**Mandate of the Special Rapporteur on the right to education**

**Call for CONTRIBUTIONS:**

**THE RIGHT TO EDUCATION, ADVANCES AND CHALLENGES**

In her first report to the Human Rights Council, to be presented in June 2023, the Special Rapporteur on the right to education intends to undertake a review of the achievements of the mandate on the right to education over the last 25 years. Indeed, in 2023 the mandate will celebrate its 25th anniversary. The time has come to take stock of the advances the mandate has made in understanding the normative content of the right to education under international human rights law. It is also important to reassert and reassess the added value of an approach based on the human right to education in education matters.

In addition, in her report, the Special Rapporteur intends to identify the current main challenges to the right to education today and the crucial issues that deserve attention for the future.

Submissions should be sent electronically no later than **13 January 2023** to [**hrc-sr-education@un.org**](mailto:hrc-sr-education@un.org), using the email title: “Submission: the right to education”.

Please feel free to answer only the questions relevant to your work. Kindly limit your responses to **3,000 words** and attach annexes where necessary. Due to limited translation capacity, responses should be sent in a Word document, in English, French or Spanish. The document should include a clear reference to the submitting entity or person as well as paragraph numbers and be dated. Please also indicate if you have any objections regarding to your reply being posted on the OHCHR website.

* **Assessing the achievements made by the mandate of the Special Rapporteur on the right to education over the last 25 years**

1. In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?

Some of the main parts of the Human Rights Approach to Education are about “inclusivity,” “Human Rights related content,” and “Freedom of parents and families to have a religion or whatever belief of their choice.” However, the education approach in Iran is not through the Human Rights lens. I’ll explain it in this report later, but briefly, I can refer to the statements issued by a group representing a Teachers’ Union in Iran. In one of their statements published in 2020[[1]](#footnote-2), they repeated their long-standing request for “free education,” the “right to be educated with mother-tongue language,” and “releasing the arrested teachers/activists.” There is still no progress on any of these issues.

The other problem I want to mention in this part of the report is the absence of “parent and caregivers’ freedom” for religion and moral education to their children. Article 6 of the “Executive Regulations of Schools[[2]](#footnote-3)” emphasizes Islam rules and morals as “school’s principals.”

1. How do you assess the 4 A’s framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?

* Availability

Free, qualified, and sustainable education is not available for all children live in Iran:

* + - 1. Many children who live in small towns, villages, or suburbs don’t have access to school. For some of them, there is a long distance between their home and the nearest school. For many of them, there is an unsafe place to educate. Students at different levels must learn together from one teacher[[3]](#footnote-4).
      2. Based on “teacher’s union” statements and experts’ testimonies[[4]](#footnote-5),  the quality of “public” schools which are supposed to be “free,” is low, and children who live in poverty lack access to education of acceptable quality.
* Accessibility

Even if schools are available in such places, education is not accessible for every child:

* Children of ethnic minority groups have obstacles to learning because of banding learning in their mother tongue languages. A Group of non-profit organizations, in their report[[5]](#footnote-6) to the 34th session of UPR of Iran on Nov. 2019, addressed this issue and mentioned that there is no progress on making learning mother-tongue language accessible in primary and secondary schools, which was CRC concern in the 2016 review.
* Many children don’t have a “birth certificate” or legal documents to live in Iran. A few of these children are children of refugees, most of them from Afghanistan. Even though the report by the parliament[[6]](#footnote-7) claims that the legal challenge for refugee children at school was resolved seven years ago by the supreme leader’s order, some reports[[7]](#footnote-8) show the issue is still out there. The Office of the United Nations High Commissioner for Human Rights, in its report[[8]](#footnote-9) to the 34th session of UPR of Iran in 2019, mentioned that “refugee children have to pay to apply to school.” Based on these children’s economic status is a significant barrier for them to attend school. The other part of “undocumented” children are Baluchi children; most live in Sistan and Baluchestan province. The other group is children born under “un-registered” marriage, including children born due to rape and forced sex, while abortion is illegal. The last group of children without Birth Certificates are children whose mothers are Iranian but the father. A Civil Code passed in October 2019[[9]](#footnote-10) allows these children to get their documents. However, they had some financial, practical, and security barriers to doing that. This civil code have been canceled by establishing[[10]](#footnote-11) a new organization, “National Organization of Residence.” Based on articles 44 and 45 of the “Executive Regulations of Schools,” Birth Certificate is the primary document for applying for a school. “Birth registration of all children” was an urgent call to action by the UN Committee on Children’s Rights, mentioned in the 34th report[[11]](#footnote-12) to the UPR of Iran.
* Acceptability
  + - Children of Baha’i families have been banned from accessing higher education in Iran. However, members of the Baha’i group are not the only religious and belief minorities in Iran who experienced a lack of acceptance in the school system in Iran. Based on the report[[12]](#footnote-13) submitted by a group of non-profit organizations to the 34th UPR of Iran in 2018, several Gonabadi Darvish was also expelled from universities. The “Document of Fundamental Transformation of Education[[13]](#footnote-14)” ratified by the Supreme Council of Cultural Revolution (SCCR) stated that Shi’a Islam is the primary value of transforming the school system. The SCCR is the highest source for ratifying educational legislation. Even part 7 of the practical goals of this document refers to the four acceptable religions in Iran’s constitution (Islam – Sunni, Christianity, Judaism, and Zoroastrian). The rest of the document is religion and belief exclusive.
    - Gender discrimination is another barrier to the acceptability framework. Based on all legislation, girls should be separated from boys at schools at all levels. Due to article 3 of the “Executive Regulations of Schools,” even teachers of girls should be women, unless in certain circumstances. But gender discrimination does not end here. Based on the report[[14]](#footnote-15) prepared by the Office of the United Nations High Commissioner, the United Nations Country Team (UNCT) noted that, in 2012, 36 Iranian universities banned women from enrolling in 77 academic subjects, including nuclear physics, computer science, electrical engineering, industrial engineering, and business management. The head of the National Education Assessment Organization in 2020 said[[15]](#footnote-16) girls can apply for any topic in any university.
* Adaptability
* There are no programs at public and private schools to make it adaptable for children with disabilities. They usually send them to “special” schools for children with disabilities. Due to a lack of resources, they receive a low-quality education. There is also a lack of empathy, while children with different abilities have low interaction with each other.
* The school system in Iran is not adaptable for children deprived of liberty. Those children lack (if there is any) access to education.
* On the other hand, because “child marriage” is legal, the legislations related to education try to adapt itself to the child bride (or groom.) In practice, most married girls drop off or force to leave school.

1. The human right to education entails States’ obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country’s legislation and in practice?

Violating children’s rights to education based on human rights law is systematic in the Islamic Republic of Iran’s law and legislation.

For example, the “Freedom of parents and families to have a religion or whatever belief of their choice,” particularly for girls, violates at all levels. Article 85 of the “Executive Regulations of Schools” address compulsory hijab for all children, regardless of their best interest and freedom of religion or belief. Goal number three of the “Document of Fundamental Transformation of Education” also mentions modesty, chastity, and hijab as the main goals for the education system in Iran.

Gender discrimination is rooted in textbooks as well. Besides “hijab,” the Freedom House, in its research[[16]](#footnote-17) in 2008, summarized the gender discrimination in schools’ textbooks such as “women are not presented as independent individuals. Rather, they are a man’s wife, mother, sister, or daughter.” Or “while women are allowed to work outside the home, such work is considered secondary to their primary roles as mothers and spouses.” A group of activists and independent researchers found the same result in their campaign[[17]](#footnote-18) in 2021. They also found[[18]](#footnote-19) different types of discrimination, such as repeating the cliché, which means women can’t do anything they like, want, or have had a dream about.

1. Has the right to free education been progressively implemented at all levels of education in your country, based in particular on article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child? If yes, please provide examples. If not, please explain why not.

Almost all these articles ask “states” to make higher education “equally accessible.” However, access to higher education in Iran is not only blocked by poverty and discrimination by the socio-economic class but also legally banned for some citizens, such as children of Baha’i families.

Based on these international agreements, the content of the learning materials “shall further the activities of the UN for the maintenance of peace.” On the other hand, boys at the age of 11 or sooner learn about using guns and can join the military services, named “Basij.” The Islamic Republic of Iran used[[19]](#footnote-20) “child-soldiers” who are members of Student Basij to suppress protest or as “unofficial morality police.” In 2020 former Ministry of Education of Iran said[[20]](#footnote-21), “we have 14 million children, and if necessary, like the war period, they’ll be fighting and be a martyr.” During the Iran-Iraq war in the 1980s, at least 500K attended the war, and around 40K were killed[[21]](#footnote-22).

1. Is the right to education considered a justiciable right in your country and if so which aspects of that right? If so, please provide a short summary of emblematic cases.

As I mentioned above, some of these violations are based on the Constitution (discrimination against the Baha’i minority and some part of gender discrimination), or legislations (compulsory hijab, child soldiers, discrimination against ethnic minorities)

Even the new laws to protect children from violence, ratified in 2020, address different forms of violations; in practice, there is a lack of child protection against “sexual violence.” Following “sexual violence and assault” cases is complex. There is a lack of education, cultural barriers, and a real stigma against it, which the government supports.

1. To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?

As I explained above, discrimination based on gender, religion, ethnicity, and socio-economic class is systematic and sometimes mentioned in the laws and legislation.

1. In countries where the Special Rapporteur has undertaken visits[[22]](#footnote-23), have recommendations been implemented? If so, please list recommendations acted upon.

N/A

1. In countries to which the Special Rapporteur has sent communications (allegation letters, urgent appeals and other letters)[[23]](#footnote-24), have measures been adopted to address the issues raised and ensure their non-recurrence? Please provide specifics.

N/A

1. **Main challenges and crucial issues for the future**
2. In your view, what are the main challenges in your country in implementing the right to education?

The main challenge to protecting children's rights to education in Iran under the control of the Islamic Republic of Iran is the abusing the "roll of law:"

* 1. The children's rights, including their rights to education, were violated systematically.
  2. Even when the law protects children from abuse or their rights being violated, there is a lack of interest in applying the law to practice or obeying the law. The last but the most violated example is "schools have been raided, and children have been arrested,[[24]](#footnote-25)" with no contact with their family members and no access to lawyers, in the part of suppressing the protest in Iran since September 2022.
  3. Another example that shows the absence of a children's rights-center approach is ratifying the "Education 2030 Framework for Action" in 2016, while the "Document of Fundamental Transformation of Education" has been authorized for almost ten years[[25]](#footnote-26). These two documents are incomparable in terms of relying on human rights. I believe "the Education 2030 Framework for Action" was prepared more to show the world the face of a "normal" government rather than a state which is against fundamental human rights. This document has been removed[[26]](#footnote-27) from the school system before applying to action by order from the supreme leader.

1. What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?

The pandemic shows us that access to inclusive, equitable quality education and lifelong learning opportunities for all is limited. Barriers to access to such an education are rooted in intersectional factors, such as ethnicity, religion, or other minorities and gender discrimination, poverty, or living in an undeveloped area. There is no sustainability unless meaningful action is against the roots of being out of the school system. The policy and decision-making process should include children, their families, the community, non-profit organizations, and professionals. The link between different forms of children’s rights violence, such as the violation of children’s right to education, child marriage, child labor, and child soldier, should be addressed. We also need to use all measurable tools to force, encourage and engage states to protect children with no exceptions. The children’s rights violations have not to be accepted in any form.

You are invited to provide information only on the questions relevant to your work.

1. The Telegram channel of the Coordinating Council of Trade Union Organizations of Iranian Cultivators <https://t.me/kashowra/2401> [↑](#footnote-ref-2)
2. “Executive Regulations of Schools,” issued by the Supreme Council of the Cultural Revolution <https://bit.ly/3vRhR1m> [↑](#footnote-ref-3)
3. <https://www.etemadonline.com/fa/tiny/news-528193> [↑](#footnote-ref-4)
4. “Challenge to ratifying the 30th amendment of Constitution,” Mehr News Agancy, Sep. 21, 2019, mehrnews.com/xQ9wv [↑](#footnote-ref-5)
5. <https://impactiran.org/wp-content/uploads/2019/10/UPR34_Iran_FactSheet_Ethnic.Minorities.pdf> [↑](#footnote-ref-6)
6. isna.ir/xdLMNk [↑](#footnote-ref-7)
7. iscanews.ir/xcPMN [↑](#footnote-ref-8)
8. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/258/96/PDF/G1925896.pdf?OpenElement> [↑](#footnote-ref-9)
9. <https://qavanin.ir/Law/PrintText/286584> [↑](#footnote-ref-10)
10. <https://rc.majlis.ir/fa/legal_draft/show/1742989> [↑](#footnote-ref-11)
11. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/258/96/PDF/G1925896.pdf?OpenElement> [↑](#footnote-ref-12)
12. <https://impactiran.org/wp-content/uploads/2019/10/UPR34_Iran_FactSheet_Religious_Minorities_v.2.pdf> [↑](#footnote-ref-13)
13. <https://sccr.ir/Files/6609.pdf> [↑](#footnote-ref-14)
14. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/138/81/PDF/G1413881.pdf?OpenElement> [↑](#footnote-ref-15)
15. <https://irna.ir/xjBQZG> [↑](#footnote-ref-16)
16. UNHCR, Discrimination and Intolerance in Iran's Textbooks, published by Freedom House, March 27, 2008, <https://www.refworld.org/docid/484901281a.html> [↑](#footnote-ref-17)
17. Zamimeh Instagram page, May 26, 2021, <https://www.instagram.com/p/CPVyof7hBzf/> [↑](#footnote-ref-18)
18. Zamimeh Instagram page, May 15, 2021, <https://www.instagram.com/p/CO5kSmkhMKX/> [↑](#footnote-ref-19)
19. Foundation for Defense Democracy, Oct. 24, 2022, <https://www.fdd.org/analysis/2022/10/24/iran-using-minors-to-suppress-protests-in-iran/> [↑](#footnote-ref-20)
20. isna.ir/xd4PSp [↑](#footnote-ref-21)
21. <https://irna.ir/xjw35L> [↑](#footnote-ref-22)
22. Algeria, Bhutan, Bosnia and Herzegovina, Botswana, Chile, China, Colombia, Ecuador, Fiji, Germany, Guatemala, Indonesia, Ivory Coast, Kazakhstan, Malaysia, Mexico, Mongolia, Morocco, Paraguay, Senegal, Seychelles, Tunisia, Türkiye, Uganda, United Kingdom and Northern Ireland, United States, Qatar.

    [OHCHR | Country visits](https://www.ohchr.org/en/special-procedures/sr-education/country-visits) [↑](#footnote-ref-23)
23. [Communication search (ohchr.org)](https://spcommreports.ohchr.org/Tmsearch/TMDocuments) [↑](#footnote-ref-24)
24. <https://www.ohchr.org/en/press-briefing-notes/2022/10/iran-protests-reports-child-deaths-detentions-are-deeply-worrying> [↑](#footnote-ref-25)
25. Islamic Consultative Assembly, <https://rc.majlis.ir/fa/law/show/805637> [↑](#footnote-ref-26)
26. <https://sccr.ir/news/18268/1/> [↑](#footnote-ref-27)