

**Universal Periodic Review (34th session, October-November 2019)  
Contribution of UNESCO**

**Iran (Islamic Republic of)  
(Right to Education)**

**I. Background and framework**

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party (17/07/1968)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	26/02/1975 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	23/03/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	Not ratified			Right to take part in cultural life

**II. Promotion and protection of human rights on the ground**

**A. Education**

1. The **Islamic Republic of Iran Constitution of 1979, as amended in 1989**<sup>1</sup> does not explicitly enshrine the right to education. However, Article 3.3 and 3.4 enshrines the government's duty to direct all its resources to "free education and physical training for everyone at all levels, and the facilitation and expansion of higher education." Article 3.9 enshrines the duty to abolish "all forms of undesirable discrimination" and provide "equitable opportunities for all, in both the material and intellectual spheres". Article 30 sets out that "The government must provide all citizens with free education up to secondary school, and must expand free higher education." Articles 15 and 16 provide that the official language is Persian. They add: "however, the use of regional and tribal languages (...) for teaching of their literature in schools is allowed in addition to Persian" and Arabic "must be taught after elementary level" Articles 19 and 20 provide for gender equality and equality of rights between all citizens.

2. The **1974 Law on supplying means and facilities for Iranian children and adolescents** requires the government to provide the requirements of free education and education facilities for disadvantaged children. The **Law on Goals** underscores the provision of free education up to completion of upper secondary education. **Act on protecting children and adolescents (Article 4) 2002** provides that preventing children from education is considered a crime.

## **B. Freedom of opinion and expression**

### Constitutional and Legislative Framework:

3. Freedoms of expression and the press are limited in the Constitution of Iran (1979)<sup>2</sup>. Article 24 of the Constitution stipulates: "publications and the press have freedom of expression except when it is where there is infringement of the basic tenets of Islam or public rights." Under Article 168, political and press offenses will be tried openly in courts of justice and in the presence of a jury. Article 175 stipulates that the freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran "must be guaranteed in keeping with the Islamic criteria and the best interests of the country."

4. Article 6 of the Press Law (1986, amended in 2000)<sup>3</sup> prohibits the press from publishing atheistic articles or issues which are deemed prejudicial to Islamic codes, or, promoting subjects which might damage the foundation of the Islamic Republic.

5. The Press Law prohibits propagating obscene and religiously forbidden acts and publishing indecent pictures and issues; creating discord between and among social walks of life especially by raising ethnic and racial issues; and encouraging and instigating individuals and groups to act against the security, dignity and interests of the country within or outside Iran.

6. The law prohibits publishing libel against officials, institutions, organizations and individuals in the country or insulting legal or real persons who are lawfully respected, even by means of pictures or caricatures.

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<sup>1</sup> [https://www.constituteproject.org/constitution/Iran\\_1989.pdf?lang=en](https://www.constituteproject.org/constitution/Iran_1989.pdf?lang=en)

<sup>2</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=197757](http://www.wipo.int/wipolex/en/text.jsp?file_id=197757)

<sup>3</sup> [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=248969](http://www.wipo.int/wipolex/en/text.jsp?file_id=248969)

7. Under Article 697 of the Islamic Penal Code (1991),<sup>4</sup> defamation is criminalized. Libel by the means of the media shall be sentenced to imprisonment up to one year or flogging up to 74 lashes. Under Articles 513 and 514, insults against religion and religious leaders face a penalty of up to five years in prison.

8. The law on dissemination and free access to information was ratified by the Parliament in 2008, enacted in 2009<sup>5</sup> and its executive bylaw was drawn up five years later in 2014. Article 8 of the abovementioned law requires institutions to respond to information requests within a maximum of 10 days. The bylaw on the enforcement of Article 8 of the access to information law was ratified in 2015.<sup>6</sup>

#### Implementation of legislation:

9. Islamic Republic of Iran Broadcasting (IRIB) holds the monopoly of radio and television in the country. According to the Article 175 of the Iran's constitution, the appointment and dismissal of the head of the Radio and Television of the Islamic Republic of Iran rests with the Supreme Leader.

10. A council consisting of two representatives each of the President, the head of the judiciary branch and the Islamic Consultative Assembly shall supervise the functioning of this organization.<sup>7</sup>

11. The Supreme Council of Cyberspace (SCC) was established by the order of the Supreme Leader in 2013 and chaired by the President. It serves as the centralized authority regarding policymaking, decision-making and coordination in the realm of cyberspace.<sup>8</sup>

#### Safety of Journalists:

12. UNESCO recorded the killing of one journalist in 2012. Iran informed UNESCO that the case had been resolved.<sup>9</sup>

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### **III. Review and specific recommendations**

#### **A. Education**

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<sup>4</sup> [http://mehr.org/Islamic\\_Penal\\_Code\\_of\\_Iran.pdf](http://mehr.org/Islamic_Penal_Code_of_Iran.pdf)

<sup>5</sup> [https://www.farhang.gov.ir/ershad\\_content/media/filepool3/2018/10/3207.pdf?t=636744459254533507](https://www.farhang.gov.ir/ershad_content/media/filepool3/2018/10/3207.pdf?t=636744459254533507)

<sup>6</sup> [https://www.farhang.gov.ir/ershad\\_content/media/filepool3/2018/10/3209.pdf?t=636744458378427822](https://www.farhang.gov.ir/ershad_content/media/filepool3/2018/10/3209.pdf?t=636744458378427822)

<sup>7</sup> <http://rc.majlis.ir/fa/law/show/133730>

<sup>8</sup> <http://www.majazi.ir/index.php>

<sup>9</sup> <https://en.unesco.org/themes/safety-journalists/observatory/country/223730>

13. During the last UPR cycle, the Islamic Republic of Iran was recommended to: eliminate discrimination against ethnic and religious minorities, promote gender equality including through the abolishment of discriminatory practices, prevent school dropouts.

#### Free and compulsory education

- The government is required to provide all citizens with **free education up to secondary school**. The **2005 Executive Directive (No. H22917T/27963)** requires the introduction of parents/legal guardians who deprive their children from education to competent judicial authorities.<sup>10</sup>
- **Article 52 of the Act of 2004 on the 4th Development Plan** provides for **compulsory basic education to include lower secondary level** (school-aged children of 6-13 years).
- The legislation does not provide for preprimary education that is free and compulsory.

#### Policy framework

- **Policies on the 4th Development Plan** puts the stress on developing education for all school-age children, promoting physical education, fostering equal opportunities, enhancing educational indicators, providing appropriate facilities for educationally disadvantaged children.<sup>11</sup>
- Better data collection is needed to improve decision-making. More work needs to be done with regards to sharing of information and data-driven educational planning and budgeting.<sup>12</sup>

#### Financing

- In 5 years, education expenditure as a percentage of GDP has grown from 3.17 to 3.79; as percentage of the total government expenditure from 17.4% to 20.04%.<sup>13</sup>

#### Access

- Enrolment rates of children in primary and secondary education are high.<sup>14</sup>
- Measures were taken to ensure greater access to education, like prohibiting primary schools to expel students, providing distance education.<sup>15</sup>
- Main reasons for children to be out of school are poverty and disability.<sup>16</sup>
- Efforts are underway to provide full access to higher education to all, including to religious minorities and political activists who may have been denied access. Resistance from conservative sectors of the regime has prevented the bill from being taken up by the parliament.
- Concerns were expressed over:<sup>17</sup>
  - a) High dropout rates of girls in rural schools, and of indigenous Arab children

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<sup>10</sup> Consideration of reports submitted by States parties under article 44 of the Convention, CRC, 9 April 2015, Doc. CRC/C/IRN/3-4, para. 154.

<sup>11</sup> Report submitted by the Islamic Republic of Iran for the ninth consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2012-2016), *unofficial translation*.

<sup>12</sup> Information provided by UNESCO Tehran office.

<sup>13</sup> Ibid.

<sup>14</sup> Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, Committee on the Rights of the Child, 14 March 2016, CRC/C/IRN/CO/3-4., para. 77.

<sup>15</sup> Report submitted by the Islamic Republic of Iran for the ninth consultation, op cit.

<sup>16</sup> Information provided by UNESCO Tehran office.

<sup>17</sup> Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, op cit, para. 77.

- b) Lack of availability of education in the native languages of ethnic minorities
- c) Intimidation and harassment of Baha'i and LGBTI children
- d) Lack of female teachers in rural areas
- e) Disparities between urban and rural areas
- The adjusted net enrolment ratio for pre-primary education stood at 47% in 2015.<sup>18</sup>

#### Literacy and basic skills

- **The 4th Development Plan** (Paragraph Y) provides for the compilation and implementation of a **strategic literacy plan**.
- Adult literacy rate stood at 85% (2010/2016), with 66% of illiterates being females.<sup>19</sup>
- Most adults do not have basic computer skills.<sup>20</sup>

#### Non-discrimination

- A number of laws remain **discriminatory** against girls and religious and ethnic minorities.<sup>21</sup>

#### Gender equality

- The legal obligation of **male guardianship over girls, gender stereotypes and patriarchal values** limit girls and women's enjoyment of their rights.<sup>22</sup>
- Girls may be denied access to education by court ruling if the husband opposes his wife's education.<sup>23</sup>
- **Minimum age marriage** is set at 13 for girls and 15 for boys<sup>24</sup>. Over 34% of all marriages registered officially (2015-2016) is related to underage brides.<sup>25</sup> Early marriage of girls is the main reasons of girls dropouts.<sup>26</sup>
- **Genital mutilation** continues to be performed.<sup>27</sup>

#### Children with disabilities

- Investments are made to expand inclusive education and provide better quality education for children with disabilities.<sup>28</sup>

#### Foreign nationals, asylums seekers and refugees

- The Islamic Republic of Iran is **one of the largest refugee hosting countries** with over 386 thousand foreign national school pupils, 93% being Afghans.<sup>29</sup>
- In 2015, following a decree from the supreme leader, all refugee children gained free access to education. The implementation of the decree is not complete yet as the system was not

<sup>18</sup> Unesco, GEM 2017/8. *Accountability in education: meeting our commitments*. p. 332.

<sup>19</sup> Ibid, p. 368.

<sup>20</sup> Ibid, p. 170.

<sup>21</sup> Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, op cit, para. 11.

<sup>22</sup> Ibid, para. 29.

<sup>23</sup> Ibid, para. 77.

<sup>24</sup> Ibid, para, 27.

<sup>25</sup> Child early marriages and child mothers in the Islamic Republic of Iran, October 2016, <https://www.ohchr.org/Documents/Issues/Children/2030/AllHumanRightsForAllInIran.pdf>

<sup>26</sup> Ibid.

<sup>27</sup> Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, op cit, para. 59.

<sup>28</sup> Information provided by UNESCO Tehran office.

<sup>29</sup> Report submitted by the Islamic Republic of Iran for the ninth consultation, op cit.

ready for the influx of new students, but the number of refugee students have increased rapidly since then.<sup>30</sup>

- There is a **lack of disaggregated statistics** on the refugee situation.<sup>31</sup>
- **Refugees without valid registration** face difficulties in accessing education.<sup>32</sup>
- Refugee children are **forced to pay school fees**, unlike Iranian children.<sup>33</sup>
- Children of registered refugees and unregistered foreigners born in the Islamic Republic of Iran are not issued with a birth certificate, hampering their access to education.<sup>34</sup>

### **Specific recommendations:**

14. The Islamic Republic of Iran should be encouraged to:
  1. Extend the duration of compulsory primary and secondary education to at least 9 years and progressively introduce at least one year of pre-primary education, as well as 12 years of education free of charge, in accordance with the Education 2030 requirements.
  2. Increase efforts to expand access to education for all, especially in rural areas, and reduce the number of school dropouts.
  3. Promote data collection to improve decision-making.
  4. Take further measures to eliminate gender based discrimination and all the barriers, including harmful practices, which prevent women and girls from enjoying their rights.
  5. Consider raising the minimum marriage age to 18 in accordance with international human rights standards.
  6. Take further measures to eliminate discrimination, especially against vulnerable groups including women and girls, minorities, including religious minorities, refugees children and promote their access to education.
  7. Adopt comprehensive measures to eradicate illiteracy and foster acquisition of basic skills for all.
  8. Promote further access to education to foreign nationals, asylum seekers and refugees, including by: implementing the 2015 decree granting all refugee children access to education, producing disaggregated data on the refugee situation, addressing barriers faced by unregistered refugees and foreigners, and children of registered refugees in accessing education and eliminating school fees requirement for refugee children.
  9. Continue efforts to promote inclusive education.
  10. Submit regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments and notably the Convention against discrimination in education.
  11. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.<sup>35</sup>

## **B. Freedom of opinion and expression**

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<sup>30</sup> Information provided by UNESCO Tehran office.

<sup>31</sup> Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran, op cit, para. 81.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid, para, 43.

<sup>35</sup> <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

15. The Government is encouraged to review existing laws including the Press Law 1991/2000 to ensure that they are in line with the provisions of necessity and proportionality under the International Covenant on Civil and Political Rights.

16. The Government is encouraged to assess the system of supervision of the broadcasting sector and the internet in order to ensure that this process is transparent and independent.

17. The Government is recommended to decriminalize defamation and insult and place these within the civil code, in accordance with international standards.

18. The Government is encouraged to continue to investigate any future cases of killed journalists, and continue to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists.

### **C. Cultural rights**

19. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>36</sup> and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>37</sup>, Iran is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Iran is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

20. Iran is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

### **D. Freedom of scientific research and the right to benefit from scientific progress and its applications**

21. **Iran (Islamic Republic of)** did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation

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<sup>36</sup> Periodic Report available at: <http://whc.unesco.org/document/116967>

<sup>37</sup> Periodic Report available at: <https://ich.unesco.org/en/state/iran-islamic-republic-of-IR?info=periodic-reporting>

covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Iran (Islamic Republic of)** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.