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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Network of Women's Non- governmental Organizations in the Islamic Republic of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Legal protection of kids and young generation

Different cultures have their own conceptualization of childhood and these different perceptions of childhood influences the legislators enacting children laws. The actual life begins with birth; hence childhood must be counted from the moment of birth. As prescribed in law, the fetus enjoys rights too. According to the civil law, although children enjoy similar civil rights like adults, they cannot achieve their rights; therefore in law, some individuals are assigned to support children including father and paternal grandfather, administrator and guardian who are responsible to take care of children and manage their assets. Moreover, children may commit the acts known as crime in laws; on the other hand, children may be affected by crime; hence Islamic penal code has foreseen rules according to which in the case minors commit a crime, they shall be excluded from penal liability, but minors crime requires more attention to their reparation. Sometimes, children may be assaulted by adults via crimes that hold just for children including kidnapping, emancipation of minors, or abortion. Besides, as a result of social evolution and more attention paid to children, some national and international acts have been enacted concerning the forbiddance of children labor provided that child working interferes with his/her education and or regarded as harmful for in physical, mental, social and or ethical terms for the child for example full-time working with small income; in such case working is forbidden for the child.

According to article 79 of Iranian labor act, having less than 15 years old child to work is illegal and based on article 84 of the same act, those jobs that by nature impose risks on the adolescents' health or ethics are illegal.

The minimum age at which an individual is allowed to work is 18 years old. If an employer employs less than 15 years old children, the employer would be regarded as offender and shall be subject to cash and non-cash punishments.

According to the third act of the constitution, free of charge education for the children in the society up to the end of high school is mandatory. Hence, the right to educate is one of the fundamental rights of citizens emphasized in the constitution and international laws. Moreover, according to above law, education shall be perfect and non-discriminatory, so that educational justice is achieved.

Based on article 1041 of the civil code concerning minor child marriage, marriage of females before completing 13 years old and males before completing 15 years old is subject to the parents' permission and also subject to the competent court discretion. Therefore, marriage of minor children less than 13 years old is illegal.

The right to live, to have first name and surname, the right to have housing, clothing and food according to article 1199 of civil code are of the basic rights of children; according to article 78 of above code, guardian- deprived children, orphans and street children shall enjoy more support and the nationality of children of Iranian women and foreign men shall be determined as soon as possible.

NAMAD plan concerning prevention of violence against children has been implemented by the Ministry of Education.

Exclusion of less than 18 years old criminal minor children from Islamic Lex Talionis and amercement provided that the minor child is unaware of wrongdoing and criminal nature of his/her act and also provided that there is doubt about the perfect mental growth and development of the criminal child is another measure (article 91 of Islamic penal code)

Modification of the age in which penal liability becomes valid based on the provision of mental development, application of various corrective and educational options instead of imprisonment including delivering the child to his/her family and or surrendering the criminal child to the centers designed for reparation and education for 5 years.

Availability of frequent appeal on the court verdict and decisions, consideration of special regulations for differential investigation; application of second-chance penal responses and provision of new legal systems such as suspension of prosecution, interpretation of suspension order issuance, implementation of sentences at different stages of proceedings based on article 22 of Islamic penal code.

According to article 38 of Children Rights Commission, the political groups are not allowed to use less than 15 years old children in wars.

The fact that some of current laws and regulations neglect children is the most important failure in supporting the children rights. Presently, the main proctor of children rights in our country are Children Rights National Authority and the Justice and the Department of Women & Family of the Presidency where modification of children rights laws and regulations are implemented with the help of 500 NGOs.

Moreover, in the this bylaw the responsibilities and duties of such authorities as the Ministry of Interior, Ministry of Education, Welfare Organization, Ministry of Justice and related departments are described. The child abuse issue is seriously dealt with and strict measures have been foreseen by the Judiciary for offenders. Besides, the children & adolescents special police is formed in NAJA with special duties and authorities aimed to deal with the regulatory affairs of children and adolescents.

At present, the communication network interfacing women's non-state organizations is trying to accelerate the enactment of a bylaw known as children & adolescent rights protection. Below, some of the important measures foreseen in this bylaw are presented:

- Enactment of a bylaw aimed to solve the problem of the nationality of children born as a result of the marriage of Iranian women to foreign nationals (the issue of their education have been solved with the Ministry of Education as well as their residency issues and the draft of the bylaw concerning their identity and social security insurance is under investigation).
- Facilitation of adoption and the role of international obligations in presenting and enacting children & adolescent protection act.
- Discussion about article 301 of Islamic penal code in which it is prescribed that fathers have no penal liability when committing crime against his children.
- Exclusion of father from being punished through Islamic Lex Talionis in case of killing his children (if a father or paternal grandfather kills his child, then he would not be punished through Islamic Lex Talionis because he is the guardian of the child and he shall just be punished by paying blood money while under similar situation, mother shall be punished through Islamic Lex Talionis);
- Father is legally allowed to punish his child.
- The bylaw concerning the prescription of marriage with adopted child (stopped currently);
- The criminal age of less than 9 years old girls and less than 15 years old boys (while having no right to enter into transaction, manipulation of assets or properties, driving, but having the capacity to be punished same as a 40 years old adult in the case he/she commits crimes);
- Victimization age concerning special crimes and inclusion of the term "child abuse" in Iranian penal laws literature;
- Compilation of the draft of the general policies of penal and legal system concerning children and their rights;
- Proposition of nearly 10 articles following revision of canonical punishment law aimed to criminalize the acts of those who have the girls and adolescents exit the country for abusive purposes under the legal disguise such as temporary marriage or adoption.
- Promoting education measures for daughters in deprived regions with the cooperation of the Ministry of Education.
- Considering educational support of the girls being deprived of education at deprived regions;

- Designing some programs and activities aimed to protect children by age, gender, ability status, being at urban or rural areas for the families that have more than one child or those having more than one disabled child;
- Designing special plans and programs and activities for protecting and supporting and keeping less than two years old children whose mother are in prison in full-time kindergartens near the prison location with the help of SAMANs (such centers have been established recently);
- Designing some activities and plans aimed to develop reformatory centers;
- Designing special plans and supportive activities concerning the parents suffering special diseases, addiction or disability;
- Solving the issue of not inheritance of the nationality of mothers because of the non-registration of the identity of children whose their father is foreigner and whose mother is Iranian;
- According to the law, all individuals less than 18 years old who has no guardian or has incapacitated guardian regardless of their religion, quantity, nationality, ethnicity shall enjoy health, educational, treatment, subsistence and guardianship services; moreover, children refugees and immigrated children in need of help shall receive free of charge supportive services from Welfare Organization and street children shall receive helpful free services from Organization of Welfare with the help of SAMANs free of charge based on two approaches: family-centered services and reduction of social and mental harms.
- In various national laws and regulations, the emphasis has been on the good behavior of parents and or legal guardians with children and avoiding any misbehavior, economic exploitation, transaction, sale and prostitution including and sexual abuse and pornography all of which known as crime (article 1173 of civil law, article 2 of child & adolescent protection act, approved in 2002; article 25 of orphans and children with irresponsible caretakers act, approved in 2013).
- Social emergency center of the Organization of Welfare with 350 branches all over the country presets supportive services to violence-suffering children or children having to bear child labor or malevolent behavior who live and work under hard conditions and children suffering communal disasters.
- The special interrogation branches and penal courts implemented in order to deal with child abuse crimes in judicial system; moreover a workgroup has been formed to combat child abuse and a short message system has been established for announcing the cases of child abuse.

In this bylaw, the duties of such authorities as the Ministry of Interior, Ministry of Education, Organization of Welfare and The Justice as well as relate departments have been specified and the issue of child abuse has also been investigated and dealt with seriously; moreover, strict punishment have been considered for offenders by the Judiciary.

We hope that the child and adolescent right protection bylaw enters into the parliament after so many years and gains the final approval in order to be implemented, so that it would act as a turning point in consideration of child rights and prevention and mitigation of child abuse cases at different levels. It must be noted that it is important to take serious steps for promotional programs in order to educate and train families and those dealing with child affairs of these important considerations and requirements. The children deserve to enjoy minimum supports and healthy life both physically and mentally under any conditions.

Current problems and challenges

- Prescription of marriage with adopted child (the note of article 26 of orphans and ill-parented children & adolescents protection act);
- Laws related to the murder or punishment of children by their father or paternal grandfather;

- Marriage or less than 15 years old children concerning which there is no exact registered statistics because in rural areas, children get into temporary marriage and live with their spouse without registering their marriage in notary public offices. Some of the consequences of early marriage include: increased illiteracy and incomplete literacy among women, polygamy, home runaway and uxoricide and mariticide.

Besides, based on the statistics related to 2010, 37,000 children between 10 to 18 years old divorced or got widow and widower. Each year, 800 girls between 10 to 14 years old and 15,000 girls between 15 to 19 years old have divorced in Iran. Poverty and traditional beliefs have been known as the cause of the early marriage. In most cases, the girl's family surrenders their daughter to the man's family against money.
