

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL**  
**UNICEF INPUTS – ISLAMIC REPUBLIC OF IRAN<sup>1</sup>**

**I. Conceptual Framework**

1. The Islamic Republic of Iran has a population of approximately 70.3 million people. The decade following the Islamic revolution of 1979 saw a rapid population growth, which subsequently sharply declined, and today 35 per cent of the population is under the age of 18 (with 0 – 14 comprising 28 per cent of the total population).
2. Over the last few decades, Iran’s human development indicators<sup>2</sup> have improved, as witnessed by reductions in under-five mortality, better access to safe drinking water, higher adult literacy ratios and improved enrolment ratios in different educational levels, particularly for women. This improvement is also seen in rural areas. Economic growth and implementation of extensive welfare programmes have improved the standard of living of a large proportion of the population.
3. The Government is currently developing its 5th National Development Plan based on a 45 point outline delivered by the Supreme Leader in a letter to the President in February 2009. This plan covers the main directions in the areas of (1) Cultural Affairs, (2) Scientific and Technological Affairs, (3) Social Affairs, Economic Affairs, (4) Development of Social Justice and (5) Political, Defence and Security Affairs. Poverty reduction, bridging social inequality and progress on the Human Development Index remain as important priorities for Iranian policy makers.
4. Iran is party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child (CRC), including the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, but has not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture, and the Optional Protocol to the CRC concerning the Involvement of Children in Armed Conflict. The Government has not indicated that it plans to ratify the CEDAW, and is developing a “Charter for Women’s Rights and Responsibilities”. Iran ratified the CRC, with a general reservation, in 1994 and has reported twice to the Committee on the Rights of the Child.
5. Thirteen State Parties to the CRC officially rejected Iran’s reservation, mostly arguing that it is unspecific and that it goes against the spirit of the CRC. Also, the Committee on the Rights of the Child has asked Iran to “review the general nature of its reservation with a view to withdrawing it, or narrowing it.”<sup>3</sup> There remain certain areas of friction between international standards and national laws, including in relation to the general status of the child as a subject of rights in national legislation, the age of childhood as well as the death penalty against those who committed crimes while under the age of 18.
6. Iran submitted its report to the Committee on the Rights of the Child in 2005. The Committee’s main concern was that a narrow interpretation of the Convention on the Rights of the Child was impeding the fulfilment of human rights and it recommended that the Government adopt a national plan of action for the implementation of the Convention. This would include: the establishment of an independent institution for monitoring rights; more training programmes for civil society, children, adolescents, and professional groups working with children; and a review

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<sup>1</sup> Information from UNICEF Iran Country Programme Document June 2004, 2008 Annual Report, updated with latest available data from sources cited separately

<sup>2</sup> The HDI for Iran (Islamic Republic of) is 0.777, which gives the country a rank of 84<sup>th</sup> out of 179 countries with data - UNDP HDI – Statistical Update 2008

<sup>3</sup> CRC Concluding Observations to Iran in January 2005

of legislation to see where it could be harmonized with the Convention. Steps have been taken in all these areas, albeit not through a national plan of action, but instead through integration into existing social development programmes. An exchange visit is being planned for 2009 between the Committee on the Rights of the Child and relevant authorities of the Iranian Government.

7. Iran's constitution was adopted following the Islamic Revolution in 1979 and covers a combination of civil rights (including elections at national and provincial, rural and city council level) and Islamic rights based on Sharia law. The judicial system still faces challenges in reconciling post revolutionary Islamic principles with pre-existing laws. The Constitution recognises the three independent branches of government (legislative, judiciary and executive) which are ultimately overseen by the Supreme Leader.
8. Children's concerns are covered by the "Child Protection Code" of 2002 which contains nine articles covering child abuse, sale of children, child exploitation, and using children in illegal actions including smuggling. The Iranian Penal Code and chapter five of the Act on Penal Procedural Law cover criminal issues including those of children and young people under 18 years of age. A juvenile justice bill is currently passing through parliament. While there are no dedicated national institutions which cover children's issues, these concerns are spread across relevant ministries (for example, the Ministry of Health and Medical Education dealing with Child Health and the State Welfare Organisation (part of Ministry of Welfare) is mandated to address the rights of children in need, orphans, street children and other vulnerable children). A national youth organisation is established within the President's office to oversee youth related policies.
9. No official data is publicly available in Iran on juvenile offenders (i.e. persons who committed an offence while under the age of 18) or on juvenile executions. However, various sources indicate that there are currently approximately 150 juvenile offenders awaiting execution. For cases of murder and permanent harm in the Iranian legal system, Shari'a law establishes qesaas (retribution) as punishment, giving the family of the victim the right to ask for the offender to be put to death. Alternatively, the family of the victim can choose to pardon the offender and accept a payment of Diyeh (loosely translated to compensation) instead. With regard to non-qesaas cases, i.e. crimes against the State (e.g. drug trafficking), the practice of execution of juvenile offenders has been stopped with a directive sent to all judicial centres to consider/apply the "Regulation on the Pardon and Alternative Punishments' Commission" when issuing judgments on juvenile offenders.<sup>4</sup>
10. UN special rapporteurs have observed that "Peaceful demonstrators have been arrested, detained and persecuted with prison sentences having been imposed on many of them." The UN the Secretary General's Report on Human Rights in Iran presented to the UN General Assembly in October 2008 stated that, although progress made towards some of the MDGs is commendable, many serious concerns remain regarding a range of human rights issues including juvenile executions, women's rights, minority rights, freedom of peaceful assembly and lack of due process regarding rights of detainees. An update to this report will be presented at the 64<sup>th</sup> session of the General Assembly in September 2009.

## **II. Trends**

- 14 Significant achievements have been made in reducing child mortality. From an average of 46.3 per 1000 live births 1993, the U5MR has decreased to 34 per 1000 in 2007.<sup>5</sup> Newborn and infant mortality rates have also decreased in the past decade because of increased access to reproductive health services and education. Significant geographical disparities however remain.

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<sup>4</sup> The Deputy of the Attorney General in an interview with the Iranian official news agency (IRNA) on 15/10/2008

<sup>5</sup> Ministry of Health 2007 sources

- 15 Major progress has also been made at the national level in access to primary health services. However, malnutrition and quality childcare practices remain an issue of concern in a number of provinces, including significant prevalence of underweight, wasting and stunting amongst children and high macronutrient deficiency levels. Based on the MoH report (ANIS 2), 16% of children in Sistan and Baluchistan are underweight, whereas the national average is 5%.
- 16 Current trends indicate that cases for juvenile offenders are prolonged in the justice system until they reach 18 years when the risk of execution becomes higher. Currently, there are approximately 35 juvenile cases with execution judgments upheld by the Supreme Court and approximately 15 cases at imminent risk of execution (i.e. the case has exhausted legal appeal and can be implemented at any time).
- 17 The age of criminal responsibility in Iran is linked to the age of puberty, in accordance with Sharia law and is eight years and nine months (nine lunar years) for girls and 14 years seven months (15 lunar years) for boys. A new bill – the “Act of Formation of Juvenile Courts” - was submitted to the Parliament in 2005 for ratification and is currently going through the review process for adoption. Amendments have also been made to the Penal Code Bill and the Penal Procedure Code to address improvements to the low age of criminal responsibility. Furthermore, in the area of legal protection, a new Child Protection Bill was drafted in 2007 which addresses situations that place children at risk e.g. lack of effective caregivers, malfunctioning of family or legal guardian of the child, maltreatment of the child, involvement of the child in prostitution, pornography, drug smuggling, addiction, and forced labour. The bill considers child victims and witnesses of crime in need of protection and establishes certain mechanisms for protecting children at risk and in need of protection and is also currently before Parliament.
- 18 Iran has taken a number of very positive steps towards the protection of children from abuse and neglect which have been recognized by the Independent Expert of the Secretary General on Violence against Children. Religious leaders actively participated in the preparation process of the 2006 UN-SG Study on Violence against Children. The first National Plan of Action on Violence against Children was developed in a broad consultation process where more than 40 governmental and non-governmental organizations as well as many independent experts participated. Moreover in 2008, the Ministry of Welfare took steps to include violence against children in the draft of the government’s five-year National Development Plan.
- 19 Iran has shown improved results in the education sector and has been successfully moving towards reaching MDG2, universal primary education. The enrolment rate at the first grade of primary school continues to remain above 98 per cent and more than 93 per cent of students entering primary education finish the fifth grade. Challenges exist in disparity areas of the country with regard to primary education mainly caused by factors such as poverty, lack of access, educational measurement methods, low quality of education in rural areas, and cultural barriers. The net intake rate in the first grade of primary education has increased from 92.8 in 2000 to 95.3 in 2006<sup>6</sup>, although most of the growth can be assigned to the first two years of this period with only very moderate increases since 2002.
- 20 Access of women to education has improved over the last few decades. Literacy rates of Iranian women and men stand at 79% and 86% respectively, with 96.3% of women aged 15-24 reported as literate. The improving registration rates and minimal gender disparity at all education levels further verify this development, with female-to-male enrolment ratio in primary, secondary, and tertiary education reported as 1.22, 0.94, and 1.09 respectively.<sup>7</sup>

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6 Education for All Mid-Decade Assessment Report, 2000-2006, Islamic Republic of Iran, p.86

7 Global 2007/08 Human Development Report.

- 21 Availability and accuracy of data on incidences of HIV/AIDS is a major challenge, but within the framework of the available data<sup>8</sup>, until September 2008, 18,320 cases of HIV infection had been identified in the country, with injecting drug use being the highest cause of infection (69.0 %). Furthermore, 7.9% of all recorded HIV cases indicated a sexual route of transmissions. The low prevalence of condom use—lower than 10 %—poses a risk for the latter figure to increase further. For 21.1 % of cases the mode of transmission remains unknown. Approaches aimed at HIV prevention for young people in schools and in the media remain sensitive and challenging.
- 22 Adolescents and youth are a critical segment of the Iranian population. The attitudes, behaviour and life choices of young people will profoundly impact the future conditions in, and direction of, the country, rendering potential opportunities and challenges in such areas as employment, social innovation, business entrepreneurship, political participation, public health, or global and regional connectivity both large-scale and urgent. More young people – and in particular young women – are becoming part of a growing educated society, thereby increasing the demand for new and improved policies and services that meet their special needs and expectations and allow for greater participation in Iran’s society and professional environment.
- 23 The government in 2008 amended some laws including a law that passed parliament recognising women’s entitlement for full coverage from insurance companies when they are involved in accidents leading to injury or death and another law recognising women’s right to inherit land from their deceased husbands. The “Family Protection” bill did not pass the parliament. The number of female parliamentarians has decreased from 14 in 1990 to 12 in 2006. During the March 2008 parliamentary elections, the percentage of women in parliament dropped from 4.1% in the previous term to 2.8%. Although statistics are not readily available, landownership remains very low for women, and out of the total employed population in Iran, women make up 13.6%. Legal inequities still exist for women across the spectrum, most notably in the area of civil and political rights. Most recently, the President nominated three female Ministers to his cabinet, the first such nomination since the Islamic Revolution.

### **III Capacity Building Efforts**

1. Iran possesses significant resources and capacities to achieve results for children, as evidenced by the various achievements accomplished to date. However, substantial capacity gaps remain both institutionally and socially, which hamper maximization of outcomes and which are the focus of UNICEF capacity building efforts.
2. Consistent with its mandate, UNICEF is working with juvenile justice professionals and policy makers for the establishment and promotion of juvenile justice standards, restorative justice, diversion, after-release care, and rehabilitation for children in conflict with the law. In addition, UNICEF has advocated for and provided technical support to the process for establishment of a National Child Rights Monitoring Body in the country (this body has not yet been established). In this regard, UNICEF supported a study by the Judiciary on “Modalities for Establishment of a Child Rights Body in Iran”.
3. UNICEF continues to closely collaborate with religious scholars and academic institutions to advance a common understanding of the relationship between Islam, Shari’a and child rights and establish greater clarity on the religious underpinning of Iran’s general reservation to the CRC. An improved understanding of the commonalities and differences between international norms and standards and religious tenets and jurisprudence could potentially pave the way for greater reconciliation between the two.

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<sup>8</sup> Ministry of Health, Latest Statistics on the rate of HIV/AIDS infection in Iran, Centre for Disease Management, Summer 2008

4. UNICEF in Iran continues to monitor and take any appropriate action to assist in resolving execution cases of young people who commit crimes while under the age of 18 years and advocates for the suspension of death sentences in close cooperation with the Iranian Judiciary and other stakeholders. While case by case interventions have had some positive effect, in the end only a change in the legal framework may lead to a full abolishment of juvenile executions in Iran.
5. UNICEF and the Iranian Judiciary have cooperated for more than 10 years on legal matters in order to promote structural improvements in the juvenile justice and child protection systems of the country. UNICEF provided technical assistance that prepared the grounds for the Iranian Judiciary to present the new bill on juvenile courts to the Parliament. UNICEF has also provided technical support for the development of the Child Protection Bill. In addition UNICEF is supporting national efforts to strengthen the knowledge base and capacities of judges, prison officials, police and social workers across the country in international standards for child rights and juvenile justice, having trained over 1700 professionals to date.
6. UNICEF is assisting Iran in addressing child abuse especially since 2005. The cooperation includes technical assistance in legal reform, training of health workers, helpline workers, and social workers on early detection of child abuse, establishing hotlines for children suffering from violence as well as public information and research on the issue. Religious leaders have been important allies in raising awareness among the Iranian public about child abuse.
7. In recent years, UNICEF has supported the Ministry of Health, the Ministry of Education and the State Welfare Organization to develop codes of conduct for health workers, teachers and social workers. The codes of conduct will be instrumental in ensuring children's rights in schools, health, and social work systems. A joint programme with the Ministry of Interior covers the provision of Basic Education for Refugee Children. The programme aims not only to develop and introduce models for provision of basic educational services for refugee children, but also encourages the naturalization of refugee children in their communities over the longer term.
8. With the Ministry of Health, UNICEF is supporting the piloting of 14 innovative Adolescent Friendly Health Services aimed at addressing existing gaps in HIV prevention among young people. The model includes education/awareness-raising, skills building, peer outreach education for prevention and local level advocacy amongst key stakeholders, including religious leaders.