



A Comparative Criticism of the Philosophical Foundations of Children's Educational Rights in International Documents and Documents of the Islamic Republic of Iran

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ARTICLE INFO	ABSTRACT
<p>Received: 17 February 2025 Revised: 29 August 2025 Accepted: 17 February 2026 Online: 21 March 2026</p>	<p>The aim of study was to conduct a comparative critique of the philosophical foundations children's educational rights in international documents with documents of Iran. This is a qualitatively comparative research using the Bereday approach - including four stages of description, interpretation, juxtaposition and comparison. The data collection method was documentary - through examination of primary sources (upstream documents) and secondary sources (books and articles) and thematic analysis method was used for data analysis. The findings revealed that the most important similarities between selected documents include attention to the principle of child dignity, the principle of justice and equality, and shared responsibility of parents towards the child. The research findings also indicated that the most important differences are: Emphasis of Iran documents on the sovereignty of the God-centered concept versus the human-centered concept in international documents, emphasis on divine dignity in observing the rights of the child in Iran documents versus the emphasis on inherent dignity of child in international documents, and the highlighting of duty-centeredness in Iran documents versus the emphasis of international documents on fundamental rights of the child. From the perspective of the philosophical foundations governing Iranian documents, the most important criticisms that can be made of international documents on children's rights include: A non-divine view of children's rights, ignoring spiritual & otherworldly interests of children, lack of attention to children's religious education, creating a spirit of indifference towards fellow human beings through excessive emphasis on the slogan of "cultivating a spirit of peace and understanding in children," and neglecting the spiritual and human dimensions of education.</p>
<p>KEYWORDS</p> <p>Children Educational Rights Islamic Republic Philosophical Foundations</p>	

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1. Introduction

Education is a human right for all children so that they can reach their physical, mental and spiritual perfection. The definition of children's educational rights scope depends on concept of "child education". According to Biesta Gert (2013), the educational system should go beyond transfer of knowledge and respect children's human dignity, intellectual independence and their role as future citizens. Accordingly, the right to educate a child concerns two things:

- Necessity of benefiting from all the fields, facilities, and affairs that provide the means for flourishing of child's personality and all-round development of existence;
- Necessity of child benefiting from continuous, all-round, and effective education and training.

The first is actually considered as a criterion and basis for acceptance of "other rights", while the second is what is known nowadays in legal writings and documents as the "*Right to education and upbringing of children.*" In the last hundred years, discussions related to children's rights have occupied the minds of thinkers, experts & humanitarians, and declarations and statements have been issued by various assemblies - national, regional and international - and organizations and institutions have been established to protect and advocate for children's rights (Haji Deh Abadi, 2012). The ratification of the "Convention on the Rights of the Child" by the United Nations General Assembly effectively and appropriately brought the concept of the child and her/his rights from the margins of national and international thinking to the center of these thoughts (Prunella Mason, 1999). Nevertheless "Convention on the Rights of the Child" has few articles (Articles 28 & 29 on educational goals) that directly address the right to education and includes physical, economic, sexual, moral, social, cultural and emotional rights. Fortunately, up to now, more than 193 States have become members of the "Convention on the Rights of the Child" (Shaban,a, 2018).

Islamic countries, in view of the concerns and worries they expressed about some of the provisions of the Convention or the interpretations of the "Children's Committee" of the provisions of this document; in addition to accepting "*membership with conditions*" in the Convention; in 2005, they also signed a document entitled "Covenant on the Rights of the Child in Islam". In accordance with the Islamic perspective, the "Convention on the Rights of the Child in Islam" has been ratified in 63 articles and 5 sections - including generalities, individual rights, family rights, social rights, judicial rights, cultural rights, etc. (Shaban,b, 2025). However, the content of this covenant could not satisfy the government of the Islamic Republic of Iran.

The political system of the Islamic Republic of Iran, influenced by the Shiite Imami jurisprudence, has determined the basis for the formation of country's legal and educational

system. The educational rights of children are also directly influenced by the ontological, anthropological, epistemological, and value-based foundations of this system. Accordingly, the Supreme Council of the Cultural Revolution, in order to present an Islamic-Iranian model in the field of children's and adolescents' rights, approved the "National Document on the Rights of Children and Adolescents" within the framework of National Action 34 of the Grand Strategy 3 of the "Cultural Engineering Map of the Country" (Ayatollahi, 2021).

Of course, Iran is no exception to this way. In fact, one of the concerns of child rights experts in each country is the degree of compliance of domestic documents with international child rights documents. For example, Kwame Acheampong (2023) compares free education laws in Nigeria, Kenya, and South Africa with Article 28 of the "Convention on the Rights of the Child" and reports a deep gap between law and reality. Olivia Lang, .Lang,O, Raeesi. (2022) have compared the role of religion in formal education system of Germany, Iran, and India with contrasting government models. The findings indicated that in Germany; religious education is based on the family religion (with the right to opt out), in Iran, with the focus on Shiite religion education - as compulsory subjects - and in India; specific religious education is eliminated in public schools. Martino et al. (2023) examined the interpretation of Article 5 of the CRC in Sweden and Japan with two contrasting legal systems and revealed that in Sweden the State plays an active role in protecting the "best interests of the child" and sometimes limits the rights of parents, but in Japan - with family-oriented culture -; high priority is given to family autonomy and parent-child relationship, and therefore less state intervenes. Petrov, Yilmaz & Park, (2023) indicated nationalistic distortions in textbooks in Russia, Turkey and South Korea based on the standards of Article 29 of the CRC. Costa & Larsen (2022) compared the implementation of Article 23 of the CRC in Brazil and Norway and found that Norway has come close to the CRC gold standard by providing adequate resources and an independent monitoring system, while Brazil - despite the adoption of progressive laws - covers only 34% of children with disabilities due to budget gaps, corruption and poor management. Elaine Johnson et al. (2023) examined the mechanisms of reproduction of gender stereotypes according to Article 29 of the "Convention on the Rights of the Child" in the two cultural systems of Iran and Sweden and claimed that Iran prepares children for "traditional roles", while Sweden, by breaking stereotypes, makes Article 29 of the CRC a global model. Marie Højlund Roesgaard, et al. (2021) assessed the alignment of moral education in Japan and Canada with Article 29 of the CRC. Kovacs et al. (2022) examined the contradiction between claim of compliance with Articles 28 and 30 of the CRC and the reality of systematic discrimination against Roma children in two EU member states. The findings revealed that despite the membership of Hungary and Finland in the CRC, the

implementation gap resulting from racist policies in Hungary and lack of targeted resources in Finland leads to violations of the educational rights of Roma children.

In Iran, many researchers have also shown interest in the comparative study of children's rights in this country and the "Convention on the Rights of the Child". For example, Kashi and Rajai (2024) made a comparative study of the right to education of children from the perspective of the "Convention on the Rights of the Child" and the fundamental rights of Iran, and determined that, according to Articles 28 and 29 of the Convention and Article 30 of the Constitution, primary education should be compulsory, free and accessible to all. Alemi and Taei (2021) conducted a comparative study of children's rights from the perspective of Iran and international laws and regulations. Their findings highlighted that in Iran law, the material and moral rights of the child - even for the fetus from the moment of fertilization - are considered. Harirforosh (2018) examined the punishment of delinquent children in Iran law and the "Convention on the Rights of the Child" and revealed that the Islamic Republic of Iran has taken steps in its criminal laws towards synchronization with the Convention. Tarsi and Karimpour (2017) compared the rights of child before and after birth in Iran law and international documents and stated Iran law considers different rights for the child before birth - such as a will in favor of the child, right to inheritance, a will, endowment, etc-. Seyed Fatemi (2016) conducted a comparative study of children's rights in Iran and the "Convention on the Rights of the Child" and stated that these two rights have fundamental, content and methodological differences in children's rights. Yousefi (2016) also compared children's rights in Islam and the West. The findings showed that children's rights in Islam and the West each have their own strengths and weaknesses, but both emphasize the importance of protecting children's rights and providing their educational opportunities and development. Parsapour & Nourbakhsh (2015) compared the criteria for assessing the best interests of child in Iran law and the "Convention on the Rights of the Child". While making a conceptual distinction between "best interests" with similar terms, they suggested examples of formal and substantive criteria to determine its instances. Irvani and Ebadi (2012) conducted a comparative study of children's rights in the Quran and the "Convention on the Rights of the child" and concluded that children's rights in the Quran are superior to the Convention. According to them, although the Convention has positive and good points, it has ignored some of the basic rights of the child. Marvian Hosseini (2011) conducted a comparative study of the position of education in the Quran and the Convention on the Rights of the Child and believes that education in the Quran has a more privileged and comprehensive position compared to the Convention.

Although previous comparative research have examined the legal provisions of countries with the United Nations “Convention on the Rights of the Child”, less attention has been paid to examining the philosophical foundations of these two laws. For example, Quennerstedt, & Moody (2023) using a systematic review of 100 articles on children's rights in education and concluded that most research has used sociological and psychological theories, while the use of legal and philosophical theories has received less attention from researchers. Also, by examining the research background, it was found that human rights have often been the subject of political, legal and cultural studies and debates and question of its philosophical foundations has been less examined (Mardiha, 2008). Despite the adoption of international and national declarations and documents on the rights of the child, there are still serious challenges to respecting children's rights. The present researchers intend to identify similarities and differences and to criticize & examine the philosophical foundations governing the educational rights of the child in international documents, taking into account the philosophical foundations governing Iran’s documents.

2. Research Method

The aim of present research is to conduct a comparative critique of the philosophical foundations of international documents with documents on children's educational rights in Iran. This is a qualitatively comparative research using the Bereday’s approach, which includes four stages of description, interpretation, juxtaposition, and comparison. The data collection method was documentary - through examining primary sources (upstream documents) and secondary sources (books and articles) - and the data analysis method is thematic analysis. The primary sources examined documents such as the “Constitution of the Islamic Republic of Iran”, the “Fundamental Transformation of Education Document”, the “Convention on the Rights of the Child” approved by the Islamic Consultative Assembly, the “National Document on the Rights of the Child and Adolescents” approved by the Supreme Council of the Cultural Revolution, the “Covenant on the Rights of the Child in Islam” approved in 2005, and the interpretation of children's rights in the light of interpretative theories of the United Nations Children's Rights (2019).

3. Findings

A) Description

In this stage, according to the Bereday method, we first describe the two international documents of "Convention on the Rights of the Child" and the "Covenant on the Rights of the Child in Islam" and then the "National Document on the Rights of Children and Adolescents".

Document of the Convention on the Rights of the Child

The Convention on the Rights of the Child is a gift of the International Year of the Child (1979). This convention is the first international agreement on the protection of children that has an executive and legal guarantee. When a country ratifies the "Convention on the Rights of the Child" or declares its formal agreement with it, it is obliged to review its national laws to ensure their compliance with the provisions of the convention. The Convention on the Rights of the Child is of particular scope and breadth, and the principles contained in it include all children in the world without any hierarchy being placed between its different principles. In general, the rights contained in the convention can be categorized into the principles of fundamental and basic rights, right to participation and civil liberties, right to protection and the right to security. Of course, it should be noted that more important than all these principles is the principle of respect for inherent dignity of the human being or the child, on which all the provisions contained in the convention and other principles are based.

The "Convention on the Rights of the Child" consists of a preamble and 54 articles, which are organized and compiled in three parts. First part of the Convention, which contains 41 articles, deals with the rights of children and states duties and includes the following: Definition of a child (Article 1); Nationality (Articles 7-10, 20, 30); Recognition of the inherent right of every child to life and survival (Article 6); Recognition of shared responsibilities of parents and the collaboration of the State (Articles 18, 20, 27); Prohibition of severe legal punishments & protection of children against all forms of cruelty and physical & mental violence (Articles 19, 32-39); Right of children to an adequate standard of living and highest attainable standard of health (Articles 24, 27); and recognizing the child's right to education & creating equal opportunities to access (Articles 28-29) (Marvian Hosseini & Ebadi, 2011). The second part, which includes articles 42 to 45 of the Convention, specifies the arrangements for implementing the Treaty and includes provision of effective implementation measures to ensure that the obligations and duties of the States are fulfilled in realizing the principles contained in the Convention. The third part, which is the final part of the Treaty, includes articles 46 and 54 of the Convention, the manner of signing and ratifying the Treaty and the entry into force of the Convention and provisions related to the "right of condition" (Tohidi, 2003).

Countries that have signed the Convention on the Rights of the Child

As of November 2004, 191 out of 193 countries in the world have acceded to the Convention on the Rights of the Child - with the exception of the United States and Somalia (Mousavi Tarsi &

Karimpour Al-Hashem, 2017). Governments of Islamic countries have also acceded to the "Convention on the Rights of the Child", but most have either amended specific articles or set general conditions. For example, the Egyptian government has declared that since there are no provisions on adoption in Islam, it will be bound by Articles 20 and 21 with reservations. In addition to the articles related to adoption, Jordan has not accepted Article 14 of the Convention - the right of child to freely choose a religion. Kuwait has declared reservations regarding articles that are contrary to Islamic law and its domestic laws.

The Algerian state has declared that it interprets paragraphs 1 & 2 of Article 14 on freedom of belief and religion and parental responsibilities in accordance with its constitution and domestic laws. The Indonesian government has declared that it implements the provisions of Articles 1, 14, 16, 17, 21, 22 and 29 within the limits of its constitution. Pakistan, Afghanistan, Iraq, Syria and Qatar have accepted the Convention in its entirety and to the extent that it does not conflict with Islamic provisions and their constitutions (Doek & Liefwaard, 2019; Musfa, 2007). Of the total number of non-Muslim countries that have become members of the Convention, 48 countries have accepted it with reservations and declarations (Musfa, 2007).

The government of the Islamic Republic of Iran acceded to this convention in 1993, provided that if "the provisions of the convention are in any case and at any time in conflict with domestic laws and in accordance with Islamic standards, they will not be subject to compliance by the government of the Islamic Republic" (Saeed Nia, 2006). The Islamic Consultative Parliament approved the government bill on "permitting the accession of the government of the Islamic Republic of Iran to the Convention on the Rights of the Child", but the Guardian Council - which is a body superior to the Parliament - commented that "Paragraph 1 of Article 12, paragraphs 1 & 2 of Article 13, paragraphs 1 & 3 of Article 14, paragraph 2 of Article 15, paragraph 1 of Article 16, and paragraph "d" of Part 1 of Article 29 are contrary to the standards of Sharia (Ayatollahi, 2021).

The Covenant on the Rights of the Child in Islam Document

Although all Islamic countries have joined the "Convention on the Rights of the Child" and have also announced their conditions, from the very beginning and in the continuation of annual monitoring and biennial reports, these countries have been heavily criticized by other member of the Convention and the United Nations Committee on the Rights of the Child. Islamic countries have considered these criticisms to be contrary to the spirit of the Convention and their conditions, and they did not consider some of the provisions of the Convention to be appropriate to their social & cultural conditions. Finally, Islamic countries formed a joint assembly among themselves in Yemen,

the result of which was approved in the form of a joint treaty (Jamshidiha & Shaaban, 2020). Therefore, Islamic countries, while becoming members of the Convention on the Rights of the Child in 2005, drafted a document entitled "The Covenant on the Rights of the Child in Islam". The "Covenant on the Rights of the Child in Accordance with the Islamic Perspective" consists of 63 articles and 5 sections, including general & individual rights, family rights, social rights, judicial rights, and cultural rights (Shaaban,b, 2025). Regarding the context for the formation of this covenant, the drafters of the document have sought legal and regulatory mechanisms with an Islamic approach to respond to developments in the field of children. In the introduction, the document refers to the challenges facing children and considers commitment and guarantee of children's rights to overcome existing obstacles and problems essential. The emphasis on compliance with the provisions of *Islamic Sharia* is another thing that the drafters state as a distinguishing feature of this document from other child rights documents.

Introduction to the Covenant on the Rights of the Child in Islam

The provisions contained in the introduction to the Covenant in 15 paragraphs are as follows:

- The importance of the family
- The role and importance of international cooperation in the field of human rights
- Belief in fundamental rights and public freedoms as an integral part of Islam
- Awareness of the great responsibility towards children as the future builders of the *Islamic Ummah*
- Concern about challenges such as the fading role of the family, weakening of the sense of belonging, collapse of family bonds, weakening of ideals & values, and the need to adopt a serious action strategy to protect children
- Emphasis on the vulnerability of children and suffering of children from neglect, displacement, and exploitation of children
- Emphasis on rights of children of non-Muslim communities and minorities and participation of Muslim and non-Muslim children in human rights (Asiaban Abbas Abadi, 2008).

National Document on the Rights of Children and Adolescents

Legislators following the *Shiite Imami* jurisprudence in the Islamic Republic of Iran, in examining international laws and treaties ratified by Islamic countries, continued to face many questions, such as what are the rights of children in Islamic societies, should everything that the Convention on the Rights of the Child provide be implemented in Islamic societies, or should Islamic societies design and formulate children's rights based on their social and cultural foundations - centered on the religion of Islam (Jamshidiha & Shaaban, 2020, p. 974). Therefore, in

Iran, the Supreme Council of the Cultural Revolution drafted and approved the "National Document on the Rights of Children and Adolescents". This upstream document introduces and explains the status and rights of children and adolescents in the Islamic Republic of Iran (Ayatollahi, 2021). This document consists of a general section, an introduction, and 14 articles.

Contents of the Document

The introduction of the document refers to several basic issues. These issues are:

- Belief in monotheism and the sacred law of Islam
- Emphasis on the special attention that Islam pays to Muslim childbearing
- Purity of generation (emphasis on the necessity of the legitimacy of birth of a child)
- Material and spiritual growth and development of man
- Attention to the primary and fundamental role and responsibility of the family
- Emphasis on the support and assistance of state to the family (Ayatollahi, 2021: 29)

In Article 1 of this document, the legislator has defined terms such as growth, puberty, laws & regulations, legal guardian, health-treatment justice, forbidden sexual behaviors, sexual disorders, ownership of intellectual works, legal capacity, criminal liability, recognized religious minorities, etc. Article 2 explains the document's meaning of the term "child and adolescent" and Articles 3 to 12 consider the rights of the child to include such matters as the right to life and survival, right to identity, family rights, right to recreation, play & training, cultural, educational & training rights, economic and judicial rights. Article 13 also specifies the duties of all agencies related to children and adolescents' affairs with respect to the contents of the document and emphasizes the priority of provisions of this document over international treaty documents. (Supreme Council of the Cultural Revolution, 2021)

B) Interpretation

In this stage, the ontological, anthropological and epistemological foundations governing the child rights documents are explained and interpreted:

First: Philosophical foundations of child rights from the perspective of the Convention on the Rights of the Child

• *Philosophical School: Humanism*

The Convention on the Rights of the Child devotes a few articles (only Articles 29 - Educational Goals; 28- Right to Education) directly to the upbringing of child and mostly refers to the types of legal freedoms of the child (Maroyan Hosseini & Ebadi, 2011). Since the educational rights of the child are considered a subset of human rights and are based on a special concept of man, among the philosophical schools, humanism as a moral and intellectual philosophy with an emphasis on rationality, human dignity and secular ethics has provided the necessary theoretical foundations for human rights (Aoun, 2023; Baqi, 2023: 718). This school, relying on rationalism, believes that there is no authority other than human reason for judging moral claims and therefore the source of validity of these rights is solely man (Donnelly: 1998: 27). The term “human rights” also indicates the nature and source of these rights; that is, the rights that every individual enjoys by virtue of being human, rather than being granted to him by God (Donnelly, 2006). These rights are not related to God, revelation, or religion, and any attempt to relate human rights to religious values is futile (Gaete, 1995). Since children’s rights are part of the general framework of human rights, the philosophical foundations of the “Convention on the Rights of the Child” should also be considered in explaining the philosophical foundations of the school of humanism.

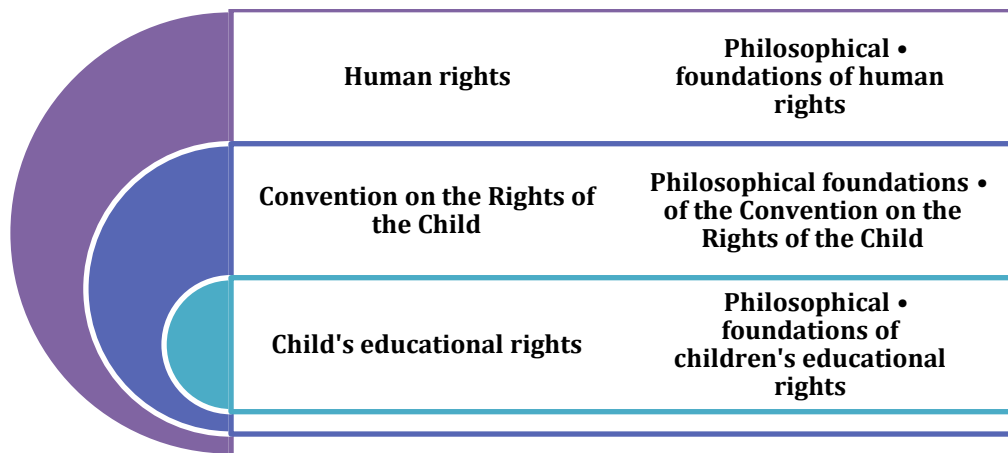


Figure 1. Philosophical foundations of children's educational rights in the Convention on the Rights of the Child

• *Lack of attention to God's creation and man's creatureliness*

The International Convention on the Rights of the Child does not mention God by name, and the inherent dignity of man is recognized without attribution to the “God”. The Convention does not consider a child’s life to be a gift from God (Alipouriani, 2011).

- *Lack of attention to the afterlife*

The Convention and General Opinions of the United Nations Committee on the Rights of the Child emphasize preparing the child for worldly life - without regard to life after death. In this regard, the emphasis on freedom of choice of religion is consistent with humanist views. In fact, the most important thing that is authentic for the school of humanism is man (Gunon, 1993). In humanist thinking, man knows himself without any transcendental intermediary - in the name of God - and is subject to rational possibilities and worldly life in all matters (Naboyan, 2002).

- *Hedonism*

The Convention stipulates that in all actions concerning children, the best interests of child shall be a primary consideration. Accordingly, the Convention obliges States Parties to ensure the necessary protection and care for the well-being of children. The emphasis on the well-being of children is strongly expressed in the following cases: Interpretation of sexual relations and extension to homosexual children, interpretation of puberty health to adolescents' access to abortion services, emphasis on the freedom of sexual relations with consent of the parties, attention to the need of adolescents for contraceptive education and prevention of sexually transmitted diseases. All of these cases bring to mind one concept, which is the priority of human pleasure and happiness in the "Convention on the Rights of the Child" (Noori Mambani, 2015).

- *Absolute human freedom*

The preamble to the Convention lists the establishment of freedom, justice and peace in the world as one of the ultimate goals of this document and emphasizes the education of child for full readiness to lead an individual life in society and in the light of ideals enshrined in the Charter of the United Nations - in particular peace, dignity, tolerance, freedom, equality and integrity. Articles 11 and 12 insist on the child's freedom of opinion and emphasize the free expression of the child's views. Article 13 recognizes the child's right to freedom of expression, freedom to seek, receive and impart information & ideas of all types and without regard to moral boundaries, either in writing or orally or in the form of art, or through any other media of the child's choice. Article 14 also recognizes the child's right to freedom of thought, belief and religion and considers the only limitation of this freedom to be the protection of public safety, health and morals. Humanists

believe that every human being is born free and should be free from any restrictions - except those imposed on him/her. The freedom that humanism speaks of is the freedom that humans can and should experience in nature and society (Hassani, 2013).

- *Human dignity and equality*

Recognition of the inherent dignity of human person has also been emphasized in the "Convention on the Rights of the Child" as one of the principles of the United Nations Charter. Accordingly, the Convention emphasizes that States Parties are obliged to provide all children with the right to education without discrimination and on the basis of dignity and equality, the opportunity to attend and the equal right to education. States are obliged to develop laws, policies and support services to eliminate what in the family and society prevents children from accessing school (Esfahani & Yousefi, 2016).

- *Instrumental value of knowledge*

The Convention obliges member states to reaffirm their determination to promote social progress and better standards of living - accompanied by greater freedoms. On the other hand, according to Articles 28 & 29 of the Convention, the most important goal of education is growth and development of the child's personality, talents and abilities. An analysis of the content of the Convention document clearly reveals the instrumental value of children's education - which is consistent with the principles of humanistic epistemology. According to the humanist school of thought, knowledge has an instrumental value. The instrumental value of knowledge depends on changing the purpose of knowledge from seeking truth in existence to the power to predict and control nature and improve life (Noori Mambani, 2015).

Second: Philosophical foundations of children's rights from the perspective of Iranian legal documents

- ❖ *Philosophical school: Islam*

In the Islamic legal system, there are no matters separate from religion and rights and religion are closely related to each other (Danesh Pajouh & Abedini, 2022). Accordingly, the origin and root of all human rights go back to God and their validity comes from His "legislative will" (Misbah Yazdi,

2007). Of course, God's will is not formed without wisdom, and His laws are based on nature, justice, and expediency (Davoodi, 2020). Rene David (2019: 453) says that Islamic rights are part of this religion, and therefore any rights that are not completely consistent with the rules of Sharia are rejected. The educational rights of the child are no exception to this (Figure 2).

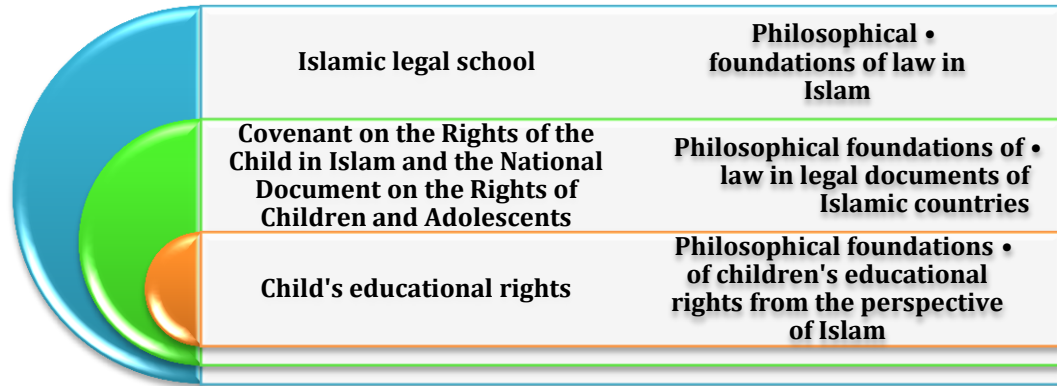


Figure 2: Relationship between the right to education and the philosophical foundations of Islam

❖ *Convention on the Rights of the Child*

The issue of child's right to education is one of the important issues that has been addressed in several paragraphs of the "Convention on the Rights of the Child". Article 20 of the Convention which emphasizes the responsibility of parents against harmful practices, states in paragraph 1 that "Parents or anyone legally responsible for the child have the obligation to provide child with an appropriate education and upbringing," In addition, Articles 11 and 12 of the Convention refer to the education and upbringing of the child. Article 11 states, "Paragraph 1, proper upbringing is a right for the child, which is the responsibility of the parents or legal guardians in a manner that is relevant, and institutions of the state will assist them within the framework of their capabilities; Paragraph 2 also states that the upbringing of child should be in line with the following objectives :

- Development of the child's personality, moral & religious values, a sense of citizenship, and the sharing of human & Islamic interests, and the instilling of a spirit of understanding, dialogue, tolerance & friendship among peoples .
- Encouraging the child to acquire skills & abilities in order to face the new situation and overcome negative customs and develop based on real & scientific reasoning.

Article 12 also emphasizes education and culture. According to paragraph 1, every child has the right to free primary education, in addition to learning the principles of Islamic education, as well as faith and Sharia based on the situation and the provision of the necessary facilities for the development of his/her intellectual, spiritual and physical abilities, so as to give her/him the opportunity to be exposed to the common patterns of human culture. Article 2 states that States Parties to the Covenant shall ensure the following:

- Free and compulsory primary education for all children on an equal basis;
- Free and compulsory secondary education on a progressive basis so that this can be achieved for all children within 10 years;
- Higher education, taking into account the talents & interests of each child and in accordance with the educational system in each country;
- Right of every child to choose clothing that is consistent with her/his beliefs, while respecting Islamic law, modesty and public decency;
- Effectively dealing with the problem of illiteracy, school dropouts and those who miss out on primary education;
- Attention to outstanding and gifted students at all levels of education;
- Producing and publishing children's books, establishing children's libraries, and utilizing mass media to promote artistic, social & cultural content relevant to children and encouraging children's education.

Paragraph 3 - The provisions of this article and Article 11 preceding it shall not be construed to conflict with the freedom of a Muslim child to participate in private educational institutions. However, the provisions of Islamic Sharia must be respected by such institutions and the education provided in them must comply with the standards set by the state (Shaban, 2025: 17-18).

National Charter on the Rights of Children and Adolescents

The "National Document on the Rights of the Child and Adolescents" begins the discussion of the educational rights of the child with the "right to identity of the child." Unlike international documents and the Convention on the Rights of the Child, which always ignore the gender differences among girls and boys and try to see these two genders as equal with equal rights, the "National Document on the Rights of the Child and Adolescents" accepts the different creation of girls and boys and gives a special place to the characteristics of each gender. In addition, this

document recognizes specific gender values and roles for each child and recommends that parents and officials take action to protect these values (Ayatollahi, 2021: 46).

Article 5, paragraph 8, recognizes the right of children and adolescents to benefit from parental love and appropriate treatment in a fair manner and in accordance with the needs related to the stages of emotional development, and considers the state obliged to adopt the necessary measures and appropriate educational programs. According to Article 5, paragraph 11, parents have the right to exercise supervision and intervention in the behavior of children and adolescents in their upbringing. They have the right to act using encouraging methods - in cases of necessity, deterrent methods - in accordance with expediency and within the framework of religious regulations. In Article 6, paragraphs 6 and 7, the issue of the right to chastity and sexual health of children and adolescents is raised - through preserving sexual privacy, preventing access to sexual stimuli, protecting children from sexual assault, preventing forbidden sexual behaviors and treating sexual disorders -.

Philosophical foundations of educational rights in the documents "Covenant on the Rights of the Child in Islam" and "National Charter on the Rights of the Child and Adolescents"

- *God's Creation and the Creation of the World*

In the philosophical foundations of the document "Covenant on the Rights of the Child in Islam" and "National Charter on the Rights of the Child & Adolescents", the world is a creation of *God* and under His Lordship and sovereignty. Therefore, the preamble of the Covenant defines the rights of the child under the provisions of Islamic law and considers respect for the provisions of Islamic law as its first principle. The "National Charter on the Rights of Children & Adolescents" has also introduced the belief in monotheism and the sacred law of Islam - both in the preamble and in the legal articles - as the most important foundation & principle. Based on this principle, education and upbringing must be based on God's permission and be pleasing to Him, because all the world and creatures - including humans - are God's creations and are under His lordship and command. Human education and upbringing is a kind of interference in human affairs and influencing his destiny. For this reason, it becomes legitimate if it is based on God's permission and within the limits of His permission (Davoodi and Karamad, 2024).

- *Ultimate goal of human creation: Divine education*

According to the Islamic worldview, it is in no way reasonable that the world, with all its grandeur, vastness, and infinity, and with all the wisdom, elegance, precision, and knowledge that has been used in it, was created in vain (Misbah Yazdi, 2011). Accordingly, Article 5, Clause 9, of the "National Document on the Rights of Children & Adolescents" obliges the parents or legal guardians of the child to educate her/him in the light of moral values and religious injunctions (Ayatollahi, 2021). The "Convention on the Rights of the Child" also states in Article 2 that its goal is to ensure the growth of generations of Muslim children who believe in their Creator, are steadfast in their faith, loyal to country, and committed to the principles of truth & goodness in thoughts & actions, and who belong well to Islamic civilization.

- *World is not limited to material nature*

In the Islamic perspective, the world is not limited to nature and human worldly life is a prelude to the afterlife. Humans have eternal life and their lives do not end with death. On the other hand, all human actions leave a lasting impact on their soul and mind. Accordingly, the two stages mentioned for human life (before and after death) are not unrelated to each other; rather, one of them is a prelude to the other. In fact, the quality of human life in the afterlife depends on how one lives in this world (A group of authors, 2015). Based on this principle, the "National Document on the Rights of Children and Adolescents" in Article 8; ensuring spiritual health, strengthening knowledge and faith in God, teaching the Quran and beliefs, and establishing the teachings of Islam are among the rights of children and adolescents, and the responsibility for this is placed on the parents or legal guardians and government. Belief in the unseen world, martyrdom, and the afterlife are also among the beliefs and teachings of the revealed religion of Islam that should be established for children & adolescents (A group of Authors, 2015).

- *Human Dignity*

In the Islamic worldview, humans have a dignity that stems from the spiritual dimension of humans (Davoudi & Karamad, 2024). In addition to the inherent dignity common to all humans, individuals can also enjoy acquired dignity, a dignity that is achieved through faith & piety (Davoudi & Karamad, 2024). Therefore, the basis of human equality in the documents on the educational rights of children is the inherent dignity of humans. Basically, "dignity" is not the only basis for "equality" in human rights, but rather the basis for the entire set of human rights. Because a child is a human being, she/he has inherent dignity, prestige & dignity and human life requires rights and

benefits that ensure her/his dignity. Accordingly, the educational rights of children have also been formed and defined due to her/his inherent and human dignity.

- *Equality of Human Beings*

The Convention on the Rights of the Child, in Article 2, paragraph 4, emphasizes the equality of children in the right to free and compulsory primary & secondary education. The Convention also recognizes in Article 5 the principle of equality for all children in the enjoyment of freedoms and rights - without regard to sex, birth, race, religion, language, political affiliation or any other consideration. The "National Charter on the Rights of the Child and Adolescents" also considers free access to primary education up to the end of secondary education and combating deprivation of education or forced abandonment of it as the rights of all children & adolescents. In the perspective of Islam, all people have equal value in the eyes of God Almighty, they do not differ from each other in the enjoyment of divine facilities & blessings, they have equal rights to participate in civil & political affairs, they are equal before the law, and there is no discrimination between them. According to these principles, educational justice and the benefit of all people from appropriate education and upbringing are the rights of all children (Davoodi & Karamad, 2024).

- *Attention to the child's spiritual & physical education simultaneously*

Based on Islamic principles, what appears on the surface is not only a body, but also a physical-spiritual being. Based on this principal, human education and training also have two aspects: Physical and spiritual. Therefore, both the physical and spiritual dimensions of a person must be trained, and training one dimension should not be an excuse for neglecting the educating of the other (Davoodi and Karamad, 2024). The "Document on the Rights of the Child and Adolescent" has repeatedly emphasized the simultaneous upbringing, growth & development of the child's physical, mental, emotional, and spiritual development. In sections B and C of Article 8, it emphasizes the recognition and strengthening of moral virtues based on divine piety and immunity from deviations of belief and cultural & moral abnormalities, teaching rules & customs of individual, family and social life - based on religious teachings - as the educational rights of children and adolescents (also in Articles 5, 6, 7 and 11). According to Article 11, paragraph 2; raising a child for the development of personality and moral & religious values is part of the educational rights of a child, the responsibility for which lies with her/his parents or legal guardians, (Supreme Concil of the Cultureal Revolution, 2021).

- *Education based on developmental stages*

The “National Charter on the Rights of Children and Adolescents”, in Article 8, obliges parents or legal guardians of children to educate children and adolescents - considering their interests & benefits, and in light of moral values & religious rulings appropriate to the different stages of their intellectual, psychological & emotional development - in accordance with gender identity and in cooperation with each other to eliminate the grounds and factors that contribute to the creation of moral vices in the family (paragraphs 8 and 10) (Ayatollahi, 2021).

- *Fundamental position of the family in upbringing*

The attention to the irreplaceable role of fathers and mothers in the education and upbringing of children and adolescents in the “Covenant on the Rights of the Child in Islam” - in Article 2, paragraph 2, Article 4, paragraphs of Article 8, paragraph 2 of Article 9, Article 11, paragraph 3 of Article 13, paragraphs of Article 20 - and in the introduction and paragraphs of Articles 5, 8 and 9 of the "National Charter on the Rights of the Child and Adolescents" is very prominent and fundamental.

- *True freedom*

According to the Islamic worldview, man is created free and must protect this freedom. However, this freedom is not equal to negative freedom and the absence of external obstacles, but also includes the absence of internal obstacles. Based on this principle, the preamble and articles 5, 9 and 10 of the "Convention on the Rights of the Child in Islam" emphasize the right of the child to freedom based on legal & legitimate regulations. Also, the "National Charter on the Rights of the Child & Adolescent" in Article 4, Paragraph 6, states that children and adolescents are free to use their language, dialect, dress, and practice their ethnic and local customs & traditions - while observing Islamic standards, laws, and national cohesion. Also, in Article 4, Paragraph 6, the drafters of the Charter have stated that children and adolescents are free to use their language, dialect, dress, and practice their ethnic and local customs & traditions - while observing Islamic standards.

C) Juxtaposition

According to the Bereday’s method, in the third stage of the research, the findings from the previous two stages were placed next to each other and the following table was obtained.

Table 1: Philosophical foundations of international and Iranian documents on children's rights

Dimensions	Philosophical foundations of Convention on the Rights of the Child	Philosophical foundations of the Covenant and National Documents
Educational Objective	Development & growth of a child's personality, talents & abilities	<ul style="list-style-type: none"> • Personality development and moral and religious values • Sense of citizenship and participation and human and Islamic interests of the child • Ensuring spiritual health, strengthening knowledge and faith in God, teaching the Quran and beliefs, and establishing the teachings of Islam
Fundamentals of Ontology	<ul style="list-style-type: none"> • Lack of attention to God's creation & creation of the world • Lack of attention to the resurrection & afterlife of man • Hedonism 	<ul style="list-style-type: none"> • God's creativity and the creation of the world • World is not limited to nature • Attention to the child's spiritual and physical education simultaneously
Fundamentals of humanology	<ul style="list-style-type: none"> • Absolute human freedom • Human dignity • Human equality 	<ul style="list-style-type: none"> • True human freedom • Human dignity • Human equality
Fundamentals of Epistemology	<ul style="list-style-type: none"> • Instrumentality of the value of knowledge 	<ul style="list-style-type: none"> • Need for rational education
Fundamentals of Value	<ul style="list-style-type: none"> • Tolerance and easy-goingness 	<ul style="list-style-type: none"> • Family-centered • Human responsibility towards God, self and society • Stages of education based on stages of development

D) Comparison

In this stage, a brief comparison was made to identify the similarities and differences between the philosophical foundations of international documents and child rights documents in Iran.

➤ *Comparison of educational rights*

In examining the philosophical foundations of the three documents of "Convention on the Rights of the Child", "Criterion on the Rights of the Child" and "National Document on the Rights of the Child", the most important similarities identified are: attention to principle of child dignity, principle of justice & equality and shared responsibility of parents towards children & adolescents. In fact, the "Convention on the Rights of the Child document" has numerous advantages such as:

Attention to children's rights in particular, respecting the best interests of child, full and balanced development of the child's personality, and shared responsibility of parents towards the child. However, this document has serious flaws in the issue of children's educational rights, including a one-sided view of children's rights, ignoring their spiritual & otherworldly interests, less attention to children's religious education, less attention to preparing children for a responsible life, and reducing the role & duty of parents in educating & training their children. An evaluation and analysis of the content of the second document, the "Certificate on the Rights of the Child", which was prepared and ratified by Islamic governments indicates that Islamic standards are the main criteria for determining and observing children's rights. This document emphasizes the role of family, its status, duties and the need to empower it to play a role in relation to children, and need to preserve & strengthen it more than the Convention document. Also, the distinctive aspects of the "Certificate of the Child" include special attention to the family, protection of the child's right to life from the embryonic stage, right of the child on the threshold of puberty through separation of illegitimate & legitimate sexual education, and combating harmful cultural & social traditions and practices. Also, from the perspective of Iranian lawmakers who follow the *Shiite Imamiyya* jurisprudence, this document has shortcomings and deficiencies such as the lack of a complete definition of concept of family and lack of a complete reflection of the Islamic perspective on various cases of child rights. The "National Document on the Rights of the Child and Adolescent" was prepared by the government of the Islamic Republic of Iran to fill the gaps in international child rights documents. The advantages of this document include: Emphasis on belief in monotheism and the holy law of Islam, purity of the race, material & spiritual growth and development of man, preservation of the right to life & survival of the fetus and prohibition of abortion, right of identity and enjoyment of the child by a proper name & recognition of the child's lineage and lineage, attention to gender differences between girls and boys, attention to national identity, family-centeredness and sexual chastity of children & adolescents by preventing access to sexual stimuli. Despite the outstanding features of the "National Document on the Rights of Children and Adolescents", there are also questions and criticisms against it. For example, what enforcement guarantees are foreseen for the proper implementation of its provisions? What is the document's approach for refugee or undocumented children? There are also vague and general sentences that need clarification in this document. For example, the meaning of words and terms such as "child responsibility" or "child's responsibility to obey parents" and "moral or spiritual health" are not well defined.

➤ *Comparison of the philosophical foundations of educational rights*

By carefully reflecting on the philosophical foundations of the three documents: the Convention on the Rights of the Child, the Covenant on the Rights of the Child in Islam, and the National Document on the Rights of Children and Adolescents, their differences can be divided into the following foundations:

▪ *God-centeredness versus human-centeredness*

All child education issues in the "Convention on the Rights of the Child in Islam" and the "National Charter on the Rights of the Child & Adolescents" has a divine color and introduced Islamic standards as the main and necessary governing criteria. Although the legislators of these two documents have not fully reflected these standards and in some cases have limited themselves to mentioning general phrases. The basis of the Convention document is based on secularism and liberalism, so religion has no place in its educational issues. In fact, non-monotheistic systems consider the education of human social interests in establishing legal rules. Therefore, what is usually meant by the word "interests of the child" in international documents is her/his material and worldly interests and does not include spiritual goals. Also, Article 27, paragraph 1 of the "Convention on the Rights of the Child" states that the goals of education and upbringing of children are the full development of the personality, talents and mental & physical abilities of children and does not mention the cultivation and promotion of moral values & religious beliefs. On the contrary, Article 8 of the "National Document on the Rights of the Child and Adolescents" refers to important issues of the educational goals of the child, some of which the drafters of the "Convention on the Rights of the Child" do not believe in. For example:

- Separating human existence into two dimensions, material and spiritual
- Disregarding freedom of choice of religion
- Teaching religious rules to children
- Preventing children from accessing information & products that are harmful to their moral or spiritual health

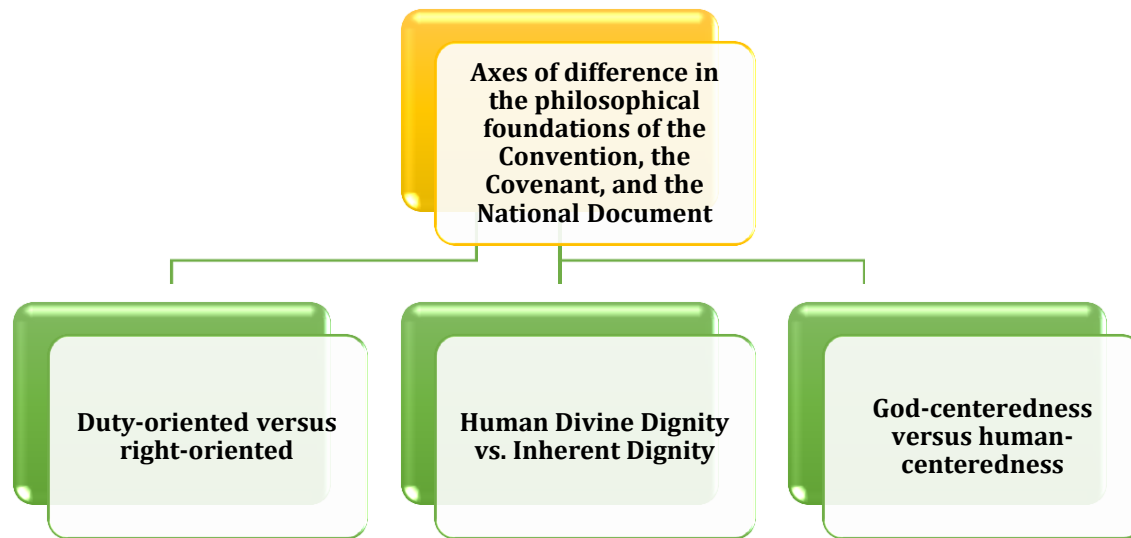
• *Divine dignity versus human dignity*

It seems that in the thought of ratifiers of the "Convention on the Rights of the Child", "human dignity" is limited to the inherent dignity that stems from one's nature, inclinations, and

emotions—not from the will of God. In other words, humanistic thought sees the source of human dignity as human nature, not God. In this view, law, rights, and all solutions to life arise from the independent human intellect, which is alien to belief in God and revealed religion. On the other hand, by looking at the “Convention on the Rights of the Child”, it can be understood that in the minds of its signatories (for example, in Articles 33, 34, 35, 36 and 39), the child, since she/he is a minor, defenseless and vulnerable, should also be protected from a legal perspective. However, in the Quran, God sees the child as a human being with dignity and does not examine her/his rights only out of compassion and because of the countless injustices that have been inflicted on her/him. Based on this principle, the Holy Quran has considered dignity from the beginning of the formation of the embryo and the embryonic period of the child, while international human rights documents such as the “Convention on the Rights of the Child” are silent on an issue such as abortion.

- *Duty-oriented versus right-oriented*

The divine religion is the plan of human life to achieve a good life. For this reason, the Islamic legal system is duty-oriented and man is responsible for moving towards the goal of creation - that is, achieving the perfection of human dignity and flourishing of her/his talents. In monotheistic thought, man is a creature and a servant of God and, contrary to humanistic thought, the criterion of her/his rights is not human whims and desires, but the will of the Almighty Creator (Aoun, 2023). Accordingly, the document of the “Covenant on the Rights of the Child in Islam” considers all Muslims responsible towards children. Article 17 of the “Convention on the Rights of the Child” requires the child to respect his or her parents and to obey their lawful orders and to treat other family members well. Article 25, paragraph 3 of this document also emphasizes preparing the child to fulfill individual & social responsibilities in order to lead a responsible life in an Islamic society, and paragraph 5 of the same article emphasizes raising the child's awareness of the right and responsibility to protect environment and to make optimal use of all God-given blessings. While Islamic documents on the rights of the child also emphasize her/his duties, according to the definition of the term "child" provided by the "Convention Document", people under the age of 18 are free from serious obligations and responsibilities in the field of family and social life. This definition has faced serious challenges for the implementers of the "Convention Document" in different countries. For example, when a person under the age of 18 has a child due to her/his early marriage and has responsibilities as a father or mother that she/he must fulfill (Ayatollahi, 2021)



4. Conclusion

The initial assumption of the research was that the philosophical foundations of any legal system are embedded in the fabric of the declarations, conventions, and legal documents of that system and portray themselves. The philosophical foundations of educational rights of the child in the United Nations Convention on the Rights of the Child have a humanistic flavor. According to the principles of this philosophical school, man and her/his material and worldly needs are the most important and main issue. On the contrary, the philosophical foundations of the "Covenant on the Rights of the Child in Islam" and "National Document on the Rights of the Child and Adolescents" documents have been prepared and formulated based on the philosophical foundations of Islam. Accordingly, the child is a servant of God and has two physical & spiritual dimensions. Also, parents have the duty to teach their religious beliefs to the child and educate her/him based on the laws of *Islamic Sharia* - as a responsible citizen towards God, family and society. In this view, educating a complete human being and achieving a good life is the ultimate goal of educating a child. In line with this finding, Yousefi (2016) has concluded that the Islamic view of child rights is far beyond the Western view which often focuses on the material and worldly needs of the child and ignores her/his metaphysical & spiritual needs. In addition, Habibi (2010) has divided laws into a general division into divine and human and believes that religious laws are more comprehensive. The findings of this research are also consistent with the views of Nouri (2009) and Mousavi et al. (2017), who have pointed out the right of precedence and freedom of action of parents in choosing the type of upbringing of their children. Similar to the findings of the present study, Marvian Hosseini & Ebadi

(2011) have also emphasized that the content of "Convention on the Rights of the Child" document shows that its authors devoted few paragraphs to child upbringing and emphasized more on the various legal freedoms of the child. Another finding of the present study reveals that in two documents related to Islamic countries and Iran, the responsibility of child is considered based on the level of her/his intellectual development, while the "Convention on the Rights of the Child" document considers childhood before the age of 18 and emphasizes only the rights of the child - regardless of her/his duties and responsibilities. This finding is in line with the findings of Fazaeli (2016). Of course, like Dabiri Isfahani (2010) and Sarkhosh & Navian (2021), the present researchers also admit that there are still significant gaps in the upstream documents of Islamic countries - including Iran - regarding children's rights. Briefly, it can be said that despite the structural and content similarities of these three documents, there are profound differences in their philosophical foundations, which naturally presents a different educational path for educators and those responsible for raising children. According to the findings, it is suggested that the compilers of upstream documents in Islamic countries such as Iran, while paying attention to the philosophical foundations of Islam, should also pay special attention to the philosophical foundations of the contemporary world and its affiliated international institutions. Iranian compilers - who follow the *Shiite Imami* jurisprudence - can also make appropriate changes in upstream documents on children's rights, considering the "*principle of ijtihad*".

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