

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 71st Pre-Sessional Working Group

SUBMITTED BY:

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FOCUS ON:

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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 71st 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,¹ allegedly because it does not want to acknowledge the significance of minorities within its territory.² 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.³ 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.⁴ 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.⁵ Overall, most independent figures estimate that all non-Persian ethnic groups combined comprise around half of the entire Iranian population if not more.⁶ 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

¹ 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).

² *Ibid.*

³ 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).

⁴ 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).

⁵ Unrepresented Nations and Peoples Organization, *Southern Azerbaijan* (25 March 2008). Available from: <http://unpo.org/members/7884> (Accessed on 13 February 2015).

⁶ Minority Rights Group International (2011), *op.cit.*

time they lost their independence being 1929.⁷ 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".⁸ 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.

⁷ Gesellschaft Für Bedrohte Völker, *Written Statement: Iran* (February 2013). Available from: <https://www.gfbv.de/inhaltsDok.php?id=2597> (Accessed on 28 January 2015).

⁸ United Nations Committee on the Elimination of Racial Discrimination, 77th 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.⁹ 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.¹⁰ 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.¹¹

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.¹² This is also evident when examining the 2013 draft Iranian Charter of Citizens' Rights. As Dr Nazila Ghanea¹³ 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.¹⁴ 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.¹⁵ 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,¹⁶ 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.

⁹ Minority Rights Group International (2015), *op.cit.*

¹⁰ Gesellschaft Für Bedrohte Völker, *op.cit.*

¹¹ *Ibid.*

¹² 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).

¹³ Dr Nazila Ghanea is a Lecturer in International Human Rights Law at the University of Oxford.

¹⁴ 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).

¹⁵ 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).

¹⁶ *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.¹⁷ 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.¹⁸

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.¹⁹ 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,

¹⁷ 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 (Accessed on 03.02.2015).

¹⁸ *Ibid.*

¹⁹ 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.²⁰ 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.²¹

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

²⁰ 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).

²¹ 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.iranhrdc.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 2007.²² 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.²³ 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.²⁴ Mr Salar Azarbarzin was killed by security officials in Konakhan on 3 August 2014.²⁵

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.²⁶ 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.²⁷ According to Amnesty International, he did not have access to legal representation.²⁸

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*

²² 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).

²³ *Ibid.*

²⁴ 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).

²⁵ *Ibid.*

²⁶ Iran Human Rights Documentation Center, *op.cit.*

²⁷ Amnesty International (2015), *op.cit.*

²⁸ *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.²⁹

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.³⁰

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.

²⁹ US State Department, *op.cit.*, p. 43.

³⁰ 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.³¹ 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.³²

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.

³¹ Unrepresented Nations and Peoples Organization, *Iranian Kurdistan* (25 March 2008). Available from: <http://unpo.org/members/7882> (Accessed on 28 January 2015).

³² 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.³³ 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.³⁴ Last year (2014), 43 Iranian Kurds, all civilians, were injured due to landmines and other explosives.³⁵ One such civilian was Dana Yusefi, a 12-year old Kurdish boy, who stepped on a landmine and consequently lost one

³³ US State Department, *op.cit.*, p. 43.

³⁴ 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).

³⁵ *Ibid.*

of his legs on 3 February 2014.³⁶ 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.³⁷ 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.³⁸

Saman Naseem, an Iranian Kurd, was sentenced to death in 2013 for reportedly being involved in armed activities.³⁹ He had been arrested two year earlier at the age of 17 and claims to have been tortured while being detained following this

³⁶ *Ibid.*

³⁷ United Nations Committee on the Rights of the Child (March 2013), *op.cit.*, p. 67.

³⁸ 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 (Accessed on 2 February 2015).

³⁹ 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.⁴⁰ He reported that his toenails and fingernails were pulled out and that he was beaten before being coerced into signing a confession whilst blindfolded.⁴¹ 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.⁴² 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."⁴³ All this happened when he was still 17 years old.⁴⁴ Iran Human Rights reports that Mr Naseem was executed on 19 February 2015⁴⁵.

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.⁴⁶ 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.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² 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 (Accessed on 18 February 2015).

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ 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/>

⁴⁶ 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.⁴⁷ 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.⁴⁸ 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*

⁴⁷ 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.

⁴⁸ 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.⁴⁹ For these reasons, the Iranian Government should focus its efforts on the region.⁵⁰ 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.⁵¹ This accounts for a third more than the second most polluted city in the world at the time.⁵² 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.⁵³ Other Iranian cities show rates between 2.1 and 7.1 percent.⁵⁴

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

⁴⁹ Minority Rights Group International (2015), *op.cit.*

⁵⁰ This has also been voiced by the United Nations Committee on the Rights of the Child (17 April 2013), *op.cit.*, para 11.

⁵¹ 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/ (Accessed on 2 February 2015).

⁵² *Ibid.*

⁵³ M. Afra, S. Assar, M. Latifi, A.H. Shakurnia, "Revalence of Asthma Among Schoolchildren in Ahwaz, Islamic Republic of Iran" (2010) *La Revue de Santé de la Méditerranée orientale* 16:6, pp. 651-656.

⁵⁴ *Ibid.*

minorities do not even get to the end of this compulsory cycle.⁵⁵ In Sistan-Balochistan, for instance, there is a lack of schools and the existing schools are often in very poor conditions.⁵⁶ 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.⁵⁷ 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.⁵⁸ Moreover, the lack of female teachers makes many parents uncomfortable with sending their daughters to school.⁵⁹ It should therefore come as no surprise that the region has the lowest literacy rate in Iran.⁶⁰

One can find similarly high drop-out rates in Ahwazi Arab communities with 30 percent of elementary students pulling out.⁶¹ By the time the children start secondary school the rate has increased to 50 percent and it reaches 70 percent in high school.⁶² 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.⁶³ 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.⁶⁴

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*

⁵⁵ Amnesty International (2015), *op.cit.*

⁵⁶ N. Boladai, *Baloch: Suppression and Discrimination* (2012).

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ Amnesty International (2015), *op.cit.*

⁶⁰ Minority Rights Group International (2015), *op.cit.*

⁶¹ 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 (Accessed on 12 February 2015).

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ 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.⁶⁵ 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.⁶⁶

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.⁶⁷ They further stated that Iran's uniform education system entailed that ethnic minorities were always disadvantaged.⁶⁸ 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.⁶⁹

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.⁷⁰ 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.⁷¹ For example, a group of students who were attending an event in 2007 and demanding that schools teach the Kurdish language were arrested.⁷² The same year, over 1500 teachers in Kurdistan were fired by the Iranian Government for 'religious reasons'.⁷³

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.⁷⁴ 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

⁶⁵ Hamlet Isaxanli, *et al.*, "Minority Education Policy in Azerbaijan and Iran" (2002) *Journal of Azerbaijani Studies* 5: 34, pp. 3-64, p. 181. Available from: http://www.hisaxanli.org/pdf/Minority_Education_Policy.pdf (Accessed on 2 February 2015).

⁶⁶ United Nations Committee on the Rights of the Child (March 2012), *op.cit.*, p. 105.

⁶⁷ *Ibid.*, p. 188.

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*, p. 163.

⁷⁰ Cameron and Danesh, *op.cit.*, p. 40.

⁷¹ 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).

⁷² *Ibid.*

⁷³ Cameron and Danesh, *op.cit.*, p. 52.

⁷⁴ Private testimony of Mrs Saideh Bentarif, a former teacher currently living in London, the United Kingdom.

region.⁷⁵ 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”.⁷⁶ Another former Ahwazi teacher,⁷⁷ 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.⁷⁸ Moreover, while Iran allows recognized religious minorities to have their own schools,⁷⁹ private bilingual schools are banned.⁸⁰

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.⁸¹ 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.⁸²

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;*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ 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.

⁷⁸ *Ibid.*

⁷⁹ United Nations Committee on the Rights of the Child (March 2012), *op.cit.*, p. 104.

⁸⁰ Testimony of Mr Karim Dahimai and Mr Abudllah Mazra, both former teachers in Ahwaz currently living in Europe.

⁸¹ 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).

⁸² *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.⁸³ 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.⁸⁴ 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'.⁸⁵

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.⁸⁶ 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*

⁸³ Amnesty International, *Annual Report 2012: Iran* (2012). Available from: <http://www.amnesty.org/en/region/iran/report-2012> (Accessed on 3 February 2015).

⁸⁴ *Ibid.*

⁸⁵ 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).

⁸⁶ 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.⁸⁷ 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.⁸⁸ 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

⁸⁷ Isaxanli, *op.cit.*, p. 163.

⁸⁸ 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.⁸⁹ Again, ethnic minorities were disproportionately targets of such abuse.⁹⁰ 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.⁹¹ As Iranian officials do not publicly report all executions, it is likely that this number is in reality higher.⁹² 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.

⁸⁹ US State Department, *op.cit.*, p. 2.

⁹⁰ *Ibid.*

⁹¹ Amnesty International (2012), *op.cit.*

⁹² *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.⁹³ 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.⁹⁴

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*

⁹³ Pourzand, *op.cit.*

⁹⁴ 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*