



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.1016
28 January 2005

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-eighth session

SUMMARY RECORD OF THE 1016th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 20 January 2005, at 3 p.m.

Chairperson: Mr. DOEK

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GE.05-40191 (E) 260105 280105

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of the Islamic Republic of Iran (continued) (CRC/C/104/Add.3; CRC/C/Q/IRN/2; CRC/C/RESP/71)

1. At the invitation of the Chairperson, Mr. Akhoondzadeh, Ms. Ardalan, Ms. Davanloo, Ms. Faramarzian, Mr. Jamshidi, Mr. Sajjadpour, Mr. Yaqoobi, Mr. Zadeh and Mr. Zareian took places at the Committee table.
2. Ms. FARAMARZIAN (Islamic Republic of Iran), replying to questions raised at an earlier meeting, said that State policy relating to children was established by the Ministry of the Interior. All births were registered, even those of illegitimate children, who were registered under their father's name. Although, in some regions, procedures were slower than in others, all children were issued birth certificates before they started school.
3. A child of an Iranian mother and a foreign father was granted residence until the age of 18. Thereafter, he or she could apply to become a citizen of the Islamic Republic of Iran. Special helplines, some of which were run in cooperation with non-governmental organizations (NGOS), were available to children in need of assistance.
4. Although street children were a problem, there were fewer street children than the figure cited by the Committee. Temporary shelters provided street children with food and accommodation for one night or more. There were also centres for street children run by the Government, local authorities and NGOs. Street children in cities were not arrested but were regularly rounded up by patrols established for that purpose. They were taken to special reception centres where they were registered, examined and sent to other centres or foster families. Other facilities for street children included consultation centres and hostels for girl victims of violence.
5. Ms. OUEDRAOGO asked what efforts were being made to reunite children with their families before they were placed in institutions.
6. Ms. SARDENBERG said that it was difficult to reintegrate street children into society, particularly when they had been on the streets for some time. In that connection, she asked whether any innovative programmes or studies had been carried out.
7. Ms. FARAMARZIAN (Islamic Republic of Iran) said that when street children arrived at reception centres they underwent a medical examination and, if necessary, were sent to a hospital for treatment. The next step was to establish their identity and next of kin. Children who worked for their parents were returned to them. If children were found on the streets and taken to reception centres more than twice, their parents were reported to the authorities and appropriate disciplinary measures were taken against them. However, most street children were orphans. Where possible, street children were sent to stay with relatives, who received some financial assistance from the State. Otherwise, they were admitted to special centres for street children, usually for a maximum of six months, where steps were taken to ensure their

rehabilitation. According to a study carried out in cooperation with the United Nations Children's Fund (UNICEF), the best centres for the care of street children were run by NGOs.

8. Many NGOs operating in the Islamic Republic of Iran dealt exclusively with children's matters; other NGOs had mandates that included work with children. Almost half of the centres and shelters for street children were run by NGOs. Such centres provided food and accommodation and educational, sport and leisure activities. Some NGOs conducted a variety of educational and information programmes concerning children's rights, parenting issues and life skills.

9. Ms. ORTIZ asked whether the Government recognized the need to reduce the number of children in institutions and to place emphasis on family care.

10. Ms. FARAMARZIAN (Islamic Republic of Iran) said that, as far as possible, children were looked after by close relatives provided that their health and living conditions met the necessary standards. Moreover, children were sometimes placed with foster families for short periods, with appropriate financial assistance from the State. They were placed in institutions only when there was no other alternative. The same applied to children who had been orphaned as a result of natural disasters. Such children could be adopted in accordance with the relevant procedures and legislation.

11. The Islamic Human Rights Commission had originally been established as a State body. However, it had subsequently become an NGO and was registered as such.

12. Mr. FILALI asked whether the Islamic Human Rights Commission could receive complaints. He also enquired whether refugee children could acquire full Iranian nationality when they reached the age of majority.

13. Ms. FARAMARZIAN (Islamic Republic of Iran) said that the Islamic Human Rights Commission had no ties whatsoever with the State. Upon reaching the age of majority, refugee children could acquire full Iranian nationality.

14. Ms. OUEDRAOGO asked why so many children in care seemed to have no known relatives.

15. The CHAIRPERSON asked what were the reasons for the considerable increase in the number of children placed in institutions.

16. Ms. FARAMARZIAN (Islamic Republic of Iran) said that, according to official statistics, in 2004 there had been more than 500,000 refugee children from Afghanistan and Iraq in the Islamic Republic of Iran. More than 60 per cent of the street children rounded up in cities were from those countries. Until recently, refugee children who worked had not been officially registered and had not been included in official statistics.

17. Mr. YAQOOBI (Islamic Republic of Iran) said that, under new regulations issued by the Ministry of Education and Training, free compulsory education was available to children in most regions from the age of four and a half.

18. Although the policy of the Ministry of Education and Training had for some years been that children with disabilities or special needs should be integrated into mainstream education, negative attitudes towards such children persisted in Iranian society. In an effort to remedy the situation, a pilot programme to include children with disabilities and special needs in mainstream education had been launched in two provinces with the assistance of specialists from the Ministry of Education.

19. Ms. SARDENBERG asked whether any steps were being taken to raise awareness of the rights of children with disabilities.

20. Mr. YAQOOBI (Islamic Republic of Iran) said that efforts were being made to change negative attitudes towards disabled children, who should be integrated into society as early as possible, in particular through equal access to education.

21. In recent years, the appropriate textbooks had reached all schools by the middle of the first month of the academic year. Most of the education budget was allocated to the education authorities in the provinces. While the proportion of the State budget allocated to education appeared to have fallen from 20 to 10 per cent, more funds had actually been allocated to education than in the past. Previous budgets had not taken into account energy subsidies for fuel, or currency exchange rates, and had therefore been inaccurate.

22. The National Association of Instructors and Guardians fostered relations between schools and families. The Parent-Teacher Association provided instruction for families on a number of issues, including AIDS. In recent years, the Parent-Teacher Association had disseminated information on the rights of the child and the provisions of the Convention.

23. The ratio of teachers to students in schools and universities would be improved as a result of Parliament's decision to recruit 40,000 additional teachers in 2005. There were no restrictions on school registration; every child aged 6 or over had the right to attend school. With assistance from UNICEF, measures had been taken to encourage parents in disadvantaged areas to allow their daughters to attend school.

24. The school curriculum in disadvantaged areas was the same as that in other areas of the country. The Ministry of Education monitored the implementation of that curriculum.

25. The Government had taken measures to comply with the agreements reached at the World Conference on Education for All in Jomtien, Thailand, and the World Education Forum in Dakar, Senegal. Such measures included programmes to combat HIV/AIDS, provide schooling for street children and the children of foreign nationals, and disseminate information on the role of teachers in preventing violence against children. The Government and UNICEF had prepared a five-year plan with a view to providing education for all girls, implementing strategies for the empowerment of women, increasing the rate of birth registration and carrying out programmes to combat HIV/AIDS.

26. Mr. KRAPPMANN asked whether the Government planned to extend compulsory education beyond the eight years of primary and guidance school. He requested information on training, particularly in-service training, available to teachers. The reporting State should

indicate what steps would be taken to improve rural schools. The reporting State should provide more information about the students from the Baha'i community who had been refused admission to higher education.

27. Ms. SARDENBERG asked whether the Parent-Teacher Association was fully independent of the Government. It was unclear how government policy on the provision of social support and parental guidance was linked to that Association. Further details on private pre-elementary school centres would be useful.

28. Mr. CITARELLA asked whether any costs were involved in sending children to primary and secondary schools. He wished to know whether there were any private or religious schools in the State party.

29. Mr. YAQOOBI (Islamic Republic of Iran) said that the first eight years of education were compulsory. The authorities in charge of birth registration provided the Ministry of Education with information about all registered children. When children reached school age, checks were conducted to ensure that all registered children attended school.

30. The human resources department of the Ministry of Education provided teacher training for recent graduates, as well as in-service training for teachers.

31. There had been no cases of children who had been refused admission to a school because they were Baha'is.

32. In accordance with the Constitution, parents were not required to pay for their children to attend primary, guidance or secondary school.

33. Although the infrastructure of most schools was of a high standard, some buildings required renovation. Funds had been allocated for that purpose.

34. The CHAIRPERSON asked what measures were being taken to deal with children who dropped out of school.

35. Mr. AL-SHEDDI requested information on human rights education in schools.

36. Mr. YAQOOBI (Islamic Republic of Iran) said that the Parent-Teacher Association was chaired by a deputy minister, and the members of the Association were head teachers, deputy head teachers, teachers and parents. The Association was responsible for ensuring that teachers and parents communicated with each other about pupils' education in all schools, particularly at monthly meetings arranged for that purpose. Parents also received instruction from academic experts on life skills and parenting.

37. Pupils were not expelled from schools, and a number of incentives, such as trips, were provided to encourage pupils not to drop out of school. According to the Ministry of Education, the school enrolment rate was 98 per cent. Measures would be taken to increase enrolment to 100 per cent.

38. The Government had worked with the Office of the United Nations High Commissioner for Human Rights to produce material for teaching human rights in schools. The Ministry of

Education had published a teacher's manual on human rights and the Convention. Iranian officials were currently visiting India and the Philippines in order to learn about human rights education.

39. Mr. ZADEH (Islamic Republic of Iran) said that the Government had ratified International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and had taken steps to ensure its effective implementation. Under new or amended legislation, employment of children under the age of 16 would be prohibited and children between the ages of 16 and 18 would not be allowed to work in a number of hazardous sectors. Ministry of Labour officials had made over 1,000 inspections over a nine-month period in 2004, and had discovered 49 cases of violations of ILO Convention No. 182.

40. The CHAIRPERSON asked whether children were permitted to work in traditional family businesses and, if so, whether labour inspectors monitored such employment. He enquired whether inspections were carried out in the informal sector of the economy, and requested data on the number of children working in that sector.

41. Mr. ZADEH (Islamic Republic of Iran) said that labour inspectors were authorized to visit and inspect any place of work at any time. Special provisions applied to the informal sector. Under the Labour Code, children were permitted to help their parents in sectors involving traditional handicrafts.

42. Mr. AKHOONDZADEH (Islamic Republic of Iran) said that his country's achievements in the field of health care had been commended by the World Health Organization and other specialized agencies. Several years earlier, the Ministry of Health had begun an initiative to vaccinate children against polio. Together with the Ministry of Education, the Ministry of Health had launched a project to provide schoolchildren, particularly those in the poorest regions of the country, with free milk. The Ministry of Health also promoted a programme to establish private kindergartens, of which there were currently some 30,000 nationwide.

43. Mr. JAMSHIDI (Islamic Republic of Iran) said that Parliament had a legal committee composed of 20 jurists and judges who were fully acquainted with the Convention, which had been translated into Farsi. The Convention was applied by both parliamentarians and the courts.

44. Mr. FILALI asked whether a bill approved by Parliament must be confirmed by the Council of Guardians before entering into force.

45. Mr. JAMSHIDI (Islamic Republic of Iran) said that, once approved by Parliament, all laws and regulations must be confirmed by the Council of Guardians, which was made up of six legal experts and six experts in religious law. If a bill was not in conflict with the Shariah, it was subsequently examined by other experts in religious law outside the Council. Often, the bill had already been discussed before it reached Parliament.

46. Legislation introduced two years earlier specified that, in most cases, mothers were granted custody of children up to the age of seven, and fathers were granted custody of children over that age. If custody of a child was awarded to the father, the mother could appeal the decision in court. In some cases, it was best for the child to be removed from both parents.

47. The CHAIRPERSON asked whether custody was automatically transferred from the mother to the father when the child reached the age of seven and, if so, who took care of the child if the father worked.
48. Mr. JAMSHIDI (Islamic Republic of Iran) said that the courts ruled on such matters on a case-by-case basis. When a court considered whether or not to place a child in the custody of his or her father, it took account of the father's financial and employment situation and also heard the opinions of the mother and the child.
49. Although parents could punish their children, legislation on the protection of children prohibited any ill-treatment of children that led to physical injury or emotional damage. The sale or abuse of children, their deliberate injury, or disregard for their health needs were punishable by imprisonment and a fine. The prosecutor could institute criminal proceedings against anyone who had harmed a child. Under the Criminal Code, anyone who harassed a child or a woman in a public place was liable to imprisonment.
50. In cooperation with UNICEF, the Government had been working on a wide-ranging plan of action to protect vulnerable children. A bill to that effect would be submitted to Parliament within the next year. NGOs had been helpful in drawing up a number of bills concerning children, and his Government would welcome such assistance in the future.
51. Children whose mothers were imprisoned could remain with them until the age of two. Prisons had facilities where mothers could breastfeed their children.
52. Ms. ALUOCH asked what happened to such children after the age of two, particularly in the case of single mothers or when the father's whereabouts were not known.
53. Mr. JAMSHIDI (Islamic Republic of Iran) said that legislation protected children who had no guardian. Such children could be placed in foster homes. Foster parents were subject to strict eligibility requirements; for example, they must not have a contagious disease or a criminal record and must not be addicted to drugs or alcohol. Other legislation regulated financial support for children without guardians.
54. Life imprisonment for children had been abolished. The murder of a child by a parent or other relative was usually punished by at least 10 years' imprisonment.
55. Mr. CITARELLA said that the Iranian Criminal Code seemed to suggest that the amount of blood money for murdering a female child was half as much as for the murder of a male child and was also half as much as for the murder of a non-Muslim child.
56. Mr. FILALI asked what measure had abolished the death penalty for minors. He wished to know whether death sentences handed down to minors had been commuted and, if so, what form of punishment had been imposed.
57. Mr. JAMSHIDI (Islamic Republic of Iran) said that, while legislation had been different for non-Muslims with regard to blood money, several years earlier Parliament had adopted a new law establishing full equality between Muslims and non-Muslims.

58. The bill under consideration on the abolition of capital punishment clearly stated that the death penalty for persons between 15 and 18 years of age was to be replaced by a prison sentence of two to eight years.

59. Ms. FARAMARZIAN (Islamic Republic of Iran) said that, over the past 10 years, women's participation in society had increased significantly. Women accounted for 64 per cent of admissions to universities and 33 per cent of the workforce. There was a high proportion of women in middle-level management. The press promoted educational measures to encourage women's participation. Women's NGOs were very active in the areas of health care and the family, and women's groups conducted educational campaigns on AIDS.

60. The Iranian school system provided for both public and private kindergartens. While funding was scarce for the public sector, the private sector had greater possibilities. Like public kindergartens, private kindergartens were supervised and inspected by the Ministry of Health.

61. Mr. YAQOOBI (Islamic Republic of Iran) said that the Ministry of Education and Training, in cooperation with the private sector, had established a number of non-profit schools comprising some 3 million pupils. Moreover, certain responsibilities in the field of education had been transferred to the private sector. In accordance with an agreement with the Ministry of Education, NGOs were entitled to use school facilities for educational purposes on days when schools were officially closed.

62. Educational services for children of refugees were the same as those provided to the children of Iranian citizens; education for refugee children was free of charge. A special section in the Ministry of Education supervised the education of foreigners. In recent years, some 180,000 children of Afghan and Iraqi refugees had attended Iranian schools.

63. In disadvantaged and remote areas, the Government provided free food and milk rations to children during the first eight years of education. Although supply and transport problems had hampered full implementation, during the 2003/04 academic year the free milk programme had reached 6,000 primary school pupils.

64. Between 5,000 and 6,000 persons in Iran were affected by HIV/AIDS; 190 persons had died of AIDS. Strategies to combat the pandemic focused on prevention and included awareness campaigns, education and consultation to eliminate dangerous sexual practices. Young people were most at risk of contracting the disease, and the relevant department in the Ministry of Education had prepared a range of information materials for use by teachers and doctors.

65. Ms. ALUOCH asked whether such materials had been incorporated into educational curricula.

66. Mr. YAQOOBI (Iran) said that pupils received two hours of instructions on HIV/AIDS every week.

67. The CHAIRPERSON said that the legal implications of the definition of the child in Iranian legislation should be clarified. He asked whether a girl over the age of 9, or a boy over the age of 15, were protected by the Convention on the Rights of the Child.

68. Mr. JAMSHIDI (Iran) said that, in the context of recent legal reforms, the gender difference in the definition of the child had been eliminated; a child was defined as any person under 18 years of age. Iranian legislation stipulated different levels of criminal responsibility. Accordingly, persons below the age of nine were exempt from all criminal liability. Measures imposed on juvenile offenders between 9 and 12 years of age were of a correctional, educational or rehabilitative nature. Boys between 12 and 15 years of age who had committed serious offences could be sentenced to a maximum of one year's imprisonment. There was no gender difference with regard to the criminal responsibility of persons between 15 and 18 years of age.

69. Ms. FARAMARZIAN (Iran) said that, in 2004, the coordination of local and community affairs had been entrusted to village elders who were elected by their respective communities and represented the State at both the provincial and local levels. At the governorate level, the authorities were responsible for annual planning and programming and cooperated with NGO and university representatives. The Ministry of the Interior had undertaken a number of joint projects with UNICEF, including capacity-building workshops for street children. The results of those projects had been published and disseminated to professionals working in the field of children's rights.

70. The CHAIRPERSON requested additional information on temporary marriages. He was concerned that such arrangements might facilitate the exploitation of girls.

71. Ms. VUCKOVIC-SAHOVIC asked whether premarital counselling services took account of the low minimum age of marriage.

72. Ms. FARAMARZIAN (Iran) said that, prior to marriage, all persons attended a mandatory health and hygiene course. That practice had contributed to a considerable reduction in the incidence of sexually transmitted diseases.

73. Mr. JAMSHIDI (Iran) said that, in the context of recent reforms, the minimum age for marriage had been raised to 13 for girls and 15 for boys. The relevant Shariah provisions were currently being reconsidered in the light of the need for children to have attained a certain level of maturity before entering into marriage. The Government was considering the preparation of legal provisions to formalize the reforms.

74. Temporary marriage agreements were concluded in full recognition of children's and women's rights, and women and girls were protected against all forms of exploitation. Temporary marriage contracts could be concluded only with the woman's consent.

75. Mr. AL-SHEDDI asked whether there was a central body to coordinate all activities related to the implementation of the Convention.

76. The CHAIRPERSON requested detailed information on the functions of the National Management and Planning Organization.

77. Mr. AKHOONDZADEH (Iran) said that the Government had formulated a plan to establish a national body to coordinate all activities to implement the Convention. That body would be headed by an official appointed by Parliament and would be composed of representatives of the Government and the judiciary. The national body, which would have its own budget and would review existing policies, would be responsible for developing an implementation strategy and monitoring its progress.

78. Mr. FILALI, Country Rapporteur, noted with satisfaction the reforms undertaken by the State party, as well as its commitment to fulfilling its obligations under the Convention. In its concluding observations, the Committee would highlight a number of areas of concern, including discrimination against girls, corporal punishment and the economic exploitation of children.

The meeting rose at 5.50 p.m.