the children of the community:

- In September/October 2013, a number of the Bahá'í youth in Baharestan who routinely gathered in a hall where young people go to play computer games, were prevented from entering the premises at the instigation of the Ministry of Intelligence, which accused them of spreading propaganda.
- On 15 August 2013, eight government agents confronted a number of Bahá'í youth in Vilashahr, who had gone to the village of Mousa Abad to do a spiritual education course. Three of the youth were arrested and released after three days.
- On 17 February 2012, a number of Bahá'ís including some adolescents were arrested during a handicraft exhibition for children and young adolescents organized in Mashhad to raise funds for disadvantaged children. The exhibit was held in the parking lot of a residence belonging to a Bahá'í in that city. The agents of the Ministry of Intelligence videotaped them and instructed them to introduce themselves by name, family name, father's name, and religion. When some of the Bahá'ís asked to see a warrant, the officers showed instructions from the Intelligence Ministry to raid and search the home of Mr. Jamshid Mokhtari on the charge of "committing a misdemeanour". The Bahá'ís replied that this was not the residence of Mr. Mokhtari, nor was he even present. But the officers carried on regardless, saying that they would later find Mr. Mokhtari (and they did indeed arrest him).

Those who were not Bahá'ís were separated from the Bahá'ís, taken to one side and instructed to explain their connection to the Bahá'ís and their presence at this event. Many were children or adolescents whose parents had planned to join them later. After being questioned, the Muslims were told to leave, and only Bahá'ís remained with the officials. The names of the Bahá'í youth who were arrested are as follows: Ms. Behnaz Haddadzadeh, Mr. Arman Mokhtari, Mr. Shayan Tafazoli, Ms. Negar Malekzadeh, Ms. Negin Ahmadian, and Ms. Houriyeh Nemati (Mohseni). Releasing the Muslims and keeping the Bahá'ís clearly shows that the raid was religiously motivated. Thus, this incident shows that the Iranian government not only discriminates against Bahá'ís children on account of their religion, but also that it does not respect the freedom of assembly and thought of the Bahá'í children.

- In early 2012, three Intelligence agents raided the home of Mr. Pejman Ghaderi and Mrs. Mahnam Derakhshan during a children's class in her home, on the charge that she was "teaching illegal Bahá'í classes" for children. They collected all of the homeowners' and students' books, computer(s), portraits of 'Abdu'l-Bahá, one of the central figures of the Bahá'í Faith, and a number of CDs and other personal belongings. The agent responsible for the search said that the children are only permitted to participate in the moral education classes provided to them at school. As they were about to leave the house, the agents insisted that Mrs. Derakhshan be available to be summoned.

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<sup>3</sup> Prayer led by a person – usually a religious figure – who stands in the front; others stand in rows behind him facing the direction of Kaaba in in Mecca, the holiest place in Islam. Iranian schools hold Congregational Prayers during schools hours and students participate in them as a group.

- On 6 January 2012, agents of the office of the Ministry of Intelligence interrupted a celebration of “Iranian Bahá’í Youth Day” at the home of Mr. Bakhtiyar Rasekhi in Kerman (Kerman Province), and after videotaping and then dispersing the young people gathered for the celebration, the agents thoroughly searched the home and arrested Mr. Rasekhi, his wife, Mrs. Farahnaz Naimi (Rasekhi), and their daughter, Ms. Farin Rasekhi.

Moreover, the government of Iran has undertaken a campaign to identify children who are Bahá’í. For example in 2012, we learned of a government circular dated 5 Nov 2011 and marked “confidential”, which was issued by the Ministry of Education’s Board in Shahriyar, a city in Tehran Province, calling for all Bahá’í children, explicitly including preschoolers to be identified. The circular issued by the Ministry of Education stated:

1. Pre-school students are also included in this directive.
2. Information on the students should be gathered subtly and in a confidential manner.
3. Those schools which do not have the mentioned students should return the enclosed form after it is signed and stamped by the school principal.

In a more recent case (October 2014), a Muslim woman who manages several schools and preschools in Isfahan informed some of the Bahá’ís in that city that several instructions concerning the Bahá’í community are sent annually to the schools. For the start of the school year, the Security Office at the Ministry of Education has recently asked school authorities to prevent the non-Bahá’í parents from contacting Bahá’í parents, to prevent registration of Bahá’í children to the extent possible, and if they have to do so, to try to control them.

Having identified the Bahá’í students, agents of the Ministry of intelligence have even gone to schools and detained and interrogated them. For example, in March 2013, Intelligence Ministry agents in the city of Semnan went to Shahid Beheshty and Amir Kabir High School and detained and interrogated four Bahá’í students whose names are Younes Khanjani, Sina Fanaian, Ramin Amiri and Armin Allahverdi. The interrogators tried to entice the students into collaborating with the Intelligence Ministry and giving them information about the Bahá’í community. The students were held for a few hours before being released.

In identifying the Bahá’í children, the government has gone as far as preventing the children’s advancement. In September 2014, for example, Ms. Rozhina Ghavami, a high-achieving pupil in Karaj who obtained the highest possible Grade Point Average score, was the only one from her school to be accepted into a school for children with an exceptional intelligence. However, the school authorities subsequently, and with apologies, withdrew her place and after a few days of investigating the reason, the Principal explained that this was due to a newly issued instruction regarding religious minorities promulgated this year by the Ministry of Education. Rozhina’s parents were not able to obtain a written acknowledgement from neither the school nor the Ministry of Education indicating that Rozhina was being denied registration on account of her belief in the Bahá’í Faith.

## Recommendations

- The State should end its practice of identifying Bahá’í children in kindergarten, primary and secondary schools in forms or through other means and expelling them on account of their religion.
- The State should end its practice of requiring the Bahá’í students to participate in Islamic congressional prayers at school.
- The State should allow the Bahá’í community to provide moral classes for children by ceasing to ransack homes where such classes are being held and arresting the teachers.

### **3. BASIC HEALTH AND WELFARE (ARTICLE 27)**

Article 27 stipulates that “States parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social developments.” Throughout the years, the Iranian government has employed different tactics to exclude and impoverish the Bahá’ís including barring them from higher education and employing discriminatory policies and practices to deny them the right to work and earn a decent living.

#### **3.1. Economic Hardship**

Since the inception of the Islamic Republic of Iran, members of the Bahá’í community have been banned from work in the public sector. Not satisfied with this, the government has also reached into the private sector through the harassment and intimidation of business owners and shopkeepers, the refusal to issue or renew business licenses, the sealing of premises, giving orders for the destruction of farmlands and livestock, making threats against merchants and professionals to dissuade them from doing business with or awarding contracts to Bahá’ís, the refusal of loans and other banking services, and the forced closure of a business, with the seizure and sale of all its merchandise by government officials. From September to December 2014, there were at least 125 employment related incidents against the Bahá’ís in Iran. Incidents varied from summary closure of Bahá’í shops in several cities throughout Iran, to denying or revoking business licenses and in other cases preventing Bahá’í farmers from harvesting their crops. On 26 and 27 October 2014, for example, 81 Bahá’í-owned shops in Kerman, Rafsanjan, Jiroft and Bam (47 in Kerman, 24 in Rafsanjan, 8 in Jiroft and 2 in Bam) were summarily sealed, an action taken in response to the shops closures to observe Bahá’í holy days.<sup>4</sup>

A total of 174 Bahá’ís lost their sources of income in the year 2014. Although it is hard give an exact figure, it is safe to say that many of these cases include families with children.

#### **3.2. Bahá’í Children in Prison**

Bahá’í children’s physical wellbeing has also been endangered by the Iranian government’s policies towards that community. In 2012, three infant children were taken to prison with their mothers and two of them developed medical problems while in prison. On 22 September 2012, Ms. Nikayin and her infant son, 8-month-old Resam, and Ms. Torabi and her 3-month-old son, Barman, were taken to prison to begin serving their sentences.

Ms. Torabi’s husband, Mr. Erfan Ehsani, was also in prison at the time Ms. Torabi and Barman were imprisoned.<sup>5</sup> On 29 December 2012, Barman, was hospitalized outside the prison for treatment of a lung disease contracted due to prison conditions (including the unsanitary environment). He was accompanied by his mother. Resam was also taken out of the prison by his father for medical tests. The infant had contracted an intestinal infection and an ear condition. He was prescribed medication and was sent back to prison with his mother. Moreover, on 27 April 2013, Ms. Ruzbehi and her one-year-old child were taken to prison to begin serving her sentence.

#### **3.3. Imprisonment of Parents and Hardship on their Children**

Many of the 100 Bahá’í prisoners currently serving prison time have minor children who suffer when one or both parents are imprisoned. Artin Rahimian, the five-year-old son of Mr. Kamran Rahimian and Ms. Faran Hesami (both serving four-year prison sentences) and Jina, the 15-year-old daughter of Mr. Kayvan Rahimian (serving a five-year prison sentence), now live with their

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<sup>4</sup> Bahá’í World News Service, *Widespread attack launched in Iran against Baha’i businesses*, 31 October 2014, <http://news.bahai.org/story/1027> (accessed 29 January 2015)

<sup>5</sup> Mr. Erfan Ehsani was serving a one-year sentence at the time that Ms. Torabi and Barman were imprisoned. He was arrested on 21 April 2012 after 15 government officials raided their home.

grandmother, Ms. Rahimian, as all of their parents are in prison at the same time. Mr. Keyvan Rahimian lost his wife, Fereshteh Sobhani, to cancer a few years ago. The children complain of being without their parents, whose absence Ms. Rahimian finds all the more difficult to bear with the problems that their children face each day.

Mr. Shamim Naimi charged with propaganda against the regime and activity against national security is now serving a three years prison sentence in Gawhardasht prison. He has two minor children aged one and seven. Shamim and his parents (Mr. Adel Naimi and Mrs. Elham Farahani Naimi) are all in prison.

### 3.4. Home Raids of Households with Children

Bahá'í children are traumatized when their homes are raided by government agents. In the last couple of years, we have received numerous reports of home raids. These raids are tactics by the government to strike fear and intimidation into the members of the Bahá'í families. In all such cases, religious books and material are confiscated, demonstrating the fact that such attacks are religiously motivated. Although it is difficult to obtain documentation that distinguishes between home raids of Bahá'í homes with minors, all Bahá'í families face this threat. The following two examples demonstrate home raids of Bahá'í houses with minor children.

- At 8am on 13 October 2013, agents of the Ministry of Intelligence in Shiraz, with the collaboration of agents of the Ministry of Intelligence in Abadeh, raided the homes of 14 Bahá'ís. The homes were searched; and personal belongs, including Bahá'í books, CDs, computers, photographs, and other items were confiscated. The agents summoned one youth from each home for questioning and all were asked similar questions regarding the activities of the Bahá'í community. During the questioning, agents encouraged the youth to leave Abadeh with their families. It is believed that the goal of these attacks was to intimidate and create fear through contrived threats that residents would possibly attack the Bahá'ís. They were told that people “don't like them” and that if they were attacked on the street the authorities “cannot guarantee their safety.”
- On 19 December 2011, 12 homes belonging to Bahá'ís were searched by Intelligence Ministry agents who confiscated Bahá'í books, photographs, compact discs, computers, mobile telephones, audiotapes, memory cards, personal papers, and even the children's diaries. The agents initially presented themselves as being from the gas, telephone, or other public service companies. Having gained entry, they waved pieces of paper and claimed that these were search warrants, but they made it impossible for most of the Bahá'ís to read them, see signatures or determine who had issued the orders. The families of the following individuals were among those whose homes were raided: Mr. Badiollah Nakhie, Mr. Taghi Haeri, Mr. Vahid Hasankhani, Ms. Baji Gez, Mr. Hasan Khani, Mr. Zabihollah Raoufi, Ms. Sayyareh Raoufi, Mr. Aminollah Raoufi, Mr. Nader Mavvadati, Mr. Nourollah Mavaddati, Mr. Vahid Kholousi, Mr. Haydar Kholousi, and Mr. Zekrollah Yegan.

### 3.5. Incitement to Hatred

Another insidious element of the persecution and the discrimination of the Bahá'ís is the government's extensive use of the mass media and other means to denigrate and vilify that community. The Iranian government uses state-controlled and state-sanctioned media to portray the Bahá'ís as the source of every conceivable evil. Bahá'ís are accused of being agents for various imperialist or colonist factions; they face continuous allegations of immorality; they are branded as social pariahs to be shunned. Demonizing and dehumanizing a community does not only have a traumatizing effect on the children of that community but it also adversely impacts other children by instilling fear, hate, and prejudice in them towards their peers.

Moreover, in its attempt to demonize that community and distort its history, the Iranian government has also directly targeted the children. In May 2008, for example, school authorities in Shiraz

distributed to every child in primary school a 12-page story book entitled *The Deceitful Babak*.<sup>6</sup> The book indirectly, but obviously, referred to the Báb, the Prophet-Herald of the Bahá'í Faith, in an erroneous, mocking, and degrading manner.

The hate campaign against the Bahá'ís intensified after a speech by Iran's Supreme Leader, Ali Khamenei in Iran's religious centre, Qom, on 19 October 2010. The talk, which was broadcast in its entirety on the Islamic Republic of Iran Broadcaster (IRIB), the national television service, and also reported by the Islamic Republic News Agency (IRNA), the government's official news agency, warned Iranians about the Bahá'í community. His speech led to a media frenzy of anti-Bahá'í articles, which accused Bahá'ís of perpetrating acts of sedition. This media outburst has continued since.

On 29 July 2013, a government-aligned news agency, Tasnim, published an article citing a large selection of fatwas issued by Iran's Supreme Leader, Ayatollah Ali Khamenei. Among the new fatwas was an older one that had been previously disseminated. It quoted Ayatollah Khamenei as saying that Iranians are to avoid association with Bahá'ís:

All of the followers of the perverse sect of Bahatism are condemned to be impure [najis] and if they come in contact with anything, it is absolutely necessary [for Muslims] to practice the guidance related to purification...

All of the believers should resist the trickery and corruption of the misguided sect of Bahatism...

Avoid any association with the perverse and misleading sect of Bahatism. They are najis [impure] and they are the enemy of your religion and what you believe in; therefore, my dear children, absolutely avoid them.

Soon after, in November 2013, a series of disturbing posts intended to instill fear of the Bahá'í community in the Iranian population was posted on Facebook. The posts included headings such as "Be aware, Bahá'í killers are in your city and at the school of your children; until they are completely eliminated, you are in danger." In another attempt to demonize the Bahá'ís and scare the larger community, the posts included a completely baseless allegation showing graphic and gruesome photos of the murder of a couple with the caption "Bahá'ís committed violent murders for disruption caused in their informational gathering".

From January to May 2014 alone, there were 871 articles (over 650 anti-Bahá'í articles in April and May 2014 alone) on government-sponsored and pro-government websites in Iran. In 2014, Iran broadcast anti-Bahá'í programs on radio and television on special occasions, such as the anniversary of the Iranian revolution or the commemoration of the birth of the Promised Qa'im; and they have used individuals who claim to have been "saved from Bahatism" as the main facilitators. As an example, on 7 February 2014, Fars News Agency published an 18-page document entitled "The Cooperation of 'Bahá'ísm' with the Pahlavi Regime" disseminating inaccurate information about the Bahá'í Faith.

Bahá'ís are not given a right of reply to the false allegations against them; and unfortunately, the wide spread vilification has increased harassment and intimidation of Bahá'ís throughout the country. One such disastrous episode was the killing of Mr. Ataollah Rezvani, a well-known and very highly-respected Bahá'í in Bandar Abbas. In August 2013, the body of Mr. Rezvani was found in his car near the railway station on the outskirts of the city. He had been shot in the head. Despite appeals for a full investigation, no one has been brought to justice for the crime, which, by all accounts, was motivated by religious hatred. He had two children, aged 15 and 20.

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<sup>6</sup> Bahá'í International Community, *Inciting Hatred – Iran's campaign to demonize Bahá'ís*, October 2011 <https://www.bic.org/sites/default/files/pdf/inciting-hatred-book.pdf> (accessed 29 January 2015) Also included in this report as **Annex II**



## Recommendations

- The State should allow Bahá'ís to earn a decent living by granting them access to public employment, renewing business licenses, ceasing the closing of shops or the confiscation of land and property.
- The State should unconditionally release those who have been imprisoned on account of their belief in the Bahá'í Faith especially those with minor children.
- The State should cease distorting the teachings of the Bahá'í Faith in school books and to judicially prosecute those inciting hatred against them in religious environments, the media and the internet.

### 4. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (ARTICLES 28, 29, 31)

Article 28 stipulates that States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular (a) make primary education compulsory and available to all.

In Iran, Bahá'í children are singled out and maliciously excluded, shunned, and intimidated in their schools because of their beliefs. Muslim clerics have been invited to school classrooms to give presentations for the purpose of vilifying the Bahá'í Faith. In 2012, for example, Muslim clerics were invited to classrooms in the city of Semnan to give presentations that insulted the Bahá'í Faith. During these lectures, Bahá'í schoolchildren were seated separately from their classmates; and on at least two occasions, Muslim students were encouraged to strike the Bahá'í students.

#### 4.1. Expulsion of Bahá'í Students

Bahá'í pupils have been expelled from schools for expressing their opinions or for correctly and honestly filling out mandatory declarations of religion on registration forms or because they had asked not to participate in congregational prayers<sup>7</sup>. The following represents some of the more recent expulsion cases of the Bahá'í pupils that have been reported to us:

- On 24 November 2014, Ms. Layli Ziaie defended her Bahá'í faith in class and was told that since her fellow students had been made aware that she was a Bahá'í, she would need to enrol in a new school.
- In 2012, on a registration form at a school in Isfahan, in addition to the four recognized religions, “Baháism” was added. Ms. Roya Eshraghi, who declared her religion as Bahá'í, was immediately expelled and was refused re-enrolment.
- In June/July 2012, we learned that Mr. Pouria Razavian, a Bahá'í high school student in Tonekabon was expelled after complaining about the anti-Bahá'í flyers that were distributed during the Morning Prayer at school. Department of Education officials told Mr. Razavian's parents that the instruction for his expulsion had come from the Intelligence Ministry and that the Department of Education could do nothing about it. The incident happened during the period of final examinations and made it impossible for him to take part in the exams.
- In March/April 2012, Mr. Danial Shahrizadeh was expelled from high school for refusing to participate in congregational prayer.<sup>8</sup>

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<sup>7</sup> See footnote 3

<sup>8</sup> See footnote 3

- In January/February 2012, two children were expelled from school in Najafabad (Isfahan province) after their parents defended their beliefs against insults during the question and answer segment of a lecture for parents in which the police captain, speaking on moral corruption, had insulted the Bahá'í Faith. When the insults intensified, some of the Muslim parents in the audience came to the Bahá'ís' defence. Following the meeting, the parents complained about the behaviour of the police chief to school officials and to the Department of Education Security Office where the school administration had referred them. They were told of the expulsions the following day. When they returned to the Department of Education Security Office they were told that as Bahá'ís have no right to talk about their religion, the other parents at the meeting should not have learned that they were Bahá'ís and that this was for the Bahá'ís' own sake, to protect them from embarrassment. The parents were then referred to the Department of Education Security Office in Isfahan where repeated visits to meet with the head of the department proved futile. The expulsions were upheld and the parents were told to enrol their children in another school.

#### 4.2. Physical Assault of Bahá'í Children

In at least two reported cases Bahá'í children have been physically assaulted:

- In another incident, a first grade student at one of the public schools in Shiraz was physically assaulted by her ethics teacher, owing to her not participating in the school's congregational prayer<sup>9</sup>. The teacher struck the girl's hand with a utensil, then heated up a spoon in the kitchen and placed it on the child's hand. When her mother objected to this assault, the ethics teacher, in the presence of the principal and other teachers, expressed pride in having committed such a deed. The teacher was eventually reprimanded, but only after the child's parents protested to the authorities.
- In February 2013, Mr. Matin Janamiyan Najafabadi, a Bahá'í high school student in Isfahan was severely beaten at school, verbally assaulted, and his teacher insulted his religious beliefs. When his family lodged a complaint, the teacher stated that he personally knew members of the Islamic Revolutionary Guard Corps and security officials, so their protests would have no effect.

#### 4.3. Denial of the Right to Higher Education

Members of the Bahá'í Faith have been denied access to higher education since the beginning of the Iranian revolution. For the 2014-2015 academic year, at least 300 such cases were reported. Some of the recent examples include:

- Ms. Taraneh Ghiami from Kermanshah, whose university entrance examination was designated as "incomplete" has retained a lawyer in order to make a formal complaint against the directives of the Supreme Council of the Cultural Revolution. She has filed a complaint to the Court of Administrative Justice and mailed it on 9 November 2014.
- Ms. Negar Ebrahimi and Ms. Mahta Makari [Mokari]'s university entrance examinations were also designated as "incomplete". They both have submitted complaints to the Ministry of Science and the Court of Administrative Justice and other authorities on 21 October 2014.
- In Isfahan, Ms. Tara Nikkhah and Ms. Hoda Mehrgani's university entrance examinations were also designated as "incomplete". Ms. Nikkhah submitted her grievances to the Court of Administrative Justice on 29 September 2014 and Ms. Mehrgani submitted her grievances to the Office of the Presidency on 30 October 2014.

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<sup>9</sup> See footnote 3



The government's denial of higher education is documented this year in a publication issued by *Sanjesh*, the national academic evaluation and measurement organization of Iran's Ministry of Science, Research and Technology. Entitled, *A guide to enrolling and participating in the National Entrance Examination for academic year 1391 [2014–2015]*, this 46-page publication presents detailed guidelines on the application process for students wishing to enter university in Iran, including criteria for admission. On page 4, the "General Requirements" section sets out the four eligibility requirements for participation in the national university entrance exam. The first admission criterion follows:

- 4.1. A belief in Islam or in one of the recognized religions (Jewish, Christian, Zoroastrian) in the Constitution of the Islamic Republic of Iran.

This requirement of Iran's own official admission document clearly states that access to higher education in Iran is restricted only to those who believe in Islam or in one of the three other recognized religions specified in Iran's Constitution – thus excluding those who believe in the Bahá'í Faith.

The second criterion reads as follows:

- 4.2. Not having enmity towards the regime of the Islamic Republic of Iran.  
Note: cases of animosity include:
  1. Taking arms against the Islamic Republic of Iran
  2. Being affiliated with militant groups
  3. Financially sponsoring militant groups, providing organizational support to them or being a member thereof
  4. Promoting materialism or man-made religions

For years, Iran has been portraying the Bahá'í Faith as a "man-made religion" in the government-controlled and state-sanctioned media. Thus, this false categorization could also be used to exclude the Bahá'ís from higher education.

Moreover, this year when a Bahá'í student asked the person in charge how he had been identified as a Bahá'í, given that he had chosen Islamic studies as the subject to be tested on, he was told that the religion of the individual had been sought and identified. The government's policy to identify and single out the Bahá'ís is reflected under the third criterion in the General Requirements section of the booklet as follows:

- 4.3. Being free from moral corruption  
Note: Moral corruptions include: addiction to narcotics and being involved in prostitution  
Important notification: Qualification of applicants will be confirmed through official/legal investigations. Making enquires through neighbors or people at the place of residence are absolutely forbidden.

See **Annex III** for the booklet, 'A guide to enrolling and participating in the national entrance examination for academic year 1393 [2014–2015]' (in Persian).

Since its inception, the Islamic Republic of Iran has employed different tactics to prevent Bahá'ís from entering universities. In the previous years, for example, Bahá'ís were told that their files were "incomplete" when they tried to get university entrance examinations results. Whether flashed on a computer screen and printed out or delivered by letter, that message left a paper trail. During this academic year, the government has also taken new measures to prevent Bahá'í applicants from obtaining nominal proofs of this denial. This academic year, when Bahá'í students sought their exam results online, many of them found the following written in front of their names:

"Please write to Post Office Box 3166- 31635 Karaj, or go to the National Education Measurement and Evaluation Organization, Inquiries Unit."

Several of them visited the above-referenced office in Karaj and made inquiries; they were all shown the Sanjesh publication. Amongst them was Ms. Shadan Shirazi, who placed 113th out of all Iranians – estimated to be more than a million, who took university entrance examinations last June. The new strategy clearly shows an effort by the government to deprive Bahá'ís of any document or paper that can be used to prove that they were denied higher education because of their religious beliefs. It is rather unfortunate that instead of finding a solution to extend university admissions to its Bahá'í citizens, Iran is constantly finding new ways to block their access.

The government's policy to deny Bahá'í access to higher education was further confirmed by senior cleric Ayatollah Mousavi Bojnurdi in his recent interview with the semi-official Fars News Agency. During the interview, Ayatollah Mousavi Bojnurdi mentioned his involvement in the draft of the Charter of Citizens' Rights<sup>10</sup> proposed by President Rouhani, which is often cited by the Iranian authorities as an example of their government's new approach towards promoting the human rights of religious and ethnic minorities in the country. When asked whether citizenship rights, including the right to education, envisioned in the Charter would be extended to the Bahá'ís, he stated:

Not at all. Some matters do not need to be considered as exceptions; whoever is against Islam is effectively out. Bahá'í [Baháism] is against Islam and discussing it is out of the question.

We will never say that the Bahá'ís have the right to education; they do not even have citizenship rights. Christians, Jews and Zoroastrians have citizenship rights and have representatives in the parliament, because they are [followers of] the Abrahamic religions. We have interactions with them, and their representatives are our friends.

See **Annex IV** for the text of the article in Persian and the translation of its relevant sections into English.

#### 4.4. Expulsion of Bahá'í Students from Universities

While Iranian Bahá'ís have long been denied access to higher education, in 2004-2005, the government responded to international pressure by re-interpreting an entry on an official form in a way that allowed Bahá'ís to take the national university entrance exam without declaring their religion. Since then, a few Bahá'ís are admitted each year. However, in almost all cases, they are expelled once their religion is known – some during their final semester, just before graduation.

Government documents have been identified that indicate that this discriminatory treatment represents formal and settled official state policy. Chief among these is a communication sent in 2006 by the Central Security Office of the Ministry of Science, Research and Technology and addressed to 81 Iranian universities - the names of which were listed. The letter instructed these universities to expel any student that was found to be a Bahá'í at the time of enrolment or during his/her studies.

See **Annex V** for the 2006 letter to universities with its Persian translation.

In nearly all cases, Bahá'í student are summoned and given only a verbal notification of their expulsion. All those who request written notification of their dismissal (to pursue their cases further) receive no reply, and every appeal has been rejected by officials and by the courts. It is not known exactly how many have been expelled on religious grounds. The latest expulsions about which we have received information are as follows:

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<sup>10</sup> Proposed by President Rouhani on 26 November 2013, the Charter is to be adopted after it has been reviewed by the Iranian civil society and individuals.

- In September 2014, Ms. Nava Bahamin was expelled from Baharestan University in Isfahan. After expressing their regrets and praising her work, the officials at the university stated that the security officials had been responsible for her expulsion from university. Ms. Bahamin is pursuing her case through official means. (Place of residence is unknown - Baharestan University is in Isfahan)
- In August 2014, Ms. Sahba Manouchehri Najafabadi was expelled from the Payame-Noor University after having completed two semesters in the field of foreign languages, because of her belief in the Bahá'í Faith. A Mr. Mohammadi, an agent from the Ministry of Intelligence in Najafabad, denied having knowledge that Bahá'ís are denied access to education because of their beliefs and said that this issue was not related to the Intelligence Ministry. The Director of the University, who said that he was not able to do anything, directed her to the office of the Security Services (Harasat). Mr. Hoseini, the person in charge of the Office of Harasat section agreed that she was being expelled because of her faith, but refused to confirm this in writing. He said that if the Director of the University had known she was a Bahá'í, she would not have been allowed to progress to the second semester. He also said, "Since your [administrative] centre is in Israel and Israel is our enemy, we have the right to treat our enemies like this". Ms. Manouchehri was given a document showing the grades she had obtained in the two semesters, but the University provided no written explanation of her expulsion.
- In April 2014, Mr. Maziar Malaki was expelled from Birjand University because of his membership in the Bahá'í community.
- In April 2014, Ms. Sama Hashemi Mahforouzaki and Ms. Setayesh Asadi Mahforouzaki were expelled from Babolsar University. Those in charge of the university expressed their sympathy and regret.
- Sometime between 30 January and 5 February 2014, Mr. Parham Missaghian, a resident of Ghaemshahr and second-year student in computer science at Babol University was expelled from university.
- In January 2014, Mr. Armin Nourdel, a post-graduate student in civil engineering in the Seraj University in Tabriz, was expelled. See **Annex VI** for details of the incident surrounding Mr. Nourdel's expulsion.
- In January 2014, Mr. Shervin Rajab-Ali was accepted at the Open University of Hamadan. After completing his registration, he was required to fill out a special form which had a section on religion, in which he clearly identified his beliefs. Following this, the director of the university called him to his office and told him that he had to submit an undertaking not to teach his religion in the university, and that he would not bring any literature or Bahá'í symbols to the university. The director of the university dictated this statement to him, and Mr. Rajab-Ali wrote it down. Afterwards, Mr. Rajab-Ali added a sentence to the document stating that this undertaking would only be binding within the confines of the University of Hamadan and would not apply outside. A few days after submitting the document, he was called to the director's office and verbally notified that he no longer had the right to education at the university, because he had added the last sentence to the document. Mr. Rajab Ali asked for his tuition fees to be refunded and was told that as he had personally decided to abandon his studies, his fees would not be refunded. After pursuing the matter further, however, he succeeded in receiving a refund.
- In January 2014, Ms. Gita Gouran, a student of materials engineering in Kermanshah University, had her student card confiscated and was expelled a few weeks following her registration in the university. One individual in the security office said that the decision was based on an "enactment" of the Supreme Revolutionary Cultural Council. When Ms. Gouran

insisted on seeing this document, he said that she could find it online. The document being cited may have been the 1991 confidential memorandum referenced above. See **Annex I**.

- Sometime between 26 December 2013 and 2 January 2014, Mr. Vesal Vatandoust, a Bahá'í from Babol, was expelled from Behshahr University after completing 2 semesters.
- On 3 November 2013, Ms. Ava Samimi, a student of architecture from Chalous University, was expelled. In pursuing the matter, she was told by the director of the university that the instruction for her expulsion had been issued by the Ministry of Intelligence. Several university professors were unhappy with this action and began investigating the matter, but once they became aware that she was being expelled because of her religion, they did not pursue the matter further.
- We learned in October/November 2013 about the case of Ms. Sowgand Rezaie, who was admitted to the University of Babol in the field of architecture and then expelled. In order to claim her right to education, she went to the Ministry of Science, accompanied by her father. Mr. Rezaie had served 24 months in the war and was one of the cycling champions. While there, he said, "I am a simple labourer and have little education, but I have made a lot of efforts for the upbringing and education of my children, to the point where both of my daughters obtained their high school diplomas with grade point averages of above 18, and both passed the National University Entrance Examination; however, you, with utmost injustice, deprived them of higher education." Reportedly, those in authority were deeply moved. They, along with others expressed their sympathy. The disposition of Ms. Rezaie's appeal is as yet unknown.
- During the September/October 2013, Ms. Sowgand Samimi, who had been admitted to Sari University in the field of plant pathology, was expelled.
- In September/October 2013, Ms. Kimia Koushk-Baghi, a computer software engineering student who had been admitted to Shams Non-Profit Institute for Higher Education, was expelled before the end of the semester's final examination. (Location not known)
- In July 2013, Mr. Younes Koushke-baghi was expelled from Gorgan University.
- In April 2013, Mr. Bayan Sokouti of Babol, a third year associate diploma student studying for a bachelor's degree in civil engineering at Babol University, was expelled after having completed 59 credit hours.
- On 23 February 2013, Ms. Paniz Fazl-Ali, an honour student of industrial engineering at the University of Science and Industry, was expelled for her belief in the Bahá'í Faith, after having completed 89 credits.
- In February 2013, Mr. Misagh Emamverdi, an undergraduate computer sciences student at the Khajeh Nasireddin Toosi University in Tehran was expelled while registering for his third semester.
- In January 2013, Ms. Alhan Shadabi of Kermanshah was prevented from completing her enrolment at university after passing the National University Entrance Examination and selecting her course of study, due to receiving an "incomplete file" on her test results online. When she pursued the matter at the relevant office, she was told that every student is expelled once it is known that s/he is a Bahá'í. She was denied this explanation in writing.
- On 1 January 2013, Mr. Milad Samimi Darzi, a fifth semester student of architecture at Tabari University in Babol (Mazandaran), was expelled after being summoned to the Herasat [Intelligence] office at the university where his student ID card was confiscated and his student online account was closed.

- In 2012/2013, Yasaman Haghghat, a student in the field of physics in the International University of Imam Khomeini in Tehran, was verbally expelled from the university because of her belief in the Bahá'í Faith. Ms. Haghghat pursued her complaints by going to those in charge of the university and pled for her rights. When she received a negative response from those in charge, she filed her complaint against the University with the Court of Administrative Justice. On 14 August 2014, the Court issued an order in favour of Ms. Haghghat, requiring the university to reinstate her.
- On 31 December 2012, Ms. Shokoufeh Mavadi was expelled from university while studying in her first term at Payam-e Nour University of Zahedan.
- In December 2012, Mrs. Neda Sattarzadeh, a University of Tabriz medical school student who was preparing to graduate, was summoned by the Intelligence office at the Ministry of Health and Medical Treatment and told she would not be allowed to continue unless she wrote "Islam" as her religion.
- On 15 December 2012, Mr. Misagh Salmanzadeh Noushabadi, a physics student at the Khajeh Nasir Toosi University of Technology (KNTU) in Tehran, was expelled for being a Bahá'í. He was admitted in 2010/2011 and had already completed 77 credit hours.
- Also in October/November 2012, Mr. Farbod Mohammadzadeh was expelled from Isfahan University and forbidden to continue his studies because he was a Bahá'í. He had completed both his bachelor's (in physics) and his master's degrees at Isfahan University, and was engaged in writing his doctoral dissertation when he was called to the office of the Ministry of Intelligence at the university and informed about his expulsion.
- In October/November 2012, Ms. Samiyyeh Gholinejad of Sari, a student of applied mathematics at Rouzbeh University in Behshahr, was expelled.
- On 31 May 2012, Mr. Sama Nourani of Shiraz was released from Evin prison upon completing his one year prison sentence. On 3 March 2009, Mr. Nourani and 2 other Bahá'í students were expelled from Sahand University in Tabriz in response to which a group of their fellow students issued an open letter in their defence that "condemn[ed] the entire array of unlawful measures against this religious community". On the night of 3 March 2010, the anniversary of his expulsion, Mr. Nourani was arrested at his home by officers of the Ministry of Intelligence, who also confiscated some of his belongings. He had been among 54 Bahá'ís arrested in Shiraz on 19 May 2006 for tutoring underprivileged children.
- On 12 May 2012, Ms. Solmaz Shafi Mantanagh, who was studying graphic arts at the non-profit university of Osveh in Tabriz, was expelled owing to her being a Bahá'í.
- In March/April 2012, Mr. Danial Shahrizadeh was expelled from high school for refusing to participate in congregational prayer. The school administration sent him to the security office of the Ministry of Education where he and his parents were questioned for a long time and repeatedly asked why Danial had become a Bahá'í. It is understood that while Mr. Shahrizadeh's parents are not Bahá'ís, he has an aunt and uncles who are. He then was sent to another school where, upon being informed of the reason for his expulsion, the principal and superintendent of the new school asked him not to make the matter known.
- In February 2012, we learned that Mr. Meshkat Shadpour was expelled while studying in an associate diploma course in computer studies at the Imam Ali University of Yazd.
- During the first week of January 2012, upon her noting her religion as "Bahá'í" on the registration form, Ms. Sharareh Ram, student of the University of Applied Science and Technology of Zahedan University was prevented from registering for classes.

- In 2012, Mr. Rouhollah Tashakkor and Mr. Bashir Tashakkor, students of the Isfahan University of Technology were prevented from registration on the grounds that their applications were incomplete. Their requests for written notification of their expulsions in order to pursue a resolution were left unanswered, and the expressions of their grievances did not produce any result. The university classified them as having withdrawn from their courses of study on the grounds that they did not register for or select classes by the due date, and barred them from continuing their studies as a consequence. The students were in their second and third year of civil engineering studies, respectively, and ranked amongst the top students when they were expelled.
- In January 2012 we also learned of the following cases:
  - Ms. Shokoufeh Mavadi was expelled from university while studying in her first term at Payam-e Nour University of Zahedan.
  - Ms. Sharareh Ram, student of the University of Applied Science and Technology of Zahedan University was prevented from registering.
  - Mr. Shervin Fallah, a youth of Shiraz, who had been accepted into university in Bojnourd to study architecture was expelled around 12 January 2012.

Such cases confirm that there has been no change to the official policy – students are expelled if it becomes clear that they are members of the Bahá'í community. No expulsion case has ever been decided in favour of a Bahá'í and no identified Bahá'í has yet been permitted to graduate with a degree from any institution of higher learning in Iran.

#### 4.5. The Bahá'í Institute for Higher Education

In yet another attempt to deny Bahá'ís access to higher education, the Iranian government has throughout the years interfered with the work of the Bahá'í Institute for Higher Education (BIHE). The Institute was established in 1987 by the Bahá'í community of Iran to meet the educational needs of the Bahá'ís who had been systematically denied higher education by their own country. Initially, the BIHE made use of the volunteer services of Bahá'í professors and lecturers who had been dismissed from their university posts at the time of the revolution. The Institute operated largely by correspondence. Later, classes and laboratory work were carried out in private homes and basements. Online studies were added in more recent years. This innovative initiative is the Bahá'í youth's only access to college-level coursework or vocational training after having been identified as Bahá'ís and either barred or expelled from university in Iran. Throughout the years, the Iranian government has constantly interfered with the institute's activities thereby impeding the young Bahá'ís' only hope of accessing higher education.

In May 2011, government agents raided some 30 homes in Tehran, Karaj, Isfahan, and Shiraz, arresting 16 individuals involved in supporting the BIHE.<sup>11</sup> Twelve of those individuals were ultimately put on trial and are now serving prison terms ranging from four to five years.

The names and profiles of these educators have been included in this document as **Annex VII**.

Sadly, rather than extending and easing young Bahá'ís' access to higher education, Iran constantly interferes with the work of the institute and considers the act of educating young people a criminal offence. Here are some of the recent incidents involving the government's inference with the work of the BIHE:

- Sometime in late 2014, a Bahá'í student who has a bachelor's degree in civil engineering from the Bahá'í Institute for Higher Education (BIHE) in Iran and a master's degree in civil

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<sup>11</sup> At the time of the concerted attack against faculty and staff, the Institute was using the services of nearly 300 people, including international volunteer educators who teach via the internet. About 1,000 BIHE students were studying at home in privately owned locations.

engineering in Greece, was planning to pursue a doctoral degree at a university in England. She was summoned to the Ministry of Intelligence Office in Isfahan and was interrogated concerning her efforts to obtain a visa from the British Embassy in Turkey and continue her education in England. During the interrogation, the agents of the Ministry of Intelligence repeatedly urged her to take her family and leave Iran.

- On 27 November 2013, agents of the Ministry of Intelligence raided one of the general science classes of the BIHE, which was being held in Karaj. While collecting their mobile phones and laptops, the agents filmed and took photographs of each one of the students and distributed forms in which the students were required to provide personal biographical information. Students were asked to sign an agreement not to attend similar classes. They were also asked for the names of the lecturers, which the students did not provide. Students were told that they would later be contacted and summoned for interrogation.
- On 13 August 2013, agents of the Ministry of Intelligence in Mashhad raided a site where the BIHE was holding an examination. They arrested three individuals (the host and two students): Fattaneh Nabilzadeh (Sarraf), Peiman Sarraf and Dayan Teimouri.
- As he was leaving his home in Karaj early on the morning of 26 August 2012, Mr. Soroush Sanaie was forced into a car by intelligence officials, taken to the basement of a bungalow-style house in Fardis, and interrogated there until 8 p.m. He is a student of the Bahá'í Institute of Higher Education (BIHE), and most of the questions were about the functioning of the Institute's classes and the fact that the agents considered his participation in them "illegal". He replied that the BIHE and the attendance of Bahá'í students in its classes constitute one of the most basic human rights of young people who have been deprived of their right to higher education due to discrimination. As is now common practice for those identified as students of the Institute, the agents tried to make him sign an undertaking not to participate in BIHE classes, which he refused to do.

## Recommendations

- The State should take all appropriate measures, to prevent the discriminatory practices against the Bahá'í students in school including identifying, harassing and intimidating the Bahá'í children.
- The State should ensure prompt, impartial and thorough investigations into allegations of arbitrary arrest, detention, discriminatory or inhuman treatment or punishment of children by school officials, state or non-state actors, and prosecute those responsible before independent and impartial courts that meet international fair trial standards.
- The State should respect the rights of the Bahá'í youth to access higher education, not identify Bahá'í children and youth and cease expelling them from universities once their religion becomes known.
- The State should release the Bahá'í educators imprisoned for their involvement in the community initiative to provide access to higher education for the youth.
- The State should release the 7 former Bahá'í leaders sentenced to 20 years' imprisonment for tending to the spiritual and administrative needs of the community.

## 5. SPECIAL PROTECTION (ARTICLE 30)

Children belonging to religious minorities are given special attention in the Convention (Article 30); The article stipulates: "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be



denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

With regards to respect for the rights of religious minorities, Iran mentions on page 103 of its submission in advance of the 71st session of the Committee on Rights of the Child that “according to the basic Islamic teachings, all people are equal before Allah and any discrimination among human beings, on the basis of their ethnicity, skin colour, nationality, race, etc is unacceptable.” However, the Iranian government has failed to extend this principle to the Bahá’í community.

The Bahá’í Faith does not have any clergy but has elected institutions which perform many of the functions reserved to clergy in other religions. In 1983, the Iranian government called for the Bahá’í institutions to be dismantled in the country.<sup>12</sup> As a result, Iran’s Bahá’ís made arrangements to worship in small groups, hold classes for children, study and discuss their faith, and take care of other community needs in their homes. However, the Iranian government continued to interfere with the rights of the Bahá’ís to assemble, to worship even in the privacy of their homes. In 2008, the government arrested and imprisoned the seven former leaders of the Bahá’í community who looked after the spiritual and religious affairs of the community.<sup>13</sup>

Sadly, Bahá’í children have suffered considerably as a result of the government’s policies towards their community. An entire generation of Bahá’ís in Iran has been deprived of the right to elect and benefit from Bahá’í institutions – which are foundational features of the Bahá’í community life everywhere around the world. The government continually interferes with their right to worship by ransacking homes where the community is providing moral classes for children and arresting the teachers; or interrupting meetings where Bahá’ís are gathered for prayers; or raiding their homes and confiscating Bahá’í books. Bahá’í children are expelled from schools when they truthfully fill out forms professing their religion. Thus, Iranian Bahá’í children do not have the right to profess and practice their religion neither in the privacy of their homes nor in community with others.

Finally, with respect to the protection of children of religious minorities, Iran states the following in its submission to the Committee regarding the minority children’s right to education: “in the education system, all minorities, including ethnic and religious minorities and refugees, enjoy equal right to education.” However, as demonstrated above, this is certainly not the case for the Bahá’ís. Iranian Bahá’ís have been barred from higher education in Iranian universities in some cases for two generations. Moreover, the government has inhibited the community’s efforts to provide university level education to Bahá’ís who have been otherwise denied access to higher education.

## Recommendations

- The State should uphold its obligation under the CRC to respect the rights of the children belonging to religious minorities, especially the Bahá’ís, to profess and practice their religion in the privacy of their homes or in community with others.

## CONCLUSIONS

The persecution and discriminatory practices highlighted above continue to this day. We remain convinced that international support is a key factor in protecting the Bahá’í children in Iran. At its meeting in January, the Committee on the Rights of the Child has a vitally important opportunity to add its voice to international concern and advocacy on behalf of a particularly vulnerable segment of the Iranian population.

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<sup>12</sup> On 21 August 1980, all nine members of the National Spiritual Assembly of the Bahá’ís of Iran were abducted and disappeared without a trace. They are presumed dead. Then, on 27 December 1981, the recently re-elected national Bahá’í assembly was again ravaged by the execution of eight of its members. Four more members of the same assembly, which had been courageously re-established through fresh elections, were later executed as well.

<sup>13</sup> The seven former leaders were subsequently sentenced to twenty years on trumped-up charges. For the profiles of the seven leaders see <http://news.bahai.org/human-rights/iran/yaran-special-report/profiles>



## LIST OF ANNEXES

- ANNEX I 1991 Bahá'í Question memorandum in Persian and its translation into English
- ANNEX II A Special Report by the Bahá'í International Community, *Inciting Hatred – Iran's campaign to demonize Bahá'ís*, October 2011
- ANNEX III A guide to enrolling and participating in the national entrance examination for academic year 1393 [2014–2015] (in Persian)
- ANNEX IV Fars News Agency article in Persian and the translation of its relevant sections into English
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- ANNEX VI Details of the incident surrounding Mr. Armin Nourdel's expulsion
- ANNEX VII The names and profiles of the Bahá'í educators

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پوست

جمهوری اسلامی ایران  
شورای عالی انقلاب فرهنگی



### محرمانه

حضرت حجت الاسلام جناب آقای محمدی گایگانی  
ریاست محترم دفتر مقام معظم رهبری

سلام و تحیات

بمدار تحیات و مطلقاً بهر نامه شماره ۱/۲۸۴۲ مورخ ۱۰/۱۰/۶۰ و انتر به ابلاغ ابواب مقام  
عظم رهبری به ریاست محترم جمهوری در تاریخ ۱۰/۱۰/۶۰ به حالت سرمانند  
حضور ارجاع ریاست محترم جمهوری در این شوراهای انقلاب فرهنگی موضوع جهت طرح  
و بررسی در دستور جلسه ۱۲۸ مورخ ۱۱/۱۱/۶۰ و ۱۱/۱۱/۶۰ شوراهای انقلاب  
فرهنگی قرار گرفت و در نتیجه مذاکرات و مراتب که در جلسه ۱۱۸ مورخ ۱۱/۱۲/۶۰ شوراهای  
انقلاب فرهنگی به ریاست مقام معظم رهبری در این خصوص به عمل  
آمده بود، نظرات و ابواب اخیر مقام معظم رهبری در رابطه با مسائل جهانیان به اصلاح  
شوراهای عالی رسید و با عنایت به بنده قانون اساسی جمهوری اسلامی ایران و مسائل فقهی و  
فناورانه و میانجیان هموس کشور مورد مذاکره و مدانه و اعلام نظر واقع گردید و در راستای  
تعمیر و پیشرفت دانشی است صحیح و مطلوب در سرانجام با میانجی مذکور و با مطلق توجه خاص به  
ابواب مقام معظم رهبری جمهوری اسلامی ایران و انتر بر آنکه "در این رابطه سیاست  
گذاری در پیش نهادها به نظر می آید که باید پیشرو باشد" تا عمل مذاکرات و پیشنهادات  
پیشرو از جمع بندی گردید و ریاست محترم جمهوری در این شوراهای انقلاب فرهنگی پس  
مستحق دانستن نتیجه مذاکرات و پیشنهادات مطرح فرمودند مراتب به استحضار مقام معظم  
رهبری رسانده شود تا ضمن الزامات لازم بهترین ترتیب که صلاح دید میفرمایند عمل شود.

جمع بندی نتایج مذاکرات و پیشنهادات

الف: جایگاه کس جهانیان در نظام ملکی

- ۱- بدون جهت آنان از سطحت اخراج نمی آید
- ۲- در اصل آنان دستگیر، زندانی و با مجازات نمی شوند
- ۳- بر عهده نظام با آنان باید طوری باشد که راه ترقی و توسعه آنان سد و بشود.

ب: جایگاه فرهنگی

- ۱- در مدارس چنانچه اظهار کردند جهانیانند نسبت تمام شوند
- ۲- حذر و استعدود در مدارس که کار فکری و منطبق بر مسائل علمی نیست نام شوند



موسسه فرهنگی  
سازمان اسناد و کتابخانه ملی  
جمهوری اسلامی ایران

شماره  
تاریخ  
ردیف

- ۱- در دانشکده‌ها چه در دوره و چه در نوبت ...
- ۲- فعالیت مجامع (جاسوس) آنها با وضع قوانین و تکرار آن در وقت پاسخ داده نشده و ...
- ۳- مؤسسات تبلیغاتی (مانند سازمان تبلیغات اسلامی) ...
- ۴- جهت مقابله و از بین بردن ریشه های فرهنگی آنان فرغارج از کشور پیشنهاد و تسبیح ...

ج- جایگاه حقوق و اختیارات

- ۱- در اختیار گذاردن وسایک معائن در حد متعارف که در اختیار همه آحاد ملت قرار داده می شود
- ۲- امکانات جهت زندگی معنوی و حقوق معنوی مانند سایر کشورهای ایران از قبیل ...
- ۳- در صورت بروز بحالی بودن اجازه استخدام ندارند
- ۴- پستهای مؤثر (مانند مفسر و ... ) به آنان داده نشده

پایه های تبلیغات انجمن  
در مورد اینهاست انقلاب فرهنگی و  
در مورد معضله ها و ناسی گها با کانس

*[Handwritten signature]*

بر قالی

موسسه فرهنگی  
سازمان اسناد و کتابخانه ملی  
جمهوری اسلامی ایران

## The ISRCC document

[Translation from Persian]

[Text in square brackets added by translator]

In the Name of God!

The Islamic Republic of Iran

The Supreme Revolutionary Cultural Council

Number: 1327/....

Date: 6/12/69 [25 February 1991]

Enclosure: None

CONFIDENTIAL

Dr. Seyyed Mohammad Golpaygani

Head of the Office of the Esteemed Leader [Khamenei]

Greetings!

After greetings, with reference to the letter #1/783 dated 10/10/69 [31 December 1990], concerning the instructions of the Esteemed Leader which had been conveyed to the Respected President regarding the Bahá'í question, we inform you that, since the respected President and the Head of the Supreme Revolutionary Cultural Council had referred this question to this Council for consideration and study, it was placed on the Council's agenda of session #128 on 16/11/69 [5 February 1991] and session #119 of 2/11/69 [22 January 1991]. In addition to the above, and further to the [results of the] discussions held in this regard in session #112 of 2/5/66 [24 July 1987] presided over by the Esteemed Leader (head and member of the Supreme Council), the recent views and directives given by the Esteemed Leader regarding the Bahá'í question were conveyed to the Supreme Council. In consideration of the contents of the Constitution of the Islamic Republic of Iran, as well as the religious and civil laws and general policies of the country, these matters were carefully studied and decisions pronounced.

In arriving at the decisions and proposing reasonable ways to counter the above question, due consideration was given to the wishes of the Esteemed Leadership of the Islamic Republic of Iran [Khamenei], namely, that "in this regard a specific policy should be devised in such a way that everyone will understand what should or should not be done." Consequently, the following proposals and recommendations resulted from these discussions.

The respected President of the Islamic Republic of Iran, as well as the Head of the Supreme Revolutionary Cultural Council, while approving these recommendations, instructed us to convey them to the Esteemed Leader [Khamenei] so that appropriate action may be taken according to his guidance.

### SUMMARY OF THE RESULTS OF THE DISCUSSIONS AND RECOMMENDATION

#### A. General status of the Bahá'ís within the country's system

1. They will not be expelled from the country without reason.
2. They will not be arrested, imprisoned, or penalized without reason.
3. The government's dealings with them must be in such a way that their progress and development are blocked.

#### B. Educational and cultural status

1. They can be enrolled in schools provided they have not identified themselves as Bahá'ís.
2. Preferably, they should be enrolled in schools which have a strong and imposing religious ideology.
3. They must be expelled from universities, either in the admission process or during the course of their studies, once it becomes known that they are Bahá'ís.
4. Their political (espionage) activities must be dealt with according to appropriate government laws and policies, and their religious and propaganda activities should be answered by giving them religious and cultural responses, as well as propaganda.
5. Propaganda institutions (such as the Islamic Propaganda Organization) must establish an independent section to counter the propaganda and religious activities of the Bahá'ís.
6. A plan must be devised to confront and destroy their cultural roots outside the country.

#### C. Legal and social status

1. Permit them a modest livelihood as is available to the general population.
2. To the extent that it does not encourage them to be Bahá'ís, it is permissible to provide them the means for ordinary living in accordance with the general rights given to every Iranian citizen, such as ration booklets, passports, burial certificates, work permits, etc.
3. Deny them employment if they identify themselves as Bahá'ís.
4. Deny them any position of influence, such as in the educational sector, etc.

Wishing you divine confirmations,  
Secretary of the Supreme Revolutionary Cultural Council  
Dr. Seyyed Mohammad Golpaygani

[Signature]

[Note in the handwriting of Mr. Khamenei]

In the Name of God!

The decision of the Supreme Revolutionary Cultural Council seems sufficient.

I thank you gentlemen for your attention and efforts.

[signed:] Ali Khamenei

**آب و هوا - تهران**

غبار آلود  
رطوبت: ۵۳ درصد  
دما: ۱۱ ، ۱۰  
فردا: ۱۲ ، ۴

**اوقات شرعی مرکز استان تهران**

۱۳۹۳/۹/۲۶	تهران
۰۵:۲۸	اذان صبح
۰۷:۰۸	طلوع آفتاب
۱۳:۰۰	اذان ظهر
۱۶:۵۳	غروب آفتاب
۱۷:۱۲	اذان مغرب
۲۳:۱۶	نیمه شب شرعی

- برباردیدترین اخبار فارس**
- رژه ماشین‌های میلیاردری در تهران
  - عکس آخرین فرزند محمدرضا پهلوی
  - حضور ارتش بشار در قاشلی+تصاویر
  - پذیرایی از زائران با کباب‌ترکی+تصاویر
  - قاتل آیت‌الله مفتاح +عکس
  - تصاویر صفحه نخست روزنامه‌های امروز
  - مرگ خاموش وزنه‌بردار ملی‌پوش
  - درگذشت ۳۴ نفر از زائران اربعین
  - کلانتری: معاوضه من با طارمی یا نوروزی
  - غیرمعمول است/ حداقل یک بار باید به تیم ملی دعوت می‌شدم
  - حقیقی: من کلانی را خیلی خوب می‌شناسم/ یا مشکلم را حل کند یا به تیم دیگری می‌روم

- پربحث ترین اخبار فارس**
- احمد شمرزاد: چرا موضوع هسته‌ای را ناموسی کرده‌اید؟/ راکتور اراک مضر است/ به هیچ دستانورد هسته‌ای نرسیده‌ایم
  - حقیقی: من کلانی را خیلی خوب می‌شناسم/ یا مشکلم را حل کند یا به تیم دیگری می‌روم
  - کسانی که قرارگاه خاتم سپاه را رقیب بخش خصوصی می‌دانند یا ناآگاهند یا مغرض/ قرارگاه با نجات دولت را یاری می‌کند
  - علی دایی برای فینال جام ملت‌های آسیا به استرالیا دعوت شد
  - مدارس ۲۹ آذر، ۱ و ۲ دی تعطیل نیست

- برباردیدترین اخبار سیاسی**
- کسانی که قرارگاه خاتم سپاه را رقیب بخش خصوصی می‌دانند یا ناآگاهند یا مغرض/ قرارگاه با نجات دولت را یاری می‌کند
  - حماسه ۹ دی درآمد کشور از فتنه ۸۸ بود/ برخی می‌خواهند بر فتنه ۸۸ صلوات بفرستیم و فراموش کنیم/ فتنه‌گران با تسلیل‌کنشی به دنبال جبران شکست انتخاباتی بودند
  - تصویر جریان خاص از درگذشت پاشایی
  - گروگان‌گیری سیدنی نقشه مبتذل سیستم امنیتی استرالیا به تبعیت از



مشروح گفتگوی فارس با آیت‌الله موسوی بجنوردی  
**فرمان ۸ ماده‌ای امام مرقی‌ترین حقوق شهروندی است/ بهائیان حقوق شهروندی ندارند/ ولایت فقیه خط قرمز است/ ناگفته‌ای از لیست اموال امام**

عضو مجمع روحانیون گفت: هیچوقت ما نمی‌گوییم بهایی حق تحصیل آزاد دارد، اصلاً حقوق شهروندی ندارد. مسیحیان، یهودیان و زرتشتیان از حق شهروندی برخوردارند، زیرا ادیان ابراهیمی هستند.

Tweet 13 +1 206 Like 910

**گروه سیاسی خبرگزاری فارس- 24 آذرماه 61 وقتی که کمتر از 4 سال از پیروزی انقلاب و کمتر از 2 سال از آغاز جنگ تحمیلی می‌گذشت، امام خمینی بنیانگذار انقلاب اسلامی ایران پیامی حاوی 8 بند درخصوص موضوعات حقوقی و قضایی صادر و در آن به بیان برخی تذکرات و دستورات در جهت رعایت حقوق شهروندی پرداختند.**

(برای مشاهده متن پیام اینجا را کلیک کنید.)

این پیام که بعدها به فرمانده 8 ماده‌ای امام خمینی (ره) معروف شد، گواهی بود بر اهمیت حفظ حقوق مردم و امنیت حریم ملت در نگاه رهبر انقلاب اسلامی.

در واقع به دلیل برخی تندروی‌ها و ایراداتی که گاه در برخورد با مظاهر فساد صورت گرفته بود، حضرت امام (ره) اقدام به صدور این پیام کردند که به اعتقاد برخی، «مرقی‌ترین و مدرن ترین» پیامی است که درخصوص حقوق شهروندی تدوین شده است.

در سالگرد سی و دومین سال صدور این پیام برای واکاوی بیشتر آن خدمت یکی از باران نزدیک امام خمینی (ره) رسیدیم.

آیت‌الله محمد موسوی بجنوردی (متولد 1322 در نجف) «یک ربع قرن» را در خدمت بنیانگذار انقلاب اسلامی بوده و 14 سال در نجف شاگردی ایشان را کرده و بعدها در پاریس و پس از انقلاب نیز در مناصب مختلف از نزدیکان امام خمینی و از دوستان بسیار نزدیک فرزندان ایشان مرحوم حاج احمدآقا و شهید مصطفی خمینی بوده است. (ایشان همچنین پدر همسر حجت‌الاسلام والمسلمین سید حسن خمینی است.)

آیت‌الله موسوی بجنوردی یک حقوقدان مسلط به زبان عربی است که افراد سرشناس زیادی مانند شهیدان سید عباس موسوی و شیخ رابع حرب (از موسسان حزب‌الله لبنان) ابراهیم جعفری (وزیر خارجه عراق)، احمد جلیلی، ایاد علاوی و ... جزو شاگردان وی بودند.

اگرچه ما به مناسبت سالروز فرمان 8 ماده‌ای امام خدمت وی رسیدیم اما در ادامه بحث، برخی موضوعات سیاسی کشور نیز به میان آمد و آیت‌الله نیز تا آنجا که علاقمند بود، به سوالات ما با روی خوش جواب داد که خواندن آنها خالی از لطف نیست.

آنچه در زیر می‌خوانید حاصل گفتگوی یک ساعته خبرنگاران گروه سیاسی خبرگزاری فارس است با عضو مجمع روحانیون مبارز که در گروه فقه ساختمان نوساز پژوهشگاه امام خمینی (ره) و انقلاب اسلامی در جوار حرم مطهر بنیانگذار انقلاب اسلامی ایران صورت گرفت:

جدول فوتبال

طلا، سکه و ارز

شاخص بورس

قیمت خودرو

گروه های خبری

صفحه اصلی

عناوین کل اخبار

اخبار برگزیده

اجتماعی

اقتصادی

بین الملل

سیاسی

سیاست خارجی

دانشگاه

فرهنگی

ورزشی

استانها

عکس

گرافیک و کاریکاتور

صوت و تصویر

دفاتر منطقه ای

دیدگاه

تاریخ

دانستنی ها

اخبار ویژه

فضای مجازی

حماسه و مقاومت

تحولات سوریه

تحولات عراق

انتشارات

آرشیو ویژه نامه

تکیه خبر

سایر خدمات

جستجو

ارتباط با ما

سخن ما

پیوندها

تلیغات در سایت

اعلام مشکلات سایت

نسخه های RSS

آرشیو اخبار

آمریکا بود

شناسایی بسیاری از ثروتمندان آسان است/ ارتباط عدم حذف بارانه با انتخابات آینده

نهاد ریاست‌جمهوری «انتقال اجباری» ۳۲ نفر از کارکنان نهاد را تأیید کرد+ توضیحات فارس

عربستان با افزایش تولید نفت به عرب برای تأمین سوخت اطمینان داد

آیا کاهش ۴۵ درصدی درآمدهای نفتی مسأله مهمی نیست؟/ امیدوارم مسائل شما در آینده از این دست باشد

فرارگاه خاتم‌الانبیاء(ص) مجموعه معتمد نظام است/ از ابتکارات فرارگاه استقبال می‌کنیم

تفکر نهضت آزادی و خاتمی در مقابل تفکر امام و رهبری بود/ عصیانیت عربستان از ایران دلیل کاهش قیمت نفت



### امام خمینی آذرماه 61 و در کوران انقلاب و جنگ چه ضرورتی دیدند که فرمان 8 ماده‌ای را صادر کردند؟

بنده برای پاسخ به این سوال یک خاطره می‌گویم. در همان مقطع، گزارشی رسید مبنی بر وجود مقداری مواد منفجره T.N.T در همسایگی محل اقامت امام(ره) و قرار شد تا موضوع پیگیری شود. نیروهای امنیتی به آن خانه رفتند و در حین بازرسی متوجه مقداری مواد مخدر (تریاک) شدند، آنها را ضبط کردند و با خود آوردند.

امام وقتی این را شنید خیلی عصبانی شد. مسئول این کار را صدا زد و گفت شما برای پیدا کردن مواد منفجره رفتید. چه کار به کار مردم داشتید؟ کار شما این نبود که ببینید آنجا مواد مخدر هست یا نه. بروید اینها را تحویل بدهید و از آنها هم عذرخواهی کنید.

#### \* فرمان 8 ماده‌ای امام(ره) مترقی‌ترین حقوق شهروندی بود

بعد از این قبیل ماجراها بود که امام(ره) فرمان 8 ماده‌ای معروف خود را صادر کردند که به عقیده بنده مدرن‌ترین و مترقی‌ترین حقوق شهروندی بود.

در واقع شخصیت امام طوری بود که بیشترین تأکید را بر حفظ شخصیت افراد و رعایت موازین اسلامی و همچنین قانون اساسی داشتند.

عقیده‌اش این بود که باید شخصیت افراد محفوظ بماند و می‌فرمود اساس کار ما قانون است.

مثلاً اوایل کار ما در شورای عالی قضایی معتقد بودیم که مدیریت شورای قضایی مشکل است. چند پیشنهاد برای تغییر رویه داده شد. یادم هست به همراه اعضای شورا در منزل آیت‌الله خامنه‌ای که آن موقع رئیس‌جمهور بودند جمع شدیم آقای هاشمی به عنوان رئیس مجلس و آقای موسوی به عنوان نخست وزیر هم حضور داشتند.

بنده پیشنهاد دادم که بیاید همه ما استعفا بدهیم تا امام یک نفر را به عنوان رئیس دستگاه قضا انتخاب کند. آقای هاشمی هم پیشنهاد داد که بیایم تقسیم کار کنیم و یک پیشنهاد دیگر هم این بود که هر کس در جای خود بماند اما مسائل در شورا تصویب شود.

آقای خامنه‌ای همه این پیشنهادها را نوشتند و از امام(ره) کسب تکلیف کردیم. امام(ره) پیشنهاد اول یعنی تعیین یک نفر را رد کردند و گفتند چون خلاف قانون اساسی است من موافق نیستم. بهترین راه این است که تقسیم کار کنید ولی هر کاری قرار شد انجام شود، بیاید در شورای عالی قضایی و از طرف شورا امضا شود نه از طرف شخص که همین هم شد.

#### \* امام(ره) با زندان‌های طولی‌المدت مخالف بود

متأسفانه گاهی از امام(ره) یک چهره خشن معرفی می‌کنند در صورتی که ایشان بسیار رئوف بود و حتی با زندان‌های طولی‌المدت هم مخالف بود.

ایشان 4 نفر را به عنوان اعضای «هیات عفو» انتخاب کردند که شامل بنده، آیت‌الله اطیحی کاشانی، آیت‌الله محمدی گیلانی و آیت‌الله قاضی خرم‌آبادی می‌شد.

۱۳۹۳ ۹ ۲۶

تفایش آرشیو

کار ما این بود که برخی قضات را به زندان‌های کشور می‌فرستادیم، آنها با زندانی‌ها مصاحبه و بررسی می‌کردند و اگر کسی اصلاح شده و یا توبه کرده بود، در لیست عفو قرار می‌گرفت و ما این اختیار را از طرف امام(ره) داشتیم.

#### **\* یک روز 10 هزار نفر را آزاد کردیم**

حتی یکسال به مناسبت 22 بهمن، 10 هزار نفر را آزاد کردیم که صدای برخی هم درآمد.

گاهی 50 سال یا 60 سال برای یک نفر حکم زندان می‌دادند. ما می‌گفتیم هر کس بالای 15 سال زندان دارد عفو شود. معتقد بودیم که زندان یک موضوع تفریاتی است و گاهی ممکن است یک نفر با یکسال زندان، تادیب شود.

این موضوع برای هیأت عفو بسیار مهم بود که زندانی طولی‌المدت نداشته باشیم.

#### **\* امام(ره) گفت به خاطر 4 نفر نمی‌توان 200 نفر را بازداشت کرد**

یک مرتبه که 200 نفر از توابع گروهک‌ها را که اصلاح آنها مسجل شده بود آزاد کردیم، از مرحوم حاج‌احمد آقا شنیدم که وزیر اطلاعات وقت به امام(ره) گفته بود اینهایی که آزاد شدند می‌روند و به مسعود رجوی ملحق می‌شوند. ما خیلی ناراحت شدیم و از امام(ره) درخواست ملاقات کردیم. وزیر اطلاعات وقت هم آمد و از ایشان خواستیم که بگویند چند نفر به رجوی ملحق شدند و اسم ببرد.

گفته بودند که 4 نفر این کار را کردند. وقتی امام(ره) شنیدند گفتند به خاطر 4 نفر نمی‌توانیم 200 نفر را در زندان نگه داریم. بروید آنها را آزاد کنید. بعد دست روی گردن خودشان گذاشتند و گفتند به گردن من.

حتی وزیر اطلاعات وقت اسم یک نفر را هم آورد و گفت این زندانی به خارج از کشور رفته است. ما گفتیم مگر هر کس به خارج برود پیش آن کثافت (رجوی) رفته است؟ خیلی‌ها به خارج می‌روند یا فامیلی آنجا دارند یا کاری دارند و یا برای معالجه می‌روند، معنایش این نیست که هر کس به خارج رفته به آن کثافت (رجوی) ملحق شده است.

بعد از فوت امام(ره) هم آقا این حکم را به ما دادند تا کار را ادامه بدهیم. مدتی هم بودیم ولی دیگر خسته شدیم و اجازه خواستیم تا استعفا دهیم.

#### **\* روح منشور حقوق شهروندی را از فرمان 8 ماده‌ای امام(ره) گرفتیم**

**حقوق شهروندی را که دولت یازدهم بر تدوین آن تاکید دارد، چقدر منطبق با فرمان 8 ماده‌ای امام(ره) می‌دانید؟**

وقتی آقای روحانی به عنوان رئیس جمهور انتخاب شد و تصمیم گرفت منشور حقوق شهروندی را تدوین کند، معاون حقوقی ایشان (خانم امین‌زاده) از بنده نیز برای تدوین آن درخواست همکاری کرد. البته چند تن از حقوقدانان دیگر مثل مرحوم کاتوزیان هم شرکت داشتند.

ما در 5-6 جلسه این متن را که بعداً آقای رئیس جمهور در تلویزیون آن را اعلام کرد، تدوین کردیم و روح آن را از فرمان 8 ماده‌ای امام(ره) گرفتیم و این فرمان را به عنوان یک دستورالعمل، پیش روی خود قرار دادیم و قدری آن را باز کردیم.

#### **\* بهائیان حقوق شهروندی ندارند**

**البته در زمان تدوین، برخی ابرادات هم به این منشور گرفته شد. مثلاً اینکه وقتی گفته می‌شود همه شهروندان حق تحصیل دارند، آیا این حق به عنوان مثال شامل حال بهائیان هم می‌شود؟**

به هیچ عنوان. بعضی مسایل نیاز به این ندارد که تخصیص بزنیم، آن کسی که با اسلام مخالف است، موضوعاً خارج است. بهائی ضد اسلام است و موضوعاً از این بحث خارج می‌شود.

هیچوقت ما نمی‌گوییم بهایی حق تحصیل آزاد دارد، اصلاً حقوق شهروندی ندارد. مسیحیان، یهودیان و زرتشتیان از حق شهروندی برخوردارند. در مجلس نماینده دارند، زیرا ادیان ابراهیمی هستند و ما با آنها تعامل داریم و نمایندگان آنها با ما دوست هستند.



**\* حرف دشمن ملاک نیست**

**\* بعد از صدور فرمان ۸ ماده‌ای امام(ره) برخی شبهه وارد کردند که این همان حقوق بشر غربی است. نظر شما در این باره چیست؟**

حقوق شهروندی امام(ره) دقیقا منطبق با مّر قوانین اسلامی بود. ما کاری به غرب نداریم که چه می‌گویند اما آنچه امام(ره) ابلاغ کردند منطبق با موازین اسلامی بود و ما بر اساس آن می‌توانستیم حتی افراد خاطی را عزل کنیم -کما اینکه یک استانداری را عزل کردیم-

این فرمان ۸ ماده‌ای، به گونه‌ای بود که نمونه آن حتی در آمریکا و انگلیس و کشورهای دیگر ادعای دموکراسی دارند پیدا نمی‌شد.

بنده یک حقوقدان هستم و حقوق تدریس می‌کنم. آنها (غربی‌ها) دشمن ما هستند و نمی‌توان حرفشان را ملاک قرار داد. آیا در این کشورها حقوق بشر نقض نمی‌شود؟

ما نمی‌گوییم که هیچ مشکلی نداریم اما اگر ما صورتمان را بخارائیم، فوری می‌گویند نقض حقوق بشر شد.

**\* آمریکا بزرگترین ناقض حقوق بشر است**

آنها از روی صداقت صحبت نمی‌کنند. در حالی که بیشترین نقض حقوق بشر در آمریکا است، از ایران بهانه‌گیری می‌کنند. شما به زندان گوانتانامو نگاه کنید، این چه حقوق بشری است که افراد را مدت‌ها بدون محاکمه در قفس نگه می‌دارند و شکنجه می‌کنند؟ چه برخوردی در آمریکا با سیاه‌پوستان می‌شود؟ پلیس آمریکا چطور یک فرد سیاه‌پوست را خفه می‌کند؟ کجا در ایران پلیس مرتکب این رفتارها می‌شود؟

نباید حرف دشمن را ملاک قرار داد. اگر دوست حرفی بزند جای فکر دارد ولی ما از دشمن توقع تعریف نداریم باید خودمان مواظب باشیم و نقطه ضعف نشان ندهیم.

ما دشمن زیاد داریم و امام(ره) می‌فرمود اگر دیدید اینها با ما خوبند باید در خودمان شک کنیم.

**\* اگر روزی اسرائیل با ما خوب شد، باید در خودمان شک کنیم**

این از افتخارات ماست که آنها (غربی‌ها) با ما دشمن باشند. شما نگاه کنید اسرائیل چه جنایتی در حق اعراب فلسطین مرتکب می‌شود اما صدای کسی در نمی‌آید. اگر روزی اسرائیل با ما خوب شد، باید در خودمان شک کنیم. این در مورد دیگر کشورهای استعماری هم صدق می‌کند چرا که ما منادی آزادی و حریت هستیم.

**\* دوست دارم با احمد شهید صحبت کنم**

من بسیار مایلیم این آقای احمد شهید -گزارشگر ویژه امور حقوق بشر در ایران- را از نزدیک ببینم و با او صحبت کنم چرا که ضد انقلاب او را پُر کرده و متأسفانه کسی هم نرفته بنشیند با او صحبت کند.

بنده خیلی دوست دارم با او صحبت کنم و حقوق اسلام را برایش بگویم که اگر ما متخلفی را بگیریم و



زندان کنیم آیا نقض حقوق بشر است؟ آمریکا که از همه بدتر است شما به زندان‌های این کشور نگاه کنید این بدبختی است که کشورهای دیگر صدایشان در نمی‌آید.

متأسفانه کسانی ما را متهم به نقض حقوق بشر می‌کنند که خودشان ناقض این حقوق‌اند.

#### **\* نباید از آمریکا توقع خوبی داشت**

**موضع فعلی آمریکا در قبال ایران را چطور ارزیابی می‌کنید، معتقدید آمریکا همان دشمن قبلی است و یا رویه خود را در قبال انقلاب اسلامی تغییر داده؟**

ما با کسی حقد و دشمنی خاصی نداریم اما هر کس که با اسلام بد و با انقلاب مخالف است ما نیز با او دشمنیم.

#### **شما این تصور را دارید که آمریکا دشمنی خود را کنار بگذارد؟**

من فقط نسبت به شخص اوپاما این احساس را دارم که می‌خواهد کمی دشمنی خود با ایران را کنار بگذارد وگرنه کنگره و جمهوری خواهان فاسدند و طرفدار اسرائیل هستند شاید اوپاما اندکی خواستار تلطیف روابط است و احتمال می‌دهم که او علاقه به ارتباط دارد والا اگر بوش روی کار بود، تاکنون حتما به ایران حمله می‌کرد او واقعا دیوانه خطرناکی بود. اما به هر حال نباید توقع داشت که آمریکا با ما خوب شود. مگر هیچوقت گرگ و میش با هم رفیق می‌شوند؟

#### **\* ایران چشم جهان اسلام است**

کشورهای استعماری هم اگر با ما مماشات می‌کنند، اقتضای سیاست‌شان است. ایران چشم جهان اسلام است اگر این‌ها با ایران خوب باشند و ایران با این کشورها خصومت نکند، جهان اسلام را با خود همراه می‌کنند. این واقعیتی است که ایران، امروز برای جهان اسلام الگوست. عربستان و قطر را کنار بگذارید. کشورهای اسلامی که من رفتم، دیده‌ام که عاشق جمهوری اسلامی و افکار امام خمینی(ره) هستند. مراکش، تونس، لیبی، لبنان، سوریه، افغانستان، عراق، پاکستان عاشق امام و ایران‌اند. اگر مشکلی هم بوجود بیاید، تهدیدات کشورهای دیگر است والا جهان اسلام با ایران خوب است.

#### **\* لیست اموال رهبر کبیر انقلاب**

**شما یکی از باران بسیار نزدیک امام(ره) بودید، گاهی برخی موضوعات به ایشان نسبت داده می‌شود که به نظر می‌رسد درست نباشد. مثلا اینکه ایشان مخالف شعار «مرگ بر آمریکا» بودند و یا دشمنی با آمریکا را یک تاکتیک می‌دانستند.**

این دروغ است. یک بار هم کسی ندید که امام(ره) با این شعار مخالفت کنند بلکه در هر سخنرانی خود آمریکا را می‌کوبید. امام(ره) اهل تعارف نبود، یک چهره داشت.

شما نگاه کنید طبق قانون رهبر باید لیست اموال خود را به شورای عالی قضایی می‌داد. ایشان نوشتند که من «هزار متر زمین در خمین» موروثی پدرم دارم، «3 دانگ ازخانه قم» متعلق به من و 3 دانگ دیگر هم مهریه خانم حاج آقا مصطفی است و یک قالی 12 متری دارم. بعد از فوت ایشان هم دیدیم که نوشتند آن هزارمتر زمین را به پسر برادرم بخشیدم چون احتیاج داشت، 3 دانگ منزل قم و آن فالپچه را هم به حاجیه خانم دادم و بچه‌های ایشان یک قران هم ارث نبردند.

دختر من همسر حاج‌حسن آقای خمینی است و من با مرحوم احمد آقا و حاج آقا مصطفی دوست نزدیک بودم و از همه چیز آنها خبر دارم. همین زندگی حسن آقا یک زندگی طلیگی است و حتی یک قران هم از پدرش ارث نبرد.

مرحوم حاج‌احمد آقا فرزند رهبر این مملکت بود و اگر می‌خواست می‌توانست به هر جایی برسد اما وقتی فوت کرد هیچ چیزی برای ارث نگذاشت.

من با پسر بزرگ ایشان - حاج آقا مصطفی- هم رفیق نزدیک بودم. 40 مرتبه با هم پیاده به کربلا رفتیم. سالی 5 بار این کار را می‌کردیم یعنی اول رجب، نیمه رجب، نیمه شعبان، عرفه و اربعین.



### \* رفتار امام(ره) در میان مرجعیت تشیع بی‌نظیر بود

امام(ره) علاوه بر استاد، برای ما مثل پدر بودو من ایشان را یک فرد استثنایی می‌دانم که یک سر سوزن هوای نفس نداشت. به پول، مانند ریگ بیابان نگاه می‌کرد. شاید جالب باشد که بدانید زندگی روزانه امام(ره) از کجا می‌گذشت. نذرهای زیادی برای ایشان می‌شد که به صورت پول و طلا بود. ماهی یکبار آقای فقیه ایمانی که الان در اصفهان هستند می‌آمدند طلاها را می‌فروختند و پول آن را می‌آوردند. امام(ره) قدری برای مخارج زندگی خود و فرزندان برمی‌داشتند و مابقی آن را به حساب 100 برای خانه‌سازی می‌دادند. در تاریخ تشیع بی‌نظیر است که مرجعی این طور برخورد کند.

### \* گفتم اگر راهپیمایی کنید از مجمع روحانیون خارج می‌شوم

یک سری مسایل در صحنه سیاسی کشور نظیر حوادث پس از انتخابات ریاست جمهوری در سال 88 رخ داد، به نظر شما اگر امام(ره) هم بودند، زیر بار آن بدعتها و درخواستها می‌رفتند و با حوادث پس از انتخابات و درخواست‌هایی مانند ابطال انتخابات چه برخوردی می‌کردند؟

وَ لَوْ كُنْتُ أَعْلَمُ الْقَيْبِ لَأَسْتَكْتَرْتُ مِنَ الْخَيْرِ.

### \* بالاخره روش امام را که دیده‌اید؟ مجمع روحانیون مبارز در 23 خرداد درخواست ابطال انتخابات را داشت

بعد از سخنرانی حضرت آیت‌الله خامنه‌ای در نماز جمعه 29 خرداد 88، مجمع روحانیون برای راهپیمایی اطلاعیه داده بود. من عضو مجمع روحانیون هستم و پیغام دادم که اگر راهپیمایی کنید من از مجمع خارج می‌شوم و باید راهپیمایی را لغو کنید.

### \* تماس ضرغامی در خصوص صدور بیانیه مجمع روحانیون

آقای خاموشی رئیس سازمان تبلیغات که شاگرد من هست پیشم آمد و من گفتم نباید با رهبری مخالفت شود. بعد به آقای خاتمی زنگ زدم و گفتم باید اعلام کنید که مجمع روحانیون امروز راهپیمایی ندارد و ایشان نیز پذیرفتند.

بعد از آن، آقای ضرغامی به من زنگ زد و گفت کاری کنید که قبل از ساعت 2 بیانیه را بدهند تا ما در اخبار آن را اعلام کنیم. به آقای مجید انصاری زنگ زدم و گفتم من مسئله لغو راهپیمایی را مطرح کردم و آقای خاتمی هم قبول کرد چون آیت‌الله خامنه‌ای گفته و ما با ایشان مخالفت نمی‌کنیم.

### \* ولایت فقیه خط قرمز است

اطلاعیه صادر و در اخبار ساعت 2 خوانده شد. همان روز از طرف بیت رهبری با من تماس گرفتند و تشکر کردند. به هر حال خط قرمز ما، ولایت فقیه است.

### کسی هم در مجمع با این نظریه شما مخالفت کرد؟

خیر، من گفتم شرعا برای ما جایز نیست و تمام افراد پذیرفتند وقتی ولایت فقیه می‌گوید نباید راهپیمایی کرد، ما باید تبعیت کنیم در غیر این صورت اگر کسی در این راهپیمایی کشته می‌شد، خونش به گردن ما می‌افتاد.

**\* دوستدار انقلاب نمی‌خواهد کشور دچار اضطراب شود**

**شما خودتان هم با موسوی و کروبی بعد از انتخابات صحبت کردید که مواضع خود را کنار بگذارند و از طریق قانونی کار را دنبال کنند؟**

راستش من هیچ ملاقاتی نداشتم و هیچ صحبتی نیز نکردم و اگر ملاقات می‌کردم، حتما می‌گفتم. مسلمانان سوءاستفاده‌هایی هم شد و برخی ضد انقلابیون از آن استفاده کردند، کسی که دوست انقلاب است و در خط امام خمینی(ره) است هیچوقت نمی‌خواهد کشور دچار اضطراب شود و به نابودی سوق پیدا کند. نباید همه قضایای بعد از انتخابات را گردن اصلاحات بیندازیم، اصلاحات بچه‌های همین انقلاب و امام(ره) بودند. یک عده‌ای که همیشه سوءاستفاده می‌کردند از این جریان نیز استفاده‌هایی بردند. مجمع روحانیون مبارز، سیدمحمد خاتمی، آقای موسوی خوئینی‌ها همگی اعلام کردند که چون خواسته رهبری این است، بر ما جایز نیست. او الان رهبر انقلاب است و نباید تضعیف شود، حتی اگر عقیده‌مان نباشد باید اطاعت کنیم.



**\* در جلسات مجمع روحانیون بحث‌های سیاسی نمی‌شود**

**آیا جلسات مجمع روحانیون مرتب تشکیل می‌شود یا تعطیل است؟**

هر دو هفته یک بار، دوشنبه‌ها این جلسات تشکیل می‌شود، البته بیشتر خوش و بش و گعده دوستانه است و هیچ بحث سیاسی نمی‌شود اما بنا بر برخی مناسبت‌ها اطلاعیه‌هایی هم صادر می‌شود، مثلا هنگامی که مقام معظم رهبری عمل جراحی کردند، آقای خاتمی از طرف مجمع روحانیون با صدور پیامی احوال ایشان را پرسیدند.

**\* نباید حرف برخی افراد را به پای مجمع روحانیون گذاشت**

بنده خودم با آیت‌الله خامنه‌ای دوستی نزدیک دارم و به هم علاقمندیم. 52 سال قبل وقتی با آقای هاشمی به نجف آمدند، در درس پدر بنده شرکت کردند و از آن زمان ما با ایشان و پدرشان آقا سید جواد که مرد بسیار بزرگی بود آشنا بودیم. بنابر این بنده با ایشان هم دوستی شخصی داریم و هم ایشان را ولی فقیه می‌دانیم که باید حرمت و کرامتشان محفوظ باشد.

مقام معظم رهبری در حال حاضر به مجمع روحانیون ماهیانه هم پرداخت می‌کنند یعنی روابط مجمع روحانیون با رهبری خیلی خوب است حالا اگر یک افرادی پیدا می‌شوند و حرف‌هایی می‌زنند، نباید آن را پای مجمع گذاشت.

**\* مردم به خاطر مجمع روحانیون، هاشمی و خاتمی به روحانی رای دادند**

**شما امروز اولویت مهم دولت را در چه زمینه‌ای می‌دانید؟ برخی می‌گویند اهتمامی که دولت برای سیاست خارجی دارد، باید برای اقتصاد هم بگذارد.**

آشوخ حسن (روحانی) رفیق ماست. وقتی بعد از انتخاب به عنوان رئیس جمهور به حرم امام(ره) آمد،

به او گفتم مردم به تو رأی ندادند مردم به مجمع روحانیون، هاشمی، سید حسن خمینی و خاتمی رأی دادند حواست باشد که غرور تو را نگیرد. خندید و گفت خود ما هم البته یک چیزهایی داشتیم. او می‌داند که من آدم رُک و صریحی هستم.

#### \* دولت نان و آب مردم را درست کند

اما اساس کار باید اقتصاد باشد باید نان و آب مردم را درست کرد. باید اقتصاد طوری درست شود که گرسنه‌ای وجود نداشته باشد. جلوی فساد و ازدواج‌های سفید گرفته شود. چرا ایران اسلامی باید به اینجا برسد که ازدواج سفید مرسوم شود؟

یکی دیگر از مواردی که به نظرم خیلی خطرناک است، کم شدن آمار ازدواج است. دولت باید بودجه بگذارد تا آمار ازدواج بالا برود و در مورد ازدیاد جمعیت کار کند. جمعیت دارد به مرز خطر می‌رسد جوانان به یک بچه اکتفا نکنند. 4-5 بچه داشته باشند تا ما در 10، 12 سال دیگر نوجوان داشته باشیم. این خطرناک است که نسل پیر ما در حال ازدیاد است.

#### \* حوصله کارهای سیاسی را ندارم

##### برای مجلس خیرگان کاندیدا می‌شوید؟

نه، دیگر حوصله کارهای سیاسی را ندارم.

##### چقدر با موضوع جوانگرایی در خیرگان موافقت می‌کنید؟ آیا شأن خیرگان، جوانگرایی است؟

خیرگان باید مجتهد و عالم باشند چون اینها رهبر تعیین می‌کنند. من نمی‌دانم کدام یک از این آقایان مجتهد اند اما حاضر امتحان کنم.

#### گفتگو از: مهدی بختیاری و هاجر نذری

مهمترین محورهای این گفتگو را از اینجا بخوانید.

انتهای پیام/



اخبار مرتبط :

○ مجمع روحانیون را تهدید به خروج کردم/ نباید از آمریکا توقع خوبی داشت/ مردم به خاطر هاشمی و خاتمی به روحانی رای دادند/ دولت نان و آب مردم را درست کند  
93/09/24 - 11:43

دیدگاه‌های ارسال شده توسط شما، پس از تایید توسط خبرگزاری فارس در وب سایت منتشر خواهد شد. پیام‌هایی که حاوی تهمت یا افترا باشد منتشر نخواهد شد. پیام‌هایی که به غیر از زبان فارسی یا غیر مرتبط با خبر باشد منتشر نخواهد شد.

نام شما	دیدگاه خود را درباره این خبر بنویسید
پست الکترونیک	
کلید را به چپ بکشید	

حمید 12:15 دوشنبه 24 آذر 1393 پاسخ

خدا لعنت کنه افرادی را که با کتمان خاطرات امام می‌خوان از ایشان چهره ای خشن معرفی کنند. در صورتی که نسل ما باید بدونه اگر امام خمینی و تفکراتش نبود الان چه وضعیتی داشتیم

داود 12:56 دوشنبه 24 آذر 1393 پاسخ

سید بزرگوار، روحانی عزیز اواما با بقیه فرقی نداره، همه سر و ته یکی هستند. اونها فقط منافع اسرائیل مد نظرشونه و اسرائیل هم ضد اسلامه

ناشناس 12:56 دوشنبه 24 آذر 1393 پاسخ

زرتشتی یک از ادیان ابراهیمی؟ این حتما یک کشف تازه است.

ناشناس در پاسخ به "ناشناس" ... بله برادر زرتشت پیامبر الهی هست پاسخ

## [EXCERPT TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets [ ].]

### **Fars News Agency**

Number 13930923001403

<http://www.farsnews.com/printable.php?nn=13930923001403>

24/9/1393 [15 December 2014]

### **The eight-point command of Imam [Khomeini] is the most advanced form of citizenship rights; Bahá'ís do not have citizenship rights**

The member of the Association of Combatant Clergymen said, “We will never say that the Bahá'ís have the right to education; they do not even have citizenship rights. Christians, Jews and Zoroastrians have citizenship rights because they are [followers of] the Abrahamic religions”.

### **Bahá'ís do not have citizenship rights**

[Question]: When this charter was being prepared, some criticisms were made. For instance, when we say all the citizens have the right to education, does it include the Bahá'ís?

[Answer]: Not at all. Some matters do not need to be considered as exceptions; whoever is against Islam is effectively out. Bahá'í [Baháism] is against Islam and discussing it is out of the question.

We will never say that the Bahá'ís have the right to education; they do not even have citizenship rights. Christians, Jews and Zoroastrians have citizenship rights and have representatives in the parliament, because they are [followers of] the Abrahamic religions. We have interactions with them, and their representatives are our friends.

بسمه تعالی



جمهوری اسلامی ایران  
وزارت علوم، تحقیقات و فناوری

شماره: ۱  
تاریخ: ۱۳۸۵  
شماره: ۹۳۷۵  
شماره: ۲۱,۹۱۳,۹۳۷۵

محرمانه

مذیبت محترم حراست



- ۱- دانشگاه ارشد ۲- دانشگاه ارومیه ۳- دانشگاه اصفهان ۴- دانشگاه ایلام ۵- دانشگاه آزاد (من)
- ۶- دانشگاه بوعلی سینا ۷- دانشگاه تبریز ۸- دانشگاه بین‌المللی امام خمینی (ره) ۹- دانشگاه پیام نور
- ۱۰- دانشگاه تبریز ۱۱- دانشگاه تربیت مدرس ۱۲- دانشگاه تربیت معلم تهران ۱۳- دانشگاه تربیت معلم
- آذربایجان ۱۴- دانشگاه تربیت معلم مازندران ۱۵- دانشگاه تهران ۱۶- دانشگاه خواجه نصیر ۱۷- دانشگاه
- رازی ۱۸- دانشگاه زابل ۱۹- دانشگاه زنجان ۲۰- دانشگاه سمنان ۲۱- دانشگاه سیستان و بلوچستان ۲۲- دانشگاه شهید
- ۲۳- دانشگاه شهید کمالی ۲۴- دانشگاه شاهد ۲۵- دانشگاه شهید باهنر کرمان ۲۶- دانشگاه شهید بهشتی
- ۲۷- دانشگاه شهید چمران اهواز ۲۸- دانشگاه شیراز ۲۹- دانشگاه صنعتی اصفهان ۳۰- دانشگاه صنعتی
- امیرکبیر ۳۱- دانشگاه صنعتی شاهرود ۳۲- دانشگاه صنعتی خواجه نصیرالدین طوسی ۳۳- دانشگاه
- صنعتی سهند تبریز ۳۴- دانشگاه صنعتی شریف ۳۵- دانشگاه علامه طباطبائی ۳۶- دانشگاه علم و صنعت
- ایران ۳۷- دانشگاه علوم کشاورزی و منابع طبیعی گرگان ۳۸- دانشگاه فردوسی مشهد ۳۹- دانشگاه گتسپن
- ۴۰- دانشگاه گیلان ۴۱- دانشگاه لرستان ۴۲- دانشگاه محقق اردبیلی ۴۳- دانشگاه مازندران
- ۴۴- دانشگاه تربیت مدرس ۴۵- دانشگاه ولیعصر رفسنجان (صح) ۴۶- دانشگاه هرمزگان
- ۴۷- دانشگاه خیز ۴۸- دانشگاه جامع امامی - کربلایی ۴۹- دانشگاه یزد ۵۰- دانشگاه علوم پایه
- دماغان ۵۱- دانشگاه یسوج ۵۲- دانشگاه هنر اصفهان ۵۳- دانشگاه علوم و فنون دریایی
- خرمشهر ۵۴- دانشگاه قم ۵۵- دانشگاه ملازیر ۵۶- دانشگاه شعاع ۵۷- دانشگاه علم و فرهنگ
- ۵۸- دانشگاه آزاد (مبارز) ۵۹- دانشگاه خاتم ۶۰- دانشگاه تفرش ۶۱- دانشگاه بجنورد ۶۲- دانشکده
- فنی‌مهندسی گنبدکائون ۶۳- دانشکده امور اقتصادی ۶۴- موسسه غیرانتفاعی خاتم ۶۵- موسسه غیردولتی
- غیرانتفاعی سجاد مشهد ۶۶- موسسه غیردولتی غیرانتفاعی شهید آنتونی اسپنالی ۶۷- موسسه غیردولتی
- غیرانتفاعی علامه محمدتقی نوری ۶۸- موسسه غیردولتی غیرانتفاعی شهرستان ۶۹- موسسه غیرانتفاعی
- صراز و توسعه روستایی همدان ۷۰- مرکز آموزش عالی دریاتوری و علوم دریایی چابهار ۷۱- مجتمع
- آموزش عالی خراسان ۷۲- دانشگاه مذاهبه اسلامی ۷۳- موسسه آموزش عالی جندی شاپور دزفول
- ۷۴- دانشگاه صنعتی شاهرود ۷۵- موسسه آموزش عالی سجاد مشهد ۷۶- دانشگاه مفرد قم ۷۷- دانشگاه
- علوم کشاورزی و منابع طبیعی رامین ۷۸- موسسه آموزش عالی کار ۷۹- موسسه آموزش عالی
- نصف آباد ۸۰- موسسه آموزش عالی پژوهش صنایع ایران ۸۱- پژوهشگاه امام خمینی

موضوع: ممنوعیت تحصیل افراد بهائیان در دانشگاهها

باسلام

احتراماً، به آنکامی میرساند، براساس مصوبه شماره ۱۲۲۷/م.س مورخ ۶۹/۱۲/۶ شورای عالی انقلاب فرهنگی و اعلام مراجع ذیصلاح امنیتی، ناخالص بهائیان چنانچه در حین ورود به دانشگاه و یا حین تحصیل مشخص گردند که بهائیان هستند، می‌بایست از دانشگاه اخراج گردند. لذا ضروری است جهت جلوگیری از ادامه تحصیل یا شدگان سو-موند، نظام انتر-رشدیدیل و نتیجه را به این مرکز منعکس فرمائید

امیر زارعی  
مدیرکل حفاظت مرکزی  
کابری

[PROVISIONAL TRANSLATION FROM PERSIAN]

[Translator's notes appear in square brackets [ .].]

Date: [?]/[?]/1385 [2006]

Number: [Illegible]

[Illegible]: M/2/3/9378

**In the Name of God**

[Emblem]  
Islamic Republic of Iran  
Ministry of Science, Research  
and Technology

[Unidentified emblem]

**Confidential**

The esteemed management of the Security Office,

[The 81 universities addressed in this letter are listed below.]

**Subject: Banning of the education of Bahá'ís in universities**

Greetings,

Respectfully, we inform you that in accordance with decree number 1327/M/S, dated 6/12/69 [25 February 1991], issued by the Supreme Revolutionary Cultural Council and the notification of the responsible authorities of the Intelligence [Office], if Bahá'í individuals, at the time of enrolment at university or in the course of their studies, are identified as Bahá'ís, they must be expelled from university. Therefore, it is necessary to take measures to prevent the further studies of the aforementioned [individuals] and forward a follow-up report to this Office.

Aşghar Zári'í [Asghar Zarei]

Director General of the Central Security Office

[Signature]

[The list of 81 universities]

1. University of Arák [Arak]
2. Urúmíyyih [Urmia] University
3. University of Işfahán [Isfahan]
4. Ílám [Ilam] University
5. Al-Zahrá [Alzahra] University
6. Bú-'Alí Síná [Bu Ali Sina] University
7. University of Bírjand [Birjand]
8. Imam Khomeini International University
9. Payám-i-Núr [Payame Noor] University
10. University of Tabríz [Tabriz]



11. Tarbiat Modares [Lecturer Training] University
12. Tarbiat Moallem [Teacher Training] University of Tīhrán [Tehran]
13. Ádharbáyján [Azerbaijan] Tarbiyat-i-Mu‘allim [Teacher Training] University
14. Sabzivár [Sabzevar] Teacher Training University
15. University of Tīhrán [Tehran]
16. Persian Gulf University
17. Rází [Razi] University
18. Zábul [Zabol] University
19. Zanján [Zanjan] University
20. University of Simnán [Semnan]
21. University of Sístán and Balúchistán [Sistan and Baluchestan]
22. Shahr-i-Kurd [Shahrekord] University
23. Sháhíid [Shahid] University
24. Sháhíid Bá-Hunar [Shahid Bahonar] University of Kirmán [Kerman]
25. Sháhíid Bihishtí [Shahid Beheshti] University
26. Sháhíid Chamrán [Shahid Chamran] University of Ahváz [Ahvaz]
27. Shíráz [Shiraz] University
28. Işfahán [Isfahan] University of Technology
29. Amírkabír [Amirkabir] University of Technology
30. Sháhrúd [Shahrud] University of Technology
31. Khájlh Naşíru’d-Dín-i-Túsí [Khajeh Nasir ad-Din Toosi] University of Technology
32. Sahand [Sahand] University of Technology of Tabríz [Tabriz]
33. Sharíf [Sharif] University of Technology
34. ‘Allámiy-i-Ṭabátabá’í [Allameh Tabatabaei] University
35. Iran University of Science and Technology
36. Gurgán [Gorgan] University of Agricultural Sciences and Natural Resources
37. Firdawsí [Ferdowsi] University of Mashhad [Mashhad]
38. University of Káshán [Kashan]
39. University of Kurdistán [Kurdistan]
40. University of Gílán [Guilan]
41. Luristán [Lorestan] University
42. University of Muḥaqqiq Ardabílí [Mohaghegh Ardebili]
43. University of Mázindarán [Mazandaran]
44. Sháhíid Rajá’í [Shahid Rajaei] Teacher Training University
45. Valíyy-i-‘Asr [Vali-e-Asr] University of Rafsanján [Rafsanjan]
46. Hurmuzgán [Hormozgan] University
47. University of Art
48. University of Applied Science and Technology
49. University of Yazd
50. Dámghán [Damghan] University of Basic Sciences
51. Yásúj [Yasuj] University
52. Işfahán [Isfahan] University of Art
53. Khurramshahr [Khorramshahr] University of Nautical Sciences and Technology
54. University of Qum [Qom]
55. University of Maláyir [Malayer]
56. Shumál [Shomal] University
57. University of Science and Culture
58. Irshád [Irshad] University of Damávand [Damavand]
59. Khátam [Khatam] University
60. University of Tafrişh [Tafresh]
61. University of Bujnúrd [Bojnurd]
62. Gulpáygán [Golpaygan] School of Engineering
63. School of Economic Affairs



64. Non-profit Khayyám [Khayyam] Institute
65. Non-governmental and non-profit Sajjád [Sadjad] Institute, Mashhad [Mashhad]
66. Non-governmental and non-profit Shahíd Ashrafi Isfahání [Shahid Ashrafi Isfahani] Institute
67. Non-governmental and non-profit ‘Allamiy-i-Muḥadath-i-Núri [Allameh Mohadas Noori] Institute
68. Non-governmental and non-profit Institute of Ṭabaristán [Tabarestan]
69. Non-profit Institute for Development and Rural Advancement of Hamidán [Hamedan]
70. Nautical and Marine Science Centre of Higher Education of Cháhbahár [Chahbahar]
71. Institute of Higher Education of Marághih [Maragheh]
72. University of Islamic Sects
73. Jund-i-Shapúr [Jundishapur] Institute of Higher Education of Dizfúl [Dezful]
74. Shíráz [Shiraz] University of Technology
75. Sajjád [Sadjad] Institute of Higher Education, Mashhad [Mashhad]
76. Mufid [Mofid] University of Qum [Qom]
77. Varámín [Varamin] University of Agricultural Sciences and Natural Resources
78. Institute of Higher Education for Occupation
79. Najafábád [Najafabad] Institute of Higher Education
80. Iran Institute of Higher Education for Technology Research
81. Imam Khomeini Research Centre

### **The expulsion of Mr. Armin Nourdel from the University of Tabriz**

On 26 October 2013, Mr. Armin Nourdel was informed by the Office of the Deputy for Academic and Cultural Affairs that the university had not yet received confirmation of his enrolment and registration from the Sanjesh Organization<sup>1</sup> and that he should not attend classes for the next three weeks. At Mr. Nourdel's insistence, he was given the order in writing which was signed but not stamped with the official stamp of the office. Mr. Nourdel continued attending classes. However, his name had been taken off from the university website and the school attendance sheet. Upon his insistence, the professors added his name to the attendance sheet. On 11 September 2013, Mr. Nourdel went to the office of the deputy for academic and cultural affairs. The official in charge claimed that he was personally pursuing the case and that he had written to both the Sanjesh Organization and the Ministry of Education and that the ministry had given him the order by telephone to prevent Mr. Nourdel from attending classes. Again, after a lengthy discussion, the official finally agreed that Mr. Nourdel could attend classes on the condition that he did not discuss the issue with anyone.

On 29 October the office called the workplace of Mr. Nourdel's father and instructed him to contact an individual by the name of Faghihinia to arrange for a meeting. Mr. Nourdel went to the office once again. The official explained that Mr. Faghihinia was the representative of the Ministry of Science and Technology for non-profit educational institutions in the province of Eastern Azarbayejan. Despite Mr. Nourdel's insistence, he was not given a letter of introduction to take to Mr. Faghihinia. He then went to the University of Tabriz (where Mr. Faghihinia was said to be) and, without mentioning his name, requested a meeting with the representative of the Ministry of Science and Technology for the non-profit educational institutions. The security guard at the main gate of the university stated that there was no such post or office at that university, whereupon Mr. Nourdel immediately went to the Central Bar Association of Tabriz and explained the situation to them. They advised him to return to the Sanjesh Organization and to the Ministry of Science and Technology. He went to the Sanjesh Organization, where he was told that they were not responsible and that if there were any problem the university had to be in contact with them. They added that it was unlikely that the Sanjesh Organization would issue an order to a university over the telephone and ask them to deny entry to a student. Following this, he went to the Student Affairs Association and met with its deputy, who, after being informed of the situation, asked Mr. Nourdel whether he was a member of a religious minority. Mr. Nourdel indicated that he was. The deputy asked which religion Mr. Nourdel belonged to and he responded that he is a Bahá'í, at which point the deputy said that he was unable to help Mr. Nourdel and told him to see an official in the Sanjesh Organization building. Mr. Nourdel did not comply.

Mr. Nourdel continued attending classes until 23 November 2013 when the guard at the entrance to reading room asked for his student ID. Mr. Nourdel was then denied entry for not having a student card. He was then sent to the Office of Herasat<sup>2</sup> where he spoke to an official who asked why he was attending classes when he was instructed not to. Mr. Nourdel responded that he had never received an official notification not to attend his classe. Mr. Nourdel was then taken to the office where he was told very sharply that he should go the University of Tabriz and meet with Mr. Faghihinia immediately, who he was told was the representative of the Sanjesh Organization for the entire province. After going to the university, he found that Mr. Faghihinia was, in fact, the deputy director of the Office of Hirasat at the University of Tabriz until his retirement, after which he had been appointed

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<sup>1</sup> Educational Measurement and Evaluation Organization (EMEO)

<sup>2</sup> Herasat: An intelligence service that has an office in every university and government organizations in Iran

director of the Office of Hirasat for all the non-profit institutions of higher education in the entire province and that he was actually situated at the central library of the university.

Mr. Nourdel again continued to attend classes until he was prevented from entering the campus on 30 November 2013 by the same security guard that had previously stopped him. He was told that specific instructions had been issued not to allow him to enter the institution. At Mr. Nourdel's insistence, he was taken to the office of another official who also refused to let him attend classes. In response to Mr. Nourdel's request for an official notification, he was told he could not be provided with one as the secretaries had all gone home but that he could receive it the next day. Following this meeting, Mr. Nourdel went to class. However, after approximately thirty minutes, the security guard came and spoke to the lecturer who then asked him to leave the classroom. Mr. Nourdel requested an official notification in writing from him. The guard said that he could not provide him with one as the secretaries had gone home and that he could get one the next day.

The next day, a meeting was scheduled for 4 December with Mr. Faghihinia. During this meeting, Mr. Faghihinia opened a file with a letter that had the word "confidential" stamped on it and said to Mr. Nourdel: "You are a Bahá'í, therefore, according to the law and the orders received, you cannot attend the university." When Mr. Nourdel asked "According to which law?" Mr. Faghihinia responded, "I do not have to explain the law to you!". Mr. Nourdel then reminded him about Article 23 of the Constitution, and asked to receive the reasons for his dismissal officially and in writing. He said that such a letter should be issued by Dr. Nawrouzi, the president of the Seraj Institute for Higher Education. A few days later, Mr. Nourdel visited Dr. Nawrouzi, who indicated that he had been expecting Mr. Nourdel. Dr. Nawrouzi informed Mr. Nourdel that in accordance with the Constitution of the land, he was not permitted to continue his education because he is a Bahá'í. When Mr. Nourdel asked him where in the Constitution this is specified, Dr. Nawrouzi responded angrily and loudly, "I teach the law and, according to the unwritten article of law, you do not have permission to get an education!" Mr. Nourdel asked, "How could there be an unwritten law? If there is truly such a thing, then put it in writing and expel me on those grounds." Dr. Nawrouzi refused, stating that if he were to do so, the Bahá'ís would publish and broadcast it through social networks.

After a short discussion on the Constitution of the country, Mr. Nourdel left. He submitted a letter he had prepared for Dr. Nawrouzi in which he had asked Dr. Nawrouzi to kindly take the steps required to allow him to continue attending his classes. Some two weeks later, he had not yet received a response. He subsequently visited Dr. Nawrouzi in person a few times, and all Dr. Nawrouzi stated was that he was discussing the matter with the higher authorities, who have not yet given him an answer.

## Closed Doors

Bahá'í World News Service / Special Section

### Iran's campaign to deny higher education to Baha'is Profiles of Baha'i educators

Among the Baha'i educators who have been recently detained in Iran are:

#### Mahmoud Badavam

58-year old Mahmoud Badavam holds a degree in electronic engineering from Tehran Polytechnic University and a postgraduate degree from the Massachusetts Institute of Technology, U.S.A. The manager of civil engineering projects and a lecturer for the Baha'i Institute for Higher Education, Mr. Badavam is married with one child. In 1986, Mr. Badavam was incarcerated for a period of three years for being a Baha'i. He has been in prison since his arrest on 22 May 2011, and first appeared in court on Tuesday 27 September 2011. He is now serving a four-year prison sentence.



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#### Faran Hesami

Faran Hesami, 37, worked as a psychology instructor with BIHE and has also been involved in private practice. After completing their undergraduate education at BIHE, she and her husband – Kamran Rahimian – graduated in December 2003 with Master's degrees in Educational Counseling from the University of Ottawa, Canada. Mrs. Hesami was summoned to court and arrested along with her husband on 13 September 2011. She was told that her Master's degree is illegal and therefore her work as a counselor is also illegal. She was sentenced to four-years imprisonment.



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#### Nooshin Khadem

Nooshin Khadem, 48, gained a General Studies degree – the only major available via correspondence course from Indiana University, U.S.A. She also later received a postgraduate Masters of Business Administration from Carleton University, Canada. Ms. Khadem worked in an administrative capacity with BIHE. She was arrested on 22 May 2011 and first appeared in court on Tuesday 27 September 2011. She is currently serving a four year prison

sentence.



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### Vahid Mahmoudi

Vahid Mahmoudi, 48, studied sociology at BIHE and had been working as a director of the Institute. He is married with two children. In 1982, at the age of 19, he was arrested and served six years in prison for being a Baha'i. Sentenced in October 2011 to five years in prison, he was released on 8 January 2012 after his sentence was reportedly suspended.



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### Kamran Mortezaie

Kamran Mortezaie, 59, is serving a five year prison sentence. He holds a degree in electronic engineering from Áryámíhr University – now the Sharif University of Technology – in Iran, as well as a postgraduate degree from George Washington University in the U.S.A. Having been denied the right to practice his profession for being a Baha'i, he worked in the building industry. He was a director of BIHE and a lecturer in computing. He was among 36 members of BIHE's faculty and staff who were arrested during a series of raids carried out in 1998 by the Iranian authorities. He is the father of one child.



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### Amanollah Mostaghim

Amanollah Mostaghim, 63, completed his early education in Shiraz and went to the United States for higher education; he holds a BSc degree in Civil engineering from Texas Tech University. He returned to Iran in 1980, and worked in the area of civil engineering in several provinces, before eventually settling in Shiraz. He was arrested on 22 May 2011 and released on bail after 38 days. On 16 June 2012, he was summoned to court and was sentenced to five years' imprisonment. He is married with three children.



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## Foad Moghaddam

Foad Moghaddam, 62, has a Medical degree in general medicine from the Medical school of Tabriz. He practiced medicine for 33 years and has been involved with BIHE for 17 years. Dr. Moghaddam was arrested on 22 May 2011. On 25 June 2011 he was released on bail. On 16 June 2012, he was summoned to court and was sentenced to five years' imprisonment. He is now serving his sentence. Dr. Moghaddam suffers heart problems. He is married and has three children.



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## Shahin Negari

Shahin Negari, 44, is a BIHE graduate in pharmaceutical science. He also received his M.Sc in Microbiology and Immunology from the University of Ottawa, Canada. Until his arrest, Mr. Negari had worked in Tehran as a technical advisor, while being involved with the operation of BIHE. He was arrested on 22 May 2011 and was released on bail after a month. He was sentenced to four years of imprisonment. On 13 January 2013, Mr. Negari was taken into custody without prior notification. He is married and has two children.



[Download](#)

## Kamran Rahimian

Along with his wife Faran Hesami, Kamran Rahimian, 42, worked as a psychology instructor with BIHE. After completing his undergraduate education at BIHE, he graduated with Master's degrees in Educational Counseling from the University of Ottawa, Canada in December 2003. He was summoned to court with his wife and two other Baha'is on 13 September 2011. The other two were released on bail soon afterwards. Mr. Rahimian was sentenced to four-years imprisonment and is serving his sentence at Gohardasht prison, some 50 kilometers west of Tehran.



[Download](#)

## Kayvan Rahimian

Kayvan Rahimian, 48, is a BIHE graduate in psychology and had been involved in private practice as a counselor. He also worked as a psychology instructor with BIHE. He was arrested on 14 September 2011 and was released on bail on 21 September 2011. Mr. Rahimian was told that his Master's degree is illegal and therefore his work as a counselor is also illegal. On 30 September 2012, Mr. Rahimian was summoned to begin his five years'

imprisonment sentence. He is the father of a 13-year old daughter and has recently lost his wife, Fereshteh Sobhani, to cancer.



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### Farhad Sedghi

Farhad Sedghi, 64, has a degree in accountancy and financial management. He was expelled from his postgraduate mechanical engineering studies for being a Baha'i. A lecturer with BIHE, he also worked as an accountant and financial adviser. He is married with three children. He was arrested on 22 May 2011 and first appeared in court on Tuesday 20 September. He has recently begun a four-year prison sentence.



[Download](#)

### Riaz Sobhani

Arrested on 14 June 2011, Riaz Sobhani holds a post-graduate diploma certificate in building industry. He worked for BIHE as a building industry consultant and manager. Married with three children, he appeared in court on 1 October 2011. He was given a four-year jail term.



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### Ramin Zibaie

Ramin Zibaie, 44, has a postgraduate degree in psychology from BIHE where he worked as a director and a lecturer in psychology. He is also an educational counselor. Married with two children, Mr. Zibaie reportedly first appeared in court on 1 October 2011. He is currently serving a four year prison sentence.



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## **Annex 5:**

### **Front Line Defenders (FLD)**





## Children Rights Defenders in Iran

Submission by: **Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders**

On: **Islamic Republic of Iran**

Prepared for: **Committee on the Rights of the Child** (71<sup>st</sup> Pre-Sessional Working Group – June 2015)

Submitted on: 26 February 2015

This submission focuses on the situation of human rights defenders working on child rights in Iran. It has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders working on Iran.

Front Line Defenders ([www.frontlinedefenders.org](http://www.frontlinedefenders.org)) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

Contact person: Andrea Rocca, Head of Protection, Front Line Defenders  
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## I. Introduction

1. Iran witnessed a dramatic deterioration of the situation for human rights defenders (HRDs) since former President Mahmoud Ahmadinejad came to office. Shortly after the beginning of his presidency in 2005, civil society organisations and HRDs found themselves under strict scrutiny and the space for carrying out their legitimate human rights work continued to shrink. Ahmadinejad's cabinet restricted NGO access to funding and revoked licences that were issued for NGOs working on human rights issues. Tens of leading human rights organisations, including the Defenders of Human Rights Center, the Iranian Journalists' Association, the Institute of Volunteer Activists, the NGO Training Center, the Rahi Institute, were closed down.

2. The crackdown on civil society increased following disputed presidential elections in June 2009. Hundreds of thousands marched peacefully in Tehran and other major cities to demand a recount. The protests were violently dispersed by security forces and HRDs and civil society leaders were arrested for their alleged role in the protests.

3. Hopes for political reforms surfaced with the inauguration of President Hassan Rouhani and the release from prison of dozens of opposition political figures and human rights defenders. However, violations of the rights to freedom of expression, association, peaceful assembly and movement of HRDs persisted. HRDs have received death threats and have been victims of harassment, arbitrary arrest and detention, refusal of bail or exorbitant bail conditions, fabricated charges and unfair trials. They have been subjected to systematic surveillance and their family members have also been targeted. Many HRDs have been forced to leave the country.

4. Judicial harassment is one of the most common tactic used to silence HRDs and independent voices. Vaguely-worded charges of "acting against national security", "propaganda against the regime" or "enmity against God" have often been used. Many are convicted in the absence of their lawyers, on the basis of "confessions" extracted under duress. Detained HRDs have been ill-treated, subjected to solitary confinement, denied adequate medical treatment and visits by family members.

5. Iran's ethnic and religious minorities have long suffered extensive discrimination in the enjoyment of their civil and human rights. Human rights defenders from these communities, including child rights defenders, are particularly vulnerable.

6. During the second cycle of the Universal Periodic Review (UPR), Iran accepted recommendations made by Brazil to "enhance freedom of expression and assembly, and to safeguard all groups, journalists and especially human rights defenders". It also accepted to guarantee "adequate protection for human rights defenders" as well as "freedom of religion and belief" as recommended by Chile. Iran further accepted to "investigate and prosecute all those, including government officials and paramilitary members, suspected of having mistreated, tortured or killed anyone, including demonstrators, political activists, human rights defenders and journalists" as recommended by Canada.

## II. Summary of key concerns regarding child rights defenders in Iran

7. Key concerns regarding child rights defenders in Iran include the following:

- (a) The **legal framework** regulating the activities of NGOs and civil society is restrictive and, in practice, is used as a tool to control human rights groups.
- (b) **Judicial harassment** is one of the most common tactic used to target child rights defenders and, more generally, HRDs and independent voices. Vaguely-worded charges of "acting against national security", "propaganda against the regime" or "enmity against God" have been reported.
- (c) Iran's ethnic and religious minorities have long suffered **discrimination** in the enjoyment of

their civil and human rights. HRDs working on child rights issues within those communities are particularly vulnerable

### III. Legal framework regulating civil society organisations

8. Article 26 of the Iranian constitution prohibits NGOs from engaging in activities that violate, *inter alia*, “Islamic standards” and the “foundations of the Islamic Republic”. The article restricts freedom of association to “political parties, societies, political and craft associations, and Islamic or recognized minority religious associations”. According to Article 13 of the Constitution, the only recognised religious minority are Christians, Jews, and Zoroastrians – which in practice limits the exercise of freedom of association, including for non-religious purposes, by individuals belonging to other religious groups.

9. NGOs are subject to *Executive Regulations Concerning the Formation and Activities of Non-Governmental Organizations*, approved on 19 June 2005 by the Cabinet (“Executive Regulations”). Although the Executive Regulations have introduced several improvements to previous legislation, registration, funding, operation and dissolution remain issues of concern.

10. The Executive Regulations created a three-tiered supervisory body, at provincial, state and national level, made up of government officials and NGO representatives and responsible for registering NGOs. NGOs must apply to one of them depending on the proposed region and scope of the activities. Although it streamlined the process, the system results in the fact that multiple state agencies are involved in the process of reviewing NGO permits. In the absence of specific criteria upon which NGO applications may be approved or rejected, it exposes NGOs to arbitrary decisions.

11. NGOs are further required to submit annual or periodic reports to the appropriate supervisory board. Failure to do so may result in penalties: the supervisory body can withdraw the NGO’s permit or seek its dissolution from the judicial authorities. The Executive Regulations also requires a formal notification in writing if the organisation wishes to partake in international gatherings and trainings. The law restricts foreign funding by requiring that an organisation wishing to receive funds from a foreign organisation notify the appropriate tier of the supervisory body, which in turn must inform relevant government ministries before authorising the receipt of funds.

12. The *Executive Regulations* have been used to ensure control over NGOs, including by denying registration (see paragraph 1 and 22).

13. In late 2014, the government announced that it will work on a new NGO bill which will be presented to parliament, and that it will do so in consultation with NGOs. The bill had not yet been presented to parliament at the time of writing, and no information is available as to its content.

### IV. Judicial harassment of child rights defenders

14. Human rights defenders working on child rights have been the victim of judicial harassment. In a number of cases, their targeting appears to be linked to their perceived or actual religious affiliation, for example for supporting children belonging to the Baha’i community. In other cases, public advocacy on child rights issues appears to have been considered as criticism of the state. In most of the cases reported below, charges related to national security or propaganda against the state were used. The cases listed below cover the period 2008-2014.

15. Ms **Atena Daemi** is a child rights advocate in Tehran. She set up training classes for street children and she organised painting exhibitions to raise awareness on the issue of street children. She also participated in demonstrations in solidarity with children in Kobani, Syria and Gaza. On 21 October 2014, she was arrested at her house by the Iranian Revolutionary Guard Corps (IRGC) and transferred to Evin prison, where she was held in solitary confinement. It was reported that she suffered from a skin disease as a result of her conditions of detention, and she declared that she would start a hunger strike should her health conditions further deteriorate. She was eventually

moved from solitary confinement to the public ward on 19 January 2015. She is accused of carrying out “propaganda against the regime” and “acts against the national security”. Reportedly, interrogators tried to link Atena Daemi to political parties and foreign governments.

16. On 2 June 2014, child rights defender Mr **Saeed Shirzad** was arrested by officials from the Ministry of Intelligence, reportedly without an arrest warrant. He was kept in solitary confinement for two months and denied access to his family and legal representation. He was charged with “gathering and colluding against national security” and “propaganda against the system”. He was transferred to section 8 of the Evin prison, where non-political detainees are held, and remains in pre-trial detention. Saeed Shirzad is an active member of the **Society for Defending Street and Working Children**. The charges against him appear to be connected to alleged contact with the families of political prisoners and cooperation with the office of the UN Special Rapporteur on the Situation of Human Rights in Iran. Interrogators reportedly accused Saeed Shirzad of supporting the banned political opposition group People’s Mojahedin Organization of Iran (PMOI), and threatened to have him convicted of “enmity against God” and face execution. Shirzad has consistently maintained that he has no relation with the PMOI. Saeed Shirzad was previously arrested on 21 August 2012 when he and other human rights defenders were in Varzaghan, a town that suffered an earthquake, in the East Azerbaijan province of Iran, providing aid to earthquake victims. He was held in the local Ahar prison for 19 days and then released on bail. In January 2013, Branch 26 of Revolutionary Court in Tehran sentenced him to a suspended one year in prison, to be executed if he re-offends within 5 years.

17. On 25 July 2012, Branch 15 of the Revolutionary Court in Tehran sentenced child rights defender Dr. **Mohamad Hassan Yousef Pourseifi** to five years and six months in prison. The charges against him included “threatening national security”, “blasphemy” and “propaganda against the state”, all related to his human rights work. Dr. Pourseifi works on the issue of street children. He is actively involved in a number of other human rights issues, including ethnic discrimination and women's rights. He is a member of the Human Rights Activists Organization and member of the **Defense of Child Laborers**. The charges were brought for articles he has published related to social matters in Iran including women's veil in Iran, workers lives and street children. The articles were considered “a campaign against the government”.

## **V. Harassment of child rights defenders on religious grounds**

18. Ms **Samin Ehsani** is a Baha'i child rights activist. She taught and assisted Afghan children excluded from the state education system and was an active member in a campaign against the execution of juvenile offenders. On 17 August 2011, she was arrested in relation, initially, to alleged problems with her passport. Security officials searched her home and seized her computer, where they found materials related to her human rights work and “items relating to the Baha'i faith”. She was released on bail after a month in pre-trial detention in Evin prison. However, on 10 June 2012 she was sentenced to five years' imprisonment on charges of “propaganda against the regime”, “acts against national security”, and “membership of the Baha'i community”. The sentence was communicated to the human rights defender's lawyer a month later. On 1 September 2012, the Revolutionary Appeal Court of Tehran upheld the sentence. Shortly thereafter, Samin Ehsani was summoned to Evin prison to serve her sentence.

19. On 20 March 2011, child rights defenders Ms **Sarah Haj-Bahrami** and Mr **Ali Divsalar** were arrested in Kerman and accused of “cooperating with Baha'is”. They were held incommunicado in Kerman prison. Both child rights defenders founded the organisation **Rahavard Mehr va Danesh Charitable Association** (Rahavard Association) following the earthquake that took place in Bam in 2003. The organisation was registered and assisted child victims of the disaster. Ali Divsalar also served as an executive member of the Association for the Defence of Children's Rights, an independent, non-governmental and non-profit organisation established in 1994 to promote the principles of the UN Convention on the Rights of the Child. Eight child rights workers associated with Rahavard Association were also arrested. In May 2011, the Revolutionary Court in Bam sentenced Sarah Haj-Bahrami, Ali Divsalar, Saman Ostovar, Sahar Beyram Abadi and Nahaleh Shahidi to three years' imprisonment (with one year suspended) on charges of “undermining

national security by teaching the Baha'i faith" – despite the fact that some of them were not even Baha'is. Mansur Alimoradi, Yasaman Alishahi, Safura Zavaran Hosseini, Niusha Badie Sabet, Shamis Nurani and Sulmaz Ghasemi were sentenced to a two-year prison term (with one year suspended). The authorities claimed that they had been using a child rights organisation to carry out 'anti-government activities'.

20. On 3 June 2010, Mr **Afshin Hyratian**, a Baha'i citizen and child rights defender was arrested in a park in front of the Iranian Artists' Forum in Tehran. He spent two months in temporary custody before he was released on bail in August 2010. While in Evin prison, Ward 209, he endured intense pressure in order to extract a filmed confessions. In February 2011, he was sentenced to four years' imprisonment, on the basis of several articles that he published in relation to child labour, including on the occasion of the International Day of Children. He was transferred to Rejaei Shahr prison on 5 August 2012 to serve his sentence.

21. In January 2008, Baha'i child rights defenders, **Haleh Rouhi**, **Raha Sabet** and **Sasan Taqva** were sentenced to four-years imprisonment for "propaganda against the regime". The three HRDs, alongside other 51 people, had helped set up a project to provide education to under-privileged children in the city of Shiraz. The teaching programme aimed to help children prepare for their end of term school examinations and develop practical skills. The teaching was not based on the Baha'i faith, nor did the participants engaged in any anti-regime propaganda. All 54 individuals involved in the project were arrested in May 2006, even though the Cultural Commission of the Islamic Council of the city of Shiraz had granted permission for their activities. In August 2007, they were accused with teaching the Baha'i faith and were subsequently convicted on charges of threatening state security. With the exception of Haleh Rouhi, Raha Sabet and Sasan Taqva, they all received one year sentences, suspended on condition that they attend courses by the state's Islamic Propaganda Organisation (*Sazeman e Tablighat e Islami*). The convictions stood despite the findings by the Inspector and Legal Advisor of the office of the representative of the Supreme Leader, in June 2008, that the teaching did not include any religious or political issue. Their conviction appear to be based solely on their their peaceful activities teaching under-privileged children and on their religious beliefs.

## **VI. Denial of registration to child rights organisations**

22. The **Society for a World Children Deserve** (*Jamiat Talash Baray Jahan Shayesteh*) is an organisation advocating for children rights since 2004. Its work focused on underprivileged children, specially street children and child workers. It organised workshops and campaigns on children's rights and stood against the execution of adolescents. The organisation applied for registration several times, but registration was refused. On 26 October 2009, the organisation was eventually shut down on grounds of operating without registration. This was followed by the arrest of several of its members, including its President Ms **Maryam Zia**.

23. She was arrested on 31 December 2009 after a search in her house, where her belongings were confiscated. She was held in pre-trial detention for three month where she was reportedly ill-treated. She went on a hunger strike for two weeks to protest her detention and was released on bail when physicians attested that her physical condition did not allow for the continuation of her detention. On 8 September 2010, she was sentenced to one year in prison by Branch 28 of the Revolutionary Court. She was charged pursuant to article 500 of the Penal Code, according to which "anyone who engages in any type of propaganda against the Islamic Republic of Iran or in support of opposition groups and associations, shall be sentenced to three months to one year of imprisonment." She was forced to flee the country to avoid imprisonment.

## **VII. Recommendations**

24. Front Line Defenders suggests that members of the Committee of the Rights of the Child urge the Iranian authorities to prioritise the protection of child rights defenders and in doing so to:

- (a) Guarantee in all circumstances that human rights defenders in Iran, including child rights

defenders, are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions, including judicial harassment and imprisonment, and ensure full respect for the UN Declaration on Human Rights Defenders;

- (b) Take measures to put an end to judicial harassment against child rights defenders and other human rights defenders, and in doing so ensure the immediate revision of all standing criminal investigations against HRDs, close those cases where accusations are not founded, and immediately drop all charges against of HRDs who are being unjustly prosecuted;
- (c) Ensure that any new legislation regulating civil society organisations is fully compliant with relevant international standards, and ensure the participation of independent human rights groups in its drafting. In particular, ensure that human rights groups are free to register should they wish to do so, and to operate without hindrance.
- (d) Take effective measures to guarantee the exercise of the right to freedom of association, assembly and expression;
- (e) Cooperate with the UN Special Rapporteur on the situation of Human Rights Defenders and other special procedures mandate holders, in particular the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;
- (f) Fully implement the UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels;

**Annex 6:**  
**Insight Iran**



## **Insight Iran**

Alternative Report Submitted to the UN Committee on  
the Rights of the Child for Consideration of the Third  
Periodic Report of the Islamic Republic of Iran

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**71st Pre Sessional Working Group, June 2015**



**INSIGHTIRAN**

February 2015

## About Us

Insight Iran is an independent, non-governmental, non-profit organization dedicated to the promotion of human rights in Iran. We are committed to provide direct insight into, and accurate understanding of, the situation of human rights in Iran, while our ultimate goal is for changes to be made to laws, policies and practice in Iran in compliance with the standards guaranteed under international human rights instruments. To that end we conduct in-depth research, publish reports, engage in international advocacy, and make submissions to, *inter alia*, the UN bodies and Special Procedures.

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**INSIGHTIRAN**

**Alternative Report Submitted to the UN Committee on the Rights of the Child  
71st Pre Sessional Working Group, June 2015**

**Introduction**

1. Insight Iran would like to thank the United Nations Committee on the Rights of the Child (the “Committee”) for this opportunity to provide information on the compliance of the Islamic republic of Iran (IRI) with the Convention on the Rights of the Child (CRC). Our submission is complementary to the alternative reports written by our colleague NGOs and not an attempt to cover all of the instances in which the IRI’s criminal justice system raises concerns under the CRC.
2. The IRI continues to breach its obligations under the CRC and has failed to change its laws and practices in accordance with the CRC principles such as non-discrimination (art. 2), best interest of the child (art. 3), and right to life, survival and development (art. 6). These rights are at higher risk under certain circumstances, including when a child becomes subject to criminal law, whether as an offender or victim. In the both scenarios, there must be special judicial procedures and legal safeguards for children, distinguished from the criminal system designed for adults, which complies with international standards and the obligations of the IRI under the CRC and other international human rights instruments. It is evident that the whole criminal justice system in Iran, despite some developments, is far from international standards and when it comes to children it fails to comply with the IRI’s international obligations.
3. Moreover, the IRI’s reservation to the CRC narrows the scope of the Convention impermissibly and makes Islamic Shari’a law supreme. By seeking to limit its obligations only as far as they are consistent with Shari’a law, the IRI has demonstrated an unwillingness to ensure respect for rights and protection for children.
4. The purpose of this submission is to examine the situations in which a child becomes involved in the criminal justice system in Iran. In sum, it examines the IRI’s criminal justice system when dealing with crimes committed by, and against, children. The analysis has been arranged in the same order as of the clusters of the CRC. In addition, references have been made to the relevant articles of the Convention in the beginning of each section. Moreover, at the end of each section, a number of recommendations have been made that the Committee

might find helpful when preparing its recommendations to the IRI. All of the recommendations have also been put together and can be found in the first Annex.

5. It must be explained that the current submission is based on the latest developments in the criminal laws of the IRI. The IRI adopted the new Islamic Penal Code (IPC) in 2013, which repealed Books one to four of the Old Penal Code and contains some changes in respect of children, while keeping most of the problematic and discriminatory old rules. For the ease of reference, an accurate translation of the relevant articles of the IPC has been added to the submission, which can be found in the second Annex. It is also worth mentioning that the new Criminal procedure Code 2013 is adopted; however, its coming into force has been suspended at the time this submission was prepared.
6. We hope the Committee will find the following information helpful to its work.

### **1. Age of Majority and Criminal Responsibility (arts. 1, 2, and 40(3))**

7. According to international rules, including the CRC and the Beijing Rules (United Nations Standard Minimum Rules for the Administration of Juvenile Justice), every human being under the age of eighteen years old is considered to be a child and the age of 18 is the standard age of entering into majority and full criminal responsibility. It is also established that the states have limited discretion to set a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. (Article 40 of the CRC)
8. The problem that arises in the IRI, and perhaps with some other Islamic states, is the contradiction between, on the one hand, the internationally accepted notion of “child” and age of criminal responsibility and, on the other hand, the age of maturity under Islamic Shari’a. In Islamic sources, reaching the age of maturity is deemed to be the point of leaving childhood and becoming an adult which results in full criminal responsibility. Additionally, in none of the Islamic schools is the age of maturity under Islamic Shari’a in complete conformity with the age of 18 as enshrined in international instruments and the age varies for boys and girls.
9. What is striking in the old and new Penal Code is that it includes an article that exempts immature children from criminal responsibility: according to article 146 of the new IPC “Immature children have no criminal responsibility”. Also, article 148 of the same law provides only correctional and security measures for immature offenders. Similarly, according to article 49 of the old IPC, “children” were exempted from criminal responsibility and, therefore, Correction and Rehabilitation Centers were in charge of correcting measures.
10. However, ignoring the internationally accepted definition of the child, the same laws define a child as an individual who has not reached the age of maturity under Islamic Shari’a. The only difference between the old and new Code is that, the old Code was silent on how old is “the age of maturity under Islamic Shari’a”, and, in practice, it arguably referred back to the Civil Code (article 1210) which sets 9 lunar years (8 years and 9 months) for girls and 15 lunar years (14 years and 7 months) for boys as the age of maturity.<sup>1</sup> The new Penal Code has addressed this flaw and given this matter a separate article. Article 147 of the new IPC fixes the age of 9 lunar years for girls and 15 lunar years for boys as the age of maturity.

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<sup>1</sup> Proving maturity even before the aforementioned ages is possible under Islamic Shari’a on the basis of other physical signs. For example it is possible that a boy under the age of 15 is deemed as having attained maturity under Islamic Shari’a, if he is capable of producing sperm.

11. Despite the mandatory nature of the Penal Code, there have been many legal and religious disagreements about the age of maturity and criminal responsibility. Some Islamic jurists held different views on the age of maturity—for example some proposed the age of 13 lunar years for maturity of girls. Ayatollah Yousef Sane'i, for example, set the age of maturity for girls at 13 years old and not 9 years old. But the Penal Code has followed the fatwa by the majority of conservative clerics who deem 9 years to be the age of maturity for girls. The majority of lawyers have also believed that recognition of criminal responsibility for a girl of 8 years and 9 months old and a boy of 14 years and 7 months old is wrong, out-dated, and conflicts with the modern needs of society. In addition, the Committee had urged the IRI to set the age of majority at 18 and increase its minimum age requirements in accordance with international standards.<sup>2</sup>
12. It was, therefore, expected that the new IPC would address such criticisms and take a step forward. However, while the new IPC stipulates the age of maturity, it makes no change as of its formulation and its recognition as the minimum age of criminal responsibility. In their third Periodic Report to the CRC, the IRI authorities have alleged that “[t]he absolute criminal age has [been] increased to 18 years”<sup>3</sup> and that the new IPC no longer follows “the religious majority criterion”<sup>4</sup>. These assertions are completely untrue. The age of maturity under Islamic Shari’a is still the definitive criterion for criminal responsibility under the penal regime of the IRI; and fatwas (i.e. religious opinions) and recommendations which offered older ages are completely dismissed. So in fact, the hope that the minimum age of criminal responsibility would be changed (i.e. increased) in the new IPC is lost. This formulation allows girls as young as 8 years and 9 months of age and boys of 14 years and 7 months to be held criminally responsible. This clearly is a low and discriminatory standard.

- a. Low Standard

13. The law age of criminal responsibility in Iran has been subject to legal and practical criticisms: while the minimum age for many legal affairs such as the application for a driver’s license, obtaining a passport, and/or signing a deed, etc. is 18 years old, and people under the age of 18 years old are not considered as meeting the physical, mental and rational requirements for these acts, those same people, if they commit a crime, will be treated as an adult with full criminal responsibility. This is more considerable for girls as they are deemed of full criminal responsibility as soon as they become 8 years and nine months.
14. While the determination of a child’s minimum age of criminal responsibility falls within the provenance of State Parties, it should not be “unreasonably low”.<sup>5</sup> Referring to the facts of emotional, mental and intellectual maturity, the Beijing Rules stresses that the beginning of the age of criminal responsibility should not be fixed “at too low an age level.”<sup>6</sup> More specifically, a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable.<sup>7</sup> Therefore, the age of criminal responsibility in the Iranian criminal system, particularly for girls (8 years and 9 months) is “too low” and well below the international standard.

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<sup>2</sup> Committee on the Rights of the Child, Concluding Observations on the second periodic report of Iran, UN Doc CRC/C/15/Add.254 (2005), para 23.

<sup>3</sup> The Islamic Republic of Iran, The Third Periodic Report on the Convention on the Rights of the Child, March 2013, p. 11.

<sup>4</sup> Ibid.

<sup>5</sup> CCPR General Comment 17, Article 24 (Rights of the child) 1989, para 4.

<sup>6</sup> UNGA, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985), UN Doc A/RES/40/33, Rule and Commentary 4.1.

<sup>7</sup> General Comment 10, Children’s rights in juvenile justice, para. 32.

b. Discrimination against Girls

15. The Committee on the Rights of the Child emphasizes that the minimum ages set by States should be the same for both boys and girls in accordance with the principle of non-discrimination.<sup>8</sup> The IRI's definition of a child and, subsequently, the minimum age is based on sex discrimination and is contrary to international standards. The Committee in its 2005 Concluding Observations on Iran urged the IRI to make the age of majority and minimum age requirements "gender neutral".<sup>9</sup> This was totally ignored by the IRI when they changed the law. In the changes made to the Penal Code in 2013 the old discriminatory formula was reaffirmed.

**Recommendations:**

16. (1) Amend the Penal Code and increase the minimum age of criminal responsibility to 18 years.
17. (2) Set a gender-neutral minimum age requirement for boys and girls and eliminate discrimination on the basis of sex in determining the minimum age of criminal responsibility.

**2. Diya (Blood Money) and Discrimination against Girls (art. 2)**

18. Amongst the different laws of Islamic countries, the Iranian Penal Code is the only one that still specifies that a woman's *diya* (blood money) is not equal to the blood money of a man. In fact, the blood money for a Muslim man is the standard against which the values of all other categories of persons are measured, both for life and for injuries. According to traditional Shari'a, the standard blood money for life is 100 camels or 200 cows or 1,000 sheep, which was given a monetary value of 1,500,000,000 IRI Rials [currently around \$50,000 US Dollars] for the Iranian year 1393 (2014-15).
19. It must be explained at this point that the age of the victim does not make any difference with regard to the blood money. So, the same rules apply to individuals, including children, who suffer from bodily injuries regardless of their age. Unlike age, however, sex is a legal ground for inequality. Article 550 of the new Penal Code (similar to Article 300 of the old Code) provides that: "[t]he *diya* (blood money) for murdering a woman is half that of a man". Interestingly, although the new Penal Code insists on this unequal treatment, it has prescribed a new solution to alleviate the inequality of *diya* between men and women. The note to Article 545 provides that:

*"In all cases of homicide where the victim is not a man, the difference between the diya and the diya of a man shall be paid from the Fund for Compensation of Bodily Harms."*

20. The Fund for Compensation of Bodily Harms was established to exclusively compensate bodily harms caused in hit and run car accidents or when the when the vehicle was not insured and the driver was not capable to pay the compensation. In fact, the IRI, while still

<sup>8</sup> General Comment 4, Adolescent health and development in the context of the Convention on the Rights of the Child, para. 9

<sup>9</sup> CRC ,Concluding Observations on Iran 2005 (n 3), para 23.

insisting on this inequality, has found an unusual solution to the problem. However, this should not be viewed as a significant step towards equality for women: in the case of bodily injury that does not cause death, the *diya* for men and women is still only equal until it reaches to one-third of the full *diya*. That is, the one-third mark acts as a kind of trigger: once the *diya* of the injuries of a woman is higher than one-third of the full *diya*, it will be decreased to half that of a man's *diya* for the same injuries. Article 560 of the new IPC states:

*“The diya of [harm to] limbs and bodily abilities, up to one third of the full diya, is the same for man and woman; however if it reaches, or exceeds, one third of the full diya, the diya of woman shall be decreased to half.”*

21. Therefore, if someone causes a 6 year old boy to go blind in both eyes, he would be given full *diya* equal to an adult man, while a 6 year old girl, if incurring the same injury, would only be given half of the full *diya*, and this is not payable from the Fund for Compensation of Bodily Harms. So, any assertion by the IRI authorities on the equality of blood money for both sexes under the new Islamic Penal Code must be dismissed.
22. This was made crystal clear once more when, on 5 December 2012, an elementary school in the village of Shin-Abad near Piranshahr caught in fire due to a faulty heater and 28 of the student girls were severely burnt, while two of them lost their lives.<sup>10</sup> According to the law, the blood money for those who had injuries that required more than one third of the full blood money were offered half of the amount payable if they were boys. This included those who had died, where their parents were offered half of the full blood money. 18 of the students and their families agreed the deal and received the halved compensation. The rest, however, resisted and it was only after an intensive campaign of their lawyer and the families that the State-run insurance company agreed to pay the difference.<sup>11</sup>
23. However, this must not be confused and seen as equal blood money for girls, as it was an exceptional case, which was concluded by the discretion of the government outside of the court. Was it not because of a specific order issued by the Cabinet of Ministers, which in itself was motivated by the scale of the tragedy and the public outrage, the insurance company would have never paid the difference as it had no such obligation under the Penal Code. Therefore, it must be firmly stressed that the Penal Code discriminates against girls and the blood money for life and bodily injuries for girls are half that of boys. The same blood money rules discriminate against non-Muslim children who belong to religious minorities that are not recognised in the IRI Constitution, such as Baha'is. This requires an independent study.

#### **Recommendations:**

24. (1) Eliminate discrimination on the basis of sex and religion in determining compensation for homicide and bodily injury committed against children.
25. (2) Amend articles 550 and 560 of the new Penal Code and guarantee equal compensation for boys and girls in all cases of death and bodily injury.

<sup>10</sup> See: ISNA News Agency, <<http://isna.ir/fa/news/92063119495/ه-ای-ی-ن-اگفت-ه/م-ا-ه-10-از-پ-س-آ-ب-ا-د-ش-ی-ن-ح-ا-د-ت-ه-از-ه-ای-ی-ن-اگفت-ه>>.

<sup>11</sup> Khabar Online, 6 December 2014, <<http://www.khabaronline.ir/detail/388651/society/education>>.



### 3. Impunity for Fathers (art. 6)

26. According to Shi'a jurisprudence as reflected in the IPC, a father, and any male paternal ascendant (e.g. father's father), cannot be put to death for killing his child (or grandchild). This rule does not apply to the mother and the ascendant (e.g. mother's mother). Article 220 of the old IPC stipulated that "[a] father or grandfather that murders his child shall not be sentenced to *qisas* [retribution], but only to *ta'zir* punishment and *diya* [blood money] for murder to the heir of the victim." It was seen by some commentators as an impunity for fathers and paternal grandfathers to kill their children and grandchildren without facing any serious sanction.
27. The new IPC has kept the same rule but put it differently. According to article 301 of the new IPC:

*"Qisas shall be delivered only if the perpetrator is not the father, or a paternal grandfather, of the victim ..."*

28. Cases in which fathers kill their own children are usually cases of honour killing or marital disputes between parents. For example, in May 2014, a father killed his 17 year old daughter in Kangavar. He told the police that he had been fed up with his daughter's behaviour for some time. According to him, his daughter had been out of town with some friends including some boys when in return they were arrested by the police and handed over to their families.<sup>12</sup> In another case, it was reported a father had murdered his 3 and 6 year old children following a dispute with his wife.<sup>13</sup>
29. In such cases, the *qisas* punishment (the death penalty) cannot be delivered against the father and he may only be sentenced to between three to ten years of imprisonment for disturbing the public order, at the discretion of the judge. It must be explained that the critics of this provision do not seek the death penalty for the father, but they stress that the only alternative punishment available, which is based on disturbing the public order and left at the discretion of the judge, is insufficient and sends a wrong signal to fathers that they may get away with killing their children.

#### **Recommendation:**

30. Amend articles 301 and 612 of the IPC and increase the sentence for murdering children by their fathers.

### 4. Corporal Punishment at Home or School (art. 28(2))

31. Corporal punishment and other cruel or degrading forms of punishment can take place in many settings, including at home in the hands of parents or at school by teachers. Under the IRI's Penal Code, physical punishment and corporal chastisement is not ruled out as a method of correcting children. In fact, parents, and guardians, of children are deemed responsible for correcting children and "if necessary" they are allowed to use corporal punishment. This must however be applied "moderately" and "expediently". Article 49 of the old Penal Code provided that "[i]f, in order to correct child offenders, corporal chastisement is deemed

<sup>12</sup> Daily Etemad, 29 May 2014, available at <<http://www.magiran.com/npview.asp?ID=2959517>>.

<sup>13</sup> Source: Fars News Agency, 2 January 2015, <<http://www.farsnews.com/newstext.php?nn=13931012000750>>.

necessary, it must be moderate and expedient”. Moreover, in order to remove any doubt about the lawfulness of such acts and to give assurance to parents, article 59 of the same law provided that “[t]he following acts shall not be considered an offence: 1- The acts committed by parents and legal guardians of minors and insane people in order to chastise or protect them provided that chastisement and protection are exercised within the customary limit. ...”.

32. It does not seem that the new IPC has made any significant change to this rule although it adds “religious” limits to acceptable chastisement. Article 158, stipulates that committing a conduct which is considered by law as an offense, shall not be punished in the following cases: “... (d) The acts committed by parents and legal guardians of minors and insane people in order to chastise or protect them provided that such actions are exercised within the customary and religious limits for chastisement and protection.”
33. The problem is that “moderate” and “customary” limits are too vague. They may vary from case to case and do not comply with international standards. Religious limits are not more helpful either. Therefore, for instance, slapping a child in the face may be considered as customarily acceptable if a child is rude to his or parents, and as long as it does not make the child’s face red or blue or does not cause bleeding it is within religious limits. Hitting the child in less sensitive areas or acts such as shaking or throwing the child or other painful and degrading punishments that do not cause redness of skin or any bruise or injury, are even more likely to comply with religious limits. Therefore, it would be true to say that the law does not comply with international standards set by the CRC:
34. First, the law, while imposing all sorts of inhuman and degrading punishments such as flogging and amputation of limbs as a punishment for certain crimes, permits some forms of corporal punishment against children in the hands of their parents and legal guardians. In fact, not only does the law permit some forms of corporal punishment, does it describe it as “necessary” in some occasions.
35. Second, it fails to protect children against those forms of corporal and degrading punishments that do not cause a qualified injury under Shari’a law. By adding “religious limits” to the new Penal Code—which was implied in the old IPC anyway—the law does not move forward towards more protection for children, but falls deeper into Shari’a law that does not conform with the current needs of the society and children.
36. Third, the current limits on physical punishment of children by parents and legal guardians are effectively whatever they can get away with. This is because the law fails to provide any clear criteria for unlawful acts and leaves it to parents, and guardians, to use their own discretion. The law should have taken this area out of the hands of custom, religion, and individual discretions and ban all forms of physical violence against children.
37. School is another setting where children are subject to power and control by adults and are at risk of being exposed to violence by teachers and school authorities that may misuse their power over children. However, it must be noted that, under the IRI’s law, as far as corporal punishment is concerned, teachers do not enjoy the same favourable provisions provided for parents and legal guardians. Therefore, basically they have no right to impose any corporal punishment against children. They must follow the disciplinary rules of the school and any sanction against children must be in accordance with the rules and regulation. Otherwise, the teacher or school authorities will face disciplinary and/or criminal consequences. Having said that, this does not reflect the current practice and culture in schools in Iran. Although it must be admitted that the application of corporal punishment has been decreased over the last

several decades, it still exists while every now and then some extreme cases take the attention of the public and media.

38. For example in 2012 a series of separate incidents in the schools of a small town near Kerman were reported by newspapers where students were violently beaten and injured by their teachers.<sup>14</sup> Such incidents, however, are not limited to small towns and villages and similar incidents happen in big cities like Tehran<sup>15</sup>. The frequency and high number of these incidents across the country show the widespread and intense nature of the problem. It is also worth mentioning that not only some parents may turn a blind eye on some minor incidents, even in more serious cases they may not pursue legal proceedings against teachers and school authorities either, as they may fear that it will have negative consequences for their children. In fact, in some cases, the victims and their parents have been forced by school authorities to give their forgiveness and drop the criminal cases, and they often do so.<sup>16</sup> In sum, although disciplinary regulations and criminal rules are in place in order to punish the perpetrators, it is clearly not sufficient and more drastic measures are needed to overcome the problem.

#### **Recommendations:**

39. (1) Strictly ban, and clearly define, all forms of violence against children.
40. (2) Take effective measures to end the culture of violence against students in schools and guarantee that teachers and school authorities do not apply any form of unlawful punishment, including corporal punishment, against children.

### **5. Cruel, Inhuman and Degrading Punishments (art. 37(a))**

41. According to international rules, including the CRC and the Beijing Rules children shall not be subject to any criminal punishment. In fact, the criminal regime for children has been separated from that for adults and has a correcting and protecting character. Under the new IPC, there have been some desirable changes in respect to *ta'zir*<sup>17</sup> punishments and as far as *ta'zir* crimes are concerned, such perspective towards child offenders is observable in the law. As a result, if an individual under 18 years old, whether boy or girl and whether he or she has reached the age of maturity or not, commits *ta'zir* crimes, he or she shall be sentenced merely to correctional measures ranging from handing over to parents to detention in the Correction

<sup>14</sup> Source: Daily Etemad, 25 October 2012, No 2528, p. 13.

<sup>15</sup> For example in December 2014, a 15 year old boy was hit violently, including in his genitals, by his teacher which resulted in his hospitalization. Source: ILNA News Agency, News No. 229070, 1<sup>st</sup> December 2014.

<sup>16</sup> In December 2014, a sixth grade student was hit by his teacher in the head that fractured his nose. He went under surgery and requires a further surgery when he reaches 16. His father claimed that he was threatened by the Principal of the school that should he pursue his criminal complaint his son would be dismissed from the school. Source: Khordad News Agency, News No. 111087, 27 December 2014, available at <<http://khordadnews.ir/news/111087>>.

<sup>17</sup> Crimes punishable by *ta'zir* are usually less serious crimes for which punishments are not fixed and instead are left to the discretion of a *Shari'a* judge. In principle, all forbidden or sinful acts that do not constitute *hadd* or *qisas* offences are punishable under this category. The Islamic judges may, at their discretion, impose punishments on those who have committed such acts. However, most of the *ta'zir* crimes are now dealt with in the Penal Code and the judge can only apply the punishments prescribed in the Code. (Nayyeri, Mohammad, New Islamic Penal Code of the Islamic Republic of Iran: An Overview, Human Rights in Iran Unit, University of Essex, 31 March 2012, 9. available at: <[http://www.essex.ac.uk/hri/documents/HRIU\\_Research\\_Paper-IRI\\_Criminal\\_Code-Overview.pdf](http://www.essex.ac.uk/hri/documents/HRIU_Research_Paper-IRI_Criminal_Code-Overview.pdf)>.

and Rehabilitation Center. So, there is no longer any possibility for application of adult *ta'zir* punishments on children and juveniles. In comparison with the old Code, in which reaching the age of maturity resulted in full criminal responsibility, these changes may be regarded as positive, especially for girls.

42. However, it must be noted there are other categories of crimes under Islamic Shari'a, and subsequently, under the penal regime of the IRI, that disregard the abovementioned protective and correctional view. These include *hudud*<sup>18</sup> and *qisas*<sup>19</sup> which are based purely on Islamic rules and deemed by the majority of Islamic jurists as unchangeable. However, this categorization is only complete when combined with two other crucial factors the age and sex of the child offender. In fact, in the new Code children are categorized under four age groups, each subject to different rules for boys and girls:

1. Children under 9 years old
2. Children between 9 and 12 years old
3. Children and juveniles between 12 and 15 years old
4. Juveniles<sup>20</sup> between 15 and 18 years old.

43. Therefore, in order to arrive at a full understanding the of the complex structure of the new Penal Code regarding children, the different categories of crimes (i.e. *hudud*, *qisas* and *ta'zirat*) must be considered together with the different ages of criminal responsibility for boys and girls. This results in the following eight scenarios:<sup>21</sup>

44. **1- Children under 9 years old commit *Ta'zir* crimes:** In such cases there is no criminal responsibility, nor is there any correctional and security measures provided by law. In this regard, there is no difference between girl and boy.

45. **2- Children under 9 years old commit crimes punishable by *Hudud* and *Qisas*:** In such cases, the gender of the child becomes of importance. If the child offender is a boy, considering that he has not reached the age of maturity, according to article 88 of the new IPC, he shall be subject to minor correctional and security measures such as handing over to his parents with promise of correction, sending the child to a social worker or psychologist, banning him from visiting specific persons or places, etc. If the child offender is a girl under 8 years and 9 months, she shall be treated the same. However, if she is a girl who has reached the age of maturity but she is under 9 years old (e.g. she is 8 years and 10 months), she may be subject to *hudud* and *qisas* punishments (which will be referenced in more details in situation No. 8 down below).

46. **3- Children between 9 to 12 years old commit *Ta'zir* crimes:** The court shall sentence this group of children to minor correctional measures such as handing over to

<sup>18</sup> Crimes punishable by *hudud* (i.e. the limits, or the limits prescribed by God; singular: *hadd*) are those with fixed and severe punishments in Islamic sources, such as illicit (out of marriage) sex (*zina*), sodomy and homosexual acts between men (*livat*), homosexual acts between women (*mosahaqa*), procuring (*qavvadi*), etc. (Ibid at 5)

<sup>19</sup> Crimes punishable by *qisas* (retribution) are a category of crimes under Islamic criminal law, in which, intentional homicide and bodily harm are punishable by the same harm (i.e. the death penalty for murder and inflicting the same injury for bodily harm). (Ibid, at 6)

<sup>20</sup> As explained previously, under the IRI's law the term "child" only applies to individual who have not reached the age of maturity. The term law uses for higher ages up to the age of 18 years old is "juvenile". The same term has been used throughout this report when references are made to this category under Iranian laws.

<sup>21</sup> See Nayyeri, Mohammad, Criminal Responsibility of Children in the Islamic Republic of Iran's New Penal Code, 22 February 2012, available at: <<http://www.iranhrdc.org/english/publications/legal-commentary/100000054-criminal-responsibility-of-children-in-the-islamic-republic-of-irans-new-penal-code.html>>.

their parents with promise of correction, sending the child to a social worker or psychologist, banning them from visiting specific persons or places, etc. For this category of crimes, there is no difference between girls and boys.

47. **4- Children between 9 to 12 years old commit crimes punishable by *Hudud* and *Qisas*:** In such cases, again, the gender of the child makes a huge difference. If the child offender is a boy, considering he has not reached the age of maturity, according to article 88, he shall be subject to minor correctional measures (see No. 2). However, if she is a girl, considering that girls in this age-range have reached the age of maturity, she may be subject to *hudud* and *qisas* punishments (which will be referenced in more details in situation No. 8 down below).
48. **5- Children and juveniles between 12 to 15 years old commit *Ta'zir* crimes:** In the case of minor *ta'zir* crimes, the court's decisions are similar to children of 9 to 12 years old (see No. 3). But, in the case of severe *ta'zir* crimes, the court may sentence the child to be held in a Correction and Rehabilitation Center from three months to one year. For this category of crimes, there is no difference between girls and boys.
49. **6- Children and juveniles between 12 to 15 years old commit crimes punishable by *Hudud* and *Qisas*:** As stated above, when *hudud* and *qisas* punishments are concerned, the gender and the age of maturity remain important and make considerable differences. Thus, if the child offender is a boy who has not reached the age of maturity (14 years and 7 months), like severe *ta'zir* crimes (No. 5), he may be convicted to up to one year in Correction and Rehabilitation Center. However, if the child is a boy who has reached the age of maturity (e.g. 14 years and 9 months old), or if the child is a girl in this range of age (e.g. 13 years old), they may be subject to *hudud* and *qisas* punishments that are described in more detail below (see No. 8)
50. **7- Juveniles between 15 to 18 years old commit *Ta'zir* crimes:** In such cases, depending on the importance of the crime, the sentences may vary. But in any event the sentence does not go further than five years in a Correction and Rehabilitation Centre (for severe *ta'zir* crimes). For minor *ta'zir* crimes, the sentence will not exceed more than 2 years in a Correction and Rehabilitation Center, public service and financial fines. In this respect, there is no difference between girl and boy.
51. **8- Juveniles between 15 to 18 years old commit crimes punishable by *Hudud* and *Qisas*:** Considering article 91 and other articles of the new IPC, there is no doubt that in such cases, *hudud* and *qisas* punishments can be awarded. In other words, a juvenile between 15 to 18 years old, whether a boy or girl, has reached the age of maturity and bears criminal responsibility. Consequently, in the case of committing crimes punishable by *hudud* and *qisas*, he or she may be sentenced to such punishments. As mentioned above, on the issues of *hudud* and *qisas*, the Code still relies on the age of maturity under Islamic Shari'a. Therefore, if a boy—after reaching the age of 15 lunar years (14 years and 7 months)—and a girl—after reaching the age of 9 years (8 years and 9 months)—commit crimes punishable by *hudud* and *qisas*, they may not be sentenced to correctional measures, but instead may be subject to *hudud* and *qisas* rules and will be treated as adults.
52. In summation, this analysis demonstrates that there have been some desirable changes in respect to *ta'zir* punishments. However, in the case of the commission of crimes punishable by *hudud* and *qisas*, children may still be sentenced to such punishments which include the death penalty (e.g. for murder and rape and in some cases of sodomy and homosexual acts

between men (*livat*), flogging (e.g. for drinking alcohol or homosexual acts between women (*mosahaqa*)), stoning (for some cases of *zina*, i.e. illicit (out of marriage) sex), and amputation of limbs (e.g. for theft).

53. So, the statement made by IRI in their report to the Committee that the new Penal Code has ensured gender equality and “here is no difference between boy and girl in specifying any punishment”<sup>22</sup>, would be untrue in respect to *hudud* and *qisas*. The new IPC, like the old one, continues to discriminate between boys and girls under those categories of crimes.
54. Furthermore, it must be stressed that the application of *hudud* and *qisas* punishments on people under 18 years old has not been abolished. It is true that new provisions are made in the new IPC which may in certain cases restrict the application of *hudud* and *qisas* punishments (this will be discussed in more detail in the following section) however, it is evident that the IRI has failed to put an absolute ban on such horrible punishments for children in their new IPC.

#### **Recommendation:**

55. Abolish all forms of cruel, inhuman, and corporal punishments, including amputation of limbs and flogging, unconditionally for all children under 18 for all categories of crimes including *hudud* crimes.

### **6. Death Penalty (arts. 6 and 37(a))**

56. International law unequivocally prohibits the application of the death penalty to persons under 18 years old. In particular, the CRC has sets out a concrete minimum age in respect of capital punishment for all individuals under the age of 18 (article 37(a)). It is therefore a violation of international law to impose capital punishment for offences committed by children.
57. For this, the IRI has been criticized by international community and in return it has tried to justify and deny the cases. To alleviate some of the criticism, the IRI has taken different measures—for example, it has often postponed the execution of the death penalty for juvenile convicts until they reach the age of 18. By doing so, Iranian authorities occasionally feel confident to claim that the IRI does not execute juveniles. This is indeed a deliberate abuse of the international standards that take into account the age of offender at the “time of commission”, not the “time of execution”.
58. However, in some cases such considerations have been ignored completely and there is no room for any justification left. For instance, when a juvenile under the age of 18 is sentenced to the death penalty and executed before reaching the age of 18, there is no room left for denial and justification. For example, following a proceeding that lasted only 2 months from the beginning (commission of crime) to the end (execution), Alireza Mullah Soltani, born in December 1993, was publically hanged on September 21, 2011, in retribution (*qisas*) for the murder of Ruhollah Dadashi.<sup>23</sup> He was 17 years and 6 months old at the time he committed the murder, and 17 months and 8 months old when he was executed.

<sup>22</sup> The IRI, The Third Periodic Report on the Convention on the Rights of the Child, March 2013, p. 82.

<sup>23</sup> Source: ISNA News, 19 September 2011, <<http://www.isna.ir/fa/news/9006-19233/سوي-از-حکم-تاي-ي-د-ب/ب>>  
<عالم-كشور-عالي-ديوان>



59. As explained in the previous section, the new Penal Code, like the old one, continues to impose *hudud* and *qisas* punishments on people under 18 years old, which include capital punishment. However, in a seemingly progressive move, article 91 of the new Code, may, in special conditions, exempt such children and juveniles from *hudud* and *qisas* punishments and provide correctional measures instead:

*Article 91 – “In respect of crimes punishable by hudud and qisas, if the offenders, who are under 18 years old but have reached the age of maturity, do not understand the nature of the committed crime or its prohibition, or if there is a doubt about their mental development and perfection, then, according to their age, they shall be awarded one of the punishments provided in this chapter.*

*Note – In recognizing the mental development and perfection, the court may ask for the opinion of Forensic Medicine [Department] or employ other means which it deems appropriate.”*

60. It appears that the possibility of averting *hudud* and *qisas* in a situation in which a lack of mental development is proved is a positive change. However, this is subject to the discretion of the judge and does not completely solve the problem. Moreover, it is extremely unlikely that the court decides that, for example, a 16-year-old does not understand the prohibition of murder or sexual relations out of marriage. Therefore, when a 16 year old boy or girl commits a murder, if according to the opinion of the judge, he or she understands the nature of the crime, and, forensic experts confirms his or her mental development, subject to other conditions, he or she may be sentenced to *qisas* (the death penalty).
61. This was put to test when Maryam, a young woman who had allegedly murdered her husband in April 2009 when she was 17 years old, was sentenced to the death penalty. Following the adoption of the new IPC, she, through her lawyer, applied for a re-trial on the basis of the new favourable provision of the new IPC (art. 91). Her application was eventually accepted and the case was sent to a different branch for a re-trial. However, considering article 91 and stressing on her mental development and realisation of the prohibition of murder, Branch 4 of the Provincial Court in the Province of Fars sentenced her to the death penalty once again.<sup>24</sup>
62. So, contrary to what the IRI authorities assert<sup>25</sup>, the death penalty (*qisas*) for people under 18 years old has not been abolished and is still a strong prospect for such offenders. Similarly, in the case of *hudud* crimes such as rape, certain cases of illicit sexual relationship (*zina*) and sodomy (*livat*), it is still possible for child and juvenile offenders to be sentenced to the death penalty.
63. It must be emphasised that what international standards including the CRC require is the complete abolition of the death penalty, without ifs and buts, for all people under 18 years old, which is not the change taken place here. The current IRI’s approach as reflected in the new IPC, even if it is ever considered to be progressive in comparison to the old Code, does not ban juvenile execution in absolute terms and leaves the door open for such possibility. This does not comply with Iran’s international obligations.

<sup>24</sup> Source: <<https://hra-news.org/fa/execution/> > *ش-د-م-ح-ک-و-م-م-ر-گ-ب-ه-د-ی-گ-ر-ب-ا-ر-ن-و-ج-و-ا-ن-ع-ر-و-س*

<sup>25</sup> The Islamic Republic of Iran, The Third Periodic Report on the Convention on the Rights of the Child, March 2013, p. 11.

### Recommendations:

64. (1) Abolish the death penalty and inhuman punishments unconditionally for all individuals under 18, for all categories of crimes including *hudud* and *qisas*.
65. (2) Guarantee that no one will ever be sentenced to the death penalty for crimes they may have committed when they were under 18 at the time of the commission of the crime.

### 7. Children and Juvenile Courts (art. 40)

66. According to the Criminal Procedure Code (art. 219), in every judicial district, as far as practicality and availability allows, one or more branches of public courts are assigned to try crimes committed by children. It has been clarified by the same law that the term “child” refers to a person who has not reached religious maturity. However, the same provision has been extended to all individuals younger than 18 years old. Therefore, effectively, such branches deal with crimes committed by individuals under 18 years old.
67. While the abovementioned provisions are about the trial stage, it is worth noting that there are other provisions in respect of the pre-trial investigations when the alleged offender is under 18 years old. As an extra safeguard, the same law provides that the initial investigation shall be conducted directly by the judge (and not by the Prosecution’s office as in other cases). In order to carry out the investigation, the court can summon the child through his or her parents or legal guardians. In more serious the court may order the arrest of the child.
68. It is worth noting that the draft Bill of Establishment of Children and Juvenile’s Court (2005), and its successor the draft Bill of Prosecution of crimes Committed by Children and Juvenile (2012), had provided relatively advanced provisions for such courts. For instance it was proposed that special courts and Prosecution’s Offices for children should be established, the Court should consist of one judge and two advisors, and the judge, for example, should meet certain requirements such as minimum 5 years of experience and attending specialized training. However, the draft Bills, were not adopted.
69. This must, however, be mentioned that the jurisdiction of these children’s courts, even under the abovementioned draft Bill, is not absolute. This lies in the fact that what is called “Children’s Court” is in fact a branch of General Court and the fact that they are specialized in such cases does not change their legal jurisdiction. Article 231 of the Criminal Procedure Code stresses that assigning some branches of the General Courts to children’s crimes does not prevent the referral of other cases to such branches, which is a reminder that they are still General Courts. Although this may seem insignificant, the difference that it makes for child offenders is huge.
70. In fact this becomes of considerable importance when there is a conflict of jurisdiction between General Courts and other categories of courts. In particular, when a crime falls into the jurisdiction of Revolutionary Courts, which include all drug related offences, the so-called Children’s Courts lose their authority and the alleged child offender shall be tried in the Revolutionary Courts which are primarily designed for adults and lack any specialty or safeguards for children. More importantly, Revolutionary Courts are notorious for their disregard for fair trial standards and rule of law.



71. Another limitation to the jurisdiction of Children’s Court is the Provincial Criminal Court, which deals with offences punishable, inter alia, by the death penalty. According to the decision number 678 dated 25 May 2006 of the Supreme Court “if a mature individual under the age of 18 years old commits an offence that falls within the jurisdiction of the Provincial Criminal Court, his or her offence(s) shall be tried in the Provincial Criminal Court”. In other words, in such cases, for example where a 13-year-old girl is charged with murder, which is punishable by the death penalty (*qisas*, i.e. retribution), the Children’s Court has no authority and she must be tried in the Provincial Criminal Court with no special consideration or specialty regarding children. The investigation also will be carried out by the same Prosecution’s Office and police forces that investigate offences committed by of adults.
72. It seems that the new Criminal Procedure Code (2014) has, to a degree, addressed the abovementioned problems and recognised exclusive jurisdiction for Children’s Courts over all cases against individuals under the age of 18. However, as it was explained earlier, the coming into force of the new Criminal Procedure Code has been suspended. Therefore, it is not clear that, after it comes into force, how long it takes for such provisions to materialize, as they require some significant changes in the structure of the criminal justice system.

**Recommendations:**

73. (1) Guarantee in law and practice that child offenders fully enjoy fair trial standards including the safeguards mentioned in article 40 CRC.
74. (2) Make sure that all criminal charges against children are dealt with in competent and well-trained courts and prosecution’s offices that take into account special needs and rights of children.

## ANNEX ONE

### Recommendations

1. Ensure the full implementation of, and withdraw the reservation to, the CRC.
2. Amend the Penal Code and increase the minimum age of criminal responsibility to 18 years.
3. Set a gender-neutral minimum age requirement for boys and girls and eliminate discrimination on the basis of sex in determining the minimum age of criminal responsibility.
4. Eliminate discrimination on the basis of sex and religion in determining compensation for homicide and bodily injury committed against children.
5. Amend articles 550 and 560 of the new Penal Code and guarantee equal compensation for boys and girls in all cases of death and bodily injury.
6. Amend article 301 of the new Penal Code and increase the sentence for murdering children by their fathers.
7. Abolish the death penalty and inhuman punishments unconditionally for all individuals under 18, for all categories of crimes including *hudud* and *qisas*.
8. Guarantee that no one will ever be sentenced to the death penalty for crimes they may have committed when they were under 18 at the time of the commission of the crime.
9. Abolish all forms of cruel, inhuman, and corporal punishments, including amputation of limbs and flogging, unconditionally for all children under 18 for all categories of crimes including *hudud* crimes.
10. Strictly ban, and clearly define, all forms of violence against children.
11. Take effective measures to end the culture of violence against students in schools and guarantee that teachers and school authorities do not apply any form of unlawful punishment, including corporal punishment, against children.
12. Guarantee in law and practice that child offenders fully enjoy fair trial standards including the safeguards mentioned in article 40 CRC.
13. Make sure that all criminal charges against children are dealt with in competent and well-trained courts and prosecution's offices that take into account special needs and rights of children.

## ANNEX TWO

### Translation of the Relevant Articles of the New Islamic Penal Code 2013<sup>26</sup>

**Article 88-** The court shall make one of the following decisions, whichever is more appropriate, about the children and young people who have committed *ta'zir* offenses whose age at the time of commission is between nine to fifteen years according to the solar calendar:

- (a) Handing over to parents or natural or legal guardians while taking promises to correct and educate the child or youth and taking care of their good behaviour

Note- When the court finds it in the best interest [of the child], it can take promises from the persons mentioned in this paragraph to take measures such as the following and report the result to the court in a specified time:

- 1- Referral of the child or youth to a social worker or psychologist or other specialists and cooperation with them
- 2- Sending the child or youth to an educational and cultural institute in order to study or learn a skill
- 3- Required measures in order to treat or rehabilitate the addiction of the child or youth under the supervision of a doctor
- 4- Banning the child or youth from the harmful association with and contacting [specific] people at the discretion of the court
- 5- Banning the child or youth from going to specific places

- (b) Handing over to other natural or legal persons that the court finds to be in the best interest of the child or youth by ordering the measures mentioned in paragraph (a) where, considering article 1173 of the Civil Code, the parents or natural or legal guardians of the child or youth or not competent or available

Note- Handing the child to competent people is subject to their acceptance.

- (c) Advising [the child or youth] by the judge  
(d) Cautioning and warning or taking a written promise not to commit an offense again  
(e) Detention in the Correction and Rehabilitation Centre from three months to one year in the case of *ta'zir* offenses of the first to fifth degree

Note 1- Decisions mentioned in paragraphs (d) and (e) shall only be applicable on a child or youth between twelve and fifteen years. In the case of commission of *ta'zir* crimes of the first to fifth degree, application of provisions of paragraph (e) shall be mandatory.

Note 2- If a child who has not become mature commits any of offenses punishable by *hadd* or *qisas*, if s/he is from twelve to fifteen years of age, s/he shall be sentenced to one of the measures provided in paragraphs (d) or (e); otherwise, one of the measures provided in paragraphs (a) to (c) of this article shall be applicable.

Note 3- In respect of the measures mentioned in paragraphs (a) and (b) of this article, the Children and Youth Court, taking into account the investigations made and also the reports of social workers about the condition of the child or youth and his/her behaviour, can review its decision as many times as the best interest of the child or youth requires.

**Article 89-** The following punishments shall be given to young people who commit *ta'zir* crimes and they are between fifteen to eighteen years of age at the time of commission of the crime:

<sup>26</sup> For a comprehensive English translation of Articles 1- 288 of the new IPC see: Nayyeri, Mohammad, English Translation of Books I & II of the New Islamic Penal Code, available at: <<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000455-english-translation-of-books-1-and-2-of-the-new-islamic-penal-code.html>>.

- (a) Detention in Correction and Rehabilitation Centre from two to five years in the case of offenses punishable in law by a *ta'zir* punishment of the first to third degree.
- (b) Detention in Correction and Rehabilitation Centre from one to three years in the case of offenses punishable in law by a *ta'zir* punishment of the fourth degree.
- (c) Detention in Correction and Rehabilitation Centre from three months to one year or a fine of ten million (10,000,000) Rials to forty million (40,000,000) Rials or providing one hundred and eighty to seven hundred and twenty hours of unpaid public services in the case of offenses punishable in law by a *ta'zir* punishment of the fifth degree.
- (d) A fine of one million (1,000,000) Rials to ten million (10,000,000) Rials or providing sixty to one hundred and eighty hours of unpaid public services in the case of offenses punishable in law by a *ta'zir* punishment of the sixth degree.
- (e) A fine of up to one million (1,000,000) Rials in the case of offenses punishable in law by a *ta'zir* punishment of the seventh and eighth degree.

Note 1- Hours of providing public services shall not exceed four hours a day.

Note 2- Considering the accused person's condition and the crime committed, the court, at its discretion, instead of sentencing him/her to detention or a fine prescribed in paragraphs (a) to (c) of this article, can order the offender to stay at home in specific hours determined by the court or detention in the Correction and Rehabilitation Centre in the weekend for three months to five years.

\* \* \*

**Article 91** – “In respect of crimes punishable by *hudud* and *qisas*, if the offenders, who are under 18 years old but have reached the age of maturity, do not understand the nature of the committed crime or its prohibition, or if there is a doubt about their mental development and perfection, then, according to their age, they shall be awarded one of the punishments provided in this chapter.

Note – In recognizing the mental development and perfection, the court may ask for the opinion of Forensic Medicine [Department] or employ other means which it deems appropriate.”

\* \* \*

**Article 146-** Non-mature children have no criminal responsibility.

**Article 147-** The age of maturity for girls and boys are, respectively, a full nine and fifteen lunar years.

**Article 148-** In the cases of non-mature children, safeguarding and correctional measures shall be applied in accordance with the provisions of this law.

\* \* \*

**Article 158-** In addition to the cases mentioned in previous articles, committing conduct which is considered by law as an offense, shall not be punished in the following cases:

- (a) If the commission of the conduct is mandated or permitted by law.
- (b) If the commission of the conduct is necessary for enforcement of a more important law.
- (c) If the conduct is committed upon the lawful order of a competent authority and the aforementioned order is not against Shari'a.
- (d) The acts committed by parents and legal guardians of minors and insane people in order to chastise or protect them provided that such actions are exercised within the customary and religious limits for chastisement and protection.
- (e) Athletic exercises and the accidents arising from them, provided that the causes of the accidents are not the violation of relevant rules of that sport, and such regulations do not violate the rules of Islamic Shari'a.
- (f) Every legitimate surgical or medical operation which is done by the consent of the patient or

his/her parents or natural or legal guardians, or legal representatives, with due consideration given to technical and medical and governmental regulations. In emergency cases obtaining consent is not required.

\* \* \*

**Article 301**-“Qisas shall be delivered only if the perpetrator is not the father, or a paternal grandfather, of the victim, is of sound mind, and of the same religion as of the victim”.

\* \* \*

**Article 545**-“In all cases of homicide where the victim is not a man, the difference between the *diyya* and the *diyya* of a man shall be paid from the Fund for Compensation of Bodily Harms.”

\* \* \*

**Article 550**- “The *diyya* for murdering a woman is half that of a man”.

\* \* \*

**Article 560**-“The *diyya* of [harm to] limbs and bodily abilities, up to one third of the full *diyya*, is the same for man and woman; however if it reaches, or exceeds, one third of the full *diyya*, the *diyya* of woman shall be decreased to half.”

\* \* \*

**Article 612** (Book Five)- Anyone who commits a murder and where there is no complainant, or there is a complainant but he has forgiven and withdrawn his application for *qisas*, or if *qisas* is not executed for any reason, if his act disrupts the public order and safety of the society or it is thought that it emboldens the offender or others [to commit murder again], the court shall sentence the offender to three to ten years’ imprisonment.

Note- In this case, an accessory to the crime shall be sentenced to one to five years’ imprisonment.

## **Annex 7:**

# **Iranian Lesbian and Transgender Network (6Rang)**



# The Situation of LGBT Children in Iran

Submission to  
the Committee on the Rights of the Child

The 71 Pre-sessional Working Group  
(8 - 12 June 2015)



Iranian Lesbian &  
Transgender Network  
6Rang شش رنگ

## Introduction

1. This is a submission by the Iranian Lesbian and Transgender Network (6Rang) for the occasion of the third periodic review of the Islamic Republic of Iran by the UN Committee on the Rights of the Child. The submission focuses on human rights abuses suffered by lesbian, gay, bisexual and transgender (LGBT) adolescents in Iran, which require immediate attention.

2. The information contained in the submission is based on a comprehensive report that the Iranian Lesbian and Transgender Network and Justice For Iran jointly published in June 2014 to expose how LGBT individuals in Iran, including those under 18, are subjected to widespread discrimination and violence, including through harmful medical procedures aimed at changing their sexual orientation and gender identity. The report was based on more than 88 testimonies collected by the Iranian Lesbian and Transgender Network and Justice For Iran between February 2011 and November 2013.

### I. General Principles

#### Non-Discrimination (Article 2)

3. LGB adolescents in Iran experience widespread discrimination in every area of their lives, based on their real or perceived sexual orientation and gender identity. This is caused first and foremost by provisions in Iran's Penal Code that criminalize same-sex sexual conduct with penalties ranging from flogging to the death penalty (Articles 233-240). These penalties apply to those under the age of 18 as the age of criminal responsibility in Iran is nine lunar years for girls and 15 lunar years for boys (Article 147).

4. Discrimination against LGBT adolescents also stems from mandatory dress codes that are used by police, paramilitary *basij* forces, school administrators and other public officials to harass, abuse and detain individuals with "religiously inappropriate clothing or appearance".

5. Article 638 of the Penal Code punishes teenage girls and women who fail to cover their head and wear loose fitting outfits in public spaces, with a cash fine or imprisonment. While discriminatory toward all girls and women, this provision has had a particularly severe impact on female adolescents (and adults) who do not conform to stereotypical models of femininity, and wish, for example, to cut their hair short, discard compulsory dress and headscarves, and wear items of clothing stereotypically associated with men.

6. The same article imposes flogging on those who engage in conduct that is "religiously forbidden" (*haram*) or otherwise "offends public morals", which is understood to include "cross-dressing". This has exposed male adolescents (and adults) who wear make-up and display expressions and behaviors stereotypically regarded as "feminine" to all forms of violence, including arbitrary arrest and detention and torture and other ill-treatment.

7. In recent years, discrimination against LGBT adolescents has also manifested itself in state policies and practices that require transgender individuals to undergo sex reassignment procedures, including sterilization, to enjoy the right to gender recognition



and obtain identity documents matching their appearance, that would in turn allow them to enroll in school and access other social services necessary to their enjoyment of social and economic rights.

8. Of concern in the area of discrimination are also states policies and practice that allow, and indeed promote, harmful “reparative therapies” such as electroshock therapy, psychoactive medications and shaming techniques, that seek to “correct” children’s sexual orientation and gender identity.

- **Abolish the death penalty for consensual same-sex sexual conducts, particularly when they are committed by individuals under 18.**
- **Prohibit the imposition and execution of all forms of torture and other cruel, inhuman or degrading treatment or punishment, such as flogging, for same-sex sexual conducts, particularly when they are committed by individuals under 18.**
- **Repeal all laws that impose mandatory veiling on girls and ensure that children are not criminalized or punished for modes of clothing deemed to be in violation of Islamic dress codes.**
- **Take effective measures, including enacting or rescinding legislation, to prevent and eliminate discrimination against children on the grounds of sexual orientation and gender identity.**
- **Ensure that lesbian, gay, bisexual and transgender children are not subjected to “reparative therapies” or otherwise ill-treated on account of their sexual orientation or gender identity.**
- **Remove the requirement that transgender individuals undergo sterilization and genital reassignment surgeries as a precondition for obtaining legal recognition of their gender.**

### **Best Interest of the Child (Article 3)**

9. In Iran, the best interests of LGBT are systematically disregarded in favour of maintaining a highly gendered society wherein many public spaces are segregated by gender and individuals’ sex/gender determines what rights they hold, what clothes they can wear, which schools they can enroll in, where they sit on a bus or train, which sport centers they can access, and even which entrance door they can use to access government buildings. State policies and practices in the areas of family, education, labor, employment and politics are all based on gender stereotypes and seek to perpetuate stereotypical notions of masculinity and femininity.

10. School children face a real risk of being suspended or expelled when they do not comply with mandatory gendered dress codes or have gender expressions that defy social expectations of femininity or masculinity. Transgender children are required to undergo sterilization and other surgical procedures to access identification documents reflecting their preferred gender presentation. Parents are encouraged to discipline their children

and present them to medical professionals for treatment, when they exhibit gender atypical expressions. These practices constitute a violation of children's right to self-determination.

- **Review all legislation and administrative measures to ensure that the principle of the best interests of the child is reflected therein and implemented in all actions concerning children.**
- **Ensure that the best interests of LGBT children are not disregarded for the sake of maintaining a strict female-male binary.**
- **Allow transgender adolescents to determine their gender identity and obtain matching identification documents, without the requirement to undergo gender reassignment surgeries.**

### Right to Life (Article 6)

11. Iran's Penal Code imposes the death penalty on certain types of same-sex sexual activity. According to Article 234 of the Penal Code, the receptive or "passive" partner in "sodomy" (*livat*) is sentenced to death while the insertive or "active" partner is sentenced to death if he has access to a wife for sexual intercourse, and to one hundred lashes if he does not. "Sodomy" (*livat*) is defined as "penetration of a man's sex organ, up to or beyond the point of circumcision, into the anus of another man" (Article 233). If penetration does not take place, the lesser punishment of one hundred lashes for *tafkhiz* may apply, which is defined as "placing a man's sex organ between the thighs or the buttocks of another man" (Article 235). A fourth time conviction of *tafkhiz* will result in a death sentence.

12. Sexual acts between two women constitute *mosaheqeh* when "a woman places her sex organ on another woman's sex organ" and are punishable with one hundred lashes (Articles 238-239). As with *tafkhiz*, a fourth time conviction will result in a death sentence.

13. The punishments described above are applicable to those under the age of 18 as the age of criminal responsibility in Iran is nine lunar years for girls and 15 lunar years for boys (Article 147). Since May 2013 when a new Penal Code was passed, a limited exception to the death penalty may apply if the juvenile offender is deemed to have not understood the nature of the crime or its consequences, or if there are doubts about his or her mental capacity (Article 91).

14. As various UN Special Rapporteurs have noted, criminalization has legitimized community violence and police brutality against LGBT individuals, both adolescent and adult, and made them "more vulnerable to violence and human rights abuses, including death threats and violations of the right to life, which are often committed in a climate of impunity."<sup>1</sup>

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<sup>1</sup> *Interim report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions*, A/57/138, 2 July 2002, para. 37. See also *Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, A/HRC/14/20, 27 April 2010, para. 20.

- **Abolish the death penalty for consensual same-sex sexual conducts, particularly when they are committed by individuals under 18.**
- **Exercise due diligence to protect LGBT children from having their right to life violated by state or non-state actors.**

## II. Civil Rights and Freedoms

### Right to Preserve Identity (Article 8)

15. The Iranian authorities do not recognize diverse sexual orientations and gender identities and confront children who experience same-sex desires and transgender expressions with three equally devastating options: seek harmful “reparative therapies” intended to cure “homosexuality”, apply for gender reassignment surgeries to restore “gender normalcy”, or keep their identities discreet amid ongoing threats of discrimination and violence. None of these respect the right of the child to preserve his or her identity.

16. In Iran, individuals who do not conform to stereotypical models of femininity and masculinity are divided into two distinct yet inter-related categories: “transsexual-patients” and “homosexual-perverts”. The first label is applied to those who seek gender “normalcy” through gender reassignment surgeries while the second to those who transgress socially constructed gender expectations without seeking treatment or professing themselves to be a “transsexual”.

17. This dichotomous approach has placed LGBT individuals in Iran in an unenviable situation where they have to “choose” some human rights at the expense of others. Enjoying all human rights is not an option available to them. They must either seek to “cure” themselves of same-sex desires and transgender expressions in order to obtain equal recognition before the law or live a marginalized life marked by homophobic hate crimes, police abuse, torture, family and community violence and widespread discrimination in access to education, employment, and other goods and services.

18. Transgender individuals who were interviewed by the Iranian Lesbian and Transgender Network reported experiencing extreme stress and anxiety during their adolescence and how simple tasks such as buying clothes, registering for school, spending time with friends, and presenting identification documents were often fraught with family tensions and risks of coming into conflict with the law.

- **Refrain from assigning a diagnosis of mental disorder to children with homosexual feelings and transgender expressions and reclassify aspects relevant to the provision of health care in a non-stigmatizing health category.**
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- **Take effective measures, including enacting or rescinding legislation, to ensure that LGBT adolescences are not discriminated against, in law or practice, on account of their sexual orientation or gender identity and that they enjoy their human rights on an equal footing with others.**
- **Abolish requirements to undergo psychiatric assessment and receive a diagnosis of “transsexuality” for obtaining legal gender recognition.**

### **Right to Information and Protection From Material Harmful to Well-Being (Articles 13 and 17)**

19. LGBT adolescents in Iran are deprived of access to accurate information on sexual orientation and gender diversity. The Iranian government censors positive discussions of issues related to sexual orientation and gender identity, and actively disseminates materials that reinforce demeaning stereotypes and forms of prejudice which contribute to the social exclusion, discrimination and denial of human dignity historically experienced by LGBT people.

20. Iran’s Cyber Crime Act sets out a penalty of 91 days to one year’s imprisonment and a cash fine between 5 million and 20 million rials (about \$750) for anyone who uses online and digital communications – including social media, blogs, and websites – to incite the public to “participate in crimes against chastity ... or acts of sexual perversion.” The Cyber Crime Act tasks a “Committee Charged with Determining Offensive Content” with identifying and blocking sites that carry prohibited content, and with communicating the standards to be used for identification of unauthorized websites to the Telecommunications Company of Iran, the Ministry of Information and Communication Technology and major Internet Service Providers. To date, this Committee has provided a list of 78 topics of forbidden content, including “stimulation, encouragement, persuasion, threats or invitation to immoral acts, prostitution, crimes against chastity or sexual perversion” as well as redistribution and re-publication of any content that “violates public decency.”

21. Similar restrictions are applied to the print media in order to suppress and censor discussion of issues related to homosexuality. The Press Law imposes a prohibition upon “promotion of prostitution and vice, and publication of photos, images and articles found to be against public decency.” Circular Number 660 of the Supreme Council for Cultural Revolution bans publications from crossing boundaries that may result in “anti-family propaganda”, “the weakening of family values” and “the promotion of deviant and immoral individuals and movements.”

22. Laws and policies censoring discussions of homosexuality have impaired and denied public access to credible medical information. This has contributed to the stigmatization of LGBT individuals, including children, and perpetuated false and negative stereotypes concerning sexuality and gender identity. It has also set the stage for medical abuse, in the form of attempts to ‘cure’ those who engage in same-sex activity or exhibit transgender expressions. The mental and physical harm caused by these attempts will be explained in greater detail below.

23. The majority of lesbian, gay and transgender persons interviewed by the Iranian Lesbian and Transgender Network recounted that their health-care providers did not provide them and their parents with accurate information about various crosscutting issues relating to sexual orientation and gender diversity. Some of the issues about which they were kept unaware were as follows:

- Homosexuality had been removed from the second edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-II) in 1973 because it had been recognized that “homosexuality per se implies no impairment in judgment, stability, reliability, or general social or vocational capabilities”.
- The World Professional Association for Transgender Health (WPATH) has affirmed that gender variance is not in and of itself pathological and that having a cross- or transgender identity does not constitute a psychiatric disorder;<sup>2</sup> and
- International standards of care for the health of transgender, transsexual and gender-nonconforming people have recognized that not all transgender people necessarily need or want “the complete therapeutic triad [of] ... real-life experience in the desired role, hormones of the desired gender, and surgery to change the genitalia and other sex characteristics.”<sup>3</sup>

24. They were also given materials and types of advice that pathologized homosexual orientation and gender variance; assigned a diagnosis of disordered gender identity based on social non-conformity to gender stereotypes, including same-sex attraction; gave a false or deceptive impression about the clinical or scientific basis of psychiatric efforts intended to change people’s sexual orientation or gender identity; or misrepresented the efficacy and the potential for harm of sex reassignment surgeries when counseling individuals distressed by their sexual orientation and gender variance.

- **Refrain from censoring, withholding or intentionally misrepresenting health information, including with regard to sexual orientation and gender identity.**
- **Repeal laws that ban positive or neutral discussions about homosexuality, ensuring freedom of expression and access to information about sexual orientation and gender identity related issues.**
- **Ensure that no one is imprisoned, tortured or otherwise ill-treated for exercising the right to freedoms of expression, assembly and association.**

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<sup>2</sup> Response of the World Professional Association for Transgender Health to the Proposed DSM 5 Criteria for Gender Incongruence (by DeCuypere, G. Knudson G. & Bockting, W. airs of the WPATH consensus building process on recommendations for revision of the DSM diagnoses of Gender Identity Disorders), May 2010, at: [http://www.wpath.org/uploaded\\_files/140/files/WPATH%20Reaction%20to%20the%20proposed%20DSM%20-%20Final.pdf](http://www.wpath.org/uploaded_files/140/files/WPATH%20Reaction%20to%20the%20proposed%20DSM%20-%20Final.pdf), accessed 15 January 2015.

<sup>3</sup> World Professional Association for Transgender Health, *Standards of Care for Gender Identity Disorders, Sixth Version* (2001), at: [www.wpath.org/Documents2/socv6.pdf](http://www.wpath.org/Documents2/socv6.pdf), p. 3, accessed 15 January 2015. See also World Professional Association for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender and Gender Non Conforming People, Seventh Version* (2012), at: [http://www.wpath.org/uploaded\\_files/140/files/Standards%20of%20Care.%20V7%20Full%20Book.pdf](http://www.wpath.org/uploaded_files/140/files/Standards%20of%20Care.%20V7%20Full%20Book.pdf), accessed 15 January 2015.

- **Ensure technically competent health care professionals can provide adolescents with quality sexual health education and information, including with respect to sexual and gender diversity.**

### III. Violence Against Children

#### Protection from Violence (Article 19)

##### *Family violence*

25. LGBT children report being subjected to various forms of physical or mental violence in their families. These include beatings and flogging as well as forms of psychological abuse such as enforced seclusion and isolation from friends and society, neglect and abandonment, verbal insults and death threats. For lesbians and female-to-male transgender persons, these abuses are often accompanied by threats or realities of being coerced into arranged marriages. LGBT individuals in Iran often have no recourse to justice or support for the abuse and violence they routinely suffer in their families. This impunity emboldens abusive family members to commit more homophobic and transphobic abuses (see Annex 1).

26. Iran's Penal Code allows parents and legal guardians to subject children to corporal punishment in so far as "they ensure that it does not exceed disciplinary norms" (Article 158 (T)). Under Iran's Penal Code, fathers or grandfathers who kill their child or grandchild are exempt from the punishments ordinarily applicable to murder (Article 301) and may be only given a sentence of between three to ten years in prison (Article 612). The Iranian Lesbian and Transgender Network is concerned that the lack of appropriate and proportionate penalties may exacerbate the risk of violence and threats to the lives of LGBT children.

##### *School Violence*

27. School children perceived as being lesbian, gay, bisexual or transgender tend to psychological and physical bullying in Iran. School authorities are believed to rarely take any effective action against such bullying, which is known to lead to depression and other physical and mental health problems, obstruct children's personal and social development, and increase their risks of becoming violent themselves (see Annex 2).

28. LGBT individuals interviewed by the Iranian Lesbian and Transgender Network also reported experiencing physical and mental violence at the hands of teachers and school administrators themselves. For some of them, the violence reached a level of severity that they felt they had to drop out of school (see Annex 3).

##### *Community Violence*

29. As various Special procedures mandate holders have recognized, the criminalization of private consensual homosexual acts increases stigmatization and make people with diverse sexual orientations and gender identities, including minors, more vulnerable to community violence. Research carried out by the Iranian Lesbian and Transgender Network shows that LGBT adolescents tend to experience homophobic taunts, insults and

threats on a constant basis and this is in fact so common that many of them decide to isolate themselves in order to avoid being harassed or assaulted by members of the public.

30. During its research, the Iranian Lesbian and Transgender Network interviewed several individuals who said they were sexually assaulted and raped when they were below the age of 18 because of their sexual orientation or gender identity. In all these cases, the victims said they not only did not feel protected by the law but also feared that they will be arrested and charged with sexual offences, if they were to file complaints with the police (see Annex 4).

- **Take effective legislative and other measures to prohibit and prevent all forms of physical and mental violence against LGBT children, including corporal punishment and sexual abuse, in the family, in schools, and in other institutions, and ensure that all those who abuse children are punished without discrimination on the grounds of sexual orientation or gender identity.**
- **Provide comprehensive, gender-sensitive training for judicial and law enforcement officials, parents and other care-givers, including teachers and healthcare workers, about homophobia, transphobia, and sexual and gender diversity.**
- **Initiate public education campaigns to raise awareness about homophobic and transphobic violence.**
- **Establish a system whereby disaggregated data are collected on all forms of violence against LGBT children, and use such data to assess progress and design policies and programmes to eliminate violence against LGBT children.**

### **Protection from Torture and other Ill-Treatment (Articles 37 and 39)**

#### *“Reparative Therapies”*

31. In 2001, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment raised concern about reports that indicated members of LGBT minorities were being “subjected to forced treatment on grounds of their sexual orientation or gender identity, including electroshock therapy and other “aversion therapies”, reportedly causing psychological and physical harm.”<sup>4</sup>

32. In 2013, the Special Rapporteur on torture reiterated his concerns about “homophobic ill-treatment on the part of health-care professionals”<sup>5</sup> and called on states to repeal any law allowing intrusive and irreversible treatments, including forced genital-normalizing

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<sup>4</sup> Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, A/56/156 (3 July 2001), para. 24.

<sup>5</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/22/53 (11 February 2013), para. 76.



surgery, involuntary sterilization, “reparative therapies” or “conversion therapies”, when enforced or administered without the free and informed consent of the person concerned.

33. In its research, the Iranian Lesbian and Transgender Network has documented the experiences of several LGBT adolescents who were given electroshocks or prescribed hormones or strong psychoactive medications such as thioridazine, citalopram, fluoxetine, risperidone, and bipyridine, in order to control or modify their sexual arousal patterns. These treatments generally took place in a context of social stigma and parental rejection, lack of access to resources that would aid self-awareness and self-acceptance, and inadequate disclosure of the risks and benefits associated with reparative therapies.

34. The LGBT individuals interviewed generally said that these reparative therapies made them sink further into depression, and adversely affected their concentration and academic ability (see Annex 5)

35. The Iranian authorities are complicit or otherwise responsible for these inhumane treatments, which can amount to torture or other ill-treatment, as they not only fail to exercise due diligence to prevent and punish such harmful procedures but also encourage them through their various policies and practices. In an interview with Channel 2 of the Islamic Republic of Iran Broadcasting in March 2013, head of Iran’s Human Rights Commission Mohamad Javad Ardeshir Larijani said:

*Homosexuality is an illness, a very bad illness... Homosexuals are sick people who must be treated. They have to be put under psychiatric care and sometime even biological and physical care. We need to adopt a clinical and medical approach toward this issue. The West intends to introduce [homosexuality] as a normal social behavior and we are completely against this notion.<sup>6</sup>*

- **Take all the necessary measures to ensure that persons under 18 are not subjected to torture and other cruel, inhuman or degrading treatment or punishment, in health-care settings.**
- **Outlaw all forms of “reparative therapies”, including medications and electroshocks, designed to change children’s sexual orientation and gender identity.**
- **Conduct prompt, impartial and thorough investigations into allegations of torture and other ill-treatment in health-care settings, and ensure that the perpetrators are brought to justice in fair trials.**

#### IV. Basic Health and Welfare

##### Right to Health (Article 24)

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<sup>6</sup> Mohamad Javad Ardeshir Larijani, Channel 2 of the Islamic Republic of Iran Broadcasting, available at: <https://www.youtube.com/watch?v=8Wh0snjDCX0>, accessed 18 June 2014.



36. In Iran, there is no specific focus on the needs of LGBT adolescents in youth care, sexual health care, medical care and psychological health care. Many LGBT adolescents suffer social isolation, distorted self-image and emotional anguish as a result of being stigmatized and criminalized for their expressions of gender variance and same-sex attraction. This leads some of them to self-present to health care professionals in order to discuss the uncertainty and emotional distress that they experience regarding their gender identification and sexual orientation. However, health care professionals do not often know how to address issues with regard to sexual orientation and gender identity. This lack of knowledge reinforces homophobia and transphobia, leading to distress and poor mental health in LGBT individuals.

37. Many Iranian mental health professionals believe that homosexuality is a form of mental illness, and gender variance is in and of itself a pathological condition. Accordingly, instead of supporting their clients in identity exploration and development without pursuing predetermined outcomes, they prescribe treatments that mainly revolve around converting homosexual orientation and aligning sex, gender and sexuality. Broadly speaking, these treatments for changing sexual arousal patterns and modifying gender expressions fall into one of the two following models:

38. The first model advocates a range of psychoanalytical and behavioral treatments that are focused on creating a qualitative mental change involving aversion to homosexuality, and disattachment to trans-dressing and other gender variant tendencies. In practice, these treatments tend to be accompanied by a reinforcement plan in which shaming techniques, nausea-inducing and psychoactive medications, and electroshocks are used. Mental health professionals in Iran who follow this model insist on the efficacy and benefit of such sexual orientation and gender identity change efforts even though these practices have been internationally denounced as unscientific, harmful and a violation of human rights.<sup>7</sup>

39. The second model concedes that treatments aimed at converting one's experienced sexual orientation and gender identity are generally without success, and advocates instead that the body of transgender people be altered and brought into conformity with their psyche through hormone therapy and sex reassignment surgeries. Mental health professionals who follow this model are generally inclined to assign a diagnosis of Gender Identity Disorder to lesbian, gay and transgender persons, and to take social gender non-conformity, homosexual orientation, and consequences of social prejudice and stigma (such as depression, isolation, confusion and distorted self-image) as symptomatic of this disorder. This has rendered lesbian, gay and transgender persons susceptible to being misdiagnosed as having a "Gender Identity Disorder", and rushed into irreversible hormone therapy and sex reassignment surgeries without having a meaningful opportunity to explore their same-sex desires and gender expressions, and access accurate health information on issues related to sexual orientation and gender identity (see Annex 6).

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<sup>7</sup> An example of this approach is found in a scholarly project published in the LMOI quarterly reports, in which three psychiatrists explain a reparative method based on long-term psychiatric medication which they allegedly successfully tested on four individuals who presented physical or behavioral characteristics associated with the gender other than the one assigned at birth and expressed desire for the same sex: Dr. Alireza Zahiroddin et al, "ravan darman-i movaffaghiat amiz-i chihar mored-i ikhtelal-i hoviat-i jensi [Effective Psychotherapeutic Treatment of Four Cases of Gender Identity Disorder]" (Spring 2005) 37 *Majaleh-i Elmi-i Pezeshky-i Qanuni Scientific* 37 [The Scientific Journal of the Legal Medicine Organization], online: [http://www.sid.ir/fa/NEVSSID/J\\_pdf/60613843707.pdf](http://www.sid.ir/fa/NEVSSID/J_pdf/60613843707.pdf) (Retrieved on 4 May 2014).

- **Ensure that adolescents can receive quality mental health care for issues relating to sexual orientation and gender identity.**
- **Ensure that medical professionals do not diagnose gender non-conforming adolescents with a gender identity disorder based on stereotypical notions of masculinity and femininity.**
- **Adopt medical policies, practices and protocols that are respectful of the right to free and informed consent, autonomy, self-determination and human dignity, without any distinction on the basis of sexual orientation or gender identity.**

## V. Education, Leisure and Cultural Activities

### Right to Education (Article 28)

40. Homophobic discrimination is extremely common in schools in Iran. Boys deemed by others to be too effeminate or young girls seen as tomboys endure teasing and harassment because of their appearance and behavior, which is perceived as failing to fit in with a heteronormative gender identity. School authorities also discriminate against young people because of their sexual orientation or gender expression, sometimes leading to their being refused admission or being expelled (see Annexes 2 and 3).

41. Because of gender segregation in the Iranian school system, transgender adolescents whose appearance contradicts their identification documents are particularly at risk of violation or denial of their right to education. They may be excluded from schools that correspond with their biological sex because of their transgender status but they will not be allowed to register in schools that correspond with their preferred gender until they undergo gender reassignment surgeries and obtain new identification documents reflecting their gender (see Annex 6).

### Right to Recreational Activities (Article 31)

42. LGBT adolescents, as with all other adolescents, have a need for being in touch with peers and engage in recreational activities, because that prevents isolation and can empower and support them. However, many LGBT adolescents report that they avoid recreational spaces because they are a hostile environment for them or their school teachers and authorities exclude them from such spaces because they hold homophobic or transphobic attitudes toward them (see Annex 7).

- **Take all necessary legislative, administrative and other measures to ensure equal access to primary and secondary education and recreational activities without discrimination on the grounds of sexual orientation or gender identity.**
- **Exercise due diligence to prohibit, prevent and punish homophobic or transphobic violence and bullying in school environments.**

- **Ensure that school officials who harass or abuse children because of their actual or perceived sexual orientation or gender identity are punished with proportionate penalties.**
- **Ensure that students are not marginalized or segregated because of their actual or perceived sexual orientation or gender identity and their best interests are identified and respected in a participatory manner.**
- **Introduce into education curricula modules about diversity and about the human rights of all, including lesbian, gay, bisexual and transgender people.**

## Annex 1 – Testimonies on Family Violence

Soheil, a female-to-male transgender, told the Iranian Lesbian and Transgender Network that his father repeatedly beat him throughout his childhood, which left him with no choice but to leave the family house at the age of 20:

*My father was an extremely aggressive and ill-tempered man. He routinely beat me up with a belt. On several occasions, he got a knife and threatened to kill me. I was ultimately forced to leave the house. It was my family who actually told me to leave because they said they never wanted to see me again.<sup>8</sup>*

Rayan, who described herself as a “butch” lesbian, shared with the Iranian Lesbian and Transgender Network a similar experience of abuse and harassment from his brother:

*My brother would tell me that I was filthy and nothing but a piece of garbage. He would say I deserved to be beaten up because I had to be turned into a [normal] human. These insults damaged me so much emotionally that I did not even feel the physical pain anymore. I felt sorry for myself because I was being tortured for no reason. I did not understand why our brother-sister relationship could not be nicer. I felt sorry for my brother even more than I did for myself.<sup>9</sup>*

Akan is another female-to-male transgender who experienced family violence because of his sexual orientation and gender identity:

*My father would tie my hands and legs, throw me into the bathroom, and whip me with his belt, because I did not dress like a girl. I do not understand how he could justify beating me just for not being able to fall in love with boys. He beat me all the time and I could not do anything to stop that. I ultimately attempted suicide by slitting my wrists. When my father found me, he did not take me to the hospital because he did not want others to find out. He was trained in medicine and he stitched up my hand himself. Despite this, he continued to beat me and even threatened to kill me.*

*Towards the end of my stay in Iran, he told me that I would not be allowed to enroll in university unless I agreed to getting married. My parents were going to marry me off to an acquaintance. My father always said that I had been brainwashed into thinking that I was not a girl and that I should stop harboring these thoughts... I told him that I would set myself on fire if I was forced to marry but he did not listen and continued to go ahead with the marriage arrangement. This was when I decided to leave Iran.<sup>10</sup>*

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<sup>8</sup> Interview with Soheil, July 2012.

<sup>9</sup> Interview with Rayan, August 2012.

<sup>10</sup> Interview with Akan February 2011.

## Annex 2 – Testimonies on School Bullying

Ali, a 29 year-old gay man, recounted how his school classmates used to humiliate and harass him because they considered his behaviors and hand gestures to be “girly”:

*The memories of those years are still fresh in my mind. My classmates always harassed and abused me. The abuses were not as serious as a beating but they slapped me on the face and followed me around to tease and taunt me. They would call me ‘Miss Ali’ or other names. At high school, they called me do-jense [bi-sexed] because they said my hand gestures were like those of a girl... These insults, taunts and threats ultimately forced me to quit school in the last year of high school. The school authorities used to repeatedly call me parents to school. There was a rumor going around that there is a boy in the school who is do-jense, or from their perspective, hamjensbaz [faggot]. This was despite the fact that I was super careful about how I acted. I tried to control my mannerisms but there was always something for them to find and make fun of.<sup>11</sup>*

Pedram, a 24 year-old gay man, said his classmates raped him when he was 14 years old:

*When I was in grade eight, I expressed my feelings to a classmate, which ended up being a huge mistake. At the end of the school day, he and his friends stopped me in the street to rape me. I had thought he had the same feelings for me that I had for him but that was not true. The entire school had come to find out about me and everyone began jeering at me. My schoolmates threatened that if I did not agree to have sex with them, they would tell everyone in my neighborhood about me.*

*I ended up giving in to their demands to the extent that I had become suicidal. They would rape me once every couple of weeks, sometimes in groups of five or six. I was so disturbed that, every now and then, I would climb our rooftop to contemplate suicide. I was not feeling well... I would escape school and hide in a movie theatre until my money ran out and I had to call my mom. My mother could not figure out what was going wrong and she would beg me to tell her what the problem was. She would often visit the school, and my teachers would tell her that I was not doing well in my studies. I had come to hate school. Ultimately, I found the courage to tell my mother about the situation and she changed my school.<sup>12</sup>*

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<sup>11</sup> Interview with Ali February 2011.

<sup>12</sup> Interview with Pedram January 2013.

### Annex 3 – Testimonies on Violence by School Officials

Farzam, a 22 year-old female-to-male transgender, described to the Iranian Lesbian and Transgender Network the day in Year 9, when his school principal beat him and asked him to quit the school:

*The school authorities had called the police to the school on three separate occasions because I would refuse to wear the school uniforms that girls must wear in Iran. In grade ten, I had to change three high schools, because my classmates would tell their parents about how I looked and the parents would immediately assume that I was a boy in disguise who meant to get close to their girls...The last time I went to school, my friends told me that the day before, the school had called the police on me again. As I was being told about this news in the school hallway, the principle suddenly appeared and took me to her office.*

*There was a den inside her office where the student files were kept. She pushed me inside there and began beating me while removing my clothes forcibly to find out how my body looked like. She said she wanted to know if I had a male or female body even though all my school records from grade one indicated that I was a girl. I was resisting this, crying and holding on tightly to my clothing so she could not remove them... She slapped me in the face and finally managed to open the buttons of my dress. I could only cry in response. When she saw that I had strapped my breasts, she let go of me.*

*I was traumatized, and cannot recall what she exactly told me at that point time. I only remember her saying that I had to leave the school. Even though she saw my female body, I think she still suspected that I was an intersex. She asked for a doctor's note testifying that I was a girl. I did not go back to that school after this incident.<sup>13</sup>*

Sayeh, a 25 year-old lesbian woman, shared an experience of mental violence in her school:

*Our high school vice principle used to give me a really hard time. She would look at me in a peculiar way, and never held any respect for me. She even would talk all my friends out of befriending me. For example, she told them to not be friends with me or asked them what we did together. Once she deducted marks from a friend of mine who had persisted with our friendship in spite of the vice president's advice to end our friendship. She would also call my friends' mothers, and ask them to prohibit their daughters from befriending me.*

*Once I was spending time with one of my friends in the school's prayer hall... I remember being scared when she came up to us, because she always harassed me. She asked: "what are you two doing in here?" I said, "Nothing, we're just conversing." She asked,*

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<sup>13</sup> Interview with Farzam, September 2013.

*“only conversing?” and I responded, “yes.” This is precisely what happened then: she started roaming the room and sniffing the air. The room was crowded with chairs and was very difficult to walk in. She then asked my friend to leave the room. I wanted to leave too, but she asked me to stay and said: “don’t you dare think that I don’t know about what the f\* you’re up to here! I am just waiting to catch you! And then I’ll screw you over!”*

*I was only sixteen or seventeen years old at the time. I told her that I had no idea what she was talking about. She then said, “We will see” and called me filthy names. Those were very difficult moments for me; she precisely wanted to know if we are physically intimate.<sup>14</sup>*

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<sup>14</sup> Interview with Sayeh September 2013.

#### Annex 4 – Testimonies on Community Violence

Faraz, a female-to-male transgender, told the Iranian Lesbian and Transgender Network the following about his experiences of harassment and violence when he was under 18 years of age:

*I got harassed in the street all the time. At the time, I wore men's clothing when I went out and had started taking hormones. My voice had not yet changed though and so I was ridiculed and insulted because of its high-pitched tone. This made me not want to talk. Whenever I opened my mouth to say something, strangers and friends laughed at me and said that my voice is like that of girls.*

Ali who identifies as gay said he was raped when he was 15 years old:

*I have been raped on two occasions: The first incident was in 2004. My friend from high school Mohammad asked me to go with him to his house and help him fix his computer's speakers. At his house, I turned on his computer and realized that the speakers worked fine. As I came to tell him this, I saw a muscular boy entering the room. This boy held me up by my collar and said, "Move! Lie down on the floor". I asked what this was all about. As someone who had never experienced rape before, the idea of rape never even crossed my mind. I was shaking like a leaf, begging him to let me go but he wouldn't budge. He slapped me in face a couple of times and forcefully removed my clothes... They then both raped me and called me swear words.*

*After some time, they allowed me to wear my clothes and leave the place. Despite feeling devastated, I did not know where to go or who to ask for help. I was afraid to go to the police. I feared that they may say I had asked to be raped myself and that instead of charging the offenders, they would accuse me of a crime. I had heard of such cases happening before.*

*When I arrived home that day, I cried for hours in my room and stayed home for a few days. I became severely depressed and began feeling weak and nauseous... I felt like I had no rights, absolutely no rights, and that I was treated like an animal.*



## Annex 5 – Testimonies on Reparative Therapies

Mehrad, a seventeen-year-old female-to-male transsexual, said he was given psychoactive medications when he was fifteen years old in order to eliminate “his homosexual tendencies”:

*My stepmother recommended that we pay a visit to a psychiatrist. In the city of Shahroud there was a young psychiatrist renowned for his work. I visited him and talked to him about my characteristics and behaviors. He said: “You are not transsexual. Rather, you have homosexual tendencies.” I expressed my doubts but he insisted on his opinion and right there he prescribed a combination of drugs that he said would fix me.<sup>15</sup>*

Kia is another female-to-male transsexual who was prescribed large doses of psychoactive medication because of his homosexual desires. He shared with the Iranian Lesbian and Transgender Network the repercussions of such unjustified medication:

*I was a happy, healthy 17 year old who did sports and did not suffer from any severe depression. I just had a [Gender Identity] disorder. The pills that I was given are normally prescribed to people with severe mental conditions who must be hospitalized. I was given such pills just because I had expressed a sense of dissatisfaction with my gender situation.*

*The pills turned out to be a heavy substance for a teenage body that had never consumed any narcotics or alcohol. They numbed my entire body... to the point that I had become incontinent. I burst into tears when I found myself to be wet in the morning. I felt like I had been raped. The notion of rape should not be understood only in relation to sexual relations; I really felt as if this doctor had raped and violated me. This experience made me lose trust in all doctors.<sup>16</sup>*

Polina is a 23 year-old lesbian woman who was given medication and electroshocks when she was 14 years old. Her parents took her to a psychiatrist in Tehran for her anger, anxiety, depression and suicidal thoughts, which they believed were caused by her sexual orientation.

In her interview with the Iranian Lesbian and Transgender Network, Polina said that her distress was linked, in her view, to isolation, stigma, shame, and her deteriorated relationships with her mother, who apparently controlled her movements, prevented her from developing friendships with other girls, and subjected her to hostile remarks. Her psychiatric at the time did not, however, address any of these environmental factors, and made the treatment entirely focused on changing Polina’s sexual orientation:

*My doctor did not usually talk to me in our sessions with each other. He would often only listen and take notes of what I said and then hand me a prescription. When he said anything, his main talking point was*

<sup>15</sup> Interview with Mehrad, August 2012.

<sup>16</sup> Interview with Kia, October 2013.

*that “ok you want to be friends with a girl, go ahead and do that but it is not necessary that you tell this to your mom. He asked me why I continue with this behavior and why I insist on talking to my girlfriend on the phone when my mom is at home. But I did this because I wanted the tension to be resolved and that my parents accept who I am.*

*In that period, I cried day and night. I did not study and could not do much. I had grown so tired of the tensions and conflicts at home that I accepted to take all the drugs that my doctor had prescribed me. The drugs caused weight gain and made my whole body to swell. I slept all night and most of the day and did not understand life anymore.*

Polina said that after she shared her negative emotions of self-hatred and suicidality with her psychiatrist, he expressed disappointment that she still has feelings for women and proceeded to recommend hospitalization as well as 12 sessions of electrohock therapy:

*My doctor said that it looks like that I do not want to stop these kinds of [homosexual] actions and become ‘corrected’. He said he had thought my feelings for women will end after one time of being with a girl but they have clearly not. After saying this, he asked me to leave the room and called in my parents. After sometime, he called me back to his office and said “Polina, I have prescribed you ECT”. This was exactly his sentence. I did not know what ECT was. He said that his opinion is that I should be hospitalized for 20 days and remain under his care because I am at risk of committing suicide. In order for this to happen, he said he needs my father’s consent. Convinced that I am schizophrenic, my father gave his permission for ECTs but disagreed with my hospitalization as he had the experience of his brother getting worse after hospitalization.*

Polina subsequently received six courses of electroshock therapy, which she said resulted in extreme confusion and memory loss for about six months. She added that in the years following the treatment, her speech became slurred and her eyebrows kept shaking abnormally during argument situations.

## Annex 6 – Testimonies on Discrimination in Access to Education

Farzam, a female-to-male transgender, was denied permission to enroll in high school because he did not have identification documents reflecting his gender identity:

*I went to the ministry of education and begged them to register me at a school. I was a good student, and after three months of begging and crying, I finally managed to see the minister of education – as there was no one higher up than him. I was subsequently referred to a school in Tehran.*

*There, they told me that because I wore men's clothes, they could not allow me to sit in a classroom with girls. I proposed that I study at home, and come back at a specified date to write my test at the school's office. They accepted my suggestion and proceeded to register me. The two women in the registration team asked me some very rude questions. This was enraging this but I had to answer their questions because my enrollment at the school depended on it. They asked me, for example, "what I have got down there and what does it look like?"*

*I studied for five or six months. On the scheduled date, I arrived at the school early, eager and ready to take my examination. I was walking around by myself around the schoolyard when the janitor asked me to visit the principle's office. When I entered the office, the principle put my file on her table and informed me that I could not write the test anymore. I burst into tears and lost my speech. She did not explain the reason for her decision but I already figured from the way she had laid my file on the table that it was pointless to try to change her mind. I took my file and wandered aimlessly through the streets while crying. All those efforts, all those back and forth trips to the ministry had come to nothing.*

## Annex 7 - Testimonies on Discrimination in Access to Recreational Activities

Akan, a 21 year-old female-to-male transgender, said his school officials routinely separated him from his peers and excluded him from school activities because of his transgender identity:

*I was subjected to a lot of abuse in the school. The school authorities prevented me from participating in school activities with other students. They said I am a sexual pervert and have a corrupting effect on my classmates. I was not allowed to form friendships with others.*

*I was a soccer player and I used to play in the premier league, but I was not allowed to take part in the school competitions. I was told that it was because I would corrupt the other students. I felt like I am a prisoner. The school authorities always kept an eye on all my actions and friendship.*

Sayeh, a lesbian woman, shared a similar experience of exclusion:

*“Our high school vice principle used to give me a really hard time. She would look at me in a peculiar way, and never held any respect for me. She even would talk all my friends out of befriending me. For example, she told them to not be friends with me or asked them what we did together. Once she deducted marks from a friend of mine who had persisted with our friendship in spite of the vice president’s advice to end our friendship. She would also call my friends’ mothers, and ask them to prohibit their daughters from playing or spending time with me.*

## **Annex 8:**

### **Justice For Iran (JFI)**



**Veiled and Wed:  
Enforced Hijab Laws, Early  
Marriages, and Girl Children in the  
Islamic Republic of Iran**

**Submission to the UN Committee on the Rights of the Child**

**71st Pre Sessional Working Group**

## **Veiled and Wed:**

# **Enforced Hijab Laws, Early Marriages, and Girl Children in the Islamic Republic of Iran**

**Submission to the UN Committee on the Rights of the Child**

**71st Pre Sessional Working Group**

## **Justice for Iran**

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Justice for Iran Publications

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### **About Justice for Iran (JFI)**

Established in July 2010, Justice for Iran (JFI) is a non-governmental, not-for-profit human rights organization. It aims to give a voice to the voiceless.

The mission of JFI is to address and eradicate the practice of impunity that empowers officials of the Islamic Republic of Iran to perpetrate widespread human right violations against their citizens, and to hold them accountable for their actions.

JFI unravels the truth and seeks justice for ethnic and religious minorities, LGBTs, women, and those who are persecuted because of their political beliefs. To achieve its mission, JFI researches, documents, validates, and litigates individual cases. It further raises public awareness and participates in human rights advocacy both at national and international level.

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## I. Executive Summary and Key Recommendations

1. Justice for Iran presents the following submission to the UN Committee on the Rights of the Child (the “Committee”) on the occasion of its 71st Pre-Sessional Working Group. This submission considers the status of the child in the Islamic Republic of Iran (“Iran” or the “Islamic Republic”) with respect to its obligations under international human rights law and provides a complementary view to the State’s laws, policies and practices that do not match the principles of protection as recommended by the UN Committee on the Rights of the Child and as laid out in the United Nations Convention on the Rights of the Child (the “Convention”).

2. Iran became a State party to the United Nations Convention on the Rights of the Child upon ratification on 13 July 1994. Furthermore, Iran is a State party to the Optional Protocol on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (ratification 26 September 2007), it is a signatory State to the Optional Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (signatory as of 21 September 2010), but it is not a party to the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

3. This submission addresses two general areas in which the Islamic Republic domestic codes and laws violate its ratification of the Convention including child marriage and compulsory Islamic veil (*hijab*).

4. The first is the harmful practice of early and forced marriages. On the issue of marriage, the Islamic Republic of Iran maintains that a child is defined in terms of Sharia laws. Accordingly, a boy child is defined to be below the age of 15 lunar years, or 14 years and 7 months, and a girl child is defined to be below the age of 9 lunar years, or 8 years and 9 months. This contradicts the definition of a child as set out in the Convention and violates its implementation at the national and local levels. According to the Islamic Republic civil code, the legal age of marriage in Iran is set at age 13 for girls and age 15 for boys. However, the same Act allows girls below the age of 13 and boys below the age of 15 to be wed, conditioned on the consent of their father and the permission of a judge.

5. Early and forced marriages affect thousands of Iranian girls. Official statistics released by the Islamic Republic between 2006 and 2013 involving girls below age 10, between the ages of 10-14 and between the ages of 15-19 in Iran indicate a staggering increase in marriages for all three age groups.

6. With regard to early and forced marriage, one alarming development is the amendment of the Bill on Protection of Children and Adolescents with No Guardian or Abusive Guardian that legalises marriage between an adoptive parent and the adopted child, pursuant to the permission of a judge. This means Iran effectively has removed a minimum age for marriage, exposing children to paedophilic and abusive relationships.

7. The second is the compulsory laws of hijab. Days after the establishment of the Islamic Republic, a new policy mandating Iranian women and girls to observe Islamic hijab was set in place. This policy continues to the present day, and has been applied to girls as young as 7, while Sharia laws explicitly set the legal age for hijab and other provisions at 9 lunar years. In this regard, Iran’s unjustifiable abuse of girl children violates the state’s international commitments.

8. In the case of enforced hijab rules, girls are obligated to observe the rules and can potentially be exposed to gender discrimination, physical and state-sanctioned psychological abuse and torture.

9. The pivotal factor in both cases remains a range of national codes and laws that violate the rights of girl children on a systematic and widespread basis. Furthermore, a close look at these codes points to a significant discrepancy between Iran's domestic laws and its international commitments.

10. In light of these and other findings and concerns, JFI urges the Committee to make the following recommendations to the Islamic Republic of Iran:

- Remove reservations conditioning the articles of the CRC that it may deem as contrary to Islamic Sharia or Islamic laws.
- Collect and make available to the Committee on the Rights of the Child disaggregated data on the number of girls in early and forced marriages, indicating (a) the age, ethnicity and geographic location of each married girl; (b) the social, economic, cultural and other circumstances that led to the marriage; (c) which court approved the marriage, and (d) whether the marriage has resulted in separation or divorce.
- Increase the minimum age of marriage to 18 for both men and women.
- Ensure that survivors of forced and early marriages are provided with effective remedies, including compensation and psycho-social and medical rehabilitation.
- Repeal all provisions of the Civil Code which discriminate against women in matters relating to marriage, divorce, child custody and freedom of movement, ensuring that women have equal rights, in law and practice, during the marriage and at its dissolution.
- Guarantee that children born to Iranian women are accorded Iranian nationality, irrespective of their father's nationality.
- Enact legislation to criminalise domestic violence, including marital rape, with appropriate and proportionate penalties.
- Repeal article 27 of the Law for the Protection of Children and Adolescents Who Either have no or Abusive Guardians which allows marriage between adoptive parents and their adopted child.
- Withdraw the Bill on Comprehensive Population and Family Excellence Plan which discriminate against women and girls and deny them control over their sexual and reproductive life, including the number and spacing of their children as well as over their career and other life aspirations.
- Ensure girls, including married girls, have access to primary and secondary education and that marital status is not used as a justification for denial of enrolment or expulsion.
- Repeal all laws and regulations that impose mandatory *hijab* on women and girls.
- Ensure that women and girls are not criminalized or otherwise penalized for appearing in public spaces without *hijab* or with clothing deemed inappropriate and "un-Islamic".
- Guarantee that children are not subjected to torture and other ill-treatment because of not having hijab or wearing improper clothing (*bad hijabi*).
- Identify, prosecute and punish all state and non-state actors that harass and assault children on account of their clothing and *hijab*.
- Provide reparation and compensation for girls who have been subjected to arbitrary arrest and detention, torture and other ill-treatment on the basis of mandatory *hijab* laws.
- End the requirement to observe *hijab* as a pre-condition for girls to enjoy their right to education and participate fully in cultural, artistic, recreational and leisure activities.

## II. Early and Forced Marriage

### 1. General measures of implementation (Articles 4, 42, 44(6))

#### Concluding Observations, 2005

**Legislation:** *The Committee recommends that the State party take, as a matter of the highest priority, all possible measures to secure the final official approval of this new law and to ensure its full implementation. It further recommends that the State party continue to strengthen its legislative efforts by undertaking a comprehensive review of its domestic legislation so as to ensure its full conformity with the principles and provisions of the Convention.*

**Data collection:** *Establish a system whereby disaggregated data are collected on all persons under 18 years of age for all areas covered by the Convention (e.g. victims of abuse, children living in remote areas, children with disabilities, children of poor households, adolescent health), and use such data to assess progress and design policies and programmes to implement the Convention*

**Independent monitoring:** *The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, establish a statutory, independent institution, adequately staffed and resourced, with the mandate to determine priorities and regularly to monitor and evaluate progress in the implementation of the Convention.*

11. On 13 July 1994 the Islamic Republic ratified the Convention on the Rights of the Child. However, it did so by adding that “it reserves the right not to apply any provisions of articles of the CRC that are incompatible with Islamic Laws and the international legislation in effect.” This general and vague reservation has provided Iran with ample opportunities to violate the articles of the CRC since its ratification.

12. Iran's vague approach poses a challenge to the State's obligation to implement the Convention. It allows Iran to disregard any of the Convention's provisions, and merit domestic laws over international commitments in contradiction of customary international law, in accordance with Article 19(c) and Article 27 of the Vienna Convention on the Law of Treaties.

13. The Constitution of the Islamic Republic conditions all laws and commitments of the Republic to “Islamic criteria”, including the rights of the child as a legal subject, as reflected in Article 5 of the Convention and Article 16 of the ICCPR. This negatively impacts recognising the independent legal status of the child with regard to the age of majority and marriage.<sup>1</sup>

14. Article 4 of the Constitution is immutable, and the Guardian Council, composed of 6 faqih (Islamic law experts) and 6 lawyers appointed by the Supreme Leader, ensures all articles of the Constitution as well other laws are based on Islamic criteria, leaving no room for non-conditional implementation of Iran's international commitments.

15. This article informs and influences the Islamic Republic judiciary and other legal bodies in charge of early marriages. For instance, in 2002 and later in 2013, the Guardian Council, charged with preserving the compatibility of civil laws and Sharia laws, prevented increasing the age of

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<sup>1</sup> Sharia law is an essential source of legislation and according to Article 4 of the Islamic Republic constitution, “All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the fughaha' of the Guardian Council are judges in this matter. Please see: <http://fis-iran.org/en/resources/legaldoc/constitutionislamic>

marriage to 15 and legalised marriage between adoptive parents and adopted children.<sup>2</sup>

16. Furthermore, there is a failure to record all early marriages, as the number of unregistered marriages is far higher than those registered. Marginal and more traditional communities, where the practice of early marriages is more prevalent, often do not officially register marriages.<sup>3</sup> This means the official statistics may not reflect the actual number of early marriages. Consequently, the statistics and figures of early marriages in this submission, obtained through official sources including national statistics published by the government of Iran, do not include unregistered marriages.

17. Although Iran has established a national body to monitor the protection and promotion of the Convention, a gesture welcomed by several Global South countries during the October 2014 UPR session on Iran, the “independent” nature of this body remains ambiguous at best. The National Centre for the Convention on the Rights of the Child<sup>4</sup> is headed by the Minister of Justice, who in turn appoints the majority of members and officers. Out of 23 members, this body includes only 3 “independent” NGO representatives. Thus, the majority of marginal communities lack any enforced governmental mechanism for monitoring and controlling the practice of early marriage.

18. It is noteworthy that Iranian officials have denied that forced marriages take place. For instance, during his remarks at the United Nations session on Universal Periodic Review of Iran’s human rights record in October 2014, the head of Iran’s High Council for Human Rights denied the fact that official statistics published by his own government point to a steady increase in the number of early marriages. During the session, nine African, Asian and European states offered recommendations to stop early and forced marriage of girls and to increase the minimum age of marriage to 18. Instead of responding to the concerns on early marriages in Iran, the head of Iran’s delegation twisted the issue to focus on the *average* age for marriage among girls, which is higher than average in the region.

## Recommendations

1. Remove reservations conditioning the articles of the Convention.
2. Ensure adequate data and all cases of early marriages, particularly unregistered marriages, are recorded.
3. Revise the provisions of the National Centre for the Convention on the Rights of the Child to ensure it and its members are independent.
4. Acknowledge the issue of early and forced marriage as an increasing problem and the State’s responsibility to end it.

## 2. Definition of the child (Article 1)

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<sup>2</sup> See page 2 of the JFI submission to the United Nations Working Group on 1 Discrimination against Women in Law and in Practice available on-line at: <http://justiceforiran.org/wp-content/uploads/2014/01/JFI-Submission-WGD-20-01-2014-.pdf>

<sup>3</sup> Please see JFI submission to the United Nations Working Group on Discrimination Against Women in Law and Practice available on-line at: <http://justice4iran.org/english/wp-content/uploads/2014/08/WG-Submission-Reproductive-Rightshealth.pdf>

<sup>4</sup> Marja Melli Convention Hoghoogh-e Koodak, please see its constitution at: <http://rc.majlis.ir/fa/law/show/808437>

Concluding Observations 2005

*The Committee has expressed deep concern over the age of majority, which is set at pre-defined ages of puberty for boys at 15 and for girls at 9, whereby boys from 15 to 18 years and girls from 9 to 18 are outside the protection of the Convention and its principles.*

*The Committee has also shown serious concern of the very low minimum ages (13 for girls and 15 for boys) and the related practice of forced, early and temporary marriages inconsistent with the best interest of the child. The Committee urged Iran in its previous concluding observations to take the necessary steps to prevent and combat forced, early and temporary marriages. In addition the Committee declared its concern of girls in institutions being married upon marriageable age (13) and also expressed its concern of the sale of young girls under 18 from rural areas facilitated by temporary marriages.*

19. While according to the Convention the age of majority is at 18 years of age, Iran justifies this violation by its reservation subjecting its commitment to the Convention to its interpretation of Sharia laws.

20. According to a fatwa by the founding father of the Islamic Republic, Ayatollah Khomeini, whose ideology continues to influence the Republic's current policies, sexual intercourse with wives below the age of 9 lunar years is not allowed. However, "other forms of sexual pleasure" including "rubbing penis between the buttocks and thighs... of even... a nursing baby"<sup>5</sup> is permitted. In that light, all laws in the executive, legislative and judicial branches of government are based on pronouncements or fatwas by the Supreme Leader.

21. The harmful practice of early marriage is still authorized in Iran in Article 1041 of Iran's Civil Code by which the legal age of marriage is 13 years for girls and 15 years for boys, violating the requirement of a spouse to grant free and full consent to marriage. It is contested whether a child below the age of 18 in fact has full maturity and capacity to provide free and full consent to marriage.

22. The same law allows girls below 13 and boys below 15 to be married on consent of their guardian and the permission of a judge, i.e. there is no legally enforced minimum age for marriage of children in Iran. Children can be legally married at any age, even in infancy, when a judge finds that it is beneficial to the welfare of the child.

23. Reports indicate that the Iranian parliament's legal affairs committee is pushing to lower the legal age of marriage for girls back to 9 years of age.<sup>6</sup>

24. The practice of early and forced marriage is upheld, despite Article 1 of Iran's Child Protection Law, which states: "All individuals below the age of 18 shall enjoy the provisions of this law." Many articles in this Law clarify the protection of the aforementioned age group from any "exploitation" leading to "physical, mental or moral damage to the child endangering their physical or mental health," including marriage. However, since the legal age of marriage in Iran, according to Article 1041 of Iran's Civil Code is 13 for girls and 15 for boys, the practice of early marriage does not constitute "exploitation" of the child.

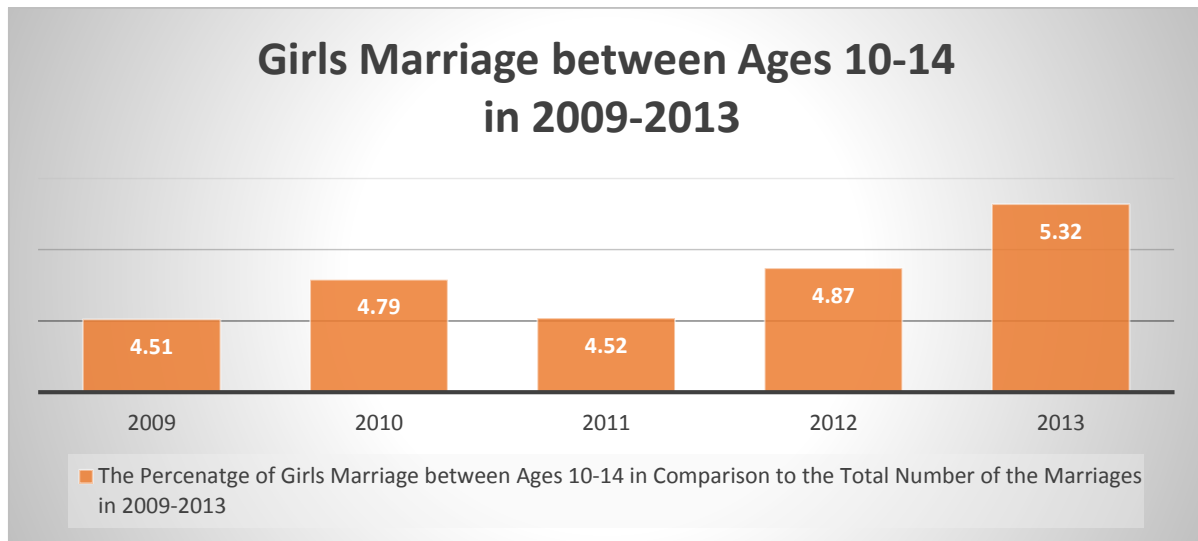
25. Official statistics by Iranian National Registry indicate that the number of marriages involving

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<sup>5</sup> See Tahrirul-Vasileh, Vol. 2, p. 241, Rouhollah Khomeini.

<sup>6</sup> Please see: <http://www.telegraph.co.uk/news/worldnews/middleeast/iran/9500484/Alarm-as-hundreds-of-children-under-age-of-10-married-in-Iran.html>

girls below the age of 15 between 1385 to 1392 (2006-2007)<sup>7</sup> and 2013-2014 were on the rise. In 1392 (2013-2014), 5.35%, or about 41,500 marriages involving girls below the age of 15, and 30.33 %, or 235,000 marriages involving girls between 15 and 19 were registered throughout Iran.



26. In 1392 (2013-2014), early marriages for girls between the ages 10-14 reached its highest figure in the last five years. More than 41,000 girls married between the ages 10-14, which makes 5.32% of the marriage rate in the country in that year. The rate for marriage under the age of 10 and has also increased in comparison to 1391(2012-2013) and 201 girls were forced to get married under the age of 10. Additionally, 235,000 marriages involving girls between the ages 15-19 have been registered and according to the data announced by official sources, in total, nearly 280,000 of new brides in 1392 (2013-2014) were under the age of 19.

27. The total numbers of marriages registered in Iran in 1392 (2013-2014) were 774,513 and 35.68% involved girls below the age of 19. During the same year, 221 girls below the age of 15 married men above the age of 35, and 474 girls between the ages 15 and 19 married men older than 40.

28. In 1392 (2013-2014), at least 313 boys below the age of 15 and 36,155 boys between the ages of 15 and 19 were married.<sup>8</sup>

## Recommendations

1. Increase the minimum age of marriage to 18 for both men and women.
2. Urgently revise the Civil Code and other relevant legislation to prohibit marriage of girls below the age of 18 under all conditions, even when consent is provided.
3. Provide for sanctions against perpetrators of early and forced marriage, including guardians and judges who arrange or facilitate such marriages, and ensure the investigation of cases as well as the prosecution and punishment of perpetrators.
4. Ensure that survivors of forced and early marriages are provided with effective remedies, including compensation and psycho-social and medical rehabilitation.

<sup>7</sup> The Iranian calendar begins on 21 March and ends on 20 March each year.

<sup>8</sup> Please see: <http://justice4iran.org/persian/reports/girls-marriage-statistics/>.

5. Collect and make available to the Committee on the Rights of the Child disaggregated data on the number of girls in early and forced marriages, indicating (a) the age, ethnicity and geographic location of each married girl; (b) the social, economic, cultural and other circumstances that led to the marriage; (c) which court approved the marriage, and (d) whether the marriage has resulted in separation or divorce.
6. Ratify the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage without any reservation..
7. Ratify the Convention on the Elimination of Discrimination Against Women (CEDAW) without reservation.

### 3. General principles (Article 2)

#### *Concluding recommendations 2005*

*The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.*

29. National statistic shows thousands of Iranian children are living their lives as married girls.
30. A significant number of articles in Iran's family laws, as well as labour, criminal procedure, penal and civil codes violate the non-discrimination principle. Gender discrimination in family laws drastically affects the lives of married girls.
31. At the core of the Iranian legal regime governing the rights and responsibilities of women during marriage is Article 1105 of Iran's Civil Code, according to which "the position of the head of the family belongs exclusively to the husband." From this discriminatory arrangement has followed a range of restrictive and exclusionary laws that impair or nullify the recognition, enjoyment and exercise by women of their human rights and fundamental freedoms.
32. Article 1108 of Iran's Civil Code obliges women to fulfil the sexual needs of their husbands at all times.<sup>9</sup> This is known as the requirement of *tamkin* (submission), which is defined as the duty of a married woman to respect and fulfil the right of her husband to unhampered sexual access. In return, the husband is obliged to provide his wife with maintenance.
33. Iranian law also allows men to nullify the right of their wives to leave the country. According to article 18 of the Passport Law, women need the written agreement of their husbands in order to be issued a passport. Men are entitled, under article 19 of the same law, to impose a travel ban on their wives and have their passports confiscated.<sup>10</sup>
34. Article 1117 of Iran's Civil Code allows a husband to prevent his wife from working in a profession or trade deemed "incompatible with the interests of the family or with his or his wife's dignity".<sup>11</sup> The courts may also consider a girl-wife pursuing her education as incompatible with the interests of the family or with her or her husband's dignity.
35. Article 976 of Iran's Civil Code denies women the right to pass on their nationality to children.<sup>12</sup>

<sup>9</sup> <http://rc.majlis.ir/fa/law/show/92778>.

<sup>10</sup> <http://rc.majlis.ir/fa/law/show/96904>.

<sup>11</sup> Ibid.

<sup>12</sup> <http://rc.majlis.ir/fa/law/show/92778>.



Citizenship is considered to be a “blood right” that can only be transmitted through the father. As a result, Iranian men who marry women of foreign nationality can pass on citizenship to their children but Iranian women who marry men of foreign nationality cannot.

36. Until 2006, children of Iranian women who had foreign husbands were not issued national identification papers and were deprived of access to education and primary health care. Since then, a new law has entered into force that allows children of Iranian mothers to apply for Iranian citizenship once they pass the age of 18 but only if their parents’ marriage is officially approved.<sup>13</sup> As noted earlier, Iranian authorities implement harsh regulations that make it extremely difficult for Iranian women and Afghan men to register their marriages, leading many of these couples to enter into religious or traditional marriages. As of 2010, the Iranian government estimated that 32,000 such unofficial marriages had taken place between Iranian women and Afghan men. Children born out of these marriages continue to remain in legal limbo and experience daily realities characterized by discrimination, violence and absolute lack of entitlement, including to education and primary health care.<sup>14</sup>

37. Iran’s Civil Code violates the right of women to equal shares of inheritance in several serious ways. According to article 913 of the Civil Code, a surviving wife may inherit only one-quarter of his husband’s estate if the deceased left behind no children and one-eighth of his estate if the deceased left behind children. In the former case, the remainder of the estate goes to the government (article 949) while in the latter case, it is divided between the deceased’ children in accordance with article 907 of the Civil Code, which requires the inheritance of each brother to be twice as much as each of his sisters. By contrast, a surviving husband inherits one quarter of his deceased wife’s estate when there are children and the entirety of it when there are no children.

38. Iranian law discriminates between men and women by allowing men the exclusive right to be married to two permanent wives and as many as temporary wives. In an effort to restrict polygamy, articles 16 and 17 of the Family Protection Law of 1975 restricted the right of men to marry a second wife on a permanent basis to the following conditions: provision of consent by the first wife; inability of the first wife to perform her marital duties; failure of the first wife to be obedient to her husband; affection of the first wife with insanity or a serious incurable disease; conviction of the first wife; addiction of the first wife to harmful substances; abandonment of family life by the first wife; infertility of the first wife; and disappearance of the first wife.<sup>15</sup> A punishment term of six months to one year of imprisonment has been defined for men who fail to register their permanent marriages in accordance with national legislation.<sup>16</sup> Men do not, however, have to fulfill any substantive or procedural conditions in order to enter into temporary marriages. According to article 21 of the Family Protection Law of 2013, the registration of these marriages becomes mandatory only if the temporary wife becomes pregnant, or the parties make a mutual agreement and/or set registration as a condition precedent.<sup>17</sup>

39. Only those wives who are above the age of 18 are able to file a case which involves a financial matter before any court in Iran. Therefore, according to the laws, married girls below the age of 18 do not have the right to make file a complaint on family matters such as divorce, child custody, maintenance, and other matters, which may involves financial matters, reflect the violation of their rights within their marriage and family unit. Even then, Article 1130 of the Civil Code demands the wife proves she is enduring intolerable hardship, while Article 1133 simply allows the husband

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<sup>13</sup> <http://rc.majlis.ir/fa/law/show/97918>.

<sup>14</sup> <http://rc.majlis.ir/fa/law/show/92778>.

<sup>15</sup> <http://rc.majlis.ir/fa/law/show/97187>.

<sup>16</sup> <http://rc.majlis.ir/fa/law/show/92683>.

<sup>17</sup> <http://rc.majlis.ir/fa/law/show/840814>



to divorce his wife as he wishes by observing minimum standards such as alimony.<sup>18</sup>

40. The Iranian government is not just failing to undertake special legal reforms and practices to promote non-discrimination and gender equality but is, indeed, doing everything within its power to perpetuate, endorse and entrench traditional practices involving discrimination, coercion and violence against women.

### Recommendations

1. Repeal all provisions of the Civil Code which discriminate against women in matters relating to marriage, divorce, child custody and freedom of movement, ensuring that women have equal rights, in law and practice, during the marriage and at its dissolution.
2. Remove the power of men to prevent married girls from obtaining education and work, including by revoking article 1117 of the Civil Code which allow men to prohibit their wives from working in certain trades or professions.
3. Guarantee that children born to Iranian women are accorded Iranian nationality, irrespective of their father's nationality.
4. Abolish the requirement of *tamkin* as a first step to ensuring respect for married girls' right to physical and mental integrity.

### 4. Violence against Children (Articles 19, 39, 37(a) and 28(2))

41. According to the United Nations Special Rapporteur on Contemporary forms of Slavery, Gulnara Shahinian, “[w]omen and girls who are forced to marry find themselves in servile marriages for the rest of their lives” and “are deprived of their genuine right to make their own choice for their future.”<sup>19</sup> Furthermore, in a joint statement by UN officials marking the International Day of the Girl Child, early marriages involving this vulnerable population was identified as a means of slavery. They stated: “Girls who are forced to marry face a life of violence in the home where they are physically and sexually abused, suffer from inhuman and degrading treatment and ultimately slavery.”<sup>20</sup>

42. Discrimination in law and practice as well as the lack of governmental protection has made a circumstance in which the married girls in Iran are the potential subjects of domestic violence.

43. Article 1108 states the wife has a “duty” of sexual submission and obedience (concept of *tamkin*) towards her husband. The failure of a married woman to comply with the wishes and commands of her husband by refusing, for example, to engage in sexual activity with him, constitutes *noshuz* (disobedience) and can disqualify her for maintenance rights. It can also constitute a legal ground for polygamy as well as assault and battery. This means if the wife resists sexual activities with her husband, he has the right to refuse to pay maintenance of food, clothing and housing, violating the right to an adequate standard of living, as well as putting child brides at risk of sexual torture, including marital rape.

44. This legal framework facilitates and sanctions the commission of sexual violence and marital rape against women, which has been recognized to fit the framework of torture and other cruel, inhuman and degrading treatment and punishment. Iranian government authorities must be held responsible for consenting to and condoning such discriminatory practices of sexual coercion,

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<sup>18</sup> Ibid.

<sup>19</sup> Please see: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12855&LangID=E>.

<sup>20</sup> Please see the statement at: <http://www.un.org/en/events/girlchild/2012/hrexperts.shtml>.

intimidation and punishment that are bound to cause feelings of pain, fear, anguish and inferiority in women and violate their right to respect for their human dignity and physical and mental integrity.

45. Articles 1005 and 1114 of Iran's Civil Code provide men with the exclusive right to determine the place of their wives' residence. A wife will be considered *nashbezeh* [disobedient] and unworthy of spousal maintenance rights if she leaves her husband's home against his will, even if it is for escaping a situation of domestic violence. This rule applies unless the wife can prove to the court that she faces a significant risk of bodily harm, threatening her life and personal safety.<sup>21</sup>

46. Iranian women do not enjoy equal right to divorce. A man is entitled to divorce his wife whenever he wishes, provided that he fulfils certain conditions such as paying his wife's alimony (Article 1133 of the Civil Code).<sup>22</sup> A woman must, however, prove that she is enduring an intolerable level of difficulty and hardship in the marriage in order to be able to obtain a divorce (Article 1130 of the Civil Code).<sup>23</sup> Examples of such hardship include "the husband having a drug or alcohol addiction which damages the marital life, and which he refuses to quit in a period prescribed by a doctor ... the husband being sentenced to five or more years of imprisonment ... the husband mistreating the wife in a manner that is intolerable in her condition ... [and] the husband being afflicted with some incurable mental illness or contagious disease that disrupts the marital life."<sup>24</sup> In practice, women are frequently unable to obtain a divorce even when they meet the threshold of hardship described above because judges expect women to reconcile with their husbands and accept a certain level of physical and mental violence as a fact of family life.<sup>25</sup>

47. In the absence of shelters for the victims of domestic violence, the majority of girl-wives lack access to services that help protect them. This void means many are forced to remain in their marriages, even at the expense of violence and abuse, which may lead to suicide or homicide.

48. Zahra, an 11 year-old girl, who wanted to become a journalist and defend "less fortunate girls" did not attain any of her wishes. Her father wanted her to marry a 35 year old. She was alone and helpless. When she resisted, she was beaten up. When she could no longer take it, she ended her life by taking brass beads in 2008.<sup>26</sup>

49. Farzaneh Moradi was forced to marry her father's relative at the age of 15, and gave birth to her first child at the age of 16. At 19, she fell in love with a man named Saeed.<sup>27</sup> A year later, she was arrested and charged with the murder of her husband. She initially pleaded guilty to the charges but later changed her plea stating she had accepted the charges believing the late husband's parents

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<sup>21</sup> <http://rc.majlis.ir/fa/law/show/92778>.

<sup>22</sup> <http://rc.majlis.ir/fa/law/show/92778>.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Mohammad H. Nayyeri, Gender Inequality and Discrimination: The Case of Iranian Women (a Legal Commentary commissioned by Iran Human Rights Documentation Centre, 2013), p. 38-41, online: [http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#.Utxoh\\_30Dq0](http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#.Utxoh_30Dq0).

<sup>26</sup> Justice for Iran: Forced Girl Marriages: The Death of One's Reality, 2013, available at: <http://justiceforiran.org/wp-content/uploads/2014/02/JFI-FB-Girl-Marriage-in-Iran-EN.pdf>, p. 10-11

<sup>27</sup> <http://justice4iran.org/publication/call-for-action/english-farzaneh-moradis-hanging-scheduled-for-this-morning-now-delayed-for-a-month-justice-for-iran-demands-a-retrial/>

would forgive her for the sake of her child and let them live. She was hanged in March 2014 and was denied her last wish to see her daughter.<sup>28</sup>

50. Razieh Ebrahimi was forced to marry at the age of 14 and gave birth to her first child a year later. In reaction to years of physical and emotional abuse at the age of 17 she murdered her husband and buried his body in secrecy. She was later arrested and faced with the sentence of execution.

51. During her statement condemning juvenile executions in Iran, with reference to the case of Razieh Ebrahimi, the former High Commissioner for Human Rights, Navi Pillay pointed out the fact that the victim was married “at the age of 14, gave birth to a child when she was 15, and says she was subjected to domestic violence.”<sup>29</sup> Her case stands as a clear example of what many Iranian girls who fall victim to this harmful practice can potentially face.

## Recommendations

1. Enact legislation to criminalise domestic violence, including marital rape, with appropriate and proportionate penalties.
2. Exercise due diligence to prevent, investigate and punish acts of violence against women, including those involving marital rape.
3. Ensure that victims of domestic violence including girls who have been forced into early marriage have access to shelters staffed by qualified personnel.

## 5. Family environment and alternative care (Article 21)

52. The Islamic Republic policies violate measures that help prohibit or eliminate all forms of harmful traditional practices. This includes the Guardian Council’s move to request that the Iranian Parliament amend the text of Article 26 of the Bill for the Protection of Children and Adolescents Who Either have No or Abusive Guardians, in order to recognize the legitimacy of marriage between an adoptive guardian and an adopted child following the approval of a judge.<sup>30</sup> An initial draft of the Bill, which had completely banned marriage with adopted children, was not approved by the Council and it is feared that MPs introduced the condition for marriage to satisfy the jurists and clergymen.

53. Suggested by the Guardian Council, Article 26 of the Bill, was finally passed in September 2013, legalising marriage between parents and adopted children if a court approves. This move resulted in backlash in Iranian media and among citizens. According to Shiva Dolatshahi, the head of Society for Protecting the Rights of the Child (IRSPRC), this can “open a way in which the role of a father or a mother can be mixed with that of a spouse.”<sup>31</sup> This move disregards Iran’s Family Protection Law.<sup>32</sup> Furthermore, it is in violation of family environment and parental guidance in a

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<sup>28</sup> <http://justice4iran.org/publication/call-for-action/a-former-child-bride-is-hanged-and-denied-her-last-wish-to-see-her-daughter/>

<sup>29</sup> See more at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=E#sthash.0lMd5Qcg.dpuf>

<sup>30</sup> <http://rooznamehrasmi.ir/Laws/ShowLaw.aspx?Code=1344>

<sup>31</sup> [http://www.theguardian.com/world/2013/sep/26/iran-lawmakers-men-wed-adopted-daughters?CMP=twt\\_gu](http://www.theguardian.com/world/2013/sep/26/iran-lawmakers-men-wed-adopted-daughters?CMP=twt_gu)

<sup>32</sup> Please see: Islamic Republic of Iran: Promoting Violence Against Children by International Coalition against Violence in Iran (ICAVI) available on-line at: [http://www.ihr.org/ihr\\_article/violence-en\\_islamic-republic-of-iran-promoting-violence-against-children/](http://www.ihr.org/ihr_article/violence-en_islamic-republic-of-iran-promoting-violence-against-children/)

manner consistent with the evolving capacities of the child outlined in Article 5, as well as Article 21 of the Convention, outlining details pertaining to adoption, national and inter-country.<sup>33</sup>

54. Officials in Iran have tried to play down the sexual part of such marriages, stating it is in the Bill to solve the issue of *hijab* (head scarf) complications when a child is adopted. An adopted daughter is expected to wear the *hijab* in front of her father, and a mother should wear it in front of her adopted son if he is old enough.

55. The approval of the revised article 26 from the Bill of the Protection of Children and Adolescents Who Either have No or Abusive Guardians, legalising marriage between parents and adopted children if beneficial for the child, violates the principle of freedom on the part of marital partners whose consensual agreement to marriage must be reached at 18 years of age.

56. Passing his new law may impair social and familial relations in Iran by leading to the normalization of incestuous practices and the promotion of sexual relationships with children (a practice conducive to violence against children and tantamount to paedophilia according to international laws) and places minors at greater risk for abuse in the name of marriage legitimised by Sharia law.

## Recommendations

1. Repeal article 26 of the Law for the Protection of Children and Adolescents Who Either have no or Abusive Guardians which allows marriage between adoptive parents and their adopted child.
2. Hold accountable the judges who are directly responsible for the approval of forced child marriage cases. Other private actors, including the guardian of the adopted children, must be held accountable as well.

## 6. Disability, basic health and welfare (Articles 6(2), 24 & 24(3))

### *Concluding observations, 2005:*

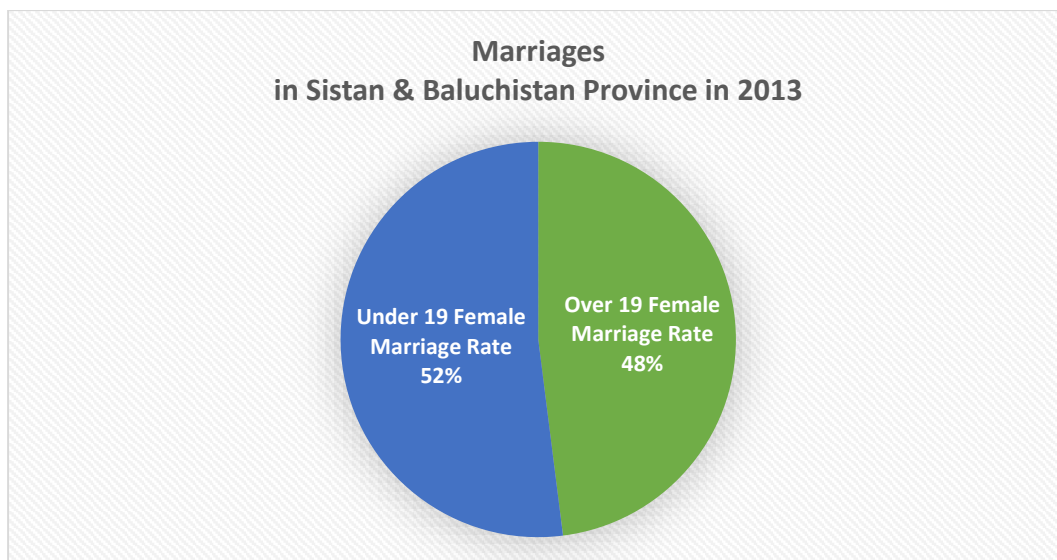
*In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party take measures to address adolescent health issues and develop a comprehensive policy to provide adolescents in both urban and rural areas with reproductive health counselling and services, including family life education, especially on the effects of early marriage and on family planning, as well as to prevent and combat HIV/AIDS and the harmful effects of drugs.*

57. The practice of early marriage results in a high number of child mothers and has a negative impact on the reproductive health of girl children. The latest official statistics published by the National Registry indicate that in 2013, at least 1,329 girls below the age of 15 and 82,944 girls between 15 and 19 have given birth. In total, 84,273 women who became mothers in 2013 are below the age of 19, accounting for 7.82% of all births.

<sup>33</sup> Amendment to Article 26 reads as follows: "Marriage between the adoptive parents and the adopted child either during the period of custody or after is forbidden unless the court, after consulting the responsible organization, finds it beneficial to the adopted child." See full text at:

<http://rc.majlis.ir/fa/law/show/866926?keyword=%25D8%25AD%25D9%2585%25D8%25A7%25DB%258C%25D8%25AA%20%25D8%25A7%25D8%25B2%20%25DA%25A9%25D9%2588%25D8%25AF%25DA%25A9%25D8%25A7%25D9%2586%20%25D9%2588%20%25D9%2586%25D9%2588%25D8%25AC%25D9%2588%25D8%25A7%25D9%2586%25D8%25A7%25D9%2586>

58. 273 (13.4%) of these births in girls under 15 happened in Sistan and Baluchistan, where most of the population belong to the Baluchi ethnic minority, and where the majority of child mothers are found. During the following year, 462 births in this same province were to mothers below the age of 15, an almost 60% increase.



59. In his latest report published in October 2014, the UN Special Rapporteur on the Situation of Human Rights in Iran, Dr. Ahmed Shaheed, stated that “[a]t least 48,580 girls between 10 and 14 years of age were married in 2011, 48,567 of whom were reported to have had at least one child before they reached 15 years of age.”<sup>34</sup>

60. Based on the latest statistics, the rate of infant mortality among mothers below the age of 15 remains the highest when compared to other age groups in Iran. Furthermore, 10% of infants born to mothers between 10 and 14 years of age die at birth or soon after.

61. Iran has published limited information on births among mothers below the age of 15. In this regard, an IRNA report refers to 4 births registered for 10 year-old mothers, 17 for 11 year-old mothers, 50 for 12 year-old mothers, 275 for 13 year-old mothers, and 1,289 among 14 year-old mothers in 1391 (2012-2013). According to this report, which is based on Iran’s official statistics, during the same year, 4,377 births among 15 year-old mothers, 10,637 births among 16 year-old-mothers, 19,881 births among 17 year-old-mothers, 31,494 births among 18 year-old-mothers and 43,925 births among 19 year-old-mothers were officially registered.

62. A range of new policies including the Bill on Comprehensive Population and Family Excellence Plan reinforces the stance of the highest authorities of the Islamic Republic regarding population policies and family planning that endorse infringements on dignity and autonomy of women and girls, as well as their right to health, education and work.

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<sup>34</sup> Please see full report available on-line at: <http://shaheedoniran.org/wp-content/uploads/2014/09/A-69-356-SR-Report-Iran.pdf>

63. The Bill on Comprehensive Population and Family Excellence Plan places massive restrictions on access to contraceptives and criminalises delivery of abortion-related medical services, measures that place greater restrictions on girl-wives' freedom to choose in cases of forced, unhealthy or unwanted pregnancies while encouraging marriage at the lowest ages.

### **Recommendations**

1. Provide adequate state funding for family planning programmes to ensure that married girls have access to quality contraceptive goods, services and information.
2. Withdraw the Bill on Comprehensive Population and Family Excellence Plan which discriminate against women and girls and deny them control over their sexual and reproductive life, including the number and spacing of their children as well as over their career and other life aspirations.

## **7. Education, leisure and cultural activities (Article 28)**

64. Civil Code Article 1105 stipulates that upon marriage, the husband is the head of family. In this light the husband has the right to deny his wife permission to access her right to education, should he deem her doing so as “incompatible with the interest of the family or with his or his wife’s dignity”<sup>35</sup>

65. Islamic Republic school policies include references to the exclusion of married girls in day schools on a full-time basis. Article 45 refers to disqualification for attendance in day schools and transition to adult (evening) schools. Furthermore, articles and exceptions applicable to married girls, and those who have broken school rules and are subject to detention and expulsion, are one and the same.<sup>36</sup>

66. Some of Islamic Republic policymakers are suggesting to revise national policies that limit secondary education for girls in order for them to complete formal education by 16 years of age in order to encourage early marriages for girls.<sup>37</sup>

### **Recommendations**

1. Ensure girls, including married girls, have access to primary and secondary education and that marital status is not used as a justification for denial of enrolment or expulsion.
2. Withdraw all drafts and proposals in Iranian Parliament which discriminate against girls and restrict their equal right to education.

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<sup>35</sup> <http://rc.majlis.ir/fa/law/show/92778>

<sup>36</sup> <http://fars.medu.ir/Portal/File/ShowFile.aspx?ID=8cce6939-ec2f-48a6-bb17-95b5e22c5b3f>

<sup>37</sup> <http://www.roozonline.com/persian/news/newsitem/article/-52b7e6d99c.html>

### III. Compulsory *Hijab*

#### 1. General principles (Article 2)

*Concluding Observations, 2005:*

*The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender neutral and that it is enforced.*

*Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.*

67. Iran is the first country requiring girls and women of all background to observe *hijab* (Islamic veil) laws. *Hijab* is a part of school uniforms which girls as young as 7 have to wear. *Hijab* law violates not only the principle of non-discrimination, but also the fact that Sharia laws apply *hijab* laws to girls over the age of 9.

68. Ayatollah Khomeini, the first Supreme Leader of the Islamic Republic enforced the practice of *hijab* even before the inception of the Republic, by referring to women lacking *hijab* as naked and demanded that they observe Islamic *hijab* in public spaces.

69. An examination of Islamic Republic rules and regulations shows that the basic definition of *hijab* is that the hair and body of girls and women must be covered in their entirety with the exception of face and hands. Choices include complete veiling of the body known as *chador*, or an Islamic uniform, which include trousers, a long and loose overcoat and scarf.

70. *Hijab* laws apply regardless of the religious affiliation of citizens (e.g. Christians, Jews, Bahai's and Zoroastrians), violating the principles of freedom of expression and religion. The policy further constitutes zero tolerance toward any transgender or female-to-male person who may wish to express what is considered as "masculinity", and depriving females of their freedom and security.

80. According to Article 102 of the Penal Code, failure to observe *hijab* laws can result in arrest and a penalty of up to 74 lashes.<sup>38</sup> Failure to comply with this requirement can also result in punishment of "imprisonment between 10 days and two months or payment of 50,000 to 500,000 Rials."<sup>39</sup> As the age of criminal responsibility for girls in Iran is at the age of 9 lunar years, schoolgirls whose observance of *hijab* laws are deemed inappropriate, may be subject to this Article.

81. Increasingly, authorities adhere to a subjective and debatable definition of good and bad *hijab*, in particular, during the summer season, when due to seasonal heat, women may be inclined to wear clothes that may not fully cover their hair and body. In addition, fashionable or appealing clothing or tight outfits can account as bad *hijab*, punishable by law in the form of warnings, detention or fine payments. Consequently, standards have varied from time to time and most forms of fashion that are in season are considered violations of *hijab* and are, therefore, banned. This has facilitated the State's campaign to enforce *hijab* laws in schools and public spaces through

<sup>38</sup> See page 11 at <http://www.violenceisnotourculture.org/sites/default/files/Hejab-Report-JFI-English.pdf>

<sup>39</sup> cf. Article 638 of the Penal Code.

means of discipline and punishment, violence, arrest, detention, fines and lashing. A close examination of the Islamic Republic's *hijab* policies reveals the widespread and systematic nature of human rights violations of girls throughout Iran.

## Recommendations

1. Repeal all laws and regulations that impose mandatory *hijab* on women and girls, denying them the right to freedom of expression.
2. Ensure that women and girls are not criminalized or otherwise penalized for appearing in public spaces without *hijab* or with clothing deemed inappropriate and “un-Islamic”.

## 2. Violence against children (Articles 37(a) & 28(2))

82. Islamic Republic laws can subject girls to arrest in cases involving the enforcement of *hijab*. It can also subject them to flogging as a form of punishment. Because of the low minimum age of criminal responsibility, girls as young as 9 years of age can be subject to these punishments, and be treated as adults. Such measures result in abuse and neglect (Articles 19 and 39 of the Convention) and violate the protection against torture and corporal punishment (Articles. 37(a) and 28(2) of the Convention).

83. The enforcement of *hijab* happens mostly by the police and Basij forces through severe oppression and violation by various methods as threats, arrests and assault on the street. These forces patrol the streets in marked cars, are known as guidance patrols and their hallmark remains their aggression and violence against citizens in public.

84. Females, including girls that are arrested and temporarily detained for violating *hijab* laws are held alongside criminals charged with drug offences and other forms of crimes, and are subjected to abusive treatment while in custody.

85. Arrest and ill treatment of girls below the age of 18 violates Articles 1 and 37 of the Convention.<sup>40</sup> Furthermore, authorities subject girls below 18 years of age to the same procedures as adults.<sup>41</sup>

86. The Islamic Republic has failed to provide statistics on the number of girls who have been subjected to punishment due to *hijab* laws. However, reports indicate that guidance patrols subject random female citizens, mostly school age girls, to random warnings or arrest.

87. In 1392 (2013-2014), more than 5,000 females were arrested and 50,000 warnings was given due to their clothing in three provinces. In a report published by Iran in 1389 (2010-2011) it was stated that 80% of those arrested for failure to comply with *hijab* laws were between the ages of 16 and 30, 0.8% were below 15, and 46.9% were between 16 and 20.

88. Alireza Afshar, the Social Deputy of the Minister of the Interior announced that 67% of citizens charged with “bad *hijab*” and arrested during the two months of April and May in 1389

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<sup>40</sup> Article 1 states: “a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” and Article 37 states: “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment”.

<sup>41</sup> This violates Article 37.C of the CRC which specifies “Every child... shall be treated... in a manner which takes into account the needs of persons of his or her age.”



(2010-2011) in Iran were between the ages of 16 and 20.<sup>42</sup>

89. Colonel Reza Hosseini, the Chief Commander of Garmsar, announced that 82% of detainees charged with “bad *hijab*” during the first 6 months of 1386 (March to September 2007) were between the ages of 16 and 26.<sup>43</sup>

90. Mahiar Ziayi, a female-to-male transgender was stopped on a motorcycle when she was seventeen years old and checked for weapons through body search. One of the police officers felt her breasts and realised she was biologically a girl. She was asked why she was not wearing *hijab*, then given a headscarf by another officers, and subsequently put in detained in the officers’ car and beaten until he felt numb. The abusive officers told her she had no right to go out without *hijab*.<sup>44</sup> (Please refer to Mahiar’s witness testimony in Appendix No.1)

## Recommendations

1. End the harassment, abuse, arrest and detention of girl children by morality police and paramilitary basij forces which are mandated to enforce mandatory *hijab*.
2. Guarantee that children are not subjected to torture and other ill-treatment because of not having *hijab* or wearing improper clothing (*bad hijabi*).
3. Identify, prosecute and punish all state and non-state actors that harass and assault children on account of their clothing and *hijab*.
4. Provide reparation and compensation for girls who have been subjected to arbitrary arrest and detention, torture and other ill-treatment on the basis of mandatory *hijab* laws.

## 3. Education, leisure and cultural activities (Articles 28 & 31)

91. Islamic Republic *hijab* laws have directly affect the rights of girls to education, leisure, sport and cultural activities.<sup>45</sup> In fact, observing *hijab* is a pre-condition for girls to enjoy their basic rights at school and the other education and cultural and sport spaces.

92. Despite the fact that according to Sharia laws girls are subject to *hijab* after turning 9 years old, shortly after the establishment of the Islamic Republic, all girls above the age of 7, the official age for starting formal education in Iran, are forced by law to observe *hijab* laws.

93. Girls are required to attend school in Islamic uniforms composed of a long and loose coats with two pockets in the front, long sleeves, full-length trousers and headscarf in navy brown, blue or beige. This rule applies to all-female public spaces such as primary schools where all pupils, staff

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<sup>42</sup>[http://www.radiofarda.com/content/F10\\_Arrest\\_Women\\_Tehran\\_Immodest\\_Dress\\_Kargar/2081540.html](http://www.radiofarda.com/content/F10_Arrest_Women_Tehran_Immodest_Dress_Kargar/2081540.html)

<sup>43</sup> <http://www.roozonline.com/persian/news/newsitem/article/-b03822afe5.html>

<sup>44</sup> “Mahiar’s witness testimony states in: “Because I didn’t have a license, the police officer began checking me for weapons... He touched me and felt a ridge and noticed that I have breasts. He asked ‘What’s this bump doing here? Are you a girl?’ I said that I am. He asked, ‘What are you doing here? Why are you riding a motorcycle? Why aren’t you wearing Hijab?’ I said ‘I came here to learn how to ride a motorcycle.’ He said, ‘Don’t you know that you don’t learn this stuff here? It’s only been a few years since women have had permission to drive cars and you want to, not bike, but learn to ride a motorcycle?’... They took a headscarf and pulled it out of the car and handed it to me, telling me to put it on. They pushed me into the car and hit me without letting me speak. They hit me so many times in the face that I couldn’t feel my head. It was numb. I could only see them hitting me from every direction and nothing else. They said that I don’t have the right to go out without Hijab. They told me that I have to go through a mental health exam to see if my mental health is fine. They said that in their opinion, a normal person wouldn’t go out without a headscarf on when they know the law of this country. They told me that they’d have to arrest me straightaway.” Please refer to the full account on Mahiar in the Annex 1.

<sup>45</sup> <http://www.amnesty.org.uk/ghoncheh-ghavami-prison-iran-volleyball-protest#.VMwI5lrA7sE>

and administrators are female.



Newspaper announcement about the shape and colour of school uniform for girls in Kayhan Newspaper dated 24 July 1980.

94. Statistics published by the National Registry for the School year 2012-2013 indicates the number of female students as 3,328,079 in primary schools (7-11 year olds), 1,002,417 female students in middle schools (12-14 year olds), and 1,594,689 female students in high schools (15-18 year olds), all of whom are subject to compulsory *hijab*.

95. At school, forceful measures by school administrators and teachers, such as warnings or a reduction in marks, is a common punishment of female students throughout Iran, impeding their right to education.

96. JFI is in possession of reports which show that girls not only experience distress and abuse at school, but are also disqualified from exams and are even temporary expelled from school because of not having proper *hijab*.<sup>46</sup> (For further details, please refer to Appendix No. 2)

97. In addition, positive reinforcements, especially for those women who wear *chador*<sup>47</sup>, are a means of forcing *hijab* on women. Certain schools, universities, government offices or employment in specific fields or management positions require complete veiling of the body known as *chador*.

98. Since September 2014, the “National Hijab Plan in Primary Schools” has been implemented in 18 provinces across Iran. This is a joint initiative of the Ministry of Education and the Rayhanatonnabi Hijab Centre based in Qom,<sup>48</sup> aimed at girls between 7 and 14 years of age. The Centre is an initiative of researchers and clergies at the Qom Seminary and has extended to many provinces of Iran. According to Mohammad Baqi, the Cultural Deputy of this Centre, trainers are female clerics.

<sup>46</sup> For further details, please refer to Annex 2.

<sup>47</sup> Muslim women use a large cloth, often black, that covers entire head and body. This is known as *chador*.

<sup>48</sup> [http://rih.ir/?pid=111&id\\_sec=2&id\\_part=72&id\\_cls=101](http://rih.ir/?pid=111&id_sec=2&id_part=72&id_cls=101)

99. The Plan brainwashes or “encourages” students to join the ranks of “protectors of hijab”<sup>49</sup> by wearing the *chador*, through offering special prizes in pro-hijab councils, festivities and demonstrations as well as academic, artistic and sports competitions.

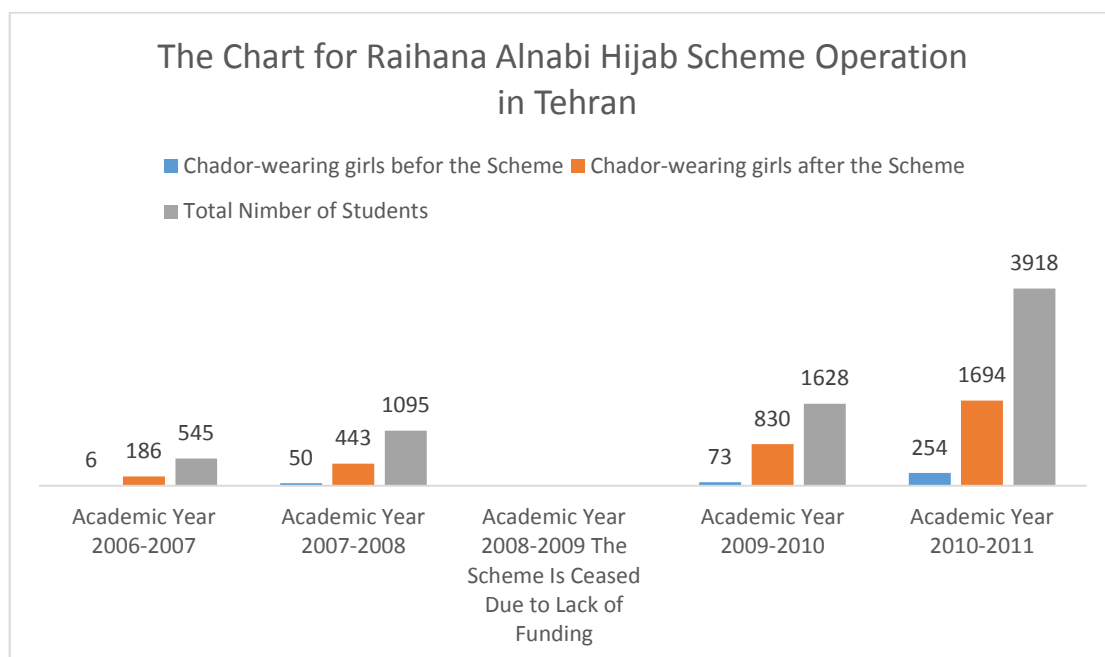
100. The head of the Research Division of the Centre has referred to the network this Plan benefits from and explained that participants are able to benefit from the Plan at any of its branches and take advantage of special discounts or complimentary access to city-wide resources such as sports facilities and museums.

101. In 1390(2011-1012) at least 19,000 girls below the age of 14 received training to wear *chador*.

102. The official website of the Centre has published statistics indicating in 1389-1390 (2010- 2011) alone, the number of girls wearing chador increased by 31.6%, meaning that from 258 girls at the beginning of the academic year to 1,694 at the end of the same year.

103. Between 1385-1390 (2006-2011), close to 44% or 3,153 out of 7,186 of girls whose schools includes this Plan were now wearing the *chador*.

104. Hojjatoleslam Ebrahimpour, the head of the Centre stated “during the 1392-1393(2013-2014) academic year the Plan was successfully implemented in 74 schools in Sari, Oroumiyeh, Isfahan, Shahinshahr, Kashan, Shiraz, Tehran and Qom. 124 female clerics delivered the curriculum to 19,829 primary students in 628 classes, resulting in an increase in the number of chador-wearing girls from 23.5% to 49.1%.

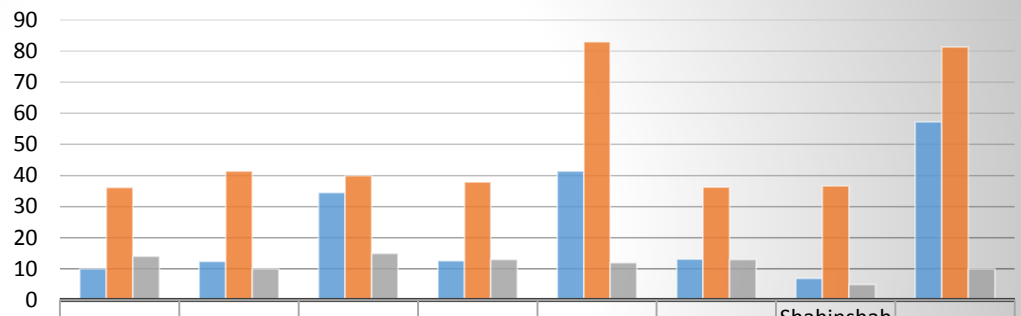


105. In 1392-1393 (2013-2014), 136 trainers covering 20,526 students in 650 classes at 77 schools in 9 cities resulted in increasing the number of chador-wearing girls from 7,012 to 15,693<sup>50</sup>.

<sup>49</sup> [http://rih.ir/?pid=112&id\\_sec=2&id\\_part=72&id\\_cls=101](http://rih.ir/?pid=112&id_sec=2&id_part=72&id_cls=101) .1

<sup>50</sup> [http://rih.ir/?pid=112&id\\_sec=2&id\\_part=72&id\\_cls=101](http://rih.ir/?pid=112&id_sec=2&id_part=72&id_cls=101)

**The Chart for Hijab Scheme Operation in 8 Cities 1392-1393(2013-2014)**



	Tehran	Oroumiyeh	Mashhad	Sari	Kashan	Isfahan	Shahinshahr	Qom
■ The Percentatge of Chador Wearing Girls before the Scheme	10	12.4	34.5	12.6	41.4	13.1	7	57.2
■ The Percentage of Chador Wearing Girls after the Scheme	36.2	41.4	40	37.9	83	36.3	36.7	81.3
■ Total Number of Schools	14	10	15	13	12	13	5	10

106. Since 1981 harassment and abuse of girls due to *hijab* laws have infringed on their rights in spaces and activities that pertain to their education, leisure and cultural activities. In recent years the government’s ‘social security expansion plan’ has enabled officials to interrupt concerts, shut down cafes, disrupt food festivals and refuse entry to citizens on grounds of hijab violations.<sup>51</sup>

107. This blanket policy has far reaching implications in terms of limiting children’s rights in several ways. For instance, girls who may wish to take part in sports that are typically dominated by men, or require clothing that may not full cover their bodies are not afforded the right to participate.

108. In an interview with Rooz On-line, Kimia Moradi, a 16-year-old chess champion, was arrested in 2012 on grounds of bad hijab. This was used as grounds to refuse Kimia a chance to enter the chess championships. She explains that in her experience she has never completed a game without worrying about hijab warning. She sought asylum in Norway that same year. Although she had not missed a championship since the age of 6, Iran’s Chess Federation officials informed her she would be banned from participating in world championships due to ‘moral problems’.<sup>52</sup>

## Recommendations

1. End the requirement to observe hijab as a pre-condition for girls to enjoy their right to education and participate fully in cultural, artistic, recreational and leisure activities.
2. Dismantle discriminatory government plans including the Plan for Expansion of Social Security that authorize officials to deny girls permission to enter leisure and cultural facilities on account of their appearance and choice of clothing.
3. Ensure that all girl athletes can enjoy their right to sport without facing discrimination and restriction because of mandatory *hijab* and other dress code requirements

<sup>51</sup> Please see relevant section on this topic starting on page 41 in JFI report on hijab available on-line at: <http://www.violenceisnotourculture.org/sites/default/files/Hejab-Report-JFI-English.pdf>

<sup>52</sup> <http://www.roozonline.com/persian/news/newsitem/archive/2012/december/20/article/16-31.html>

## IV- Appendices

### Appendix 1: The case of Mahyar Ziyai

Mahiar Ziayi, a transgender, says in her witness testimony that in 2001 she was stopped by the police whilst wearing 'boy' clothing and riding a motorcycle. They wanted to check her driver's license. However, when they realised that she wasn't a man but in fact a woman without Hijab, mayhem was brought upon her.

Mahiar, who was seventeen years old at the time, says: "Because I didn't have a license, the police officer began checking me for weapons through a touch test. He touched me and felt a ridge and noticed that I have breasts. He asked 'What's this bump doing here? Are you a girl?'. I said that I am. He asked, 'What are you doing here? Why are you riding a motorcycle? Why aren't you wearing Hijab?' I said 'I came here to learn how to ride a motorcycle.' He said, 'Don't you know that you don't learn this stuff here? It's only been a few years since women have had permission to drive cars and you want to, not bike but learn to ride a motorcycle?' He said that I'm a girl and told the others to send me to get a headscarf and wear it. They took a headscarf and pulled it out of the car and handed it to me, telling me to put it on. They pushed me into the car and hit me without letting me speak. They hit me so many times in the face that I couldn't feel my head. It was numb. I could only see them hitting me from every direction and nothing else. They said that I don't have the right to go out without Hijab. They told me that I have to go through a mental health exam to see if my mental health is fine. They said that in their opinion, a normal person wouldn't go out without a headscarf on when they know the law of this country. They told me that they'd have to arrest me straightaway."

Thirty-Five Years of Forced Hijab (Farsi version), JFI, March 2014, p 33: <http://justice4iran.org/wp-content/uploads/2014/03/Hijab-report-Final-FA.pdf>

## Appendix 2: Children who are forced to have *hijab*

While some official reports from Iran indicate and confirm the arrest of girls under 18 years of age (and even ages under 12) due to the lack of Hijab, which recorded experiences, also determine the forcing of Hijab onto children.

**Roshanak Moradi** states her first encounter with forced Hijab like this: "My first encounter was when I was ten years old. My uncle and my cousin had come from Denmark and suddenly, we all wanted to go to Darband. We were all having fun when a man who was a soldier or something and was carrying something like a gun, started to nag at me. Obviously, a ten-year-old child wouldn't wear a headscarf or a 'manto'. I was tall but I was only ten. I don't know what happened but in just a moment, my whole family, my brother; uncle; sister, were all arguing with the soldier and they had their guns pointed at us. I was speechless and all I could do was stare at them out of fear. I don't remember how this situation concluded but I remember well that my mother, who hated wearing Hijab, took me to a clothing store and bought me a 'manto' and told me that they would leave me alone this way."<sup>53</sup>

**Anna Irani** who was nine years old at the time of the revolution in Iran, talks about the time when headscarves were made mandatory in girl schools and the fear and anxiety of her family when she could've been arrested as a child because she went out without a headscarf or pulled it back as my as she could: "I can still see the terrified and worried look in my seven year old brother's eyes. He was begging my mother to make me pull my headscarf forward, lest the patrol officers catch me, lest I get punished at school. My dad told me, 'Come one, don't make us deal with these pimps'. I can still feel my mum's stress and anxiety. Other than that, I don't remember much else. I was thirteen when they took me out of Iran."<sup>54</sup>

For some girls, compulsory Hijab starts with the threats to ban them from using public facilities and so **Hama Ayess** says: "I was in my first year of middle school or around then. I had a small body and my short hair made me look similar to a boy. I looked so much like my brother who is two years younger than me that nobody doubted it. Once, around that time, we were at the airport and the gate officer told my mum that they wouldn't allow me on the plane next time if I don't wear a headscarf."<sup>55</sup>

**Mehdieh Aghili** also talks about the difficult situations in girl schools when Hijab was made mandatory and the violent behaviour of school staff to contain Hijab at the schools: "In middle school, we had a really irritating and unpleasant moderator who was really sensitive about Hijab. When I was in my first or second year, she cut the front of my hair. One day, I was standing in line and minding my own business when I saw the moderator's hand and my tears fell automatically because of the stinging on my skin. This woman had pulled my hair in the most painful way that it (my hair) was pulled out. And then she showered me with cursing so much that I felt humiliated and I can never wipe it away from my memory. My soul's been strangely damaged since that day and still is today. My mother told me that I knew the moderator and therefore, I should've hidden my hair. I wondered why my mother thought that it was my fault."<sup>56</sup>

Forcing Hijab onto girls isn't always done in a violent manner. In fact, as **Tara Abadyali** says, it puts children's minds under pressure in more varied and deeper ways. Tara tells us about her

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<sup>53</sup> [https://www.facebook.com/events/216914875173872/permalink/217441648454528/?stream\\_ref=2](https://www.facebook.com/events/216914875173872/permalink/217441648454528/?stream_ref=2)

<sup>54</sup> [https://www.facebook.com/events/216914875173872/permalink/217193771812649/?stream\\_ref=2](https://www.facebook.com/events/216914875173872/permalink/217193771812649/?stream_ref=2)

<sup>55</sup> <https://www.facebook.com/events/216914875173872/permalink/217210141811012/>

<sup>56</sup> <https://www.facebook.com/photo.php?fbid=10201721308174942&set=gm.217005828498110&type=1>

experience in primary school where chador was a part of their uniform: "In 1994, I enrolled in Shahed Primary school in Ahvaz where chador was a part of the uniform. Until that day, I hadn't ever thought about Hijab and religion so carrying my books and school bag whilst wearing a chador was torture for me. I had never been taught religion at home and I never wore a headscarf outside but the rules of my new school made my mother saw a small chador for me. The school's moderator's checked that we had our chador on while leaving and entering the school. At first, I would hold my chador and put it on when getting out of the car that the school provided but after many warnings, I found out that every car had their own volunteer who would report the pupils who were 'bad-Hijab'. When I wore my chador over my backpack, I would look like an old woman with a hunchback but I got used to it after a while. If a visitor, guest or inspector came knocking on our door, everybody would run to a corner to put on their chadors lest 7-9 year old children in 'manto' and headscarves were 'sexually alien'. These things slowly became normal to me and the entry of men in the school made me feel nude. Three years later, I changed my school but I still felt obligated to keep my chador. The (new) teaching environment and friends made me put aside the religious teachings slowly and I'll never miss those days."<sup>57</sup>

**Zooya Daryayi** was one of the girls who was removed from the high school entry interviews because of her honest answer to the question, 'Do you have Hijab in front of the opposite sex during family gatherings? She was ranked first in all her exams yet her test scores couldn't get her into her desired high school<sup>58</sup>.

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<sup>57</sup> [https://www.facebook.com/events/216914875173872/permalink/216946805170679/?stream\\_ref=2](https://www.facebook.com/events/216914875173872/permalink/216946805170679/?stream_ref=2)

<sup>58</sup> <https://www.facebook.com/photo.php?fbid=10202532243120130&set=qm.217312725134087&type=1>

## **Annex 9:**

### **Society Protecting the Rights of Street and Working Children (Kashaneh)**



# Child Labour in Iran

A submission to the United Nations Committee for  
the Rights of the Child



**Society Protecting the Rights of Street and Working Children (Kashaneh)**

**February 2015**

## **Introduction**

This is a submission by Justice for Iran for the occasion of the Third Periodic Review of the Islamic Republic of Iran by the United Nations Committee on the Rights of the Child (UNCRC). The submission focuses on human rights violations suffered by adolescent labour in Iran which requires immediate attention.

The information contained in the submission is based on a comprehensive report based on the fact finding mission of Kashaneh. Particular emphasis will be made on the protection of child labour in the work place in Iran. The report exposes the violations of child rights, especially child labour under the domestic legislation. Particular reference will be made to Iran's failure to mandate Article 32 (UNCRC) despite the legal obligations imposed on the state.

### **1. Minimum age**

#### **Age of Adulthood and Employment**

According to Article 1 (UNCRC) every human being below the age of eighteen is a child. Iranian labour law however considers the age of adulthood and employment as fifteen as stated in Article 79(Iranian labour law). It is therefore evident that the Iranian labour law in regards to the age of adulthood contradicts that of UNCRC and as result children are not protected from economic exploitation which is prohibited under Article 32 (UNCRC). It is important to note that Iranian labour law does not only contradict that of UNCRC but also does not follow the international standard of the minimum age convention 1973 (NO.137) and 1999 (NO.187) submitted to the general conference of the International Labour Organisation.

Iran has refused to change its law of adulthood and employment due to its strict commitment to Sharia Law and as a result has ignored the recommendations of the International community.

According to domestic labour laws, the legal age of work is fifteen years. The government is obliged to implement children's rights in the workplace in order to protect the welfare of the child however have failed to do so. Despite Iran having ratified the Convention on the Rights on the Child, they have failed to enforce the provision of the convention as it is yet to increase the working age from that of fifteen to eighteen. Iran has also ratified and enacted new laws that further benefit employers facilitating employment of children of fifteen to eighteen years of age. This is a clear violation of the right of the child as it encourages child exploitation.

## **2. Hours and conditions of employment for children**

In regards to the hours that children can work, Iranian Labour Law does not clarify the major issues that have been addressed and required as part of the process of implementation of Article 32 (UNCRC). Section 2 (b) of Article 32(UNCRC) obliges states to provide for appropriate regulation of the hours and conditions of employment. Article 10 ( Iranian Labour Law ) however does not provide clarity on the characteristics of employer and employee relationship, nature of work, wages, hours, holidays, vacations, work location and duration of work. It is evident that the lack of clarity of these elements is inconsistent with section 2(b) Article 32 (UNCRC). The fact that the Iranian government has failed to not only adjust the laws regarding the hours and requirements of employment but has also failed to enforce it in order to guarantee effective execution of Article 32 (UNCRC), paves a way for employers to refuse to provide a formal and clarified contract with young adolescents. This is a clear breach of Section 2 (c) of Article 32 (UNCRC) which obliges states to provide for effective penalties and other sanctions to ensure the effective enforcement of the present Article. In addition, the statute on the Exemption of Small Workshops with Fewer than 10 Employees as part of the legal provisions of employment, submitted to parliament by the deputy president Mohammad Reza Aref explicitly violates Article 32 (UNCRC) as it excludes small workshops from legal observation and control.

Academic leave according to Article 16 (Iranian labour Law) protects the right to return to work which can be extended to two years. Removal of this Article is in contradiction with Article 7 of the ILO International Labour Organisation Convention 182 which facilitates the criteria for children's education as a way to combat child labour. The expulsion of this Article also contradicts that of Article 13 and 14 of the International Covenant on Economic, Social and Cultural Rights which provides the right to free primary education for all and is attempting to provide free secondary public education.

Article 26 (Iranian Labour Law) prohibits the sudden change of working conditions by employers, except with the approval of regulatory authorities. The elimination of this Article allows the possibility of child exploitation by employers and facilitates the decrease in working conditions for children.

Articles 27 and 29 (Iranian Labour Law) protects the Contract from annulment by the employer. The elimination of these articles allows the employer to pressure the child worker with termination threats which is in contrast with the government's obligations under Article 32(UNCRC) which requires governments to enact and enforce laws that protect children from exploitation.

Articles 48, 49 and 50 (Iranian Labour law) places an obligation on the ministry of work and social welfare to classify and evaluate employment. These Articles aim to distinguish between appropriate work for children from that of adults. The eradication of this law can significantly harm the implementation of UNCRC. Iran should clarify the working hours by implementing

the International standard which has been derived from Article 4 of the International Labour Organisation Convention 182. It also requires Iran to take legislative, administrative and educational measures to ensure the implementation of Article 2 (UNCRC)

Article 51 (Iranian Labour Law) states that the maximum working hours are 8 hours per day or 44 hours per week. Its removal contradicts Article 32 (UNCRC) as it allows the possibility of the imposition of such labour hours on adolescents.

Article 62 (Iranian Labour law) designates Friday as a weekly official public work holiday despite the fact that Article 10 (Iranian Labour Law) requires the employer to designate a single work holiday per week. Designating different days as work holidays will result to social organisations protecting the rights of the child to disperse throughout the week the services that they provide on Friday (Weekends) especially to adolescent workers. It can be said that the dispersion adversely affects the quality of their services to significantly reduce due to the limitation of resources and provisions.

Article 64, 65, and 66 (Iranian Labour Law) pays particular emphasis on Vacation (paid annual leave) and its length. The elimination of these Articles will result in the lack of transparency in the relationship between employer and adolescent employees. This will not only contradict Article 32 (UNCRC) but will also decrease its reiteration of the need for proper regulations in work conditions.

Article 77 (Iranian Labour Law) concentrates on the employer's obligation to provide lighter work for pregnant workers with a doctor's request. Elimination of this Article will result in potential harm to the mother and her child and as a result contradict with the best interests of the child as mentioned in the UNCRC.

Article 81 (Iranian Labour Law) states the necessity for an annual medical examination and to obtain doctors opinions about the suitability of the nature of the work for the physical condition of workers aged 15 to 18 years. Eliminating this Article will contradict Article 3 Section D of the International Labour Organisation 182 which prohibits work that could harm a child's health as well as contradict the government's commitment to enforcing Article 32(UNCRC) regarding protecting Children against types of work that could be harmful to their health.

Article 82 (Iranian Labour Law) establishes the necessity for fewer work hours of at least half an hour per day (12 hours per month) for child labourers compared to adult workers. This contradicts governmental legislative obligations and duties with regards to protecting children from exploitation which is required under Article 32(UNCRC).

In 2012, a new scheme was enforced which was recommended by the Minister of cooperation, labour and security. The scheme introduced as the 'Relationship between Employer and Apprentice' (Apprenticeship Scheme) legalised the work of children under 18. It is evident that the scheme violates Article 3 (UNCRC) in regards to the social welfare of

children. This scheme demonstrates the Islamic Republic of Iran's failure to oblige and implement Section 2 of Article 32 (UNCRC) which plays specific emphasis on special protection of child labourers through special legislative enactments and legal enforcements.

Article 5 of section 10 of 'Relationship between Employer and Apprentice' restricts the apprentice's entitlement to any compensation. This is a direct contradiction of not only Article 3 of International Labour Organisation convention 182 which prohibits compulsory employment for children but also Article 32 (UNCRC).

The Apprentice is denied the right to a legal contract as required by Labour Laws and will only sign a vocational contract. The legal guardian of the apprentice who have not reached the legal age of adulthood can sign the work contracts. According to Articles 5 section 7, Article 7 section 6 and Article 8 section 1, the Apprentices are required to abide by the contract until the termination of their learning period. These sections also contradict Article 3 of International Labour Organisation 182 and Article 32 (UNCRC).

### **3. Legal Enforcement to protect Children from economic exploitation**

There is no adequate legal protection to support Article 32(UNCRC). In addition, the Iranian government has not illustrated the willingness to implement the UNCRC.

### **4. Child workers who work in the Public sector**

#### **Appointment of Child Labourers by the Welfare Organisation of Khorasan Razavi Province**

On the 22<sup>nd</sup> of July 2006 the Deputy Director of social Affairs of the Welfare Organisation of Khorasan Razavi Province declared that it would be involved in a joint program with Khorasan newspaper whereby the organisation would begin to employ children to sell newspapers on street corners and intersections. The Deputy Director declared this program as a success and as result intended to expand this plan throughout the nation. He stated "at the moment 50 Children sell newspapers in Mashhad. The number of child workers will increase during the summer because of their increased leisure time." In June 2014, the reporter of Social Group at Shahdara Online wrote about the history of this initiative from 2004, quoting a specialist on social harms of the welfare Organisation of Khorasan Razavi. In the report Mohammad Ghaffari Zadeh the specialist on social harms of the welfare Organisation of Khorasan Razavi mentioned the employment of child workers. "After identifying and studying the living conditions of these children, we realised that they have no other option but to work. They either have no legal guardian or have an unsuitable one." Regarding the employment of children with special needs (disabled) he mentioned, "It is also possible that a child is disabled without the acknowledgment of the employer therefore jobs are designated to a child depending on the physical ability required to perform a job. Each child is able to pick up roles depending on suitability such as selling newspapers and similar jobs in the street under the supervision of the welfare Organisation." In that interview, he announced the number of children working in the project was between 52 and 85(figures from June 2014). Even though

education is the right of every child, the specialist of the Welfare Organisation designated the organisations measures to help children continue their education as project runs during school holidays therefore putting the child's interest in staying in school first.

In addition to causing social complaints by the community as a result of the cases published in Jame Jam Newspaper owned by the conservative members of the Iranian Government, the Welfare Organisations initiative caused the President of the Newspapers guide to refer to selling newspaper as a futile job for children and a role without a future in his interview with the reporter of Mashhad's guides Room society portal. On the other hand, some reports state that contrary to the Welfare Organisations claim, children under 15 were also used in the project. This can be justified by a report published by Khorasan Newspaper in April 2009 whereby a reporter interviewed a 19 year old boy called Aziz who had been working on the project since 2004 when he was only 14. On another account, a 16 year old boy named Mirhamzeh told the reporter that he had been selling newspapers for the Welfare Organisation for 4 years. In addition to the two boys, the reporter also interviewed two other boys who were 14 years old at the time of the interview. In that report, Ali Sabahi was introduced as the manager for the project of absorbing and directing working children in Mashhad. He told the reporter of Khorasan newspaper that from the beginning of the project to the time of the interview, 6 thousand children and adolescents had been involved with the project. In another report published by IRNA on the 6<sup>th</sup> of November 2014, the Deputy Director of Cultural Heritage, Handcrafts and Tourism Organisation of Khorasan Razavi province announced that in collaboration with welfare Organisation, children were trained in cutting precious and decorative stones. This raises many concerns due to the fact that only 4 thousand craftsmen are covered by insurance out of 20 thousand craftsmen who work in the province. This suggests that while these children are formally employed by official organizations, they are unentitled to basic rights such as health insurance.

### **Employment of Children for collecting waste in the City of Tehran by the Municipality**

Children and adolescents who gather trash in the city of Tehran: Etemad Newspaper in a report published on the 2<sup>nd</sup> May 2012, describes children and adolescents who gather trash in the city of Tehran as contract workers who deliver the trash collected by the municipality. The report states, "The children who came alone from Afghanistan have to spend a major portion of their earnings to their families back home. Afgan children between 12 and 15 years have to carry large bags of trash from 8-9 am and explore various areas of the city digging in trash bins until the middle of the night and when the municipality's garbage trucks begin their work. " A separate part of the report refers to another location for trash deposit whereby trash collectors living area is shielded from public view by a two meter high wall. An Etemad Newspaper reporter describes the situation and location of garbage collectors as follows "Garbage collectors point at small hovels where 6 or 7 garbage collectors of various ages ranging from children, adolescents and adults all live together with walls made of tiny panels and corrugated boxes. The ceilings are made of lumbers and nylon sheets and hovels with

dimensions not exceeding 3 cubic meters. Apart from a TV set, a few blankets and a picnic stove, no equipment or means of comfort can be found in the hovel. Each garbage collector is expected to pay 20 thousand Tomans of monthly rent to the contracting employer.” Regarding the health of the garbage collecting children, he stated that they do not wear gloves during work and wrote ‘The Garbage collecting children showed the abrasions on their hands. Wounds caused by syringes, broken glass and sharp edges of tin cans while they scavenged through dumpsters.’ The contracting employer does not mention anything about his employer’s compensation. However, some may say that the contracting employers who a few years ago started providing contractor services to the municipality through daily collection and separation of over 7 tons of garbage have a significant earning. It is important to note that only a small amount of the money goes to garbage collectors who perform the cumbersome task. He mentions the rates of compensation of the garbage collectors as follows: for every kilogram of the stale bread 100 Tomans (Less than 2 cents) and for every kilogram of plastic 250 Tomans (approximately 5 cents).

In an interview in May 2012, Taybe Sharif Pour, one of the former members of the Board of Directors of the Association for the protection of Children’s Rights criticised the governmental organisations indifference towards the garbage collecting children and posed the question, “Who earns the large profit resulting from garbage collecting?” According to the report published by Atlas Jame’ Tehran website, the value of the daily garbage produced in Tehran is 180 million Tomans. Until recently, Tehran Municipality made no comments regarding this issue but finally in response to a reporter Mostafa Feiza, Head of inspection Organisation of Tehran’s municipality denied any responsibility regarding the usage of children by recycling contracting employers. Regarding the children wearing Municipality uniforms at work, he stated, “I agree with this point and don’t want to deny it. It is true that some of them wear a uniform, but they are not employed by us and are contracted to contract employers.”

### **Employment of children for shipping loads in Tehran’s Market by the Municipality**

Tehran’s Bazar is the main commercial exchange district of Tehran, due to high population density and narrow and winding roads it does not allow vehicle traffic. As a result, porters hired and overseen by the municipality transport the exchanged goods. On the 23<sup>rd</sup> June 2014 Fars News published a visual report on child and adolescent porters in Tehran wearing uniforms with identification number and pushing carts. Eghstesad News (Economic News) published another similar visual report. Whilst this initiative was to establish order, municipalities charge a fee for giving work permission to porters. It is evident that this initiative formalises child labour as it exploits children as a way of receiving monetary funds. Apart from the above incidents, child labour is also a concern not only in Tehran but also other locations outside of Tehran as well as areas which are not in close proximity with that of Tehran. According to ISNA new agency, on the 23<sup>rd</sup> of February 2014, Amir Dolatshahi, Head of Public Relations in Kermanshah’s Municipality suggested the use of child labourers for

carrying bags and luggage's of New Year travellers in that municipality's coordination meeting for welcoming the New Year.

### **Other statements and views of Official Authorities Regarding Child Workers**

Iranian officials over the last few years offered many explanations to justify the satiation of child labour. Mohammed Nafriye Social Director of the Welfare Organisation claimed in his interview with Kar New Agency (Ilina) on the 10<sup>th</sup> of March 2014 that child labourers are victims of gangs and crooks and that 70% of child workers in Tehran are from middle-class families. According to Sharq Newspaper in a report published on the 28<sup>th</sup> of July 2014, Ali Rabiee, Minister of Labor of the Islamic Republic of Iran mentioned his visit to Brick Kiln suburbs of Varamin (a city near to Tehran) where he saw 10 and 12 year old child workers. He states that there is no such thing as child labour in Iran's industry and that the children are working for a family business. This is why according to the same report by Sharq Newspaper these children work alongside their families from 4am to 8pm and earn 32 thousand Tomans (less than 10 dollars) for producing each thousand brick through a process that includes sifting soil, preparing clay, moulding, arranging bricks outside and finally laying bricks in kiln. This is why as a result to employers or guardians insurance fraud; these children are not entitled to any social insurance and benefits. This report is also from a brick kiln.

In an interview, the Head of Country's welfare organisation announced that he does not believe that there are any child workers other than street children in Iran.

### **5. Child workers who work in the private sector**

The work of children in the private sector in Iran include carpet weaving in factories which is mostly done by girls in Fras, Kerman, Azerbaijan and Markazi provinces that are known for hand-woven carpets. Children working for the private sector also engage in work such as sewing clothes and curtains, farming and gardening footboy in retail and grocery stores as well as workers in brick kilns and in industrial workshops. It is very difficult to obtain accurate statistics on the distribution of child workers in these professions. Due to political pressure from the government to prevent the work of civil societies, the access to information in this regard is very limited and other than irregular cases, no specific research has been done on this topic. The fact that three million two hundred thousand children have dropped out of school between the year 2014-2015 raises the question, what exactly do these children do during the day if not at school? Also, many students work and study at the same time and this does not include Afghan Refugee children.

### **6. Work related accidents**

Unfortunately, due to unavailability of information, neglect and disregard by relevant organisations such as the Ministry of Health and Medical Education as well as the Department of Social Security, there are no established mechanisms for recording and notification of occupational accidents in Iran. As a result, no statistics exist pertaining to the number of



children who sustained injuries at work therefore local news rarely announce events where children are injured at work. These events seem to mostly contain cases where journalists were informed through other sources such as being notified by people. It is important to note that these cases (except for the case of Waheed Sharifi) are all within 2 years from the date of the report.

## **7. Testimonial cases**

### **The Death of Erfan Mamie Zadeh**

According to a report by ILNA News Agency, On the 24<sup>th</sup> of November 2013 a 17 year old worker died after falling from the scaffold at Aboureihan Building in Amir Kabir University of Technology's (Tehran Poly-Technique) department of Electrical Engineering. The report stated that the worker fell from a scaffold mounted on the outer wall of the sixth floor which resulted to his death. Amir Kabir University students gathered to protest the employer's lack of responsibility and total disregard of Article 82 (Iran Labour Law) which forbids employers from asking children to perform difficult and dangerous tasks. While, providing supervision and protecting equipment is the responsibility of employers, this worker however was not provided with a safety helmet or appropriate work clothes.

### **Death of 17 year old Worker**

On the 29<sup>th</sup> of December 2014, ILNA News Agency published that a worker who had worked in a furniture making workshop located in Shahrak-e-Mortezagerd in Tehran died at 7:15 as a result of smoke reported from a fire. It is important to note that working in furniture-making workshops is considered hard labour due to the demand to lift heavy loads and exposure to chemical dyes.

### **Death of 16 year old Pitman**

According to ILNA News Agency, on the 20<sup>th</sup> of October 2013, a 16 year old worker sustained serious head injuries to his head, shoulders and feet when a forklift malfunctioned and collapsed.

### **The death of two Afghan Refugees when a Half Demolished Building Collapsed**

According to ISNA, on the 14<sup>th</sup> of November 2012, two Afghani workers of 16 and 18 years of age died when a building collapsed. According to seyed Jalal Malkei, (the Fire Departments spokesman at the time) the accident happened due to the employer requesting the workers to live in a partially demolished building. While criticising the prevalence of these types of employee accommodations, he added "unfortunately, building construction workshops use partially ruined houses as a place of accommodate workers and guards. The buildings are old and not strong enough to sustain a vast number of people. In addition, dangerous events are likely to occur as a result of weather particularly during the rainy seasons"

### **Death of a 16 year old worker in a fire Barrel Explosion**

According to ILNA News Agency, on the 31<sup>st</sup> of May 2014 a fire broke out at a workshop in Shahrak-e-Vali-Asr which resulted to the death of a 16 year old worker. The report stated that three adult workers managed to escape the flames but the 16 year old lost his life in the fire.

### **Teenager Amputated whilst working with a concrete Mixer**

According to the Young Reporters club (part of Iranian National Tv) on the 11<sup>th</sup> of October 2013, a teenager's foot was caught in a shaft and amputated whilst working with a cement mixer. Mansour Khanbabayy, the leader of the Fire Departments dispatched team declared noncompliance with safety standards as the main cause of such events.

### **Death of a 5 year old citizen of Pakistan**

According to a report by ILNA news agency, on the 25<sup>th</sup> of December 2014, a 5 year old child worker who was a citizen of Pakistan was hit by a car and killed while returning home near Shahrak-e-Andisheye-Karaj.

### **The Death of Waheed Sharifi, child peddlers**

As reported by the Human Rights Journalists Committee, Waheed Sharifi, a child peddler lost his life in a car accident on the 2<sup>nd</sup> of April 2009.

### **Death of 10 year old flower seller**

According to a report by the Governmental News Agency Young Journalists Club (part of Iranian TV) on the 13<sup>th</sup> of January 2013 a 10 year old boy flower seller was killed in an automobile accident whilst working in the streets.

## **Recommendations**

- Ensure that the minimum age of 15 for admission to employment under the Labour Code applies in all situations of labour, and it is vigorously enforced in both public and private sectors.
- Absolutely ban any type of work by individuals less than 18 years of age which jeopardizes their physical, mental or moral health and safety.
- Revise the Regulations on Quick-return Enterprises, and the Exemption of Small Workshops with Fewer than 10 Employees Act, in order to ensure that children are protected against exploitation under those laws.
- Revise the Apprenticeship Scheme and stop the undercover exploitation of children through free labour.

- In collaboration with independent experts and civil society groups, review state policies that have led to further economic exploitation of children, including in informal sectors.
- Support academic community and NGOs working on the rights of the child and guarantee that no one is persecuted for monitoring and reporting the situation of working children and street children.
- In collaboration with journalists, health departments, and civil society, establish an effective mechanism for reporting and monitoring of work accidents and illnesses involving working children, and provide public access to the relevant information.
- Ensure that all immigrant Afghan children enjoy basic rights and the right to education with a view to reducing child labour.
- Include the education of human rights and the rights of the child in the curriculum of schools and universities.

## **Annex 10:**

### **The Advocates for Human Rights and Iran Human Rights (Advocates & IHR)**



## **Iran's Compliance with Article 37(a) of the Convention on the Rights of the Child**

### **Submitted by the Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC  
and

### **Iran Human Rights**

for the Pre-Sessional Working Group for the 71st Session of the Committee on the Rights of the  
Child

8–12 June 2015

#### **I. Reporting Organizations**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

**Iran Human Rights (IHR)** is a volunteer based non-governmental organization committed to promotion of human rights and in particular abolition of the death penalty in Iran. IHR was established in 2005 and is registered and based as an international NGO in Norway. IHR is an elected member of the World Coalition Against the Death Penalty's Steering Committee.

#### **II. Executive Summary**

1. Article 37(a) of the Convention on the Rights of the Child states that “[n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither

capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”<sup>1</sup>

2. The Government of Iran has pledged to comply with the Convention as it pertains to the death penalty. During its last Universal Periodic Review, in 2010, Iran accepted the recommendation of Kazakhstan to “consider the abolition of juvenile execution.”<sup>2</sup> Iran also accepted the recommendation of Belgium to “respect at least the minimum standards and the provisions of ICCPR and CRC concerning the death penalty.”<sup>3</sup> During the second cycle of the Universal Periodic Review in December 2014, 16 governments recommended that Iran abolish the death penalty for offenses committed by individuals under the age of 18.<sup>4</sup> The Iranian Government has not yet responded to these recommendations, but will do so on or before the adoption of the outcome of the UPR on March 19, 2015.
3. Despite these pledges in 2010, Iran continues to execute individuals for offenses they committed when under the age of 18 (hereinafter, “child offenders”). Moreover, Iran imposes the death penalty for ordinary crimes. In 2009, Iran ranked first in the world for number of executions per capita (and second only to China for number of executions overall).<sup>5</sup> According to Iran Human Rights (IHR), Iran executed more than 750 prisoners in 2014. Official Iranian sources announced 291 of the executions.<sup>6</sup> One human rights organization reported the total for 2014 as 849.<sup>7</sup> Human rights groups reported that in January 2014 alone, at least 37 to 44 executions took place.<sup>8</sup> For January and February 2014 combined, 73 executions officially took place and observers say the actual number

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<sup>1</sup> Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990.

<sup>2</sup> *Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran*, (Mar. 15, 2010), U.N. Doc. A/HRC/14/12, ¶ 90.40.

<sup>3</sup> *Id.*, ¶ 90.39.

<sup>4</sup> *Report of the Working Group on the Universal Periodic Review: Islamic Republic of Iran*, (Dec. 22, 2014), U.N. Doc. A/HRC/28/12, ¶ 138.146, .149–.162, .166.

<sup>5</sup> International Federation for Human Rights, *Iran: Death Penalty* (International Federation for Human Rights, 2009), 4. Also available online at [http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf).

<sup>6</sup> Iran Human Rights: Annual report on the death penalty in Iran- 2014 (Forthcoming).

<sup>7</sup> Abdorrahman Boroumand Foundation, Human Rights & Democracy for Iran, <http://www.iranrights.org/>, last visited Feb. 12, 2015.

<sup>8</sup> Death Penalty Worldwide; Iran Human Rights, “One Prisoner Was Hanged in Northern Iran,” Jan. 5, 2014, <http://iranhr.net/2014/01/one-prisoners-was-hanged-in-northern-iran/>, last visited Feb. 12, 2015; National Council of Resistance of Iran, “Iran: Three prisoners hanged in Oromiyeh prison,” Jan. 9, 2014, <http://www.ncr-iran.org/en/news/human-rights/15709-iran-three-prisoners-hanged-in-oromiyeh-prison>, last visited Feb. 12, 2015; Iran Human Rights, “Six Prisoners Were Executed in Three Iranian Towns,” Jan. 9, 2014, <http://iranhr.net/2014/01/six-prisoners-were-executed-in-three-iranian-towns/>, last visited Feb. 12, 2015; Iran Human Rights, “11 Prisoners Executed in Rajaishahr Prison (West of Tehran) Today,” Jan. 14, 2014, <http://iranhr.net/2014/01/12-prisoners-executed-in-rajaishahr-prison-west-of-tehran-today/>, last visited Feb. 12, 2015; Iran Human Rights, “Three Prisoners Were Hanged in Iran,” Jan. 14, 2014, <http://iranhr.net/2014/01/three-prisoners-were-hanged-in-iran/>, last visited Feb. 12, 2015; Iran Human Rights, “Seven Prisoners Hanged in Iran—One Hanged in Public,” Jan. 15, 2014, <http://iranhr.net/2014/01/seven-prisoners-hanged-in-iran-one-hanged-in-public-2/>, last visited Feb. 12, 2015; Iran Human Rights, “Six Prisoners Were Hanged For Drug Related Charges in Iran—24 Executions in Two Days in Iran,” Jan. 15, 2014, <http://iranhr.net/2014/01/six-prisoners-were-hanged-for-drug-related-charges-in-iran-24-executions-in-two-days-in-iran/>, last visited Feb. 12, 2015; Iran Human Rights Documentation Center, “IHRDC Chart of Executions by the Islamic Republic of Iran – 2014,” last updated Jan. 7, 2015, <http://www.iranhrdc.org/english/publications/1000000425-ihrc-chart-of-executions-by-the-islamic-republic-of-iran-2014.html>, last visited Feb. 12, 2015; Human Rights and Democracy for Iran, “Reported executions 2014,” <http://www.iranrights.org>, last visited Feb. 12, 2015.

was closer to 142 executions.<sup>9</sup> At least 14 of the people executed in 2014 are believed to have been under 18 at the time of the crimes that led to their death sentences.<sup>10</sup> Executions of child offenders convicted of drug trafficking crimes continue, despite revisions to the Penal Code purportedly prohibiting execution of child offenders convicted of “discretionary” offenses.

4. Child offenders are sometimes denied access to counsel, tortured to extract confessions, and denied due process in judicial proceedings.
5. Public executions in Iran have a profound effect on children who witness them. Children imitate and reenact executions during playtime—sometimes with fatal results.

### III. Iran’s Penal Code includes more than 80 capital offenses and allows execution of individuals for crimes committed as minors.

6. The Islamic Republic of Iran ratified the Convention on the Rights of the Child in 1994 with the following reservation: “If the text of the Convention is or becomes incompatible with the domestic laws and Islamic standards at any time or in any case, the Government of the Islamic Republic shall not abide by it.” Iran has not adopted specific legislation implementing the Convention.
7. The number of crimes carrying the possibility of execution in Iran is among the highest in the world. Capital offenses include “adultery, incest, rape, sodomy, a non-Muslim party in same-sex relations, insulting the Prophet Mohammad and other great Prophets, possessing or selling illicit drugs, theft for the fourth time, premeditated murder, moharebeh (waging war [against God]), fisd-fil-arz (corruption on earth) and human trafficking.”<sup>11</sup>
8. In practice, only a handful of these offenses, such as murder, drug trafficking, and rape, account for the vast majority of executions, with drug offenses topping the list. Criminal punishments in Iran are divided into five types, in accordance with the Islamic Penal Code (“IPC”).<sup>12</sup> They are *hodood*<sup>13</sup>, *qesas*<sup>14</sup>, *diyeh*, *ta’zirat*, and deterrent punishments. *Hodood* punishments are those for which the type, amount and quality is prescribed by Sharia.<sup>15</sup> *Qesas*, which translates to “retaliation,” is the punishment to which the criminal shall be

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<sup>9</sup> Iran Human Rights and Together Against the Death Penalty, *Annual Report on the Death Penalty in Iran – 2013*, 5.

<sup>10</sup> Iran Human Rights: Annual report on the death penalty in Iran- 2014 (Forthcoming)

<sup>11</sup> United Nations, *Situation of Human Rights in the Islamic Republic of Iran: Report of the Secretary-General*, U.N. Doc. A/68/377, Sept. 10, 2013, ¶ 14.; see also Iran Human Rights and Together Against the Death Penalty, *Annual Report on the Death Penalty in Iran – 2013*, 15-18.

<sup>12</sup> All references herein to the Islamic Penal Code will be to (1) the English translation of Books One and Two, dated April 4, 2013 and undertaken by the Iran Human Rights Documentation Center (<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/3200-islamic-penal-code-of-the-islamic-republic-of-iran-book-one-and-book-two.html>, last visited Feb. 12, 2015), which includes all amendments up to January 2012; (2) the English translation of Books Three and Four undertaken by the Iranian Law Network ([http://www.iran-law.com/IMG/pdf/Iran\\_Criminal\\_Code\\_in\\_English.pdf](http://www.iran-law.com/IMG/pdf/Iran_Criminal_Code_in_English.pdf), last visited Feb. 12, 2015); and (3) the English translation of Book Five, dated July 18, 2013, also undertaken by the Iran Human Rights Documentation Center (<http://www.iranhrdc.org/english/human-rights-documents/iranian-codes/1000000351-islamic-penal-code-of-the-islamic-republic-of-iran-book-five.html>, last visited Feb. 12, 2015).

<sup>13</sup> Also spelled *hodud*, *hudud*, or *hadd*, these are punishments whose type and scope have been determined by Sharia Law and cannot be commuted or pardoned.

<sup>14</sup> Also spelled *qisas*.

<sup>15</sup> Iran Penal Code (2013), Art. 15.

sentenced and is equal to his/her crime.<sup>16</sup> A family member of the offended may and does sometimes carry out the execution.<sup>17</sup> In the case of murder, therefore, the punishment is considered *qesas* as retribution for life. *Diyeh* punishment is monetary compensation, prescribed by Sharia, for the crime.<sup>18</sup> *Ta'zirat* is “chastisement” or punishment, not prescribed by Sharia but instead left to the discretion of judges, and includes imprisonment, fine and lashes. Most frequently, the death penalty is applied under the *hodood* section, and it is used under the *qesas* section in cases of murder.<sup>19</sup>

9. In 2013, Iran adopted a new Penal Code.<sup>20</sup> The new law was published in the Official Gazette on May 27, 2013, entered into force on June 12, 2013,<sup>21</sup> and has been approved for implementation for five years.<sup>22</sup> The new Penal Code retains the death penalty for nearly all capital offenses in the previous Penal Code, and it even expands its scope, giving judges authority to order death in additional cases based on Sharia law.<sup>23</sup>
10. In its 2005 Concluding Observations, the Committee on the Rights of the Child urged the Government of Iran “to review its legislation so that the age of majority is set at 18 years of age and that minimum age requirements conform with all the principles and provisions of the Convention . . . , and in particular that they are gender neutral . . . .”<sup>24</sup> The new Penal Code retains gender distinctions and allows courts to hold girls over nine years old and boys over fifteen years old criminally responsible. It explicitly defines the “age of criminal responsibility” for children as the age of maturity under *shari'a* law, meaning that girls over nine years old and boys over fifteen years of age are eligible for execution if convicted of “crimes against God” (such as apostasy) or “retribution crimes” (such as “intentional murder”).<sup>25</sup>

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<sup>16</sup> *Id.*, Art. 16 (refers to Book 3 for sentencing). The new Penal Code retains exemptions for the following acts and persons: father and paternal grandfather of the victim (Art. 301); murder of a person who committed a death-eligible *hodood* offense (Art. 302); murder of a rapist (Art. 302); a husband who murders his wife and her lover committing adultery (Art. 302); Muslims, members of recognized religions, “protected persons” who kill members of unrecognized religions or “non-protected persons” (Art. 310) (as described by Iran Human Rights and Together Against the Death Penalty, *Annual Report on the Death Penalty in Iran – 2013*, 17).

<sup>17</sup> See, e.g., Iran Human Rights, “Two Prisoners Executed Publicly in Northern Iran,” Oct. 5, 2013, <http://iranhr.net/2013/10/two-prisoners-executed-publicly-in-northern-iran/>, last visited Feb. 12, 2015.

<sup>18</sup> Iran Penal Code (2013), Art. 17.

<sup>19</sup> International Federation for Human Rights, *Iran: Death Penalty* (2009), 10, [http://www.fidh.org/IMG/pdf/Rapport\\_Iran\\_final.pdf](http://www.fidh.org/IMG/pdf/Rapport_Iran_final.pdf), last visited Feb. 12, 2015.

<sup>20</sup> For purposes of this report, the authors have relied on unofficial translations of the Iran Penal Code found here: <http://rc.majlis.ir/fa/law/show/845048>.

<sup>21</sup> Tabnak, “Penal Code was promulgated by the President,” accessed Feb. 24, 2014.

<sup>22</sup> Public Relations Research Center of the Iranian Parliament, “Penal Code was promulgated to implement full,” <http://rc.majlis.ir/fa/news/show/845002>, last visited Feb. 12, 2015.

<sup>23</sup> United Nations, *Situation of Human Rights in the Islamic Republic of Iran: Report of the Secretary-General*, U.N. Doc. A/68/377, Sept. 10, 2013, ¶ 14; International Federation for Human Rights, *Background information and Recommendations for the UNGA Resolution on Human Rights in the Islamic Republic of Iran* (2013), 2; Death Penalty Worldwide (citing Islamic Penal Code of the Islamic Republic of Iran of 1991, art. 220, as amended on April 27, 2013).

<sup>24</sup> Committee on the Rights of the Child, 38<sup>th</sup> Session, Concluding observations: The Islamic Republic of Iran (Mar. 31, 2005), U.N. Doc. CRC/C/15/Add.254, ¶ 23.

<sup>25</sup> Iran Penal Code, Art. 147, (2013); Human Rights Watch, *Codifying Repression: An Assessment of Iran’s New Penal Code* (2012), 21-22. The ages of 9 and 15 years are determined according to the lunar calendar.



11. The new Penal Code purports to reduce the number of death-eligible crimes for which child offenders may be executed.<sup>26</sup> Child offenders under the age of 18 years who commit *hodood* or *qesas* offenses may not be sentenced to death if the judge determines, based on forensic evidence, that the offender lacked “adequate mental maturity and the ability to reason.”<sup>27</sup> The accompanying legislative note allows, but does not mandate, the judge to seek an expert forensic opinion or other source, to make that determination.<sup>28</sup> Article 88 provides that child offenders who commit “discretionary crimes,” are not eligible for capital punishment.<sup>29</sup> The new Penal Code did not clarify whether the exclusion of the death penalty for “discretionary” (*ta'zir*) crimes committed by persons under the age of 18 extends to drug-related offences, which are considered *ta'zir* crimes punishable by death under Iran’s Anti-Narcotics Law. In an advisory opinion dated 31 May 2014, the Legal Office of the Judiciary held that children convicted of capital drug-related offences must be sentenced in accordance with the alternative measures set out in the new Penal Code.<sup>30</sup> However, it is not yet clear if Iran’s revolutionary courts, which have jurisdiction over drug-related offences, have adopted this interpretation.
12. In January 2015, the judiciary issued a ruling that required all courts to review death sentences for child offenders imposed prior to the new Penal Code if the defendants petitioned for review.<sup>31</sup> As discussed below, however, child offenders convicted of drug-related offences are still being scheduled for execution.

#### IV. Iran violates Article 37(a) of the Convention on the Rights of the Child

##### A. Iran executes more child offenders than any other country in the world.

13. The Committee on the Rights of the Child in 2005, in its Concluding Observations following its consideration of Iran’s second periodic report, welcomed “information provided by the delegation [of the Government of Iran] that the Bill on the Establishment of Juvenile Courts has been approved by the Council of Ministers,”—a bill which would have “abolishe[d] the death penalty for crimes committed by persons under 18.”<sup>32</sup> The Committee urged the Iranian Government to “take, as a matter of the highest priority, all possible measures to secure the final official approval of this new law and to ensure its full implementation.”<sup>33</sup> The Iranian Government’s 2013 Third Periodic Report concedes that this bill has still not been enacted.<sup>34</sup> The Iranian Government continues to sentence child offenders to death and to execute individuals for crimes committed as children. As the Committee noted in its Concluding Observations, despite assurances from the delegation

<sup>26</sup> United Nations, *Situation of Human Rights in the Islamic Republic of Iran: Report of the Secretary-General*, U.N. Doc. A/68/377, Sept. 10, 2013, ¶ 14.

<sup>27</sup> *Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General*, ¶ 17, U.N. Doc. A/68/377 (Sept. 10, 2013); Iran Penal Code (2013), Art. 91.

<sup>28</sup> Iran Human Rights, *Annual Report on the Death Penalty in Iran – 2013*, 18.

<sup>29</sup> Iran Penal Code (2013), Art. 88.

<sup>30</sup> Advisory opinion, Legal Office of the Judiciary, May 31, 2014, <http://edarehoquqy.ir/Default.aspx?tabid=4988&articleType=ArticleView&articleId=87698>

<sup>31</sup> Child Rights International Network, *Iran: Halt Execution of Child Offender*, Feb. 10, 2015, <https://www.crin.org/en/library/news-archive/iran-halt-execution-child-offender> (last visited Feb. 11, 2015).

<sup>32</sup> Committee on the Rights of the Child, 38<sup>th</sup> Session, Concluding observations: The Islamic Republic of Iran (Mar. 31, 2005), U.N. Doc. CRC/C/15/Add.254, ¶ 8.

<sup>33</sup> *Id.*, ¶ 9.

<sup>34</sup> Islamic Republic of Iran, Third Periodic Report on the Convention on the Rights of the Child (Mar. 2013), 80–81.

that “executions of persons for having committed crimes before the age of 18 ha[d] been suspended” in light of the pending bill, “such executions have continued . . . , including one such execution on the day the second report was being considered.”<sup>35</sup>

14. The Committee urged the Iranian Government “to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them into penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention.”<sup>36</sup>

15. Notably, the Iranian Government’s Third Periodic Report, in its discussion of Iran’s obligations under Article 37(a),<sup>37</sup> makes no reference to the second sentence of that provision: “Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”

16. Elsewhere in the Third Periodic Report, the Iranian Government asserts in passing:

In Iranian law some serious crimes are punishable by death. However, in the judicial proceedings, no death sentence is issued for the children. Similarly, it is the policy of the Judiciary to avoid heavy sentences against children under the age of 18 or to change them subsequently through pardons.<sup>38</sup>

This statement is not consistent with reality on the ground in Iran.

17. There are currently about 160 child offenders on death row in Iranian prisons. In practice, the Government of Iran typically holds child offenders on death row until they reach the age of majority before executing them.<sup>39</sup>

18. Indeed, the Iranian Government seems to conflate the Convention’s prohibition on imposing the death penalty on an individual for a crime committed when under age 18 with a prohibition on executing persons under age 18. For example, the Third Periodic Report states that “[t]he Head of the Judiciary has issued a circular to prohibit applying *qisas* (death or corporal punishment for the crime of murder) on children and adolescents.”<sup>40</sup>

19. Iranian media reports confirm that Iran has executed at least eight child offenders since 2010.<sup>41</sup> Iranian media do not report all executions, but human rights organizations supplement these media reports through independent monitoring.

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<sup>35</sup> Committee on the Rights of the Child, 38<sup>th</sup> Session, Concluding observations: The Islamic Republic of Iran (Mar. 31, 2005), U.N. Doc. CRC/C/15/Add.254, ¶ 29.

<sup>36</sup> *Id.*, ¶ 30.

<sup>37</sup> Islamic Republic of Iran, Third Periodic Report on the Convention on the Rights of the Child (Mar. 2013), 25–26.

<sup>38</sup> *Id.*, at 91.

<sup>39</sup> International Federation for Human Rights, *Iran: death penalty*, (April 2009), 28; Iran Human Rights, *Annual Report on the Death Penalty in Iran – 2013*, 19.

<sup>40</sup> Islamic Republic of Iran, Third Periodic Report on the Convention on the Rights of the Child (Mar. 2013), 91 (underlining added).

<sup>41</sup> Child Rights International Network, *Iran: Halt Execution of Child Offender*, Feb. 10, 2015, <https://www.crin.org/en/library/news-archive/iran-halt-execution-child-offender> (last visited Feb. 11, 2015).

20. In 2014, the Iranian Government executed at least 14 child offenders—one of the highest rates in more than a decade.<sup>42</sup> According to Iran Human Rights’ annual reports, since 2008, at least 42 child offenders have been executed. Eight child offenders were executed in 2013, four in 2011, two in 2010, five in 2009, and nine in 2008.<sup>43</sup>
21. Executions of two child offenders—Hasan Gholami and Mehras Rezaei—have been announced by the media inside Iran, while the rest have been announced by human rights organizations and confirmed by at least two different sources. Mehras Rezaei (Bloghnews) was convicted of murdering his cousin when he was 17 year old.<sup>44</sup> He was hanged in Jouybaran. Hassan Gholami was 14 year old when he was convicted of a murder as a result of a street fight in 2007. He was executed seven years later, on March 2, 2014, in the prison of Shiraz. His family was not informed about the execution.<sup>45</sup>
- B. Despite Article 88 of the new Penal Code, Iran continues to execute individuals for drug-related offenses committed as children.**
22. One of the child offenders executed in 2014 was convicted of drug trafficking<sup>46</sup> which falls under article 88 of the new Iranian Penal Code. The rest were convicted of murder and sentenced to *qesas* (retribution in kind). The Dari section of Radio Liberty (Radio Azadi) reported that a 15-year old Afghan boy named Jannat Mir was among six Afghan citizens executed in the Dastgerd prison of Isfahan in April 2014.<sup>47</sup> According to this report, Mir and the five others were all convicted of drug-related charges.<sup>48</sup> Jannat Mir’s execution was also mentioned by the UN High Commissioner for Human Rights and in the report of the UN Secretary-General.<sup>49</sup>
23. Yet another recent report involves Saman Naseem, who was first sentenced to death in January 2012 on the offenses of “enmity against God” (*moharebeh*) and “corruption on earth” (*ifsad fil-arz*) resulting from alleged armed activities against Iran’s Revolutionary Guard.<sup>50</sup> Originally sentenced by the Revolutionary Court of Mahabad, Naseem’s sentence was actually overturned by Branch 32 of the Iran Supreme Court in August 2012 both for lack of jurisdiction by the Revolutionary Court and because Naseem was under 18 at the

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<sup>42</sup> Amnesty International, “Iran: Alleged juvenile offender among 10 hunger strikers threatened with immediate execution,” Dec. 16, 2014, <http://www.amnesty.org/en/news/iran-alleged-juvenile-offender-among-10-hunger-strikers-threatened-immediate-execution-2014-12->, last visited Feb. 12, 2015.

<sup>43</sup> Iran Human Rights, “Iran Human Rights: at least 350 executions in 2008 in Iran,” Feb. 24, 2009, <http://iranhr.net/2009/02/iran-human-rights-at-least-350-executions-in-2008-in-iran/>, last visited Feb. 12, 2015.

<sup>44</sup> Iran Human Rights, “Execution of a minor offender in Iran,” Mar. 7, 2014, <http://iranhr.net/2014/03/execution-of-a-minor-offender-in-iran/>, last visited Feb. 12, 2015.

<sup>45</sup> Fedagh news website, *Gholami was executed in Shiraz today*, Mach 2, 2014, <http://fedagh.ir/archives/7560>.

<sup>46</sup> Iran Human Rights, “Afghan Juvenile Executed in Iran for Drug-Related Charges,” May 6, 2014, <http://iranhr.net/2014/05/afghan-juvenile-executed-in-iran-for-drug-related-charges/>, last visited Feb. 12, 2015.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> U.N. High Commissioner for Human Rights, “Iran: Execution of juvenile offenders breaches international law – Pillay,” June 26, 2014, <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=14780&LangID=F>, last visited Feb. 12, 2015.

<sup>50</sup> Amnesty International, “Iran: Alleged juvenile offender among 10 hunger strikers threatened with immediate execution,” Dec. 16, 2014, <http://www.amnesty.org/en/news/iran-alleged-juvenile-offender-among-10-hunger-strikers-threatened-immediate-execution-2014-12->, last visited Feb. 12, 2015.

time of the alleged offense.<sup>51</sup> Naseem’s case was remanded to Branch 2 of the Criminal Court of the West Azerbaijan Province, and he was against sentenced to death in April 2013.<sup>52</sup> Branch 32 of the Supreme Court upheld this death sentence in December 2013.<sup>53</sup>

24. Naseem’s attorney told Human Rights Watch that he has petitioned the judiciary and government authorities several times to suspend Naseem’s execution because he was a child offender, but the petitions were either rejected or unanswered.<sup>54</sup> In February 2015, Saman Naseem’s attorney of record received an official letter suggesting that the judiciary has cleared the path for Naseem to be executed on or about February 19, 2015.<sup>55</sup>

**C. Child offenders are denied due process and access to counsel and are tortured to extract confessions.**

25. In 2005, the Committee on the Rights of the Child in its Concluding Observations said that it “deplore[d]” that “torture and other cruel, inhuman or degrading treatment or punishment of persons for having committed crimes before the age of 18 . . . have continued” in Iran, despite assurances of the delegation to the contrary.<sup>56</sup> The Committee expressed its continuing concern about “the existing poor quality of the rules and practices in the juvenile justice system, reflected, inter alia, in the lack of statistical data, the limited use of specialized juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture and other cruel or inhuman punishment and in particular of the death penalty.”<sup>57</sup> The Committee called on the Iranian Government “[t]o ensure that persons under 18 are provided with legal assistance of good quality throughout the [criminal justice] process.”<sup>58</sup>
26. The Third Periodic Report concedes that Article 37(a) recognizes the right of children not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.<sup>59</sup> It outlines prohibitions against torture and inhuman treatment in the Constitution of the Islamic Republic of Iran and criminal sanctions in the Islamic Punishment Act for such treatment.<sup>60</sup> The Report further asserts that “no one can be forced to confess or to testify against himself/herself. Such a confession is not valid and the violator of this rule is liable for prosecution . . . . The justice administration bailiffs are also properly trained to know that forcing the accused, [e]specially children and adolescents, to confess or give evidence is prohibited.”<sup>61</sup>
27. The Third Periodic Report further asserts that because “most of the proceedings are held in the presence of parents or legal guardian of the child and his/her attorney, it is practically

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> Child Rights International Network, *Iran: Halt Execution of Child Offender*, Feb. 10, 2015, <https://www.crin.org/en/library/news-archive/iran-halt-execution-child-offender> (last visited Feb. 11, 2015).

<sup>55</sup> *Id.*

<sup>56</sup> Committee on the Rights of the Child, 38<sup>th</sup> Session, Concluding observations: The Islamic Republic of Iran (Mar. 31, 2005), U.N. Doc. CRC/C/15/Add.254, ¶ 72.

<sup>57</sup> *Id.*, ¶ 72.

<sup>58</sup> *Id.*, ¶ 73(e).

<sup>59</sup> Islamic Republic of Iran, Third Periodic Report on the Convention on the Rights of the Child (Mar. 2013), 25–26.

<sup>60</sup> *Id.* at 25.

<sup>61</sup> *Id.* at 73.

impossible to force a child to confess or give testimony against himself/herself.”<sup>62</sup> It further states that “where there is an allegation against a child, the justice administration bailiffs and police are required to immediately inform judicial authorities and take appropriate measures to bring the accused child before the judge. At a time other than working hours, they are required to release the child upon the pledge made by parents/guardians to bring the child to the court when he/she is called for.”<sup>63</sup>

28. The Third Periodic report further contends that “Article 220 of the Penal Procedure Act requires the courts, when considering a child’s offence, to call the accused child’s legal guardian to attend the court in personal or appoint him/her an attorney. If they fail to do so, the court itself will appoint an attorney for the child.”<sup>64</sup> It goes on to say that legal “safeguards . . . are intended to guarantee a fair hearing by a competent, independent and impartial authority or judicial body, in the presence of legal or other appropriate assistance.”<sup>65</sup>
29. Despite these *de jure* prohibitions, several case studies demonstrate that persons under 18, and individuals convicted of crimes committed while under age 18, are denied due process, access to attorneys, and are subjected to torture and other forms of ill-treatment.
30. Saman Naseem’s attorney of record reports that officials in the judiciary’s implementation division have unlawfully prevented him from thoroughly reviewing the case file for information about the impending execution.<sup>66</sup> A source close to Naseem’s family says that agents tortured Naseem during the first few months after his arrest, when he was held incommunicado. The source says he was beaten and lashed and that his fingernails were pulled out.<sup>67</sup> Naseem’s “confession” was later aired on state television, although court documents suggest that at trial Naseem denied his involvement.<sup>68</sup>
31. In an interview with Radio Azadi, Jannat Mir’s brother Nazok Mir said that “Jannat Mir was a 9<sup>th</sup> grade school boy who left Afghanistan for Iran two years ago. He was arrested by the Iranian authorities and sentenced to death for drug-trafficking. He didn’t have access to lawyer<sup>69</sup> and the Iranian authorities didn’t allow the family to take the body back to Afghanistan. His family was forced to bury Mir in Isfahan.
32. A July 2014 report indicates that Rasoul Holoumi, then aged 22, was at risk for being executed by hanging for a 2010 conviction of killing another boy during a group fight.<sup>70</sup> At the time of the conviction, Holoumi was only 17 years old.<sup>71</sup> The conviction was reportedly based on allegations that Holoumi had thrown a “hard object” at Nasim Nouri

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 73–74.

<sup>64</sup> *Id.* at 74.

<sup>65</sup> *Id.* at 75.

<sup>66</sup> Child Rights International Network, *Iran: Halt Execution of Child Offender*, Feb. 10, 2015, <https://www.crin.org/en/library/news-archive/iran-halt-execution-child-offender> (last visited Feb. 11, 2015).

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> Iran Human Rights, “Afghan Juvenile Executed in Iran for Drug-Related Charges,” May 6, 2014, <http://iranhr.net/2014/05/afghan-juvenile-executed-in-iran-for-drug-related-charges/>, last visited Feb. 12, 2015.

<sup>70</sup> Amnesty International, “Iran: Youth at risk of hanging amid disturbing rise in juvenile executions,” July 15, 2014, <http://www.amnesty.org/en/for-media/press-releases/iran-youth-risk-hanging-amid-disturbing-rise-juvenile-executions-2014-07-15>, last visited Feb. 12, 2015.

<sup>71</sup> *Id.*

Maleki, resulting in fatal head injuries.<sup>72</sup> The crime is punishable in Iran under the concept of *qesas*, which translates to “retaliation” and proscribes that the criminal’s punishment shall be sentenced and is equal to his/her crime.<sup>73</sup> A family member of the offended may and does sometimes carry out the execution.<sup>74</sup> In the case of murder, therefore, the punishment is considered *qesas* as retribution for life. Similar to the case of Mir above, reports are that Holoumi was not given access to a lawyer during the investigation, nor given adequate time or resources to prepare a defense during trial.<sup>75</sup> The report also indicates that, although Holoumi initially confessed to the crime “because he felt sorry for another child who had confided to him that he had hit Nasim Nouri Maleki during the fight,” Holoumi later denied throwing the object.<sup>76</sup> Nonetheless, Iran’s Supreme Court upheld Holoumi’s death sentence without explanation in 2010.<sup>77</sup>

33. The Holoumi story is remarkably similar to another regarding Iranian Ali Mahin Torabi, who was accused of murder at age 16 years and given the death sentence as *qesas* retribution.<sup>78</sup> Torabi was transferred to Rajae-Shahr prison in Karaj, tortured, and kept in a cell with two other inmates that measured only 5 x 5 meters in area.<sup>79</sup> Torabi’s family was only allowed to visit him once every 45 days for only 20 minutes at a time.<sup>80</sup> Torabi was further subject to the psychological duress of not knowing when his death sentence would be carried out, stating that the prison carried out executions every Tuesday, and so “[e]very Tuesday, I was thinking it would be my last.”<sup>81</sup>

#### V. Public executions harm children who witness them.

34. Most executions are now reportedly carried out within prisons, but many hangings are still public. In 2014, at least 53 people were hanged in public.<sup>82</sup> There were least 60 reported

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<sup>72</sup> *Id.*

<sup>73</sup> *Id.*; Penal Code, Art. 16 (refers to Book 3 for sentencing). The new Penal Code retains exemptions for the following acts and persons: father and paternal grandfather of the victim (Art. 301); murder of a person who committed a death-eligible *hodood* offense (Art. 302); murder of a rapist (Art. 302); a husband who murders his wife and her lover committing adultery (Art. 302); Muslims, members of recognized religions, “protected persons” who kill members of unrecognized religions or “non-protected persons” (Art. 310) (as described by Iran Human Rights and Together Against the Death Penalty, *Annual Report on the Death Penalty in Iran – 2013*, 17).

<sup>74</sup> See, e.g., Iran Human Rights, “Two Prisoners Executed Publicly in Northern Iran,” Oct. 5, 2013, <http://iranhr.net/2013/10/two-prisoners-executed-publicly-in-northern-iran/>, last visited Feb. 12, 2015.

<sup>75</sup> Amnesty International, “Iran: Youth at risk of hanging amid disturbing rise in juvenile executions,” July 15, 2014, <http://www.amnesty.org/en/for-media/press-releases/iran-youth-risk-hanging-amid-disturbing-rise-juvenile-executions-2014-07-15>, last visited Feb. 12, 2015.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> Saeed Kamali Dehghan, *Iranian who spent seven years on death row tells of ordeal*, *The Guardian*, Mar. 26, 2012, <http://www.theguardian.com/world/2012/mar/27/iranian-death-row-tells-ordeal>, last visited Feb. 12, 2015.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*; see also Death Penalty Worldwide (citing International Federation for Human Rights, *Death Penalty in Iran: A State Terror Policy- Special Update for 11th World Day Against the Death Penalty*, (Oct. 9, 2013)).

<sup>82</sup> Written communication with Iran Human Rights, Feb. 12, 2015, on file with The Advocates for Human Rights.

cases of public hangings in 2012,<sup>83</sup> and a report of the Secretary-General notes at least 63 public executions in 2013.<sup>84</sup>

35. Public hangings are often announced locally and people are encouraged to attend as spectators.<sup>85</sup> As there are no age limits, children are often observed watching public executions, including as recently as January 2015.<sup>86</sup>
36. There are several reports of children who have died while imitating executions during play.<sup>87</sup> In September 2013, for example, an eight-year-old boy died during a playtime execution “game.”<sup>88</sup>

## VI. Suggested Recommendations

37. The Government of Iran should:

- a. abolish the death penalty altogether, and in the meantime impose a moratorium on the death penalty and immediately cease all public executions;
- b. expand the prohibition on capital punishment for offenses committed by individuals under 18 years of age to include all offenses, and immediately direct all judicial authorities to cease imposing death sentences on such individuals;
- c. ensure that all individuals who commit crimes when under the age of 18 are forever ineligible for imposition of a death sentence for such crimes;
- d. immediately commute the death sentences of all individuals so sentenced for offenses committed while under 18 years of age to sentences that conform with the principles and provisions of the Convention;

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<sup>83</sup> Ensemble contre la peine de mort and Iran Human Rights, *Annual Report on the Death Penalty in Iran: 2012*, 2, [http://www.abolition.fr/sites/default/files/rapport\\_iran\\_2012-gb-270313-mdb.pdf](http://www.abolition.fr/sites/default/files/rapport_iran_2012-gb-270313-mdb.pdf), last visited Feb. 12, 2015; Death Penalty Worldwide (citing Iran Human Rights, *Annual Report on the Death Penalty in Iran-2012*, (April 2013), 11 [http://iranhr.net/wp-content/uploads/2013/04/FINAL-Rapport\\_iran\\_2012-GB-250313-HD.pdf](http://iranhr.net/wp-content/uploads/2013/04/FINAL-Rapport_iran_2012-GB-250313-HD.pdf), last visited Feb. 12, 2015).

<sup>84</sup> *Situation of human rights in the Islamic Republic of Iran: Report of the Secretary-General*, ¶ 15, U.N. Doc. A/68/377, (Sept. 10, 2013); Death Penalty Worldwide (citing Amnesty International, *Annual Report 2013- Iran*, accessed Feb. 10, 2014, <http://www.amnesty.org/en/region/iran/report-2013>, last visited Feb. 12, 2015). Iran Human Rights documents 59 public executions in Iran in 2013. Iran Human Rights, *Annual Report on the Death Penalty in Iran-2013*, 12.

<sup>85</sup> Written communication with Iran Human Rights, Feb. 12, 2015, on file with The Advocates for Human Rights.

<sup>86</sup> Written communication with Iran Human Rights, Feb. 12, 2015, on file with The Advocates for Human Rights; Iran Human Rights, “Two prisoners hanged in public in Shiraz (Southern Iran),” Feb. 13, 2014, <http://iranhr.net/2014/02/two-prisoners-hanged-in-public-in-shiraz-southern-iran/>, last visited Feb. 12, 2015; Iran Human Rights, “Children watching public executions in Iran: Iran Human Rights urges the international community to act immediately,” Oct. 12, 2011, <http://iranhr.net/2011/10/children-watching-public-executions-in-iran-urge-un-ban/>, last visited Feb. 12, 2015; Iran Human Rights, “Public Execution of Two Prisoners in Front of Children,” Jan. 18, 2015, <http://iranhr.net/2015/01/public-execution-of-two-prisoners-in-front-of-children/>, last visited Feb. 12, 2015.

<sup>87</sup> Written communication with Iran Human Rights, Feb. 12, 2015, on file with The Advocates for Human Rights.

<sup>88</sup> Iran Human Rights, *Annual Report on the Death Penalty in Iran-2013*, 12 (citing Roozonline, Child dies while simulating a public execution, Sept. 4, 2013, <http://www.roozonline.com/persian/news/newsitem/archive/2013/september/04/article/-de12bcf75b.html>).

- e. in the absence of outright abolition, restrict the use of the death penalty to the “most serious” crimes, and immediately remove punishment by death for crimes such as adultery, homosexuality, and drug trafficking;
- f. ensure that all persons accused of crimes committed under the age of 18 have access to counsel throughout all phases of criminal investigation, trial, and appeal, and ensure that the accused has unrestricted access to the case file and any evidence against the accused;
- g. Vacate all convictions based on confessions obtained under torture or cruel, inhuman, or degrading treatment; enforce prohibitions against use of such confessions in criminal proceedings; and hold accountable the individuals responsible for inducing such confessions.



**Annex 11:**

**Unrepresented Nations and  
Peoples Organization  
(UNPO)**

**Alternative (NGO) Report submitted to the UN Committee on the Rights of the Child for the consideration of the Third Report of the Islamic Republic of Iran during the 71<sup>st</sup> Pre-Sessional Working Group**

**SUBMITTED BY:**

Unrepresented Nations and Peoples Organization

**With the Support of:**

Ahwaz Human Rights Organization  
Association of Human Rights in Kurdistan of Iran-Geneva

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**FOCUS ON:**

Ahwazi Arabs  
Iranian Kurdistan  
Southern Azerbaijan  
West Balochistan

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## Section A: Introduction to the Report

This alternative report, submitted by the Unrepresented Nations and Peoples Organization (UNPO) on the occasion of the 71<sup>st</sup> Pre-Sessional Working Group of the United Nations Committee on the Rights of the Child, during which the Third Report of the Islamic Republic of Iran is considered, comments upon relevant clusters of articles of the Convention on the Rights of the Child (hereinafter CRC), focusing on the situation of children of non-Persian ethnic groups living in the Islamic Republic of Iran. In particular, the report focuses on the situation of Azeri Turkish, Baloch, Ahwazi Arab and Kurdish children. It looks into the Iranian Government's adherence to and implementation of the provisions of the CRC in relation to these groups in law and in practice, and in doing so, wishes to draw the attention of the Committee to the vulnerable situation of minority children, which has thus far not been considered in its reviews of the Islamic Republic of Iran.

Although these ethnic and linguistic groups differ greatly, they all face similar economic, cultural and political discrimination, with children being in a particularly vulnerable situation (in violation of CRC Art. 2 and 4). They are often unable to receive education in their mother tongue and grow up in communities that have to face daily difficulties in expressing their languages and cultures (Art. 30). Moreover, the majority of the Kurds and Baloch, as well as a minority of Ahwazi Arabs and Azeri Turks, are Sunni Muslims and, hence, face additional discrimination due to their religion and limitations in the possibility of professing it (Art. 14).

According to the Iranian Constitution, children are considered adults from the age of 9 for girls and 15 for boys, which is *per se* already against what is recommended by the Committee (Art. 1). Children above these ages are, thus, tried as adults and can be sentenced to death, in violation of the CRC (Art. 37). Moreover, the use of torture seems to be widespread throughout the State. While this applies to all children in Iran, it disproportionately affects children belonging to minority groups, as minorities are arrested, imprisoned and executed at much higher rates than ethnic Persians. The lack of reporting from the regions, where a majority of these minority groups live, further indicates that these violations of the basic human rights of children might be even more prevalent than available reports suggest.

## Section B: Introduction to Iran

This report will focus specifically on the situation faced by four non-Persian ethnic minority groups, which are UNPO members. These groups are the Ahwazi Arabs, Azerbaijani Turks, Baloch and Kurds. Although these groups have distinct languages, identities and cultures, they all share a long history of discrimination and repression. To better comprehend the history and context behind the repression, some information on census data and a short summary of each group are given below.

### **Census Data**

The Iranian Government has not collected statistics on ethnic, linguistic or religious groups within the State,<sup>1</sup> allegedly because it does not want to acknowledge the significance of minorities within its territory.<sup>2</sup> For example, the Third Periodic Report on the Convention on the Rights of the Child of the Islamic Republic of Iran hardly examines the importance of minority rights, merely stating the legal provisions without looking into the reality on the ground.<sup>3</sup> Hence, researching and analyzing the implementation of the rights of minority children becomes difficult, as one does not have official data to estimate the sheer prevalence of these groups.

Minority Rights Group International estimates that Azerbaijani Turks make up around 16 percent of the Iranian population, while Kurds account for roughly 10 percent and Balochi and Ahwazi Arabs for approximately two per cent each.<sup>4</sup> In comparison, UNPO's numbers, based on information directly provided by these minority groups, indicate similar estimates, except for people with Azerbaijani descent, which according to our sources account for over 30 percent of the Iranian population.<sup>5</sup> Overall, most independent figures estimate that all non-Persian ethnic groups combined comprise around half of the entire Iranian population if not more.<sup>6</sup> Yet, exact numbers are disputed.

### **Ahwazi Arabs**

The Ahwazi Arabs are indigenous to the southwestern part of Iran known as the Al-Ahwaz province, sometimes also referred to as Arabistan or Khuzestan. Ahwazi Arabs have lived in oil-rich Khuzestan since the Parthian era, 4,000 years ago, and experienced on-and-off recognition of independence and autonomy with the last

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<sup>1</sup> Minority Rights Group International, "*Seeking Justice and an End to Neglect: Iran's Minorities Today*" (London: 2011), p. 2. Available from: <http://www.minorityrights.org/10535/briefing-papers/seeking-justice-and-an-end-to-neglect-irans-minorities-today.html> (Accessed on 25 January 2015).

<sup>2</sup> *Ibid.*

<sup>3</sup> United Nations Committee on the Rights of the Child, *The Third Periodic Report on the Convention on the Rights of the Child: The Islamic Republic of Iran* (March 2013). Available from: <http://www.refworld.org/docid/51efa15a4.html> (Accessed on 18 February 2015).

<sup>4</sup> Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples: Iran Overview* (2015). Available from: <http://www.minorityrights.org/5092/iran/iran-overview.html> (Accessed on 20 January 2015).

<sup>5</sup> Unrepresented Nations and Peoples Organization, *Southern Azerbaijan* (25 March 2008). Available from: <http://unpo.org/members/7884> (Accessed on 13 February 2015).

<sup>6</sup> Minority Rights Group International (2011), *op.cit.*

time they lost their independence being 1929.<sup>7</sup> Mostly followers of Sunni Islam, Ahwazi Arabs in Iran currently find themselves discriminated against by prejudiced practices such as 'gozinesh', which the Committee on the Elimination of Racial Discrimination described as "a selection procedure requiring prospective State officials and employees to demonstrate allegiance to the Islamic Republic of Iran and the State religion".<sup>8</sup> Moreover, Ahwazi Arabs face cultural repression, forced migration and land grabbing, and are removed from the management of the natural resources taken from their ancestral land.

### **Azerbaijani Turks**

Azerbaijani Turks (Azeri Turks) settled in modern-day northwestern Iran before the influx of Persian tribes during the 6th century BC. Today, the community is split between what is now Southern Azerbaijan in Iran and the Republic of Azerbaijan. After World War II, the ethnic Azeris briefly experimented with independence. For this, they still face retaliation from the Iranian Government, which has prohibited Azerbaijani Turkish language in schools and actively persecutes Azeri activists, who are often deprived of legal representation.

### **Baloch**

The majority of indigenous Baloch people reside in the Sistan-Balochistan province in southeast Iran. After existing as semi-independent tribal confederacies, the Baloch people have experienced vast marginalization since the division of their nation by the British and Persian Empires. This discrimination has continued since the creation of the Islamic republic of Iran in 1979. The Baloch people are subjected to persecution, imprisonment, torture, executions and assassinations, while Iranian policies prohibit the exercise of their rights to political organization and dissemination of the Baloch culture and identity. The Iranian Government has encouraged the migration of non-Baloch people into areas inhabited by the Baloch resulting in the Baloch communities slowly losing their identity and becoming a minority in their own homeland.

### **Kurds**

Indigenous to the northwestern region of Iran, the Kurdish people are traditionally nomadic. However, nowadays most Iranian Kurds live in settled communities in Iranian Kurdistan, where they account for a majority of the population. The Iranian Government fails to address the needs of Iranian Kurdistan and the increasing levels of poverty have led to growing inequality. Iranian Kurds have been targeted by the government through political persecutions, marginalization and forced evictions. Furthermore, a lack of access to adequate housing means that many Kurds live in unsafe conditions. With a majority of Iranian Kurds adhering to Sunni Islam, they also face religious discrimination similar to the Ahwazi Arabs. Around six percent of Iranian Kurds adhere to various indigenous and minority religions, including Yarsan, Yazidis, Christianity and Judaism. Kurds currently make up the majority of Iran's political prisoners of conscience.

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<sup>7</sup> Gesellschaft Für Bedrohte Völker, *Written Statement: Iran* (February 2013). Available from: <https://www.gfbv.de/inhaltsDok.php?id=2597> (Accessed on 28 January 2015).

<sup>8</sup> United Nations Committee on the Elimination of Racial Discrimination, 77<sup>th</sup> session (2-27 August 2010), *Consideration of reports submitted by States parties under article 9 of the convention: Concluding observations of the Committee on the Elimination of Racial Discrimination: Islamic Republic of Iran*, 27 August 2010, CERD/C/IRN/CO/18-19, para 16.

## Section C: Compliance with CRC

### General Measure of Implementation (Arts. 4, 42 and 44(6))

As will be stressed throughout this report, the Islamic Republic of Iran has the ability and resources to improve significantly the rights of children belonging to the ethnic groups on which this report focuses. However, until now it has been reluctant to do so. For instance, Khuzestan accounts for around 90 percent of Iran's oil production and yet the region and in particular the Ahwazi Arabs living there do not seem to enjoy the benefits of these natural resources.<sup>9</sup> According to the Society for Threatened Peoples, poverty in Khuzestan affects especially Ahwazi children, with the local oil industry being mainly ruled by ethnic Persians, who have moved to the area.<sup>10</sup> One of the main consequences of the lack of resources that the Ahwazi Arabs face is malnutrition: the number of malnourished children is much higher than in the rest of the country.<sup>11</sup>

Moreover, the vagueness of Iranian laws and government policies entails that prejudices held by local and regional officials result in clear discrimination, with the tacit endorsement of the State Government.<sup>12</sup> This is also evident when examining the 2013 draft Iranian Charter of Citizens' Rights. As Dr Nazila Ghanea<sup>13</sup> argues, the Charter is full of open-ended clauses, which often consist of statements such as 'within the framework of the law' or 'due consideration of Islam', that limit and restrict the rights promised within it.<sup>14</sup> One should be aware that these limitations are comparable to the reservations Iran has in regards to the CRC.

It should further be noted that the Iranian Government has refused access to UN Special Rapporteurs, including the Special Rapporteur on the Situation of Human Rights in Iran and independent experts.<sup>15</sup> Hence, the State is not only mostly failing to implement the recommendations made under the Universal Periodic Review and other United Nations human rights mechanisms,<sup>16</sup> but it also prevents the collection of adequate data on the situation of human rights in the country. Without this access and the needed cooperation of the Iranian Government, the overall human rights situation and especially that of particularly vulnerable groups, such as children belonging to ethnic minority communities, has very little chance of improving significantly.

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<sup>9</sup> Minority Rights Group International (2015), *op.cit.*

<sup>10</sup> Gesellschaft Für Bedrohte Völker, *op.cit.*

<sup>11</sup> *Ibid.*

<sup>12</sup> G. Cameron and T. Danesh, "A Revolution Without Rights? Women, Kurds and Baha'is Searching for Equality in Iran", The Foreign Policy Centre (2008), p. 14. Available from: <http://fpc.org.uk/fsblob/1013.pdf> (Accessed on 20 January 2015).

<sup>13</sup> Dr Nazila Ghanea is a Lecturer in International Human Rights Law at the University of Oxford.

<sup>14</sup> N. Ghanea, "The Iranian Charter of Citizens' Rights" (10 December 2013) *EJIL: Talk!*. Available from: <http://www.ejiltalk.org/the-iranian-charter-of-citizens-rights/> (Accessed on 2 February 2015).

<sup>15</sup> Amnesty International, *Press release: Media Advisory: Iran must clean up human rights record at UN review* (30 October 2014). Available from: <http://www.amnesty.org/en/for-media/press-releases/media-advisory-iran-must-clean-human-rights-record-un-revie-2014-10-30> (Accessed on 8 February 2015).

<sup>16</sup> *Ibid.*

### *Recommendations*

- *Ensure a more equal and just allocation of wealth, especially in resource-rich regions such as Khuzestan;*
- *Ensure ethnic minorities have an increased power over resources located on their ancestral land;*
- *Reduce the high levels of poverty in rural areas, in particular in regions mainly populated by ethnic minorities, by addressing the unemployment of ethnic minorities and opening up local authority positions to people from all ethnic and religious backgrounds;*
- *Provide adequate assistance to combat (child) malnutrition, e.g. through nutrition programmes and free/subsidized meals in schools;*
- *Implement the recommendations made by United Nations Committees, including the recommendations made under the Universal Periodic Review;*
- *Remove its reservations to the CRC*

### **Definition of the Child (Art. 1)**

The Islamic Republic of Iran considers, as stated in Article 1210 of the Civil Law (1962), the age of majority to be 9 years for girls and 15 for boys. As will be seen below in reference to the penal law, this means that 9 year-old girls and 15-year old boys can be punished to the same degree as adults. This includes the use of physical punishment and the death penalty. Generally, children above these specific ages are treated as adults and, hence, can face these severe punishments.<sup>17</sup> Numerous child psychologists and legal experts have warned that the age of majority is of vital importance to the wellbeing of children and that children having to take on the responsibilities of adults very early in life often face irreversible and damaging consequences.<sup>18</sup>

As mentioned in the introduction to this report, these highlighted provisions apply to all children in Iran. Yet, the ethnic minority groups, on which this report focuses, are arrested, imprisoned, tortured and executed at a much higher rate than ethnic Persians.<sup>19</sup> Hence, this violation of the CRC disproportionately affects children belonging to these groups.

### *Recommendations*

- *Increase the age of majority to 18 years for both girls and boys*

### **General Principles**

#### **Non-Discrimination (Art. 2)**

While Article 19 of the Iranian Constitution guarantees equal rights to all its citizens irrespective of their color, race or language, the reality is very different. First of all,

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<sup>17</sup> L. Pourzand, "Legal Rights of Children in Iran" (2015), *Women's UN Report Network*. Available from: [http://www.wunrn.com/news/2007/09\\_07/09\\_24\\_07/093007\\_iran.htm](http://www.wunrn.com/news/2007/09_07/09_24_07/093007_iran.htm) (Accessed on 03.02.2015).

<sup>18</sup> *Ibid.*

<sup>19</sup> US State Department, "Iran 2013 Human Rights Report" (2013), p. 42. Available from: <http://www.state.gov/documents/organization/220564.pdf> (Accessed on 3 February 2015).



it should be noted that Article 19 does not mention religion. One could therefore assume that this entails by default that discrimination based on one's religious beliefs is allowed in the Islamic Republic of Iran. As discussed in the introduction to the ethnic minority groups (Section B), religious discrimination is institutionalized in the Islamic Republic of Iran, as exemplified by the use of procedures such as 'gozinesh'. These procedures already affect the prospects of children belonging to religious minorities, such as Sunni Islam, as they are aware of the discrimination they will inevitably encounter when choosing specific professions. For these reasons, children become disheartened and simply disregard certain career choices due to the discrimination they know they will encounter. Moreover, when applying for university, all students must take part in an entrance examination on Islamic theology, which is based on Shi'a Islam.<sup>20</sup> This clearly disadvantages students from non-Shi'a backgrounds such as the majority of Ahwazi Arabs and Iranian Kurds.

As this example demonstrates, not only do ethnic minority children face daily discrimination in every field of life, including education, the job market, participation in cultural life and practice of their religion, but they are also the direct target of arbitrary arrests, detentions, imprisonments, killings, torture and executions.

In addition, ethnic minority children are commonly discriminated against due to their parents' activities and opinions, as the case of Masumeh Ka'abi and her children exemplifies. Mrs Ka'abi was detained following a raid of her home in March 2006 after her husband, a separatist activist who government officials suspected to have been involved in a bombing, fled the country. Her five children were taken with her. She claims that they were taken to a security forces office in Tehran, where the security forces blindfolded her and the children. They confiscated her daughter's glasses, interrogated her children and her together as well as separately for approximately one week. Her youngest child was one year old, while her eldest daughter had not yet turned 14 at the time.<sup>21</sup>

### *Recommendations*

- *Cease and outlaw the use of discriminatory policies such as 'gozinesh';*
- *Cease the degrading and humiliating interrogation of young (ethnic minority) children due to the alleged activities of their parents*

### **Right to Life, Survival and Development (Art. 6)**

There have been several reported instances of arbitrary killings of children belonging to the Ahwazi Arab, Azerbaijani Turkish, Baloch and Kurdish communities, committed by Iranian police or security officials. Roya Sarani, a 11-year old Balochi girl, was shot dead by the Law Enforcement Force (LEF) when

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<sup>20</sup> M. Prusinowska, "The Education of Minorities in Iran" *Education at the Junction* (2006), pp. 1-10, p. 1. Available from: <http://nastyku.w.interia.pl/education/TheEducationofMinoritiesinIran.pdf> (Accessed on 27 January 2015).

<sup>21</sup> Iran Human Rights Documentation Center, "A Framework of Violence: Repression of the Arab Ethnic Minority in the Islamic Republic of Iran" (25 September 2014). Available from: <http://www.iranhrc.org/english/publications/reports/1000000528-a-framework-of-violence-repression-of-the-arab-ethnic-minority-in-the-islamic-republic-of-iran.html> (Accessed on 26 January 2015).

they opened fire on her father's car as he was driving his children home from school on 16 May 2007.<sup>22</sup> Although local officials sent their condolences to the family, they pressured the family to hold a quiet funeral and did not launch a formal investigation.<sup>23</sup> Among the around 30 *kulbaran* (Kurdish border couriers), who were arbitrarily killed in 2014 by Iranian security and border officials, there was at least one 17-year-old Kurd.<sup>24</sup> Mr Salar Azarbarzin was killed by security officials in Konakhan on 3 August 2014.<sup>25</sup>

As mentioned above, the use of the death penalty severely affects the right to life of children in Iran and especially of ethnic minority children. Ali Afrawi, a 17 year-old Ahwazi Arab, was sentenced to death in February 2006 for allegedly being involved in a bombing.<sup>26</sup> Another example of arbitrary sentencing is the case of Sa'id Qanbar Zahi, a Baluchi youth, who was hanged on 27 May 2007 after being sentenced to the death penalty at the tender age of 17, reportedly for being involved in a bus bombing.<sup>27</sup> According to Amnesty International, he did not have access to legal representation.<sup>28</sup>

Furthermore, as Article 6(2) CRC stipulates, Iran also has the responsibility to ensure the development of children as much as possible. With the high levels of poverty in the regions where most the ethnic minorities reside, and the apparent lack of commitment of the central government to address these issues, as described in Section B and the general implementations part of Section C of this report, it should be obvious that Iran is currently in violation of this provision. The situation of these children is not improving and it does not seem likely that these regions will develop significantly and that the situation will be any different for the next generation of children.

### *Recommendations*

- *Adequately train security and police officials in order to prevent the arbitrary killings of civilians, especially ethnic minority children;*
- *Prescribe the automatic launch of independent investigations into arbitrary killings, detentions, imprisonment and executions and hold security and police officials involved in these occurrences accountable;*
- *Cease the use of the death penalty against juvenile offenders*

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<sup>22</sup> Amnesty International, "Iran: Human Rights Abuses against the Baluchi Minority" (2015). Available from: <http://www.amnesty.org/en/library/asset/MDE13/104/2007/en/160fb9c4-d370-11dd-a329-2f46302a8cc6/mde131042007en.html> (Accessed on 25 January 2015).

<sup>23</sup> *Ibid.*

<sup>24</sup> Association of Human Rights in Kurdistan of Iran-Geneva (KMMK-G), *The KMMK-G's report on indiscriminate killings of Kurdish kulbaran/Kasebkaran (border couriers/Tradersmen( by Iranian security forces in 2014* (2015). Available from: <http://www.kmmk-ge.org/?p=645&lang=en> (Accessed on 18 February 2015).

<sup>25</sup> *Ibid.*

<sup>26</sup> Iran Human Rights Documentation Center, *op.cit.*

<sup>27</sup> Amnesty International (2015), *op.cit.*

<sup>28</sup> *Ibid.*

## Civil Rights and Freedoms

### Birth Registration, Name and Nationality (Art. 7)

According to the US State Department, Kurdish parents are forbidden from registering specific names linked to their culture for their daughters and sons in the official registries.<sup>29</sup>

#### *Recommendation*

- *Guarantee that parents and legal guardians are able to register Kurdish names for their children in official registries*

### Preservation of Identity (Art. 8)

Minorities are not encouraged or assisted by the State in the preservation of their culture and traditions. To the contrary, as further detailed in later segments on minority cultures, the State discourages the use of other languages than Persian and the expression of non-Persian culture. Not being able to openly express their culture, language and religion without facing discrimination of some kind, children of non-Persian background face the risk of being deprived of their identity, as many elements of it should come not only from the Iranian State, but also from their ethnic communities and families. This sentiment is shared by the Committee on the Rights of the Child, which argues that children forge and discover their own identity through their involvement in the community's artistic and cultural life around them.<sup>30</sup>

#### *Recommendations*

- *Encourage the development of the identity of ethnic minority children by allowing them to freely participate and enjoy their culture, use their own language and practise their religion;*
- *Foster minority languages, cultures and religions by removing legal discrimination against ethnic minorities and financially supporting cultural, linguistic and religious events and programmes*

### Freedom of Thought, Conscience and Religion (Art. 14)

Article 12 of the Iranian Constitution declares Shi'a Islam to be the official religion of the State. However other schools of Islam, including Sunni Islam, are to be fully respected and, at least in theory, enjoy official status in relation to affairs of personal status, religious education and litigation. In Article 13, the Constitution further promises certain religious freedoms to three recognized religious minorities: Christians, Jews and Zoroastrian Iranians.

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<sup>29</sup> US State Department, *op.cit.*, p. 43.

<sup>30</sup> United Nations Committee on the Rights of the Child, "General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)" (17 April 2013), CRC/C/GC/17, para 11.

Yet, other religious minorities are not recognized and therefore lack even this basic protection. Granting all religious minorities the right to practice their religion freely would clearly not entail threatening public safety, order, moral or health. Furthermore, even the religious communities that are recognized and protected by the Constitution, in practice face considerable discrimination. As will be discussed in relation to Article 30 CRC and the cultural rights of children, persecution of religious leaders, including those of recognized religions, is common. Thus, simply changing the law and recognizing all religious minorities would not be enough to guarantee the proper implementation of Article 14 CRC, as even these recognized communities still have significant difficulties in practicing their religion.

In the previously mentioned draft Charter of Citizens' Rights of the Islamic Republic of Iran, Article 3.27 gives guardians and parents the right to educate their children, including according to their own Islamic school of thought if they do not follow Shi'a Islam. However, no other religions are mentioned. Non-Muslim minorities, including around 6 percent of Iranian Kurds who adhere to various indigenous or minority religions, hence, do not have these rights.<sup>31</sup> Article 3.117 further stipulates that the organization of and participation in religious ceremonies is allowed for followers of State-recognized religions. Thus, one can conclude that an Iranian Kurd organizing or participating in, for example, Yazidi religious ceremonies, would be in violation of the law.<sup>32</sup>

#### *Recommendations*

- *Recognize all religious minorities within the State;*
- *Guarantee the proper implementation of religious minority rights by allowing all religious minorities to freely organize and participate in religious ceremonies*

#### **Freedom of Association and of Peaceful Assembly (Art. 15)**

Restricting the rights to practice a religion, especially holding and participating in religious ceremonies as described in the discussion on Article 14 CRC, can be seen as a violation of the freedom of association and peaceful assembly. This is particularly the case as these ceremonies by themselves cannot be seen as threatening the democratic society, public safety, national security, public order, public health or the morals and rights and freedoms of other people, which is the excuse given by the Government to restrict these freedoms.

Article 26 of the Iranian Constitution allows for political parties, Islamic associations, associations of recognized religions and trade unions to exist as long as they support freedom, national unity, certain unspecified Islamic criteria and the general foundations of Iran. One can again note how the wording of this Article is open to interpretation and can therefore be easily used as an excuse by government officials to outlaw such associations.

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<sup>31</sup> Unrepresented Nations and Peoples Organization, *Iranian Kurdistan* (25 March 2008). Available from: <http://unpo.org/members/7882> (Accessed on 28 January 2015).

<sup>32</sup> Ghanea, *op.cit.*

### *Recommendations*

- *Amend Article 26 of the Iranian Constitution to include a wide variety of civil society organizations and associations, including associations of unrecognized religious minorities;*
- *Provide clear guidelines on the interpretation of specific terms, including 'Islamic criterion', referred to in legal text, in particular in Article 26 of the Iranian Constitution*

### **Access to Information from a Diversity of Sources and Protection from Material Harmful to His or Her Well-Being (Art. 17)**

It should be evident that the restrictions placed on the media, press, religious expression and education, entail, at least to some degree, a severe limitation to the diversity of national sources.

Article 175 of the Iranian Constitution guarantees freedom of expression and allows for the dissemination of ideas through mass media. However, the Article limits this freedom, as these ideas must respect certain Islamic criteria, which are again not further defined, and the welfare of Iran as a State. According to the US Department of State, the Iranian Government allegedly banned newspapers, books and journals in the Kurdish language and has actively persecuted and punished Kurdish writers, journalists and publishers, who have criticized State policies.<sup>33</sup> This restriction of Kurdish media and violation of the freedom of expression means that Kurdish children are denied the right to fully enjoy a diversity of media sources, including more critical sources in their own mother tongue.

### *Recommendations*

- *Allow the dissemination of newspapers, journals and books in minority languages across the country;*
- *Ensure freedom of the press and guarantee freedom of expression for all;*
- *Cease the current punishment of minority writers, journalists and publishers;*
- *Ensure all minority children have adequate access to mass media tools in their own mother tongue*

### **Measures to Promote Physical and Psychological Recovery and Social Reintegration of Child Victims (Art. 39)**

Landmines and other explosive remnants of the Iran-Iraq War are still present in Iranian Kurdistan. Alone in 2013, close to 50 civilians stepped on these explosives and 11 of them were killed.<sup>34</sup> Last year (2014), 43 Iranian Kurds, all civilians, were injured due to landmines and other explosives.<sup>35</sup> One such civilian was Dana Yusefi, a 12-year old Kurdish boy, who stepped on a landmine and consequently lost one

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<sup>33</sup> US State Department, *op.cit.*, p. 43.

<sup>34</sup> Association of Human Rights in Kurdistan of Iran – Geneva, "The KMMK-G's 2014 report on landmines' victims in Iranian Kurdistan" (2015). Available from: <http://www.kmmk-ge.org/?p=633&lang=en> (Accessed on 3 February 2015).

<sup>35</sup> *Ibid.*

of his legs on 3 February 2014.<sup>36</sup> In order to secure the safety and complete rehabilitation of the Kurdish community, including Kurdish children, following the Iran-Iraq War, which ended over 25 years ago in 1988, the Iranian Government has the obligation to take all appropriate measures to remove landmines and other explosive remnants of the war, thereby ensuring that Kurdish children can grow up in a safe environment.

According to its Third Periodic Report on the CRC, Iran holds training sessions and organizes public awareness programmes aimed at increasing the security and safety of children from explosive remnants from wars and conflicts.<sup>37</sup> While UNPO welcomes these programmes, it believes that the Islamic Republic of Iran has the obligation to take further steps to decrease the significant number of landmine and explosive remnant victims.

#### *Recommendations*

- *Continue and further expand the training sessions and public awareness campaigns in relation to the dangerous presence of landmines and other explosive remnants;*
- *Take all appropriate measures to clear Iranian Kurdistan and other regions of landmines and other explosive remnants;*
- *Clearly mark and possibly fence off areas that have not yet been cleared of landmines and other explosive remnants;*
- *Ensure that all children have access to play areas, which are cleared of dangerous materials such as landmines*

## **Violence against Children**

### **Right not to be Subjected to Torture or Other Cruel, Inhumane or Degrading Treatment or Punishment, including Corporal Punishment (Arts. 37(a) and 28(2))**

The use of the death sentence on minors under the age of 18 years entails the ultimate form of corporal punishment. The information and cases discussed earlier in relation to the right to life and the use of the death penalty in Iran are, thus, also relevant here.

Moreover, the Special Rapporteur on the Situation of Human Rights in Iran, Mr Ahmed Shaheed, has stated that the use of torture of detainees and prisoners in Iran is widespread.<sup>38</sup>

Saman Naseem, an Iranian Kurd, was sentenced to death in 2013 for reportedly being involved in armed activities.<sup>39</sup> He had been arrested two year earlier at the age of 17 and claims to have been tortured while being detained following this

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<sup>36</sup> *Ibid.*

<sup>37</sup> United Nations Committee on the Rights of the Child (March 2013), *op.cit.*, p. 67.

<sup>38</sup> United Nations News Centre, *Human Rights Situation in Iran Warrants Serious Concern, UN Expert Reports* (11 March 2013). Available from: [http://www.un.org/apps/news/story.asp?NewsID=44344#.VNotAGTF\\_30](http://www.un.org/apps/news/story.asp?NewsID=44344#.VNotAGTF_30) (Accessed on 2 February 2015).

<sup>39</sup> Amnesty International, *Iran: Alleged Juvenile Offender Among 10 Hunger Strikers Threatened with Immediate Execution* (16 December 2014). Available from: <http://www.amnesty.org/en/news/iran-alleged-juvenile-offender-among-10-hunger-strikers-threatened-immediate-execution-2014-12-> (Accessed on 28 January 2015).

arrest.<sup>40</sup> He reported that his toenails and fingernails were pulled out and that he was beaten before being coerced into signing a confession whilst blindfolded.<sup>41</sup> Due to his imminent execution, which had been scheduled for 19 February 2015, Amnesty International published a letter Mr Naseem wrote, in which he described being tortured for 97 days leading up to his confession and being detained in a 2 x 0.5 meter prison cell.<sup>42</sup> In the letter, he states: "They repeatedly told me that they had arrested members of my family... They told me that they would bury me with a digger. They told me that they would kill me right there... When I wanted to sleep at night, they would not let me rest... I was between madness and consciousness."<sup>43</sup> All this happened when he was still 17 years old.<sup>44</sup> Iran Human Rights reports that Mr Naseem was executed on 19 February 2015<sup>45</sup>.

Yet, the Protection of Children and Adolescents Act from 2002 applies to all persons who have not yet reached the age of 18 years and aims to protect against physical and mental torture.<sup>46</sup> Saman Naseem's case and many other examples, however, illustrate that these legal protections do not translate into reality, especially for ethnic and religious minorities.

#### *Recommendations*

- *Ensure that all prison sentences for offences committed below the age of 18 years foresee the possibility of release*
- *End the persecution of ethnic minorities and address the disproportionality of detentions, arrests, prison sentences and executions among ethnic minorities*
- *End the use of torture in Iranian prisons and by Iranian officials*
- *End the use of coercive measures to obtain confessions*

## **Family Environment and Alternative Care**

### **Children Deprived of Family Environment (Art. 20)**

With ethnic minorities often being the target of arbitrary arrests, detentions, imprisonment and executions, ethnic minority families and especially the children of these families ultimately suffer. Many ethnic minority children are deprived of their family environment, as one or both of their parents are imprisoned or have been killed, and even children themselves can be imprisoned and killed. However, these disadvantaged children should be able to rely on the protection of the State and not have to fear it.

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<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> Amnesty International, *Iran: Juvenile offender to be executed in a week gives harrowing torture account* (12 February 2015). Available from: [http://www.amnestyusa.org/news/news-item/iran-juvenile-offender-to-be-executed-in-a-week-gives-harrowing-torture-account?utm\\_source=twitter&utm\\_medium=social&utm\\_content=SWH&utm\\_campaign=IAR](http://www.amnestyusa.org/news/news-item/iran-juvenile-offender-to-be-executed-in-a-week-gives-harrowing-torture-account?utm_source=twitter&utm_medium=social&utm_content=SWH&utm_campaign=IAR) (Accessed on 18 February 2015).

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> Iran Human Rights, *Juvenile Offender Saman Naseem Was Executed* (26 February 2015). Available from: <http://iranhr.net/2015/02/unofficial-report-saman-naseem-was-executed-yesterday/>

<sup>46</sup> United Nations Committee on the Rights of the Child (March 2012), *op.cit.*, p. 9.

### *Recommendations*

- *Ensure the protection of all against arbitrary arrests, detentions, imprisonments and executions, especially for people under the age of 18;*
- *Assist families and in particular children who are temporarily or permanently deprived of their family environment, including in cases of family members being arrested or imprisoned*

## **Disability, Basic Health and Welfare**

### **Survival and Development (Art. 6(2))**

As discussed earlier in reference to Article 6 CRC and the right to life, the Islamic Republic of Iran does not respect children's inherent right to life and, thus, does not protect to the maximum extent conceivable the development and survival of children. The executions of under-18 year olds are a clear example of this, as has been argued throughout this report.

It should be obvious that an environment of fear linked to a suppression of the community's cultural, linguistic and political life does not advance a child's psychological, moral or social development in line with the holistic meaning advocated by the Committee on the Rights of the Child.<sup>47</sup> The restrictions on the practice of minority religions illustrated in previous subsections of Section C of this report can be said to limit children's spiritual development.

Moreover, rural areas, where most of these ethnic groups reside, are stricken by widespread poverty, which has a negative effect on the development of children.<sup>48</sup> In Iranian Kurdistan, there is a severe lack of adequate housing and many Kurdish children grow up in unsafe homes. However, these regions include, resource-rich areas such as Khuzestan (the home of a majority of Ahwazi Arabs), which should have enough wealth to address these issues satisfactorily. For Iran to truly fulfill its obligations under Article 6(2) CRC, it would have to adequately tackle the high levels of poverty and underdevelopment in these regions, as well as distribute the wealth and resources in a fairer manner.

### *Recommendations*

- *Address the lack of access to adequate housing among ethnic minority groups*

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<sup>47</sup> United Nations Committee on the Rights of the Child, "General Comment No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)" (27 November 2003), CRC/GC/2003/5, para 12.

<sup>48</sup> United Nations Committee on the Rights of the Child, "General Comment No. 11 (2009): Indigenous children and their rights under the Convention" (12 February 2009), CRC/C/GC/11, para 34.



## **Health and Health Services, in Particular Primary Health Care (Art. 24)**

As evident from the discussion on Article 6(2) CRC, poverty plays an important role in a child's health. Another example of this is the Baloch community in Iran. Sistan-Baluchistan, where a majority of the Baloch people live, is the country's poorest region and has the highest infant and child mortality rates.<sup>49</sup> For these reasons, the Iranian Government should focus its efforts on the region.<sup>50</sup> However, there is little to no evidence of this happening and the situation remains alarming.

In addition, industrial development, which has been actively promoted by the Government, has typically ignored the environmental and health consequences that affect the residents of the respective areas. The World Health Organization found Ahwaz City to be the most polluted place in the world in 2011 with an annual average of 372mg of suspended particles per cubic meter.<sup>51</sup> This accounts for a third more than the second most polluted city in the world at the time.<sup>52</sup> A health study from 2010 discovered a high rate of asthma among Ahwaz children between the ages of 13 and 14 years with 9.8 percent suffering from the disease, while the regional average for the Middle East is 5.8 percent.<sup>53</sup> Other Iranian cities show rates between 2.1 and 7.1 percent.<sup>54</sup>

### *Recommendations*

- *Implement strict environment and health standards in the whole country ensuring that local populations do not suffer negative consequences due to industrial and economical activities;*
- *Provide adequate health care for all;*
- *Focus particularly on underdeveloped and poverty-stricken regions when implementing health policies*

## **Education, Leisure and Cultural Activities**

### **Right to Education, including Vocational Training and Guidance (Art. 28)**

Higher education is, as discussed above in relation to Article 2, restricted in the sense that all students must pass a test on Islamic theology based on Shi'a Islam, which clearly disadvantages non-Shi'a students, including the majority of students from the Ahwazi and Kurdish communities.

Moreover, the Islamic Republic of Iran has not taken sufficient measures to incite regular school attendance and to reduce drop-out rates. Although primary school is compulsory from 6 to 11 years old and is free, many children belonging to ethnic

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<sup>49</sup> Minority Rights Group International (2015), *op.cit.*

<sup>50</sup> This has also been voiced by the United Nations Committee on the Rights of the Child (17 April 2013), *op.cit.*, para 11.

<sup>51</sup> World Health Organization, *Database: Ambient (outdoor) air pollution by country and city* (2014). Accessed from: [http://www.who.int/phe/health\\_topics/outdoorair/databases/cities/en/](http://www.who.int/phe/health_topics/outdoorair/databases/cities/en/) (Accessed on 2 February 2015).

<sup>52</sup> *Ibid.*

<sup>53</sup> M. Afra, S. Assar, M. Latifi, A.H. Shakurnia, "Revalence of Asthma Among Schoolchildren in Ahvaz, Islamic Republic of Iran" (2010) *La Revue de Santé de la Méditerranée orientale* 16:6, pp. 651-656.

<sup>54</sup> *Ibid.*

minorities do not even get to the end of this compulsory cycle.<sup>55</sup> In Sistan-Balochistan, for instance, there is a lack of schools and the existing schools are often in very poor conditions.<sup>56</sup> Many school buildings in the region are apparently mere mud huts, which endanger students due to their weak structures and provide an unsafe learning environment.<sup>57</sup> The cost of transportation further prevent families in Sistan-Balochistan from sending their children to school and drop-out rates are said to be around 60 percent for girls by the time they reach fifth grade.<sup>58</sup> Moreover, the lack of female teachers makes many parents uncomfortable with sending their daughters to school.<sup>59</sup> It should therefore come as no surprise that the region has the lowest literacy rate in Iran.<sup>60</sup>

One can find similarly high drop-out rates in Ahwazi Arab communities with 30 percent of elementary students pulling out.<sup>61</sup> By the time the children start secondary school the rate has increased to 50 percent and it reaches 70 percent in high school.<sup>62</sup> According to scholars, this trend is at least partially due to the lack of education in the communities' mother tongue, which will be further discussed in the next segment, and results in Arabs only making up 7 percent of the 30,000 strong University of Shaheed Chamran, despite it being located in Ahwaz City.<sup>63</sup> In general, as could also be seen with Sistan-Balochistan, ethnic minorities tend to have a much higher rate of illiteracy than ethnic Persians and only about two-thirds of Ahwazis can read and write.<sup>64</sup>

#### *Recommendations*

- *Remove the required entrance exam on Islamic theology for university studies;*
- *Build more schools, refurbish existing ones and provide more teachers in rural areas, in particular in regions where the majority of the population belongs to ethnic and religious minorities*
- *Provide free transport to school for students from less privileged backgrounds;*
- *Encourage the employment of more female teachers, especially in rural areas;*
- *Provide further assistance and programmes aimed at reducing the drop-out rates of students coming from ethnic and religious minorities and to encourage them to enter higher education*

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<sup>55</sup> Amnesty International (2015), *op.cit.*

<sup>56</sup> N. Boladai, *Baloch: Suppression and Discrimination* (2012).

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> Amnesty International (2015), *op.cit.*

<sup>60</sup> Minority Rights Group International (2015), *op.cit.*

<sup>61</sup> Ahwaz Human Rights Organization, *Submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review: 7th Session of the UPR Working Group, February 2010* (2010). Available from: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/AHRO\\_UPR\\_IRN\\_S07\\_2010\\_AhwazHumanRightsOrganization.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/IR/AHRO_UPR_IRN_S07_2010_AhwazHumanRightsOrganization.pdf) (Accessed on 12 February 2015).

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> Gesellschaft Für Bedrohte Völker (2013), *op.cit.*

## Aims of Education with Reference also to Quality of Education (Art. 29)

According to Article 15 of the Iranian Constitution, the official language of the State is Persian, and, while official textbooks must be in Persian, tribal and regional languages may be taught in schools in relation to literature. However, ethnic minority children often cannot speak Persian properly when they start school and many villagers are not familiar with the language.<sup>65</sup> According to the Iranian Government, a one-month preparation course for students whose first language is not Persian is provided in bilingual regions and there is an option, if deemed necessary, to hold a year long course.<sup>66</sup>

However, in Isaxanli *et al.*'s study Kurdish school teachers expressed their concern regarding the use of Persian in schools in Kurdistan by referring to scientific evidence that, in order to reach their full potential in their studies, children should learn in their mother tongue, especially during the first few years of schooling.<sup>67</sup> They further stated that Iran's uniform education system entailed that ethnic minorities were always disadvantaged.<sup>68</sup> Moreover, the lack of focus on the ethnic minorities in the specific regions and their language and culture discourages parents from sending their children to school, since they want to ensure that their children, especially their daughters, are well educated according to their own culture, something which the school curriculum ignores.<sup>69</sup>

Furthermore, authorities have prohibited all teaching of Kurdish in schools in Iranian Kurdistan and an NGO in charge of two nursery schools in Mahabad and Sandaj was closed due to the fact that the schools were using the Kurdish language.<sup>70</sup> Protesters, activists, educators who teach in regional languages and people simply expressing their support for education in minority languages have been arrested and detained for long periods of time.<sup>71</sup> For example, a group of students who were attending an event in 2007 and demanding that schools teach the Kurdish language were arrested.<sup>72</sup> The same year, over 1500 teachers in Kurdistan were fired by the Iranian Government for 'religious reasons'.<sup>73</sup>

Mrs Saideh Bentarif, an Ahwazi-Arab who worked as a teacher for over 10 years, was fired from her job for using Arabic besides Persian as the language of instruction to help her students.<sup>74</sup> Mrs Bentarif claimed that virtually all key positions within Khuzestan's education department have always been held by non-local and non-Arabic staff, who lack knowledge of the culture and customs of the

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<sup>65</sup> Hamlet Isaxanli, *et al.*, "Minority Education Policy in Azerbaijan and Iran" (2002) *Journal of Azerbaijani Studies* 5: 3/4, pp. 3-64, p. 181. Available from: [http://www.hisaxanli.org/pdf/Minority\\_Education\\_Policy.pdf](http://www.hisaxanli.org/pdf/Minority_Education_Policy.pdf) (Accessed on 2 February 2015).

<sup>66</sup> United Nations Committee on the Rights of the Child (March 2012), *op.cit.*, p. 105.

<sup>67</sup> *Ibid.*, p. 188.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*, p. 163.

<sup>70</sup> Cameron and Danesh, *op.cit.*, p. 40.

<sup>71</sup> Amnesty International, *Iran: Human Rights Abuses against the Kurdish Minority* (2008), p. 13. Available from: <http://www.amnesty.org/es/library/asset/MDE13/088/2008/en/d140767b-5e45-11dd-a592-c739f9b70de8/mde130882008eng.pdf> (Accessed on 11 February 2015).

<sup>72</sup> *Ibid.*

<sup>73</sup> Cameron and Danesh, *op.cit.*, p. 52.

<sup>74</sup> Private testimony of Mrs Saideh Bentarif, a former teacher currently living in London, the United Kingdom.

region.<sup>75</sup> She further believed that one of the root causes of the continued oppression of the Ahwazi people is the lack of teaching in their mother tongue, which results “in a community of illiterate or semi-literate youth unable to properly seek help or enter the job market”.<sup>76</sup> Another former Ahwazi teacher,<sup>77</sup> described how most of his students had very little to eat for breakfast and one in five had no breakfast at all due to their families’ financial situation. He stated that while the government clearly did not lack funds, particularly considering the resources of the region and the significant expenditure for the construction of mosques in schools, it did nonetheless not provide meals or enough school supplies for the students who could not afford them.<sup>78</sup> Moreover, while Iran allows recognized religious minorities to have their own schools,<sup>79</sup> private bilingual schools are banned.<sup>80</sup>

Having examined Iranian school textbooks, Freedom House found that while ethnic minorities are discussed to a marginal extent, their authors seem to remain cautious and express fear over separatist tendencies within minority communities.<sup>81</sup> Overall, the textbooks seemed to push the Iranian identity as being directly linked to Shi’a Islam and Persian ethnicity, leaving very little space for other religions and ethnic minorities, sometimes even using threatening and pejorative language.<sup>82</sup>

It is obvious that these policies and the constant harassment of ethnic minority educators and activists are in violation of Article 29 CRC. Children belonging to ethnic minorities are not able to reach their full potential in these conditions. The disregard by the Iranian authorities for local languages and cultures further illustrates the lack of respect for international human rights law and for the cultural and communal identities of ethnic minority children and their parents. Moreover, the Iranian Government evidently fails to create an educational environment ‘in spirit of understanding, peace’ and tolerance and actively disadvantages minorities thereby threatening ‘friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin’.

#### *Recommendations*

- *Allow for tribal and regional languages to be taught in schools and preschools;*
- *Implement further programmes to improve the Persian language skills of ethnic minorities;*
- *Adequately and respectfully address the culture, values and religions of minorities in school textbooks, avoiding all use of threatening and pejorative language;*

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<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> The Ahwazi-Arab teacher was fired for being sympathetic to the plight of the Ahwazi-Arab students. As he still lives in Ahwaz, Iran, UNPO has decided to withhold his identity out of concern for his safety.

<sup>78</sup> *Ibid.*

<sup>79</sup> United Nations Committee on the Rights of the Child (March 2012), *op.cit.*, p. 104.

<sup>80</sup> Testimony of Mr Karim Dahimai and Mr Abudllah Mazra, both former teachers in Ahwaz currently living in Europe.

<sup>81</sup> Freedom House, *Discrimination and Intolerance in Iran's Textbooks: Chapter 3: Ethnic and Religious Minorities* (2015). Available from: <https://freedomhouse.org/report/discrimination-and-intolerance-irans-textbooks/chapter-3-ethnic-and-religious-minorities#.VMe7A9LF98E> (Accessed on 2 February 2015).

<sup>82</sup> *Ibid.*

- *Allow ethnic and regional languages to be used as the language of instruction during the first few years of schooling (alongside Persian);*
- *Better integrate the culture, language and values of ethnic and religious minorities into the education system with a particular focus on the minorities present in the specific region;*
- *Stop the harassment, arrests, detentions and imprisonment of activists and educators calling for more rights for ethnic minorities*

### **Cultural Rights of Children Belonging to Indigenous and Minority Groups (Art. 30)**

Taking into consideration all the aforementioned, there is a clear case of violation of Article 30 CRC by the Iranian Government. As was illustrated, non-Shi'a Muslim and other religious minorities face severe discrimination in the education system and employment sector. Sunni Muslims, who make up the majority of Ahwazi Arabs and Iranian Kurds, face communal worship restrictions in several Iranian cities and several Sunni clerics have been arrested and imprisoned for practicing their religion.<sup>83</sup> Sayed Mohammad Movahed Fazeli, a Sunni cleric and prayer leader in Taybad, was detained from January to August 2012 after protesters had demonstrated against him being forced by Iranian authorities to resign as prayer leader.<sup>84</sup> Human Rights Watch reported in 2014 that a minimum of 40 Kurds, including Sunni human rights activists who the Government named 'terrorists', were awaiting their death sentence for charges linked to alleged national security threats, such as 'enmity against God'.<sup>85</sup>

Ethnic minorities are also restricted in and prosecuted for enjoying and celebrating their unique cultures and languages. On 1 October 2013, 15 Ahwazi Arabs were arrested by security forces for organizing and participating in an Arabic poetry meeting.<sup>86</sup> These and other examples referred to throughout this report illustrate the severe discrimination ethnic and religious minorities in Iran face on a daily basis. By denying these communities to freely enjoy, express and practise their culture, language and religion, ethnic minority children are denied the chance to fully enjoy their cultural and religious heritage and instead grow up in a society shaped by fear and secrecy.

#### *Recommendations*

- *Ensure that local and tribal languages are able to flourish without restricting their use or punishing their practitioners;*
- *Unconditionally and immediately release all prisoners of conscience, especially juvenile offenders and activists charged for expressing and their opinion, culture, religion or language*

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<sup>83</sup> Amnesty International, *Annual Report 2012: Iran* (2012). Available from: <http://www.amnesty.org/en/region/iran/report-2012> (Accessed on 3 February 2015).

<sup>84</sup> *Ibid.*

<sup>85</sup> Human Rights Watch, *World Report 2014: Iran* (2014). Available from: <http://www.hrw.org/world-report/2014/country-chapters/iran> (Accessed on 20 January 2015).

<sup>86</sup> US State Department, *op.cit.*, p. 43.

### **Rest, Play, Leisure, Recreation and Cultural and Artistic Activities (Art. 31)**

The previous segment illustrates the severe challenges ethnic minority children face when trying to participate in the cultural life of their communities. The Iranian Government evidently does not promote or respect the right of ethnic minority children to fully participate in their communities' culture.

#### *Recommendations*

- *Ensure ethnic minority children are able to participate freely in cultural and religious events linked to their ethnic minority community*

### **Special Protection Measures**

#### **Economic Exploitation, Including Child Labour, with Specific Reference to Applicable Minimum Ages (Art. 32)**

Due to the above-mentioned high level of poverty in these minority regions, such as Khuzestan, children belonging to these communities face a greater risk of economic exploitation and child labour. While we do not have exact figures regarding the prevalence of such exploitation and child labour, Isaxanli *et al.* claims that many children living in rural areas and especially girls belonging to ethnic and religious minorities, stay at home to work and contribute to the meager family income.<sup>87</sup> It is, therefore, vital that the Iranian Government addresses the educational, employment and developmental issues related to these regions so as to foster an environment, in which families will at least give their children the possibility to study and enjoy their childhood and not feel the financial need to keep them home and make them work at a young age.

#### *Recommendations*

- *Discourage child labour by increasing the incentives for parents to send their children to school, for instance, through the use of extra child support payments to families whose children continue their education*

#### **Sentencing of Children, in Particular the Prohibition of Capital Punishment and Life Imprisonment (Art. 37 (a)) and the Existence of Alternative Sanctions Based on a Restorative Approach**

As reported above, torture and other cruel, inhuman and degrading treatment and punishment are a regular occurrence in Iranian detention centres and prisons. Another example of this is the case of Gholam-Reza Bayat, a Kurdish boy, who allegedly died of internal bleeding in August 2011, after having been beaten in custody in the city of Kamyaran.<sup>88</sup> According to the US State Department, the Iranian authorities have generally made only limited efforts to examine such claims of torture, physical abuse, deaths and allegations of restricting medical treatment

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<sup>87</sup> Isaxanli, *op.cit.*, p. 163.

<sup>88</sup> Amnesty International, *Annual Report 2011: Iran* (2011). Available from: <http://www.amnesty.org/en/region/iran/report-2011> (Accessed on 20 January 2015).

to detainees.<sup>89</sup> Again, ethnic minorities were disproportionately targets of such abuse.<sup>90</sup> It is particularly worrying that torture is used to extract (false) confessions from detainees, as the case of Saman Naseem (see above, p. 15) demonstrates. Iranian officials are, thus, currently acting in violation of their own Constitution, which outlaws in Article 38 the use of torture for acquiring information or extracting confessions.

Moreover, in 2012, at least three people sentenced for crimes committed under the age of 18 years were executed.<sup>91</sup> As Iranian officials do not publicly report all executions, it is likely that this number is in reality higher.<sup>92</sup> As the discussions in relation to the right to life and development illustrated, the Iranian authorities do not provide for alternative sanctions based on a restorative approach.

#### *Recommendations*

- *Cease the use of torture and other cruel, inhuman and degrading treatment and punishment in detention centres and prisons;*
- *Automatically launch independent and fair investigations into allegations regarding the use of torture or other cruel, inhuman and degrading treatment and punishment by State officials;*
- *Ensure evidence and confessions used in trials have not been obtained through the use of torture or other cruel, inhuman and degrading treatment or punishment;*
- *Report and release all information regarding the use of the death penalty, especially in reference to juvenile offenders;*
- *Further implement a punitive system based on finding alternative solutions to foster a restorative approach to justice, especially in relation to juvenile offenders*

#### **Children Deprived of Their Liberty, and Measures to Ensure that any Arrest, Detention or Imprisonment of a Child Shall be Used as a Measure of Last Resort and for the Shortest Appropriate Time and that Legal and Other Assistance Is Promptly Provided (Art. 37 (b)–(d))**

The above referred to example of Sa'id Qanbar Zahi, a Balochi youth who was arbitrarily arrested for allegedly being involved in a bus bombing, exemplifies the severe violations of Article 37 CRC. As mentioned before, Sa'id Qanbar Zahi, who denied having anything to do with the bus bombing in question, was hanged in 2007 after being sentenced to the death penalty at the age of 17. Allegedly he did not have access to legal assistance or representation. It is also useful to recall the example of Saman Naseem, who was sentenced to death in 2013 after being tortured and forced to sign a confession while in detention after being arrested in 2011 at the age of 17, discussed previously. While there is a lack of figures in this regard, it is clear that Sai's Qanbar Zahi and Saman Naseem are just two of many ethnic minority children who have suffered such terrible violations of their most basic human rights.

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<sup>89</sup> US State Department, *op.cit.*, p. 2.

<sup>90</sup> *Ibid.*

<sup>91</sup> Amnesty International (2012), *op.cit.*

<sup>92</sup> *Ibid.*

### *Recommendations*

- *Ensure that all children deprived of liberty have access to legal assistance and representation before, during and after their trials;*
- *Ensure that imprisoned and detained children can maintain regular contact with their families through both correspondence and visits;*
- *Cease the use of torture and other cruel, inhuman and degrading treatment and punishment of children deprived of liberty*
- *Ensure all trials take place in front of and are decided by competent, independent and impartial courts and authorities*

### **Administration of Juvenile Justice (Art. 40), the Existence of Specialised and Separate Courts and the Applicable Minimum Age of Criminal Responsibility**

As has been demonstrated throughout this report, Iranian laws and government policies do not adequately protect the rights of ethnic minority children who are accused of committing a crime. Arbitrary arrests, detention, imprisonment, the use of torture, forced confessions, arbitrary killings and executions all disproportionately affect ethnic minorities. The cases here reported also included instances of lack of legal assistance and representation.

According to Article 49 of the Iranian Islamic Penal Law, children under the age of 9 year for girls and under the age of 15 years for boys are exempt from punitive responsibility, but can be punished or sent to correctional centres if the Court finds it necessary. Also, once a child has reached these ages, he or she can and generally will be tried and punished as an adult, including through whipping, amputation of parts of the body and, as reported, the death penalty.<sup>93</sup> Despite numerous examples throughout this report supporting these claims, the Iranian Government alleges in its Third Periodic Report that it is enforcing a judiciary policy to avoid heavy sentences in relation to juvenile offenders under the age of 18 or to consequently convert these sentences through pardons.<sup>94</sup>

### *Recommendations*

- *Extend the use of correctional centres as punishment for juvenile offenders under the age of 18 years;*
- *Ensure that alleged offenders are presumed innocent until proven guilty*

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<sup>93</sup> Pourzand, *op.cit.*

<sup>94</sup> United Nations Committee on the Rights of the Child (March 2012), *op.cit.*, p. 91.



## **Annex: List of All Recommendations:**

### **General Measure of Implementation (Arts. 4, 42 and 44(6))**

- *Ensure a more equal and just allocation of wealth, especially in resource-rich regions such as Khuzestan;*
- *Ensure ethnic minorities have an increased power over resources located on their ancestral land;*
- *Reduce the high levels of poverty in rural areas, in particular in regions mainly populated by ethnic minorities, by addressing the unemployment of ethnic minorities and opening up local authority positions to people from all ethnic and religious backgrounds;*
- *Provide adequate assistance to combat (child) malnutrition, e.g. through nutrition programmes and free/subsidized meals in schools;*
- *Implement the recommendations made by United Nations Committees, including the recommendations made under the Universal Periodic Review;*
- *Remove its reservations to the CRC*

### **Definition of the Child (Art. 1)**

- *Increase the age of majority to 18 years for both girls and boys*

### **General Principles**

- *Cease and outlaw the use of discriminatory policies such as 'gozinesh';*
- *Cease the degrading and humiliating interrogation of young (ethnic minority) children due to the alleged activities of their parents*
- *Adequately train security and police officials in order to prevent the arbitrary killings of civilians, especially ethnic minority children;*
- *Prescribe the automatic launch of independent investigations into arbitrary killings, detentions, imprisonment and executions and hold security and police officials involved in these occurrences accountable;*
- *Cease the use of the death penalty against juvenile offenders*

### **Civil Rights and Freedoms**

- *Guarantee that parents and legal guardians are able to register Kurdish names for their children in official registries*
- *Encourage the development of the identity of ethnic minority children by allowing them to freely participate and enjoy their culture, use their own language and practise their religion;*
- *Foster minority languages, cultures and religions by removing legal discrimination against ethnic minorities and financially supporting cultural, linguistic and religious events and programmes*
- *Recognize all religious minorities within the State;*
- *Guarantee the proper implementation of religious minority rights by allowing all religious minorities to freely organize and participate in religious ceremonies*
- *Amend Article 26 of the Iranian Constitution to include a wide variety of civil society organizations and associations, including associations of unrecognized religious minorities;*
- *Provide clear guidelines on the interpretation of specific terms, including 'Islamic criterion', referred to in legal text, in particular in Article 26 of the Iranian Constitution*

- *Allow the dissemination of newspapers, journals and books in minority languages across the country;*
- *Ensure freedom of the press and guarantee freedom of expression for all;*
- *Cease the current punishment of minority writers, journalists and publishers;*
- *Ensure all minority children have adequate access to mass media tools in their own mother tongue*
- *Continue and further expand the training sessions and public awareness campaigns in relation to the dangerous presence of landmines and other explosive remnants;*
- *Take all appropriate measures to clear Iranian Kurdistan and other regions of landmines and other explosive remnants;*
- *Clearly mark and possibly fence off areas that have not yet been cleared of landmines and other explosive remnants;*
- *Ensure that all children have access to play areas, which are cleared of dangerous materials such as landmines*

### **Violence against Children**

- *Ensure that all prison sentences for offences committed below the age of 18 years foresee the possibility of release*
- *End the persecution of ethnic minorities and address the disproportionality of detentions, arrests, prison sentences and executions among ethnic minorities*
- *End the use of torture in Iranian prisons and by Iranian officials*
- *End the use of coercive measures to obtain confessions*

### **Family Environment and Alternative Care**

- *Ensure the protection of all against arbitrary arrests, detentions, imprisonments and executions, especially for people under the age of 18;*
- *Assist families and in particular children who are temporarily or permanently deprived of their family environment, including in cases of family members being arrested or imprisoned*

### **Disability, Basic Health and Welfare**

- *Address the lack of access to adequate housing among ethnic minority groups*
- *Implement strict environment and health standards in the whole country ensuring that local populations do not suffer negative consequences due to industrial and economical activities;*
- *Provide adequate health care for all;*
- *Focus particularly on underdeveloped and poverty-stricken regions when implementing health policies*

### **Education, Leisure and Cultural activities**

- *Remove the required entrance exam on Islamic theology for university studies;*
- *Build more schools, refurbish existing ones and provide more teachers in rural areas, in particular in regions where the majority of the population belongs to ethnic and religious minorities*
- *Provide free transport to school for students from less privileged backgrounds;*

- *Encourage the employment of more female teachers, especially in rural areas;*
- *Provide further assistance and programmes aimed at reducing the drop-out rates of students coming from ethnic and religious minorities and to encourage them to enter higher education*
- *Allow for tribal and regional languages to be taught in schools and preschools;*
- *Implement further programmes to improve the Persian language skills of ethnic minorities;*
- *Adequately and respectfully address the culture, values and religions of minorities in school textbooks, avoiding all use of threatening and pejorative language;*
- *Allow ethnic and regional languages to be used as the language of instruction during the first few years of schooling (alongside Persian);*
- *Better integrate the culture, language and values of ethnic and religious minorities into the education system with a particular focus on the minorities present in the specific region;*
- *Stop the harassment, arrests, detentions and imprisonment of activists and educators calling for more rights for ethnic minorities*
- *Ensure that local and tribal languages are able to flourish without restricting their use or punishing their practitioners;*
- *Unconditionally and immediately release all prisoners of conscience, especially juvenile offenders and activists charged for expressing and their opinion, culture, religion or language*
- *Ensure ethnic minority children are able to participate freely in cultural and religious events linked to their ethnic minority community*

### **Special Protection Measures**

- *Discourage child labour by increasing the incentives for parents to send their children to school, for instance, through the use of extra child support payments to families whose children continue their education*
- *Cease the use of torture and other cruel, inhuman and degrading treatment and punishment in detention centres and prisons;*
- *Automatically launch independent and fair investigations into allegations regarding the use of torture or other cruel, inhuman and degrading treatment and punishment by State officials;*
- *Ensure evidence and confessions used in trials have not been obtained through the use of torture or other cruel, inhuman and degrading treatment or punishment;*
- *Report and release all information regarding the use of the death penalty, especially in reference to juvenile offenders;*
- *Further implement a punitive system based on finding alternative solutions to foster a restorative approach to justice, especially in relation to juvenile offenders*
- *Ensure that all children deprived of liberty have access to legal assistance and representation before, during and after their trials;*
- *Ensure that imprisoned and detained children can maintain regular contact with their families through both correspondence and visits;*
- *Cease the use of torture and other cruel, inhuman and degrading treatment and punishment of children deprived of liberty*

- *Ensure all trials take place in front of and are decided by competent, independent and impartial courts and authorities*
- *Extend the use of correctional centres as punishment for juvenile offenders under the age of 18 years;*
- *Ensure that alleged offenders are presumed innocent until proven guilty*