

The Islamic Republic of Iran and children's right to education: availability and accessibility

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Abstract: The Islamic Republic of Iran is obliged to respect the right to education under international human rights law and has made legal commitments to conform to the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) and the 1989 Convention on the Rights of the Child (CRC). Drawing on the framework developed by former Special Rapporteur of the UN High Commission for Human Rights on Education, Katarina Tomaševski, that education must be available, accessible, acceptable and adaptable, this article discusses Iran’s response to its obligation to make education available and accessible. It illustrates how the state is falling short in its duty to make education available and accessible to all children under its jurisdiction, reinforcing the gender inequities experienced by girls and practising religious discrimination in educational access.

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Human rights education and international law

In the evolution of human rights, children have come to be recognised as full citizens and as such are entitled to rights, in which they must be involved to determine how these rights need to be realised. One of these rights is the right to education, which includes human rights education, consisting of three parts. Firstly, children should learn about their rights. Secondly, they must be protected through these rights. Thirdly, they should learn to become advocates for their own rights and those of others (Hantzopoulos, 2016; Katz & McEvoy Spero, 2015; Osler, 2016; Sirota, 2019, p. 356). The need for human rights education is emphasised in certain international human rights instruments, including the foundational Universal Declaration of Human Rights, where it is stated that ‘every individual and every organ of society’ should strive to promote respect for the rights and freedoms enshrined in the Declaration through ‘teaching and education’ (United Nations [UN], 1948). While global awareness about human rights education is on the rise, many countries are still behind in implementing it in their educational systems. The Islamic Republic of Iran is one such country and, as is shown in a study made by a group in Iran, human rights education has been ‘neglected in one way or another in the system’ (Shekarey, Zare-ee, Haji Rashidi, & Sadeghat Rostami, 2010, p. 2107) and ‘teaching human rights has not been taken into consideration’ (Aghaii Khozani, 2006, p. 46). The fact that human rights education is missing from Iran’s national curriculum is partially due to the fact that children are not as yet recognised as full citizens entitled to human rights whose voices need to be heard in the realisation of those rights (Osler, 2016, p. 104-105; Sirota, 2019, p. 356). This is evident in the fact that although the Islamic

Republic of Iran has signed and ratified the Convention on the Rights of the Child, it continues to resist removing its reservation against adopting the entire Convention.

The Convention on the Rights of the Child

In 1991, the Islamic Republic of Iran signed the Convention on the Rights of the Child (CRC). This treaty was then ratified in 1994. However, upon signing, Iran made a reservation (referred to by Iran as a declaration) regarding ‘the articles and provisions which may be contrary to the Islamic Shariah’, and preserved ‘the right to make such particular declaration, upon its ratification’ (UN, 1989). Subsequently, upon ratification the Iranian government reserved ‘the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect’ (UN, 1989). As the Persia Education Foundation rightly points out, ‘[h]ad the Iranian government specified the exact articles or provisions in the CRC which were contrary to the Islamic laws rather than announce a blanket reservation, there would be more transparency and clarity in the area of child’s rights in Iran’. However, ‘the general nature of the reservation creates many problems and opens the way for ambiguity and misuse’ (Persia Educational Foundation, 2017, p. 5).

Failure to remove the reservation from the Convention dedicated to the rights of the child and not having human rights education in the curriculum are big issues in themselves, which must be rectified by the state. However, what is already in place should also meet international human rights standards, as incorporating human rights education into the curriculum first requires the realisation of basic rights to an available and accessible education. In other words, availability and accessibility of education are prerequisites of human rights education.

These standards are categorised into a 4-A Right to Education Framework (Tomaševski, 2001b, p. 13-15), which is comprised of availability and accessibility, discussed in the present article, and acceptability and adaptability, discussed elsewhere (Moinipour, 2021). These standards are enshrined in the International Covenant on Economic, Social, and Cultural Rights (ICESCR) that Iran is committed to without any reservations. Articles 13 (aims and objectives of education) and 14 (plans of action for primary education) of ICESCR contain provisions whereby the states are committed to respect the right to education (Committee on Economic, Social and Cultural Rights [CESCR], 1999). The idea behind becoming a member of the United Nations and signing and ratifying instruments such as ICESCR is that states create and change their national law ‘through democratic processes’ (Tomaševski, 2006, p. 40) to ensure that international human rights law has primacy over national law. In Iran, however, this has not been the case. Right from the 1979 Islamic Revolution, the legitimacy of secular law has been challenged by the Islamic Republic of Iran (Tomaševski, 2006, p. 40). The right to education, however, found its way into the Cairo Declaration on Human Rights in Islam, which Iran presented to the UN in 1992. As expected, this was not based on international human rights law. It was based on Islam.

This lack of full compliance with international human rights law by sidelining it through Shariah law as the *ne plus ultra*, (also described as ‘the highest point capable of being reached or attained’ (Fellmeth & Horwitz, 2009)), of the Islamic Republic of Iran’s governance (Moinipour, 2018), has allowed the laws and regulations of the country to hinder the availability, accessibility, acceptability and adaptability of education for the children there. The Civil Code and the Penal Code of

Iran, for instance, lack a clear definition of the 'child', one that is needed to protect children and ensure each child gets a proper education. Article 4 of the Constitution states:

all civic, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle governs all the articles of the Constitution, and other laws and regulations. The determination of such compatibility is left to the *Foqaha* (Islamic jurists) of the Guardian Council. (Islamic Republic of Iran [IRI], 1989)

Therefore, any law related to the education of children and their rights in general are 'also affected by the interpretation of the lawmaker and the Guardian Council of *Sunnah* (Islamic traditions) and *Sharia*' (Persia Educational Foundation, 2017, p. 31).

Structure of education in Iran

In Iran, pre-school education at ages four to five is not compulsory. However, primary education is compulsory and starts from the age of six for the duration of five years. This means that from the age of 12 (secondary and higher education) education is not compulsory (Tomaševski, 2001a, p. 26; United Nations Economic, Scientific and Cultural Organization [UNESCO] 2011). Families have the option of sending their children to two types of schools: state schools, and non-state or private schools. Even though the non-state schools are seemingly established by non-state actors, both types of school are administered by the government through the Ministry of Education. They are only different in how they are funded. The state schools are financed by the government and are, therefore, 'free of charge' to families (even though tuition-free, there are other associated costs [Persia Educational Foundation, 2017, p. 7]) whereas the non-state schools charge a tuition fee and are financed by the parents of the students. What is essential to note here is that the educational system in Iran is centralised. This means that according to the regulations and laws, the Ministry of Education, as a government agency, is responsible for monitoring standards, organising teacher training, developing curricula and educational materials, and building and maintaining schools. It also plans, organises, leads, coordinates, and oversees the education of preschool, primary, secondary, high school and affiliated centres across the country (Ministry of Education, 1988a; World Education News + Reviews [WENR], 2017). This includes both state and non-state schools. What this means is that there is a monopoly on the flow of knowledge in Iran. Reza Arjmand states that this monopoly exists in the Muslim world in general. According to him, a monopoly on education has been one way that the clergy have safeguarded Islam and that they utilise 'their monopoly over education as means to control the flow of knowledge' (Arjmand, 2008, pp. 22-23).

While there might be mentions of certain human rights instruments and principles in educational syllabuses, most of which are presented within the Islamic framework (Aghaii Khozani, 2006), there need to be holistic changes in the system and the society for any one human right to be truly and meaningfully realised. Without practical realisation of rights, no amount of mentions of human rights terms and instruments in a syllabus has any value. This article aims to evaluate whether, in practice, the Islamic Republic of Iran complies with the educational criteria that are

expected of states who subscribe to international human rights law. This is by no means an exhaustive study.

Availability

Under international human rights law, states are obliged to make education available to all. They have to make it universal, free, and mandatory, at least for the compulsory education age-range. Educational institutions, programmes and materials such as books must also be adequate. 'Availability' also refers to functional and necessary facilities, which should meet safety and sanitation standards. Teachers must be qualified, receive competitive salaries and have teaching material at their disposal. Facilities such as libraries, computers and information technology must also be available (Koh, Getgen, & Kalantry, 2009, p. 31; Osler, 2016, p. 20). Availability criteria can be divided into two categories: schools and teachers. For states to make the right to education available, they need to meet certain standards with regard to schools and teachers, and these are discussed under the relevant subheadings below.

Schools

The Islamic Republic has seemingly democratic but complex institutional structures. It has one individual as the most powerful religious and political head, the Supreme Leader, who appoints six of the twelve members of the Guardian Council. The head of the Judiciary nominates the other six. The head of the Judiciary is also appointed by the Supreme Leader. The individuals nominated by the head of the Judiciary then undergo an approval process administered by the Islamic Consultative Assembly (*Majlis*). The Guardian Council, therefore, is either directly or indirectly selected by the Supreme Leader. Meanwhile, the presidential nominees, who are members of the public, go through a screening process before general elections can be held and, as such, must be approved by the Guardian Council (Moinipour, 2018, p. 17). Therefore, whoever is seemingly democratically elected by the public to be president is, in fact, the Supreme Leader's choice and must do his bidding. The Minister of Education and all other cabinet members, while appointed by the president, are, as a consequence, the Supreme Leader's choice. One of the outcomes of this absence of safeguards against the abuse of power is a monopoly in education in both state and non-state schools. Such a monopoly is not consistent with international human rights law. This is why another 'facet of the obligation to ensure that schooling is available are safeguards against abuses of power' by the state (Tomaševski, 2001b, pp. 17 & 19-20).

Following the 1979 Islamic Revolution, private schools were abandoned, due to them being considered the Shah's legacy (Arani, Kakia, & Taghavi, 2015, p. 2). However, after the Iran-Iraq war, they were brought back since the state was unable to cover the enormous cost of education (Aftab Online, 2014). Even after doing this, Iran has still failed to meet its obligation to ensure education is available to every single child in the country; although there are no official statistics available, an estimated 7.4 million children did not go to school in 2018 (Iran Focus, 2018).

In addition, many issues have begun to arise, even with the private schools. They now have too many vacancies and financial problems (Arani et al., 2015, p. 2) which may suggest, amongst other things, that there is greater poverty in Iran's whole economic spectrum. Those who used to attend private schools are now forced to attend state schools, which are already overcrowded. This development may also be forcing out those children whose families are on the fringe of poverty.

The issues that have led to dropouts from private schools and suspensions of the schools are many. According to a study supported by the Research Institute of Education and the Ministry of Education, the first one is that more than 80% of the founders of these schools did not own the actual school buildings. They had to pay rent. Due to high inflation and reduction in the value of currency, both mortgages and rental rates of buildings have skyrocketed. In addition, mismanagement on the part of the state and its agencies has created various barriers that make it difficult for school owners to obtain loans. Lastly, the cost of private schools and the income of the public are not at all proportionate. In addition, there has been no real support from the government and the Ministry of Education has no specific policy on private schools. The ministers each have their own thoughts on how private schools should be run and these are usually very conflicted. More importantly, human resources have not been distributed properly and the Ministry of Education has completely banned the transfer of teachers to private schools, even though there is a surplus of teachers in state schools. That is why the owners of private schools have been unable to hire reputable teachers (Arani et al., 2015, pp. 3-4).

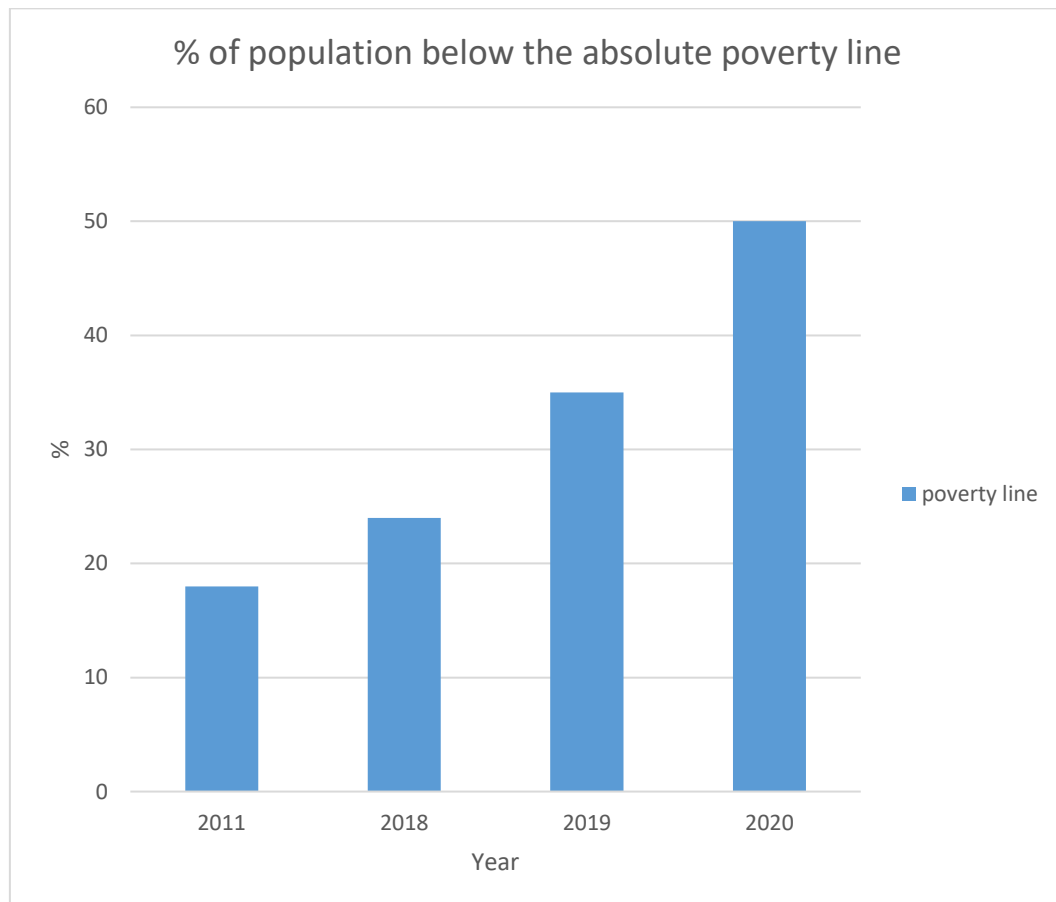
While international human rights law requires there to be some sort of ‘accreditation and/or licensing so as to ensure that schools are properly equipped and staffed and that their programmes conform to the definition of education’ (Tomaševski, 2001b, p. 18), the government and its agencies, namely the Ministry of Education, Parliament, the Ministry of Work and Social Affairs, municipalities, banks and others, have played a big role in the worsening situation of the private schools. The Ministry of Education has received most criticism, because of its conflicting official by-laws and the misleading interpretation of rules and regulations by its own different departments. The Ministry has also been setting unrealistic tuition fees without taking social and economic realities into consideration. In addition, it has been issuing excessive licenses for the establishment of new private schools. With a decrease in the number of students and the situation of the already existing but struggling private schools, such measures have been counterintuitive (Arani et al., 2015, p. 5). The state has violated international human rights law. It is supposed to be the ‘investor of last resort’ to make sure that all children receive primary education, but the Islamic Republic of Iran has instead unduly interfered with the private sector in every way possible. It has thrown sand into the smooth running of the private schools’ machinery, and this has jeopardised their very existence.

Poverty and educational supplies

As one of the solutions to their problems, private schools have had to reduce the purchase of equipment and needed supplies (Arani et al., 2015, pp. 5-6). The state schools remain free, but other barriers get in the way of education being easily available to children. Students have to pay for school supplies, books, bags, shoes and school uniforms. In recent years, prices have skyrocketed and continue to increase due to the lack of monitoring of prices, a lack of stability in the market, an increase in the price of currency and the importation of 40% of goods from abroad (Mehr News, 2019). It is very likely that education has become and will continue to become less available to children from poor families as a result, since the percentage of the population living in absolute poverty in Iran has increased to 50% in 2020 (Figure 1) (Iran International, 2020, Khabaz, 2019). In 2019, the Deutsche Welle broadcaster (DW) reported that with the poverty line index set at 3,400,00 *tomans* [80.9 USD], the monthly income of 55% of Iranian households fell below that amount (DW,

2019). Therefore, the current percentage of the population below the absolute poverty line may be considerably more than what the Iran International station has reported. Even though these statistics are telling, the Committee on Economic, Social and Cultural Rights emphasises that the definition of 'poverty' goes beyond numbers. Poverty refers to 'the lack of basic capabilities to live in dignity. This definition recognises poverty's broader features, such as hunger, poor education, discrimination, vulnerability and social exclusion' (CESCR, 2001, p. 2). All these issues exist, even amongst students who are able to attend school, and this will be discussed below.

Figure 1 - % of population living in absolute poverty line 2011-2020



Health and safety

Health, safety and environmental (HSE) conditions are also of concern in Iran. The results from a study conducted in 100 primary schools in two districts in Sari, a city in Northern Iran, showed that although private schools generally had better HSE ratings than state schools, even they needed improvements. Although the Ministry of Health has 'guidelines, standards and programs for health affairs in schools', not enough funding is allocated for any of these standards to be met. Shutting down these schools is also impossible, as education will be unavailable to even more children. According to the authors, the Ministry of Education has 'failed to supervise health standards' (Asadi Behzadkolaee et al., 2016, p. 78). Students are seriously affected by

various incidents, such as fires in substandard buildings with substandard facilities, or natural disasters; these are obstacles to the availability of education to many students. The state's investment in educational facilities is insufficient, and this has caused the educational units to be in poor condition or insufficiently safe (Payvandi, 2014).

According to the Islamic Republic of Iran's Organization for Development, Renovation and Equipping Schools, in 2006 67% of schools were found to be unsafe and required 'retrofitting or reconstruction'. In 2017, this organisation reported to the United Nations Office for Disaster Risk Reduction that 87% of this work had already been done and would be completed within a few years (Organization for Development Renovation and Equipping Schools of I.R.Iran [DRES], 2017, p. 2). However, if proper retrofitting or reconstruction is being carried out, it is not being done quickly enough. In 2012, a faulty oil stove exploded. Two students were killed and 26 were burnt and needed reconstructive surgery, which has yet to be funded by the government (DW, 2017). In 2018, in a similar incident, three students died after suffering 90% burns on their bodies (Lipin, 2018). More recently, in the early months of 2020, 263 schools were destroyed in Iran due to flooding (Government of the Islamic Republic of Iran, , 2020). This is such a high number that the state is either making false claims or proving the point that there is immense corruption in Iranian construction with 'funds being misappropriated for financial gain' (Hosseini et al., 2020, p. 205). As a result of this, education becomes unavailable to victims, and the stress that children experience in the anticipation of such incidents affects their learning.

Teachers

The increase in prices of books and school supplies has also led to a trend amongst Iranian school authorities. In some schools, principals and teachers buy essential school supplies from the market and sell them with interest to the students (Iranian Students' News Agency, 2018). Such behaviour is encouraged by the state. This is partly due to the crooked recruitment system that emboldens hypocrisy, and this will be discussed later. It is also partly due to the failure of the state to pay outstanding wages or to increase salaries in a tumbling economy, which has pushed many teachers to the brink of poverty. In addition, insufficient investment in educational facilities by the state has caused the equipping of schools to progress slowly and forced teachers to take second and third jobs because of unpaid salaries (Payvandi, 2014).

Teaching unions have been organising demonstrations to protest the state's violation of international human rights law. They have demanded pay increases, and the payment of outstanding wages and overtime to combat poverty. The unions have also protested against the arrest of union activists and the filing of charges against teacher activists (Morning Star, 2019). The dispute between teaching unions and the government is ongoing and these prolonged protests and arrests have taken the focus away from the most important group - the children, and their right to a proper and uninterrupted education.

In order to survive, private schools have also commonly used tactics such as increasing the number of students through unrealistic grading. This not only affects the quality of learning, but also puts an extra burden on the shoulders of teachers who have to simultaneously face reductions in their salaries. Despite these pay cuts,

teachers are also required to conduct extra activities and curriculum programmes to ensure schools can make enough money to survive (Arani et al., 2015, pp. 5-6).

Proper recruitment and training of qualified and competent teachers is the obligation of the state in ensuring that education is available to all children. In Article 2 of the Law on the Selection of Teachers and Educational Staff, approved by the Islamic Consultative Assembly in 1995, in addition to meeting general employment conditions such as knowledge competence and physical and mental capabilities, applicants must also meet the moral, doctrinal and political expectations set out in seven paragraphs and notes under this Article (Islamic Consultative Assembly, 1995). They are as follows:

1. Belief in the religion of Islam or one of the official religions recognised in the Constitution of the Islamic Republic of Iran.
2. Practical commitment to the rules of Islam.
3. Belief and commitment to the *Velayat-e-Faqih*, the system of the Islamic Republic and the Constitution.
4. Not being known for moral corruption or openly engaging in morally corrupt acts.
5. No history of organisational dependence, support for parties and organizations and groups whose illegality has been or will be declared by the competent authorities, unless their repentance is proven.
6. No history of effective criminal conviction.
7. No drug addiction.

The above criteria are obviously discriminatory and in clear violation of international human rights law. They are also in violation of the children's right to education; individuals are not selected on the basis of their competence and how best they can serve and educate children, but on how loyal they are to the Islamic Republic of Iran. According to an article published in *The Voice of the Teacher* ('Abdullahi, 2017), which consists of a group of teachers and experts in Iran, when it comes to entering educational institutions, there is systemic discrimination: between a religious person and a non-religious one; between a person who believes in the system and one who opposes it; between an individual who is obliged to carry out religious duties and one who is not; between someone who believes in the *Velayat-e-Faqih* and someone who does not; and between a non-political person and one who supports a political party. Based on the aforementioned law, people who have no religion or believe in a religion not listed in the Constitution cannot become teachers.

Concentration on this type of selection has taken attention away from the professional qualification of teachers and government employees and this has negatively affected Iranian children's right to a proper education. Even those candidates who claim to have faith and a commitment to Islam and the regime are subjected to the selection staff's 'feelings' on the subject and will not be admitted to the educational system if it is suspected their claims are false. Through interviews and research, the selection staff try to find out the 'true' belief and commitment of the candidate. Candidates, eager to have a job and enter the governmental system, have a full knowledge of the selection criteria and will try to convince interviewers of their loyalty. Once they succeed in doing so, they will pass the selection barrier. This situation produces hypocrisy and double standards in some government employees ('Abdullahi, 2017; Payvand News, 2010).

This attempt to discover candidates' true beliefs may lead to them being investigated, and this is not only in violation of international human rights law but also of Article 23 of Iran's own constitution, which states that 'investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief' (IRI, 1989). In addition, the candidates who actually do get into the system complain about inefficiency, the sale of grades and degrees, and a failure to meet quality standards of education, training and management ('Abdullahi, 2017). This points to the fact that education is far from being available in Iran, since availability does not merely refer to the existence of school buildings and free access to them. It also refers to the quality of education, which is in need of fundamental change.

Materials and textbooks

Under international human rights law, the Islamic Republic of Iran is obliged to ensure that education is available to every single child in its jurisdiction. However, the law absolutely prohibits Iran from 'monopolizing education, let alone transforming it into institutionalised indoctrination' (Tomaševski, 2003, p. 15), which it has done. Iran's teacher recruitment criteria are designed to create a monopoly and to indoctrinate Shi'a Islam through education. As was discussed previously, this monopoly affects every other aspect of education, including teaching and learning materials such as teachers' guides and students' textbooks (Aghaii Khozani, 2006, p. 45).

While no child, even Shi'a Muslims, should be forced to go through the institutionalised indoctrination of Islam, those who are not Shi'a Muslims are particularly affected. Article 1 of the laws and regulations of the Ministry of Education (1988b) states that:

according to Article 12 of the Constitution, in areas where followers of other Islamic religions reside, the Ministry of Education is obliged to arrange for the religious education of students in accordance with their religious jurisprudence.

Sunnis belong to the largest non-Shia Islamic group in the country and the above article gives the impression that the institutionalisation of Shia indoctrination is, to an extent, rectified. However, complaints from the Sunni community indicate that the state has been violating its own constitution and has failed to provide the community with religious education based on Sunnism. In provinces where a high population of Sunnis resides, there are not enough schools and this deprives many children of an education (ION, 2017).

While Sunnis and the three non-Muslim religious minority groups recognised in the Iranian Constitution are permitted to have their own schools, they still face discrimination and restrictions. For instance, schools belonging to Jews, Christians and Zoroastrians must be run by Muslim principals (Wright, 2000, p. 210) and students belonging to Jewish, Christian and Zoroastrian communities have to 'study from textbooks specifically prepared for them' (Paivandi, 2008, p. 73). Other religious minorities who are not recognised, such as the Bahá'ís, are not allowed to have religious education in accordance with their religious jurisprudence at all.

Accessibility

In international human rights law, accessing education has been defined differently. It has been defined based on the different educational stages. States are responsible for making sure every child in the 'compulsory education age-range', often defined internationally as 6-15 years, has access to education. However, they are not obliged to provide secondary and higher education. Primary education must be free and fees or tuition charges for other levels of education must be affordable (Tomaševski, 2001b, p. 13). Iran has one of the world's shortest compulsory education age-ranges; it is next to Haiti and Malaysia. Pre-school education (4-5) is not compulsory but primary education is, starting at the age of six and lasting for five years. This means that from the age of 12 (secondary and higher levels) education is not compulsory (Tomaševski, 2001a, p. 26; UNESCO, 2011). This forces children to leave school at a very young age, and raises other issues such as child labour and child marriage, which will be touched upon later. Minimally, the state is obliged to guarantee equal access to every single child on the basis of equality and without discrimination, be it on physical, gender, ethnic, or religious grounds (Benedek, 2012, pp. 256-257).

Gender and access

The lack of *equal* access of all children to education is yet another issue in Iran. One reason for this is that the state does not have the political will to create equality. Another reason is the existence of other barriers, such as parental lack of cooperation in some areas of society, due to cultural and religious beliefs. Some parents prevent their children, particularly girls, from going to school and stop them from exercising their right to education. While under international human rights law parents should be free to choose their children's education, and such freedom is 'not subject to progressive realisation but should be guaranteed fully and immediately' (Tomaševski, 2001b, p. 27), stopping a child from going to school is in violation of the child's right to education.

Even though the Ministry fails to produce reliable data on the number of children not having access to education, it admits to one thing: the number of girls without access to education is much higher than the number of boys. The dispersal of villages in the country affects female students more than male ones, as boys are more likely to travel from one village to another to study. Such inequality is a feature of traditional and conservative cultures, especially in rural and suburban areas. Many families believe that girls do not need to study and prefer that they get married at an early age (Khabaz, 2019, Radio Zamaneh, 2018). Sayings such as 'if you do not get married early, you will rot' are very common. Married girls may also face opposition from their husbands, even if adult schools are made available to them. The belief that education does not ultimately benefit girls is striking, even in urban areas. This belief emanates from state policy and the intense official campaigns that incessantly define women as second-class citizens.

The state's outlook on women has also led to a limited job market for educated females and the dominant belief that wives should stay at home. Such policies and campaigns have spiralled into a vicious cycle where girls are taught from a very young age to fulfil a traditional role, one that mainly involves performing the duties of a wife and childbearing, while having limited legal rights. These beliefs have made girls themselves reluctant to complete their primary education. In addition, many girls have to work at home and on farms. Boys are also an important part of the work force of deprived and rural families. However, there is more flexibility in their

education. With fewer girls studying, there is consequently a shortage of female teachers, particularly in rural areas. Many families do not allow their girls to attend classes with male teachers and the same is true for classes that may be co-educational (Radio Zamaneh, 2018).

While the Islamic Republic has entered reservations to CRC, Article 28 of this treaty does require the state parties to (1) ‘recognize the right of the child to education’, and this right must be achieved ‘on the basis of equal opportunity’. It must be kept in mind that under the Convention, a child is defined as ‘every human being below the age of eighteen years’ (Article 1). The reservation entered by the Islamic Republic of Iran is partly due to the fact that the Iranian regime maintains that under Shariah law boys mature at fifteen and girls at nine. This means that boys as young as fifteen and girls as young as nine are legally allowed to get married or work once they reach these ages. This violates the right of these children to education and prevents them from accessing the educational system. Girls are particularly disadvantaged. For instance, all girls are forced to cover their heads as soon as they start primary school at the age of six. They are required to learn knitting and sewing, while boys are taught mechanics. According to Golnar Mehran:

compulsory veiling, banning co-education at the pre-university level, reinforcing gendered practices by determining ‘appropriate’ fields of study for women, compiling different technical-vocational textbooks for girls and boys, and barring unmarried women from studying abroad using state school-scholarships are some examples of post-revolutionary educational policies to ensure that women do what is deemed ‘proper. (Mehran, 2009, p. 543)

The state’s concern for children’s ‘proper’ behaviour has actually been an impediment to their access to proper education.

Textbooks: discriminatory and ideological discourses

Educational textbooks are also of utmost importance in ensuring that a culture of equality, free from discrimination, is developed and instilled in children. The textbooks used in Iran have quite the opposite function. They encourage discrimination, both directly and indirectly. The textbooks for all three educational levels in Iran favour men in their pictures, particularly in religious teachings, where there are no pictures of women at all. Even in those pictures where women are presented, they are mainly shown in the house. Besides pictures, the names of professional men are also mentioned more often than the names of women and distorted information is given about the work that women do outside of the home (Aghaii Khozani, p. 52).

In a mixed methods analysis of the curriculum of the Islamic Republic, it was also found that ‘discriminatory attitudes’, mainly towards women and religious and ethnic minorities, are not ‘accidental or sporadic’. They are rather ‘continuous, consistent, and systematic’ (Paivandi, 2008, p. 73). This illustrates that students are intentionally denied access to education and hence the international human rights law on accessibility is violated by the state. Even though over the years the ideological and religious discourse in textbooks has been reduced (Paivandi, 2008, p. 75), the state is far from working towards the progressive realisation of the right to education as is required of states through ICESCR. This requirement takes into

consideration the 'financial resources available to individual governments'. However, in the case of Iran, the situation is not due to an absence of resources, but to ideological and political reasons. These ignore the fact that the gradual realisation of economic and social rights needs to begin from the 'bottom up', which means that the state is obliged to concentrate its efforts 'on the most vulnerable or disadvantaged groups in society' (Nevile, 2008, p. 4). A minimum requirement for Iran is that women and minorities are ensured equal access to education and presented as equals to their counterparts in the curriculum.

Religious and ethnic minorities

Providing access for children should also be non-discriminatory. The law requires every single child to have access to education 'without discrimination on any ground' (Coomans, 2009, p. 434). However, the Ministry of Education and the Department of Education report very low statistics on the number of children without access to education, perhaps to avoid showing accessibility as an issue in Iran. Back in 2019, Abdolreza Fooladvand, the head of Tehran's Department of Education, stated that only 140,000 children were missing out on education across the country (TehranTimes, 2019). However, by comparing two consecutive censuses, *Rouydad*, a reformist online publication in Iran, was able to estimate that about 7.4 million children did not attend school in 2018 (Iran Focus, 2018).

There are children living in Iran who do not have ID documents and a number who are not registered because they were born out of wedlock. These are children who are unaccounted for in the estimate of 7.4 million (Radio Zamaneh, 2018). The official figure of only 140,000 seems to be unrealistic, particularly because Iran is still grappling with issues such as child labour, migrant children, and child marriage. Child workers (particularly Afghans), disabled children, girls who have married young, and other girls and boys facing cultural barriers are among those for whom education has not been made accessible (Payvandi, 2014).

Considering the fact that religion in Iran is politicised, discrimination against religious minorities also hinders the education of children belonging to such groups. The Bahá'í community, the largest non-Muslim religious minority group, is particularly affected by such policies. The state refuses to recognise the Bahá'ís in its Constitution, and this has severe consequences. Article 13 of the Constitution states that:

Zoroastrian, Jewish, and Christian Iranians are the only recognised religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. (IRI 1989)

Besides Bahá'í teachers, who were all dismissed at the beginning of the revolution, Bahá'í children have been and continue to be particularly targeted and discriminated against. Based on Article 2(1) of the Ministry of Education, i.e., the 'Development of moral virtues and the purification of students based on the higher teachings of Islam', Bahá'í children...Bahá'í children are regarded as 'infidels' and 'impure' (Khamenei, 2020). However, they have to join the compulsory Friday prayers at school. They are forced to learn Arabic, attend Islamic religious classes (while children from recognised religious minorities can skip such classes), and learn and memorise the Qu'ran. They are also expelled if they mention they are Bahá'ís to anyone at school.

These children begin to experience discrimination first-hand at kindergarten where, according to the former UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, 'kindergarten staff are supposed to spot Bahá'ís so they can be under special surveillance' (The Baha'i International Community, 2016). When they reach the age of nine, Bahá'í girls are also forced to attend the ceremonies that enforce the idea that this is the age when girls mature and are, therefore, legally allowed to marry or work, with an emphasis on marriage. Discrimination against minorities, which forces children to be silent and hide their identities, goes beyond religion. Children belonging to ethnic minorities are also under pressure, according to various groups such as the Dur Untash Studies Centre, which focuses on the plight of the Ahwazis. Iran's policies force the many non-Persian ethnic minorities, such as Kurds, Arabs, Turks, Balochis, Turkmens, Gilaks and Mazandarani, to abandon their identities and languages. Members of these groups find themselves abruptly placed in purely Persian language environments where they are humiliated because of their accents and ways of speaking. A new assessment policy proposed by the Elementary Education Department, in collaboration with the Organization for the Education of Children with Special Needs, will 'evaluate children's level of proficiency and comprehension in the Persian language as part of a broader health assessment plan for preschool children' (IRI, 1989). Many ethnic children only speak their mother tongue and such assessments undoubtedly affect them negatively (Hamid, 2019). Article 15 of Iran's own constitution does state that 'the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools, is allowed in addition to Persian' (IRI, 1989). However, this is deceptive. In reality, the actions of the state and its other discriminatory policies do not only jeopardise the accessibility of Iran's multi-ethnic and multi-religious mosaic to education. They also seem to be intentionally aimed at eradicating these minorities.

Physical access

Ensuring all children have physical access to education is also an obligation of the state, based on international human rights law. Physical access to schools for children in rural areas, disabled children and migrant children living in Iran is particularly challenging. Schools' capacities are usually at their maximum when it comes to admitting more Afghan children. The age of these children also prevents them from accessing schools because the majority are 'overage'. Afghan children also have no access to pre-schools and this creates 'major gaps in cognitive skills between Iranian and Afghan children' (Norwegian Refugee Council, 2017, p. 4).

Due to 'extensive geographic distribution and the extent of the country', children living in rural areas are also restricted when it comes to physical access to schools. Because there are no accurate statistics available, it is hard to determine how many children are being denied access to education (Economic and Social Commission for Western Asia [ESCWA], 2014, p. 19). According to Human Rights Watch, in recent years the Islamic Republic has taken steps to ensure children with disabilities have more access to education by allocating more funds for this purpose. They have also taken measures to construct new buildings and renovate older ones to ensure disabled children can physically access them. However, such measures are insufficient to meet the international human rights standards as enshrined in the International Convention on the Rights of Persons with Disabilities (ICRPD). Iran ratified this in 2009, but made a reservation regarding Article 46. This article states that '(1) reservations incompatible with the object and purpose of the present

Convention shall not be permitted' and '(2) reservations may be withdrawn at any time. The Islamic Republic declared 'that it does not consider itself bound by any provisions of the Convention, which may be incompatible with its applicable rules' and refuses to withdraw this declaration (Moinipour, 2018). As such, children with disabilities are still denied access to education due to stigma, 'lack of information about the right to education among parents', bullying, and 'mandatory medical assessment for school enrolment'. Disabled girls and poor children living in rural areas are more severely affected as, in addition to facing all of these challenges, they have problems physically accessing school buildings (HRW, 2019).

The seemingly positive measures taken by the state are minimal; they only serve to provide 'proof of improvement' for the scrutinisation mechanisms of the United Nations, such as the Universal Periodic Review. None of these measures are fundamental to guaranteeing inclusive education for all children.

Conclusion

Beside the issues discussed in this article, there are a number of other ones that force children to leave education: social crisis, addiction, a lack of awareness about rights and responsibilities, homelessness, broken families, and familial stress. To these must be added intra-school issues such as lack of motivation and failure at school. The Islamic Republic appeared to have made efforts to identify and help all children in the compulsory education age-range through a number of initiatives: the establishment of the Board of Directors to Block the Roots of Illiteracy; the National Secretariat for Educational Justice and the Prevention of Illiteracy; and the Obstruction of Roots of Illiteracy Program. However these measures do not appear to have substantially improved the children's situation (Khabaz, 2019), and have only added to the already complicated web of state agencies and institutions.

The copious issues contributing to the lack of availability and accessibility of education point to the instrumental and manifold role of the state. The state needs to, first and foremost, withdraw the declarations made to the CRC and CRPD respectively and make sure that the law of compulsory education applies to every single child. It also needs to create programmes to ensure that adults who have had no formal education get one, and raise parental awareness about the right of children to an education. The state should also ensure that no cultural practices, religious or superstitious beliefs such as 'honour killings' endanger children and violate their right to education. This must start with the state's own policies and propaganda.

Availability and accessibility to education are two obligations of the state and part of the 4-A Right to Education Framework that ensures every child's right to education is respected. While the Islamic Republic has made a commendable effort to improve the rate of literacy in the country, it has fallen short on so many other obligations. Progress on literacy does not begin to help raise the standards that need to be met by the state in fulfilling its obligation to respect the right to education of every child. The state has failed to respect the right to education of its citizens, as well as the right of those who have taken refuge in the country for the past four decades. Education is unavailable or inaccessible to children partly due to poverty and its consequences, and this has only come about because of the regime's mismanagement and lack of competency in administering an oil-rich country. Other hindrances to education are the results of the ideological and political tools that intentionally aim to outroot those who do not conform.

This is why in order to ensure the state respects children’s right to education, it is not only the educational system but also the social infrastructure that needs to change. Safeguards need to be put in place to prevent abuse of power by the state. A transformation of the justice system, the incorporation of human rights in education, and a ban on media campaigns laws, policies that encourage discrimination at all levels are also changes that need to be made in order to allow children to get the proper education they deserve. A closer scrutiny of the state’s obligation towards the right to education of children using specific indicators under the 4-A Framework is needed for a more in-depth study and measurement of treaty compliance.

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