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The Position of Justice and Prohibition of Educational Discrimination in Iranian Law

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ABSTRACT

Objective: The topic of universal and complimentary education within the educational framework of Iran is among the paramount objectives of the constitution. In accordance with Article 30 of the Constitution, it is stipulated that "the government is under obligation to furnish free educational provisions for the entirety of the nation until the completion of secondary education, as well as to expand the provisions for higher education without cost, up to the extent of the country's self-sufficiency." Usually, it is incumbent upon governments to establish an equitable educational system within the nation. The rationale behind entrusting education to the government is that while education is costly, it is not a profitable venture and should not be a means of generating income. Therefore, governments are compelled to assume responsibility for the educational framework.

Methods: The objective of this article, utilizing an analytical and descriptive approach, is to investigate the legal status of justice and the prohibition of discrimination in education.

Results: The outcome of this research reveals that despite the inclusion of the prohibition of discrimination within the universality of education in the constitution, the right to universal education has not been upheld within the education system and higher education institutions, and the law enforcement authorities have not given it due attention.

Conclusions: The findings of this study can offer valuable insights to education administrators in order to reform educational policies.

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Introduction

In any society where the progress of human civilization is reduced and class conflict is visible, it is caused by the lack of educational justice. Therefore, if the military cannot generalize it, the class and class gap will definitely increase and the social dissatisfaction of the people will follow. Therefore, the more educational justice is generalized and efforts are made to spread it in the society, it will definitely lead to social stability and the growth and development of the society. In this article, which is a descriptive-analytical library method with the aim of examining the place of educational justice and prohibition of discrimination in education in Iran's laws and laws, the necessary items for the realization of educational justice, the obstacles to the realization of educational justice and the solutions for its realization are examined. and educational discriminations that are related to educational justice and the principles of educational equality will be counted and analyzed.

The position of educational justice in Iranian law

In terms of the dignity of justice, it is enough that the stability of the government is based on the implementation of justice. The government should also be fair in its behavior with the people. If people do not see laws and regulations in line with justice and fairness, they will not implement them willingly and will use any means to escape from this injustice (Jahanjoonia & Pour Manochehri, 2019). Therefore, in order to create public peace and maintain public order, the government must adapt its laws and regulations as much as possible to the justice that is respected by the people. During the constitutional era, one of the achievements of the constitutional revolution in the field of education was the establishment of new schools by the newly established parties (Bostani, 2021). Among the emphasis of these parties, which is also stated in their statement, was the establishment of social and educational justice and the creation of schools in equal proportion without discrimination and exceptions throughout the country. In the general policies of the fourth development program (9/11/2013) in the twelfth paragraph under the title "social, political, defense and security affairs" it is stated that one of these policies is to try to realize social justice, create equal opportunities and raise the level There were indicators such as education. Its implementation is the responsibility of the executive branch.

One of the main goals of education in the Islamic Republic of Iran is to develop and strengthen the spirit of justice and tolerance, anti-authoritarianism and fight against unfair discrimination, support

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the oppressed and the oppressed, which is specified in the law on the goals of education (Ardalan et al., 2020). In the law of the fifth development plan, attention is paid to educational justice, and in the quantitative and qualitative improvement of universities and institutions of higher education, educational justice is based and stipulates that the government is allowed to perform these actions in order to achieve the second place in science and technology in the region. It has also been stipulated that "the Ministry of Education is responsible for ensuring access to fair educational opportunities in accordance with gender and the needs of regions, especially in less developed regions, and removing educational deprivation, in relation to distance and media education and providing The costs of food, travel, health and other matters related to day and night schools should be taken".

Expanding educational justice in all regions of the country and strengthening and promoting education in the border regions of the country with emphasis on empowering teachers and students in these regions are among the programs that appear as major solutions in the fundamental transformation of education. The document on the fundamental transformation of education in providing and realizing educational justice to the empowerment of nomadic and rural students and urban marginals and students living and studying in deprived and border areas of the country with an emphasis on improving the quality and education, the level of these schools and creating opportunities Varied education is emphasized (Kamālpour Khoob et al., 2020).

The law on establishing educational justice in the admission of students in graduate and specialized education courses also stipulates that "ten percent (10%) of the quota in excess of the capacity in the fields of medical assistant courses required by the Ministry of Health, Medicine and Medical Education to underprivileged areas. It is allocated to local volunteers and those who are accepted are obliged to serve three times the duration of their education only in deprived areas, and people who have a history of service in these areas will be deducted up to five years from their service obligation. which has allocated a quota for the deprived areas of the country, which observes the second view of educational justice.

The Constitution of the Islamic Republic of Iran also mentions justice in general in paragraph "C" of the second article, which is the basis of the system of the Islamic Republic of Iran, with the phrase "negation of any tyranny and domination". and the implementation of justice and justice" which also includes educational justice in the field of education (Khani Valizadeh & Lotfi, 2018).

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Also, justice has been expressed with the words "creating fair facilities for all" in the ninth paragraph of the third article of the aforementioned law and...creating fair judicial security..." in the fourteenth. The third paragraph of the mentioned phrases are the guiding and determining principles of the general policies of the Islamic Republic of Iran. Of course, human nature is such that it wants justice and measures the value of everything by the standard of justice, and the law is the ruler of his life and tends to justice. If the government facilitates this movement towards justice, the influence and validity of the law has helped. Otherwise, legal thoughts with rational arrangements and appropriate interpretations will maintain the tendency towards justice (Katouzian, 2008).

Conformity or contradiction of non-profit schools with educational justice

The second principle of the Constitution of the Islamic Republic of Iran has declared that "the Islamic Republic is a system based on faith in...: (paragraph 4: God's justice in creation and legislation)". Also, the constitution, in paragraph "c" number six of the second article, has rejected any kind of domination and domination and has placed the achievement of justice and justice as the way of the dignity and high value of man and his freedom. According to these paragraphs, I come to the conclusion that the goal of legislation in the system of the Islamic Republic of Iran is to achieve justice in all fields. The universe is based on justice, which governs, so even in the interpretation of the rules and the method of its implementation, this principle should be taken into consideration and obeyed as a guiding principle, and efforts should be made to ensure that the direction of legislative thinking is always It should be towards the establishment of justice (Katouzian, 2008).

The Universal Declaration of Human Rights adopted in 1948 has also given special importance to the issue of education and emphasizes that higher education should be open to all students under conditions of full equality (Waltz, 2002). The remarkable statement follows the principle of complete equality: "... so that everyone can benefit from it according to their talent". It means that the education for students is the same in terms of having experienced and literate professors, educational facilities and equipment, and easy access to all kinds of educational books, facilitating going back and forth to the place of study, etc., so that every student in such a situation can easily He should achieve success based on his talent and efforts, not to achieve success in scientific and professional fields based on non-compliance with educational equality and allocation of more

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facilities for some students. Rules and regulations are respected as laws that, in addition to providing comfort and public order, also maintain justice, and in case of conflict with its main basis, which is justice, it only has the form of law. Against such a law, although people are apparently bound to obey it, they are not bound in conscience to obey it. Those who believe that justice is the basis of rights, believe in the existence of higher and more natural rules than the government's will, and governments are obliged to fulfill those rules.

Privatization of schools with the establishment of non-profit schools is completely contrary to the goals of education, whose highest goals are to improve the quality of education, educational equality, and the flourishing of the talents of the country's children, committed and expert education. and loyal forces because the main nature of privatization is market-oriented and competition for profit and income, and it is a big obstacle on the way to achieving these goals, and the quality, equality, educational justice, promotion and promotion of education will be sacrificed. It was profit and income. On the other hand, by providing educational conditions that only the wealthy classes of the society can achieve, and by studying and obtaining a degree and a high-paying job position, they can progress in the path of progress. will be Because these classes will always be deprived and ruled and the rich class will always be the ruler. Therefore, instead of responding to the needs of the society to acquire knowledge, the privatization of schools has caused educational inequality and injustice, because it has deprived the low-income classes of access to such schools due to the inability to provide large tuition fees. caused a violation of educational justice (Ghoraishi khorasgani et al., 2016).

Therefore, if public and non-government schools do not have the same education and training programs such as having outstanding and literate teachers, preparing textbooks, work and practice books, suitable environment and suitable educational conditions, the students and graduates of public schools in the exams Academic and employment will fail in competition with students and graduates of private schools and discrimination will be created (Yarigholi, 2014).

Therefore, the establishment of non-profit schools in case of promoting discrimination and violating the principle of equality, will be a violation of the spirit of the constitution and the ideal of the Islamic revolution in eliminating discrimination, domination, class differences and the 30th principle of the constitution. Constitution. Obviously, such conditions are completely against educational justice. But if in public schools, special and reinforcement classes and exams and

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answering students' questions and tests are held, so that the students of such schools also study at the level of private schools and have an equal chance to pass the exam and their children Low-income and poor people can get equal preparation with students of non-profit schools. In this case, the establishment and existence of non-profit schools is not only against the constitution, but its existence is for the benefit of the country and its establishment is in line with educational justice.

Obstacles to the realization of educational justice in public schools

The lack of economic resources of some countries has been correctly interpreted as an obstacle to the implementation of development programs and the realization of human rights, and they have said: "No educated society is poor and no illiterate society is rich, perhaps poverty and illiteracy are the highest causal relationship". The proof of that is the famous saying that says: "Hungry has no religion and faith" and education is the basis of faith and the level of people's well-being. Today, in all countries, a large part of material resources in the form of government budgets and personal expenses and spiritual resources, like the best period of human life, are spent on education and educational system (Falsafi, 2016).

Therefore, in order to improve the educational system and the real benefit of human beings from the sciences that are given up to the secondary level, so that it can have an effective and positive role in the life of this person and good. And the educated citizen is delivered to the society, this is necessary, it is important that a significant part of the country's budget and economy is allocated to the important issue of education in public schools, it is not suitable for a country that has a lot of oil and gas. The financial resources to talk about their financial inabilities and to compensate their financial resources have fueled the privatization of schools and caused educational inequality and injustice due to the lowering of the level of public schools and the decrease in the morale of teachers. "Schools should be compared with private school teachers" (Ghoraishi khorasgani et al., 2016).

On the other hand, poverty and lack of family to cover education expenses are other points that can be raised here. If illiterate people do not have enough economic motivation to acquire education and science, or on the contrary, economic poverty and the need to provide livelihood suppresses their least interest, the result of any educational development program is determined in advance. One of the first effects of poverty and lack of education, education and literacy is that a child who is born in a low-income family and is caught by the necessity of making a living, is

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more active as a labor force than a student. Therefore, education as an unnecessary matter and a luxury item in the shadow of providing a living, is practically excluded from continuing education. According to the presented statistics, the cost of deprived families is 1 to 32 compared to high-income families. The aforementioned statistics convey the concept that if a family spends 32 Tomans on their children's education in the first decile, only one Toman is allocated to this task in the tenth decile. That is, the educational budget of a child belonging to a high-income family is 32 times more than that of a child from a deprived family. It is these views and obstacles that have caused our country to rank 75th in the world according to the statistics of the United Nations in terms of the human development index. That is, somewhere lower than the 74 countries of the world, a significant number of which are developing countries like us. This position has reached us because education is still considered unnecessary in the culture of some Iranian families, a thought that has caused the statistics of this education researcher to show that now, with only one year left until the end of the legal deadline for the eradication of Literacy (in the population less than 50 years old) 36.9% of illiterate people should be in the age group of 25 years and above.

The separation of public schools into different types of schools that cannot be seen anywhere in the world is completely against educational justice. First of all, this article is a kind of insinuation that those who study in normal public schools are inferior to students of other public schools in terms of intelligence, talent and ability, and this article has destroyed them by itself. Self-confidence is considered a form of their destruction in society. This separation dries up their spirit and the blossoming of their talents before they blossom within them. The different quality and quantity of teachers in the country's schools due to their inappropriate distribution and as a result unjustified plans to separate schools is another obstacle that has caused educational injustice. Allocation of inappropriate educational space for schools in disadvantaged areas and often in public schools is one of the other cases that have negative effects on students' learning, which itself is caused by the lack of educational justice in providing facilities.

Educational quotas are a form of discrimination and contrary to educational justice and violate the principle of meritocracy

Applying quotas for candidates in various university entrance exams and employment entrance exams is aimed at supporting and appreciating the efforts of such people who have made efforts and sacrifices for the defense of the country. In this regard, one of the laws that considered

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privileges not for the sacrifice, but for their children in educational matters. The Comprehensive Law on Providing Services to Veterans approved on December 2 (2012) is the Council of Expediency, which stipulates: "The ministries of science, research and technology and health, treatment and medical education and all public and non-governmental universities and institutions The executive subject to Article (2) of this law is responsible for granting entrance quotas to universities and higher education institutions, scholarships inside and outside the country, study opportunities and specialized doctorate courses, twenty percent (20%) of the quota to the spouse and Children of witnesses, veterans, freedmen, spouses and children of freedmen, spouses and children of veterans should allocate more than twenty-five percent (25%).

Despite the explicit avoidance of "positive discrimination", Iran's legal system takes a positive view of the theory of fair discrimination and considering different quotas and privileges in entrance, employment, economic, etc. tests for martyrs and veterans, the disabled, etc. It can be considered a form of positive discrimination.

However, the issue of considering quotas, privileges and exemptions for the children of martyrs, veterans, freedmen and fighters has always been the cause of public criticism and open and hidden protests. Because the existential philosophy of universities and entrance exams is to select worthy students based on the criteria of each person's talent and educational status, and introducing family privileges is in conflict with the nature of the university and is detrimental to the country and quota candidates. And other people have participated in scientific competitions. This issue is to the detriment of the society because the progress of a country in all fields, especially in the industry, has a deep connection with the universities of that country, but it depends on it. When people who do not have scientific expertise and qualification but are accepted and graduate through quota, they will not have the necessary ability to move the country towards growth and progress, which is to the detriment of the society. Quota people, due to the lack of necessary scientific qualifications, when they continue to study alongside students who have high literacy, they do not see the necessary self-confidence and ability in the scientific field, which is also to their detriment. But it is to the detriment of others because their positions have been taken and educational justice has not been respected. Therefore, by creating a series of quotas and conditions, specialized competition in universities should not be questioned. Justice requires that people who have sacrificed for the defense of the country should always be supported and appreciated, so

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considering any privilege for them is not a point of criticism, but considering privilege for your children and relatives is discrimination and injustice. . In such a situation, the government and the legislature should, as much as possible, put the principle on meritocracy, and it is fair that if these privileges are for themselves, the martyrs should be supported in the field of education. and to facilitate the veterans and martyrs from the economic point of view at least to the average level of the society and their lives should not have any problems from the economic point of view. This financial support is the duty of the government and its cost must be paid from the treasury. But it should not be the case that a veteran or a self-sacrificing and free person who can work has a problem with employment or faces problems in solving health and treatment issues. In relation to the educational issue, the support that was provided in the early years of the Holy Defense with methods such as holding educational assistance courses so that the candidates can obtain a sufficient academic level to continue studying in higher fields or to obtain grades in classrooms. do . Extending the quota to the children of the martyrs, which causes discrimination and inequality and humiliation of the volunteer in the educational environment, and it is more desirable to promote him in higher educational levels. Therefore, doing such measures will be more useful for the children of the martyrs so that there is no discrimination in the rights of others and educational justice. And equal access to higher education should not be questioned.

The effects of the existence of educational justice

Educational justice can develop the talent of children from low-income families, create the potential for them to rise and progress in higher social classes and hold government positions. When such people who were from low and middle class families of the society and studied with educational justice implementation programs and policies in the society and graduated with high literacy, when each of these students get government jobs, they will want representation. be them Serving in the parliament, the judiciary, the executive branch or any of the government agencies, their policies, programs and actions will lead to the growth and development of the country and benefit the state of the nation and the government. Because they are from the low-income classes of the society and have reached this position, they will think about the comfort and economic and social security of the people in performing their duties and policies and will also try to implement educational justice. Subsequently, the effects of this will be the nation's trust in the government and people's support for the government. Because citizens will feel that justice is established in

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society and there is no discrimination, which increases trust in the government and increases political and social participation. Justice education gives peace of mind and safety of students from non-discrimination and non-existence of equal conditions for healthy competition and creates passion for learning in them. Quality education that is provided in line with educational justice increases their motivation to strive for progress in science, innovation and invention.

When in line with the implementation of educational justice, schools in villages and border areas are upgraded and they receive quality education, the quality of the workforce will also increase because these children of today's society will be the workforce of tomorrow. Therefore, no matter how much quality education they have, the result of their work will be effective in increasing the economic productivity of the country. Through the implementation of educational justice by removing the educational obstacles of children in deprived areas and improving the quality of public schools in villages and border areas and helping them to higher education, students of these schools will study in similar conditions. As students from rich families. And the ability to obtain higher education, increase education and improve the quality of schools also contribute to the equitable distribution of income. Because an increase in education increases a person's productivity and this helps them to enjoy higher privileges and salaries and income, and this can reduce the income distribution gap among other factors.

"The existence of educational justice has led to the flourishing of creative ideas and provides the possibility of developing abilities for all people of the nation equally. Therefore, all people should have the possibility of social mobility through education, regardless of whether they belong to low or high social and economic classes (Saffarheidari & Hossainnjad, 2014).

"If there is educational injustice in a society, that society must wait for other injustices because educational poverty completes the vicious cycle of other poverty in the society". One of the most important effects of educational justice is that if it is implemented, we will see the reduction of class differences and lack of class dominance in the society. Because the level of education plays an important role in having a prosperous life and high salary, and access to a job and high income also depends on the level of education and literacy of people. Therefore, in order to eliminate class differences and dominance and to help improve the situation of the lower and middle classes of society, the access of students from the lower and deprived classes of society to educational facilities should be equal to students of other social classes.

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Effects of non-compulsory education with emphasis on educational justice

The effects of non-compulsory education are that if education is not compulsory at least in primary and middle school, and children do not go to school due to the lack of necessary guarantees and non-implementation of compulsory education, they will be at risk. to all kinds of forced labor and exploitation. they take. Since literacy and education have a long-standing relationship with poverty, war and violence, health and malnutrition, social and work disability, gender discrimination and organized crimes such as human trafficking, in UNICEF research, the relationship between children's birth registration (leading to education in primary schools) and not registering their births and being abused in crimes such as human trafficking, forced recruitment in rebellions, forced marriage of children or sexual slavery, etc. have been discussed, and the victims of trafficking are often from the poor sections of the society. From the point of view of education, the poor do not make much progress in their education due to financial problems, and they cannot go beyond the secondary level in acquiring scientific issues. As a result, they suffer from cultural poverty. Education, awareness and education lead to social mobility, acquisition of mental and scientific skills and abilities, income and status for women and youth, and according to Sen and Sen (1997) has a more effective role in empowering them. Lack of education causes mental and social retardation and as a result the vulnerability of people. Therefore, it is clear that if the right to education is fully or almost fully realized, and making education mandatory is one of the rights of human beings to be educated, the causes of the aforementioned anomalies will be minimized.

Illiteracy, low literacy and forced dropout are three harms and challenges that do not always occur under the influence of culture because the economy is also involved in the occurrence of these three harms. Economic pressure and poverty have one of the first effects on literacy, so that poor families look at their children through the eyes of the workforce to compensate for their financial poverty and interpret his education as a luxury. These economic pressures make students gradually stop studying and work alongside their parents or independently to compensate for the lack of family expenses. Dropping out of school and working at school ages will affect their future generations and poverty will always be with them.

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Prohibition of discrimination in education in Iran and international documents

A. Prohibition of discrimination in education in Iran

The prohibition of discrimination in education requires that the poor and the rich are educated at the same level and under equal conditions and have the same educational facilities. The criterion for the progress and prosperity of students in obtaining high academic degrees and occupying positions and job positions in society should be their talent and effort in such a way that there is no discrimination and injustice and people are satisfied with their government inside and outside (Moinipour, 2021). Instead of dividing the students, who are all exiles from the same country and have no superiority over each other, into several groups and educate each group with a different level and facilities from the other group. In such a situation, most students are practically deprived of progress and progress, and the path of success for other students becomes smoother and wider. As for the segregation of schools, even if there were no rules and regulations, no common sense would accept this method of education. The law on the goals of education stipulates: "The provision of public education for all students of the country should be such that they can benefit from appropriate education for the flourishing of creativity, according to their talent and gender". He continued: Separating students based on the level of IQ and their presence in different schools with different professors is a destructive policy that by indirectly removing students from the social environment, aggravates this unfavorable situation because the educational system should be an institution that prevents inequalities. slow and classifications, otherwise there is always the concern that the society will undergo a social revolution (Eslami Harandi et al., 2019).

In the law of accession of the government of Iran to the international convention against discrimination in the field of education, it is allowed to create or maintain separate educational systems and institutions for male and female students in the case of each of these educational institutions. It has similar educational facilities. It provides access to education and each of these institutions should benefit from and use similar educational programs and similarly qualified teachers, buildings and educational equipment.

The unification of schools and their combination brings the following benefits and effects:

Firstly, cultured and educated parents provide resources to the schools where their children study. They raise funds through parent associations and private donations. Therefore, if children from

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low-income families mix with children from rich families in schools, they will also benefit from these additional resources.

Second: the education of underprivileged children faces problems, or to be more precise, their education requires teachers to bring them up to the level of non-underprivileged children in order to achieve success. Therefore, if they are combined in schools, this problem will be solved to some extent.

The third effect of the composition of students is that there will be educational resources and facilities for every child (both disadvantaged and non-disadvantaged) and students of the same age will influence each other's learning habits and tendencies. They learn from each other. So when students come together, there will be educational resources and facilities for each of them.

Prohibition of discrimination in education in international documents

In many western countries, which even have a favorable and better level of public education, the creation of special schools such as the gifted and the like and the separation of schools between students are not approved by the policy makers and they consider this to be so. Contrary to educational justice, the policy makers' reason is that, firstly, there is no solid criterion to separate intelligent people from ordinary people, and criteria such as IQ etc. are seriously criticized. With the assumption that there is a specific criterion for separating students, again by distributing gifted students in public schools, it improves the educational level and key literacy of students. They will be attractive and motivating for everyone. The UNESCO Convention against Discrimination in Education also states that governments must ensure that educational standards in key public educational institutions are at the same level and equivalent, and that conditions related to the quality of education are provided equally.

The International Covenant on Economic, Social and Cultural Rights stipulates that higher education should be made available to the public with complete equality based on the ability of all. Here too, equality in the provision of educational services is emphasized, and the benefit of each person is only his talent. The UNESCO Educational, Scientific and Cultural Organization (1945) is a government organization and its charter is one of the most important global documents in the specialized fields of education, science and culture, which aims to strengthen educational equality, access to education and improve the state of education (Harper & Dunkerly, 2013). The quality of education and the governments drafting the constitution have declared their

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determination to guarantee "full and equal access to education and..." and established this organization. According to Clause (b) of Article (1) of the Constitution of the Educational, Scientific and Cultural Organization of UNESCO (1945) "cooperation between nations to gradually achieve the ideal goal, which is the possibility of equal use of universal education, regardless of race and gender. And "economic or social conditions" is part of the goals of the UNESCO organization and has been approved by the members of the organization, and this organization has the duty to condemn any discrimination it observes in educational matters and try to guarantee opportunities and facilities. One of the tasks of the Kurds and the goals of education should be to fight against the class gap, not to make education itself into a class and cause a gap. In the fundamental transformation document, the principle is on non-segregation of schools, and one of the main solutions in the document The transformation of education has been identified for this ministry, it is the development and institutionalization of educational and educational justice in different regions of the country. Justice that can be achieved by creating all kinds of public schools. It has practically disappeared.

After the 19th century, when concerns about education were included in the constitutions of countries, the 20th century, which is known as the century of education and children, began, and the fate of mankind changed with public education. During the past thousands of years, when only a part of the limited classes of human society benefited from science and knowledge and the rest of the people were left in ignorance, all kinds of diseases and wars resulted from it, from the 19th century onwards. The government was responsible instead of the church and religious institutions. The main task of education was to create and adjust the balance between primary, secondary and higher education. "This caused the illiteracy rate in some countries to be zero percent and in some developed countries to less than 1 percent and in less developed countries to less than 20 percent and in backward countries to 55 percent and in total until the end of the 20th century The world should decrease by about 16 percent and primary, secondary and higher education, which served discrimination and class difference and to maintain it, became nationwide, public and universal".

In the third development program of the period (2000-2005), the removal of discrimination in the development and strengthening of human resources and the removal of discrimination in the creation of educational space between urban and rural areas have been considered in its third paragraph. The principle of prohibition of discrimination or the right to prohibit discrimination or

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equality in the full enjoyment of human rights is one of the basic principles accepted in international law. In the international arena, the only binding international document in the field of "Prohibition of Discrimination in Education" is the Convention on the Prohibition of Discrimination in Education, which has a history of approval before international human rights covenants, based on Article 14, from It came into force in 1984. This Convention obliges the member states to eliminate any discriminatory differences and to provide equal educational opportunities, equal facilities and equal quality education in all public educational institutions at the same level. The duty and obligation of member states of all human rights treaties and covenants to fight against all forms of discrimination in all societies is necessary and definite. Also, in the law on the goals of education, it is emphasized on the growth, promotion and strengthening of the spirit of fairness and justice, anti-authoritarianism, fighting against unfair discrimination and supporting the oppressed and low-income people.

Although the term illegal discrimination includes the key to discrimination in all fields, but considering that it is stated in the law on the goals of education, it can be applied to educational discrimination and it is said that any educational discrimination between students of the same conditions is condemned and prohibited according to this law. The Universal Declaration of Human Rights also states: "Everyone is entitled without discrimination of any kind, in particular as to race, color, sex, language, religion, political or other opinion, as well as nationality, social position, wealth, birth." or any other status, enjoy all the key rights and freedoms set forth in this Declaration. Furthermore, there shall be no discrimination based on the political, administrative, judicial or international status of the country to which a person belongs, whether this country It is independent, under trusteeship or non-autonomous, or its sovereignty is limited. To be in a way.

In the Covenant of Economic, Social and Cultural Rights, the countries that are parties to this covenant undertake to uphold the rights contained in this covenant without any discrimination in terms of race, color, gender, language, religion, political opinion or any other opinion. National or social descent, wealth, ancestry or any other position.

In the third common article of economic, social, cultural, civil and political rights covenants, the countries party to this covenant are committed to observe the equal rights of women and men in the use of economic, social and cultural rights (in the covenant). Civil and political rights: civil and political rights) provided in this covenant. In the third development plan, eliminating

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discrimination in the development and strengthening of human resources and creating an educational environment between urban and rural areas, strengthening boarding schools and providing a part of students' expenses, reducing the quorum for forming educational classes in deprived areas is mentioned. Emphasized. It is assumed that there is no discrimination between urban and rural areas.

Private institutions, the cause of educational discrimination or promotion of scientific levels

One of the necessities that justifies the government's entry into education is the existence of economic and social differences and inequalities in families, which is the result of discrimination in the use of educational facilities.

The purpose of the Scientific and Cultural Educational Organization of the United Nations, based on its constitution, is to establish cooperation between nations in order to strengthen and promote universal respect for human rights and equality of educational facilities and opportunities. Recognizing and affirming that the United Nations Educational Scientific and Cultural Organization, while respecting the diversity of national educational systems, has the duty not only to prohibit any discrimination in education, but also to ensure equality of opportunities and treatment for all in the field of education.

The UNESCO Convention against Discrimination in Education approved by the UNESCO General Conference has been approved in this regard and in this regard, which considers discrimination in cases of equality violations in the field of education, one of which is the deprivation of any rights. A person or a group of people have access to any type and level of education. Since the convention in explaining discrimination, one of the things that should not cause discrimination and inequality in education is economic conditions, but when a large number of students who are not financially able due to the situation and economic conditions of their families They can study in private schools and universities and eventually they are denied access to this level of education. It can be said that the mentioned discrimination occurred in the convention. Also, in the aforementioned convention, creating and maintaining separate educational systems or institutions for individuals and groups is considered discrimination.

In the law of the accession of the government of Iran to the international convention against discrimination in the field of education, this issue is also taken into account and the establishment

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of private institutions is permissible if it does not lead to the rejection of groups and groups of them. The aim is to increase the educational facilities that the government authorities have created. The existence of current non-profit schools and open universities in the sense that only a group of people with financial resources can benefit from such institutions and the exclusion of many sections of society due to low income and wealth from registration and entry. These institutions are a clear example of violation of this law, which causes discrimination between students. In the private sector of education, even if the cost is low, the access of children from low-income families to such schools seems unlikely and may even strengthen and increase discrimination and inequality in educational opportunities. For parents from higher socio-economic backgrounds, the benefits of private schooling are greater, as the benefits of a quality education help maintain or even increase social status. Students from lower socio-economic backgrounds have lower prospects for success than students who attended private schools.

In fact, when the government undertakes education and places the children of the low-income and disadvantaged sections of the society in public schools and educates them by providing educational facilities, it must create equal educational opportunities for them with rich children. Families should not be deprived of the right to education for economic reasons or fall behind the children of rich families and fail in academic competitions. Because otherwise, it will have no meaning other than accepting the fact that they do not have the right to education and have no place to progress and hold office in the country, and their education takes on a formal and meaningless aspect.

The establishment of private schools and institutions, including non-profit schools, Islamic Azad University, Payam Noor, etc., causes the birth and growth of discrimination in education, because when due to financial reasons, only the children of rich families can attend such schools. The quality and facilities of excellent education is an opportunity that only the children of this section of the society can benefit from, and education is a right that comes from class privileges, which is discrimination in having educational facilities. In having the same educational facilities and private schools and establishing the principle of student equality and even in having the key to human rights, "equality is possible when economic and material facilities are provided for everyone in the same proportion" (Ghazi Shariat Panahi, 2011), that is, if all sections of the society could benefit from private institutions and it would not lead to group deprivation, the principle of equality would

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be respected and there would be no obstacle to the implementation of educational justice. Therefore, the creation and maintenance of private educational institutions alongside government educational institutions on the condition of equality in facilities, equipment and education and the implementation of educational justice, is not only considered discrimination, but also a factor for the promotion of scientific capabilities at the country level (Falsafi, 2016).

Effects of discrimination in education

Discrimination in education is the root of all legal discrimination between people. The role-play and manifestation of educational discrimination is in the entrance exam and recruitment stages, which divides students into two groups, those who have and those who do not, such that some students who have financial support and have facilities. , they can go to expensive entrance exam classes, use the experiences and advice of various consultants and benefit from all kinds of books and test classes and enter the entrance exam session with their hands full. If the children of low-income groups do not have access to such facilities, they study without experience and without using test facilities, counseling and only with information from high school classes in the small environment of the home and with other family members. As a result, most of the test takers are assigned to the rich and privileged classes. On the other hand, even if the students from Marqa families are unlucky, they are lucky to be admitted to first-class and prestigious government universities. Iqbal has been with them and the doors of financial centers such as Islamic Azad Universities, Payam Noor, seemingly non-profit universities, Adults educational centers and self-governing campuses have been open to them, which welcome them with open arms, regardless of whether they are untalented or with Talent in any level and field they want to study. In countries where education has been widely privatized, the upper social strata tend towards private schools. While the lower classes of the society will remain in public schools and this issue increases the risk of educational discrimination along with class and racial discrimination in the educational system. In some cases, this inequality has increased not only among urban population, but also between urban and rural population.

Therefore, the deprived children of the society are prevented from continuing their education at higher levels only because of their inability to pay such heavy tuition fees. This inequality of educational facilities is tangible and tangible as one of the serious and unbearable issues. The result of all these educational discriminations does not end here and extends to recruitment and

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employment in government positions and job positions are also discriminatory. Because the jobs and positions are given to the children of the wealthy classes and the children of the deprived classes are denied from reaching important jobs due to their lack of financial ability and higher education. This discrimination and class differences will gradually take root throughout the country and will leave destructive effects. Because attaining high jobs and positions in the country is effective in attracting wealth and facilities, and the accumulation of power and wealth will increase the gap between social classes day by day. According to the statistical research conducted in the capitalist world, the children of the middle and upper classes of the society have the privilege of access to the best schools and universities, and then they progress with management positions in government institutions and society. This situation is true in developing countries regardless of their ideology.

Discussion

The subject of free and universal education in Iran's educational system is one of the supreme goals of the constitution. According to Article 30 of the Constitution of the Islamic Republic of Iran, "the government is obliged to provide free educational facilities for all the nation until the end of secondary education and to expand higher education for free up to the limit of self-sufficiency. In the third development plan of the country (2000-2005), the removal of discrimination in the development and strengthening of human resources and the removal of discrimination in the creation of educational space between urban and rural areas have been considered in its third paragraph. Discrimination in education is the root of all legal discrimination between people. The point is to play a role and the occurrence of educational discrimination in the entrance exam and recruitment stages, which divides students into two groups, the haves and the have-nots. When the government, by taking over education, places the children of the low-income and disadvantaged sections of the society in public schools and educates them by providing educational facilities, it must create equal educational opportunities for them with the children of rich families. Lest they be economically deprived of the right to education or fall behind the children of rich families and fail in scientific competitions, because otherwise it will have no meaning other than accepting the fact that they do not have the right to education and there is no place for progress and tenure in the country. they don't have and their education takes on a formal and meaningless aspect. The

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Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

Ethics statement

The studies involving human participants were reviewed and approved by ethics committee of Islamic Azad University. The patients/participants provided their written informed consent to participate in this study.

Author contributions

M.A, T.B, Y.R and M.Y contributed to the study conception and design, material preparation, data collection and analysis. All authors contributed to the article and approved the submitted version.

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Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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