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Committee on the Rights of the Child

Seventy-first session

11-29 January 2016

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the fourth periodic report of the Islamic Republic of Iran

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2015.

The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. With reference to the State party's general reservation to the Convention, please explain which provisions of the Convention the State Party deems to be incompatible with Islamic Laws.
2. Please indicate the measures taken to guarantee in law and practice the functioning of non-governmental organizations and activities working on children's rights without repression, harassment, persecution and unnecessary interference. Please explain the reasons for closing, among others, the Association for the Defence of Working and Street Children in 2008 and the Society for Endeavouring to Achieve a World Worthy of Children in 2009.
3. Please indicate any measures taken to ensure that all legislation defines a child as a person under the age of 18 years and that all minimum age requirements, including the age of marriage and the age of criminal responsibility, conform to the Convention both in law and practice.
4. Please inform the Committee about the measures taken to establish an independent national human rights institution for the promotion and protection on the rights of the child.
5. Please provide the Committee with detailed information on the allocation of resources for implementation of the Convention, in particular resources aimed at children in the most marginalized and disadvantaged situations.

6. Please provide information on the outcome and progress of the judicial review under the 2014 “pilot judgment” by the Iran’s Supreme Court of cases of persons on death row for crimes committed when they were below the age of 18 years. Please provide detailed information on the number of persons awaiting execution for crimes allegedly committed when they were below the age of 18 years and inform the Committee on the fate of Saman Naseem and Barzan Nasrollahzadeh who were awaiting execution. Please also provide a list of crimes that qualify as “the most serious crimes” and entail death penalty. Please also explain how the children’s rights are protected under the qesas process.
7. Please indicate the measures taken to eliminate the practice of killings, including in the name of so called “honour” and to repeal articles 301 and 612 of the 2013 of the Islamic Penal Code (IPC) which provide impunity for perpetrators of such crimes.
8. Please indicate the measures taken to eliminate persistent discrimination in law and practice against girls, children with disabilities, children born out of wedlock, unregistered children, refugee and migrant children as well as LGBTI children.
9. Please explain the concrete measures taken to guarantee freedom of religion and belief and efforts undertaken to protect children belonging to religious minorities, in particular Baha’i, Sufis and Yarsan children as well as children from atheist and agnostic families. Please comment on information received according to which the Advocacy Council for the Right to Education announced in 2012 that many Iranian students had been banned from education for their religious beliefs. Please also comment on information received that Baha’i teachers have been arrested and detained.
10. Please provide information on the measures taken to prevent widespread discrimination against children of ethnic minorities such as Ahwazi Arabs, Azerbaijani Turkish, Baloch and Kurdish in everyday life, including in access to education as well as measures taken to address reported targeted arrests, detentions, imprisonments, killings, torture and executions against such groups by the law-enforcing and judicial authorities.
11. Please inform the Committee about the measures taken to ensure the right of the child to express his or her views in all matters concerning him or her, including at school, family, in courts, administrative bodies and in society in general. Please provide examples of when and how the child’s view has been given due weight.
12. Please clarify whether the 2013 IPC allows children to be subjected to flogging, stoning and amputation and if so, please provide detailed information on all cases of children subjected to these practices over the reporting period. Please also provide information on the application of article 102 of IPC and indicate whether girls can and have been sentenced to flogging for not wearing hijab. Please provide information on the number of such cases disaggregated by age.
13. With reference to article 158 (d) of the IPC please clarify the meaning and scope of “normal and shariah sanctioned boundaries.” Please also explain what is meant by “reasonable punishment or punishment for correction or protection purposes” which is allowed under articles 1173 and 1179 of Civil Code. Please indicate the measures taken to repeal all legislation condoning violence against children, to address domestic violence, to promote positive and non violent forms of discipline and to provide special protection to the children who are the most likely to be subjected to violence. Does the State party intend to repeal the provisions that prevent children to report and be protected from domestic violence such as articles 146, 147, 160 and 161 of the IPC as well as article 1130 of the Civil Code.
14. In light of the obligation of the State party to protect children from sexual abuse and exploitation, please indicate whether the State party intends to repeal article 1108 which

obliges wives, including married girls, to sexual submission and obedience towards their husbands.

15. Please provide information on the measures taken to eliminate the harmful practice of child marriage, including forced marriage. Please comment on the information received according to which thousands of marriages of children below 13 years take place every year and that many girls commit suicide to escape such marriages. Please also provide detailed information on the implementation and interpretation of the criminalization of female genital mutilations especially in the provinces of Kurdistan, Western Azerbaijan, Kermanshahh, Illam, Lorestan and Hormozghan.

16. Please provide detailed information on the Special Social Welfare Centers for children deprived of family environment mentioned in paragraph 79 of the State party report. Please also explain the rules and criteria for placing children in such institutions and the mechanisms in place to monitor the conditions, services and care provided to children in these institutions. Please also clarify if the placement of children in quasi-families has been regulated and if so, what regulations apply to this type of placement.

17. Please provide detailed information on application of article 27 of the 2013 Bill on the Protection of Children and Adolescents with no guardian or abusive guardian, which allows for the marriage between parents and adopted children, including on the number of such cases.

18. With reference to the Committee's previous recommendations (para 54), please provide information on the measures taken for the full inclusion of children with disabilities into mainstream education.

19. Please inform the Committee about the measures taken to address adolescent health issues and to provide children with sexual and reproductive health counselling and services.

20. Please inform the Committee about the measures taken by the State party to ensure that all children, in particular married girls and children belonging to religious minorities benefit from free and compulsory education, without any restrictions. Please clarify whether a girl can be denied education if pregnant or if her husband so wishes. Please also inform on the measures taken to provide ethnic minorities in the State party with an opportunity to study in their native languages.

21. Please provide information on measures to address the situation of children living and working on the streets, to provide assistance and support to these children and to investigate allegations of police brutality against them.

22. Please indicate the measures taken to ensure that all refugee children, irrespective if they are born in or outside Iran, are provided with a birth certificate and that no child is deprived of access to education, health and social services. Please indicate whether a comprehensive registration of refugees including refugee children was conducted recently. Please also indicate if investigations are conducted into the allegations of abuse and ill treatment of refugee and asylum seeking children by police and security forces. Please also provide information on measures taken to protect children from refoulement.

23. Please inform the Committee whether the juvenile courts have exclusive competence to deal with all children in conflict with the law. With reference to the Committee's previous recommendation, please also provide information on training of judges and other professionals in the juvenile justice system on children's rights.

Part II

In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:

- a) New bills or laws, and their respective regulations;
- b) New institutions (and their mandates) or institutional reforms;
- c) Recently introduced policies, programmes and action plans and their scope and financing;
- d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the last three years on budget lines regarding children and social sectors, by indicating the percentage of each budget line in terms of the total national budget and gross national product, and geographic allocation.
2. Please provide, if available, updated statistical data (disaggregated by age, sex, ethnic origin, national origin, geographic location, and socio-economic status) for the past three years on:
 - a) Cases of abuse and violence against children, including all forms of corporal punishment, including as a punishment for a crime, as well as prosecution of the perpetrators and the sentences handed down in the State party;
 - b) Cases of “honour killings” by fathers and grandfathers of children and the sanctions imposed on such crimes;
 - c) Investigations of cases of sexual abuse and violence against children, including by family members such as husbands, and on prosecutions and penalties to perpetrators, and redress and compensation offered to the victims;
 - d) Cases of arrests and detention of teachers and pupils, and the reasons for such measures, over the reporting period;
 - e) Children working in the informal sector and children in street situations;
 - f) Children in detention facilities and penitentiary institutions, including those on death row;
 - g) Marriage of children below the age of 18 years;
 - h) Marriage of children with adoptive parents;
 - i) Stateless children or children born to Iranian mothers and foreign fathers;
 - j) Children living in prison with their mothers; and
 - k) Asylum seeking, refugee and migrant children and children who have been deported to their countries of origin.
3. Please provide data disaggregated by age, sex, socio-economic background, ethnic origin and geographical location regarding the situation of children deprived of a family environment, covering the past three years, on the number of children:
 - a) Separated from their parents;

- b) Living in child-headed households;
 - c) Placed in institutions;
 - d) Placed with foster families;
 - e) Adopted domestically or through inter-country adoptions.
4. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:
- a) Living with their families;
 - b) In institutions;
 - c) Attending regular primary schools;
 - d) Attending regular secondary schools;
 - e) Attending special schools;
 - f) Out of school;
 - g) Abandoned by their families.
5. Please provide data, disaggregated inter alia by age, sex, socio-economic background, geographical location and ethnic origin, for the past three years, on:
- a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, in primary schools and in secondary schools;
 - b) The number and percentage of dropouts and repetitions;
 - c) The teacher-pupil ratio; and
 - d) The number of Bahai children expelled from schools.
6. Please provide the Committee with an update of any data in the report which may have been outdated by more recent data collected or other new developments.
7. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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