

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
May 21, 2015 10:17:03 AM GMT+02:00	7330203	248	10	Received
21/05/2015 09:57 7330203		IRAN MISSION GENEVA		PAGE 01/10



*Mission Permanente
de la République Islamique d'Iran
auprès des Nations Unies
et des autres Organisations Internationales à Genève*

In the name of God, the Compassionate, the Merciful

N°2050/6517

The Islamic Republic of Iran to the United Nations Office and other international organization in Geneva its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Questionnaire on assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation dated 31 March 2015, has the honor to submit herewith the response of the Islamic Republic of Iran.

The permanent Mission of the Islamic Republic of Iran to the United Nations Office and other international organization in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights, the assurances of its highest consideration.



Office of the United Nations High Commissioner for
Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Fax: +41 22 917 9006

**National Body on the Convention of the Rights of the Child
Justice Ministry
I.R. of Iran**

- 1. Provide information on the legal, policy, institutional and budgetary framework developed by your country to establish assistance and rehabilitation programme for child victims of sale and exploitation, including sexual exploitation.**

Just like other countries, the Islamic Republic of Iran pursues the promotion of human rights, particularly children's rights, through the amendment of existing laws and enactment of new laws and regulations. Our objective is the protection and preservation of the most fundamental of human rights. On this basis the determination of Iran's commitments to children's rights and the observation of Islamic teachings and values, is the most important concern and challenge of the Islamic Republic. Attention to the protection of children and juveniles in the setting of practical criminal policies is deemed as a part of the development process and national interests of countries. For this purposes, the adoption of preventive and protective policies, particularly in the fight against sexual exploitation and abuse of children is of vital importance.

Below adopted laws and drafts under review for the protective and preventive laws regarding children's rights will be mentioned. The adoption of the Convention on the Rights of the Child (1989), joining the Optional Protocol on Combating the Sale and Prostitution of Children (1999) (joined in 2007), Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the ILO (1999) and its complementing recommendation letter, all are indicative of its importance in the Islamic Republic of Iran. The internal adopted laws of the Islamic Republic of Iran in support of the prevention of the exploitation of children are as follows:

A) Adopted Laws

1) Protection of Children and Juveniles Known as Child Abuse Law - Adopted by the Islamic Parliament in 2002

The Protection of Children and Juvenile Law consisting of 9 articles, was adopted by the Parliament known as the Islamic Consultative Assembly of Iran in 2002 and approved by the Guardian Council. According to this law, all individuals that have not reached the age of 18 full solar years benefit from the legal protections stated in this law.

All forms of abuse against children and juveniles that could lead to physical, mental or moral damage is prohibited. In addition, the trade, exploitation, labor of children for the purpose of committing illegal acts such as trafficking is prohibited and the perpetrators as well as being required to pay compensation for damages will also be sentenced to six months to a year imprisonment.

Article 4 of this law stresses that any form of physical and mental damage, abuse and torture of children - having intentional disregard for their mental and physical health and prevention of their education - is prohibited and those that break the law will

sentenced to three months and one day to six months and or payment of cash fines. The highlighted point of this law is that child abuse is a public crime and does not require the complaint of a private plaintiff. Furthermore all individuals institutes and centers that in one way or another are responsible for taking care of children are duty bound to immediately upon noticing any form of child abuse cases to report to relevant authorities for legal investigation and adoption of immediate action . Failure in doing this will result in a prison sentence of up to six months or cash fines.

II) Fight against Human Trafficking Law

According to the Fight against Human Trafficking Law which was adopted by the Parliament in 2004, human trafficking is defined as the following: the importing or exporting and legal or illegal transit of individuals from the borders of a country by force and/or under duress or through deception and/or the abuse of power, personal status, exploitation of the situation of individuals for prostitution or removal of organs, slavery and marriage.

It must be said that clause 1 of article 1 of this law states that in the event that the trafficked individual is under the age of 18 and the committed act is not an example of enmity with God and corruption on earth, the perpetrator will be sentenced to the maximum punishment determined in this article.

III) Family Protection Law

The Family Protection Law, consisting of 58 articles, was adopted by the Parliament in 2012 and approved by the Guardian Council. Family institution as the most important and effective social unit in which moral principles have a special status, plays a key role in the destiny of children and any form of change and development in this institution will affect the whole of society. Therefore in this law, which has been written with the aim of strengthening family as one of the main pillars of society, article 45 stresses that the observation of the judge and interests of children and juveniles in all courts and executive officials' decisions is mandatory? Also article 50 states that in the event that a man contrary to article 1041 of the Civil Code marries, he will be sentenced to sixth degree discretionary punishment (ta'zir).

B) Drafts and Documents

I) Protection of Children and Juveniles Draft

Regulations regarding children and juveniles in all countries are fast expanding. The increase of problems such as exploitation, abuse and violence against children, resulting in an increase in unlawful child labor, and street children. Children become victims of crime. They do not ability to face and confront threats and dangerous situations, and have no awareness or understanding of social threats. The lack of attention to the situation and particular needs of these groups of children, and the lack of policies differentiating the needs and interests of children and adolescents from adults could lead weak policies for the observation of their interests, as well as the violation of their rights..

Protection of Children and Juveniles Draft has been prepared in 49 articles and was presented to the Parliament in July 2012, and is currently under review. The first chapter of this draft refers to the dangerous situations for children that include lack of custodianship, running away from home, parents' incarcerations, continued violence, failure in registering birth, mistreatment, exploitation, and criminal activities by the

child. One of the notable points of this draft legislation is the inclusion of all individuals who have not reached the full age of 18 solar years.

Article 1 which defines the meaning of the terms that have been used in the draft, states that mistreatment means: any form of action or intentional lack of action which threatens the physical, mental, moral or social health of children and juveniles, such as sexual exploitation, verbal abuse and threats against the child or juvenile, by putting him or her in difficult and unconventional conditions. Transaction has also been defined as the following: the purchase and sale or any action which results in the child or juvenile to be given to another person through the payment of fee or credit and other instances.

Prostitution, vulgarity, lurid subjects and acts, perversion, great and imminent danger are all other terms that have been defined in article 1 of the draft legislation.

Article 3 states that the establishment or running of prostitution centers by either one of the parents, custodians and legal guardians, and or their association to prostitution and also mistreatment of the child and juvenile and/or their exploitation are deemed as dangerous conditions for children.

Article 10,11,12, and 13 also present points in protection of children against sexual exploitation. It must be said that according to article 50 of the Family Protection Law and articles 1041 and 1043 of the Civil Code marrying children or juveniles without observation of the said conditions are prohibited. In this draft legislation a bureau called Judicial Protection of Children and Juveniles under the supervision of the prosecutor has been provisioned, which has the duty to prevent and offer advice and introduce them to support and supervision centers for the implementation of the verdict. Bodies such as the Welfare Organization, State Prisons and security and corrective measures organization, Education and Training Ministry, Ministry of Cooperatives, Labour and Social Welfare, and also the Law Enforcement Force have important duties which have been detailed in this draft.

The identification of children under threat, empowerment, and provision of safety and referral to judicial or protective authorities are some of the duties of the aforementioned bodies. In this draft it has been foreseen that children must be able to file a complaint, something that has been unprecedented in our country. Also in this draft there is a chapter allocated to crimes and punishments and another on new criminalization, for which punishments have been foreseen.

Disclosure of the details of child victims or threatened children, encouragement of children to leave school are all deemed criminal, and punishments have been foreseen for them. The punishments for existing crimes have become severe and for example the purchase and sale and trafficking of children's organs infliction of injuries on them, as well as Diya (Blood-money), imprisonment have also been foreseen, and if the child victim or the person who's committed the crime is a legal guardian of the child, the punishments are more severe. To speed up the processing of case files, special family and criminal court branches are allocated so that in the shortest possible time and out of turn, the proceedings may take place. In this draft the point has also been made that parents who commit a crime and abuse children, will be denied custody and/or visitation with their children, at the same time it has been stressed that the child should not be separated from the family without enough reasons. It has been foreseen in this draft that children that are criminals but deemed as victims, can be put under legal protection.

II) National Document on Children's Rights

The National Document on Children's Rights has been compiled by the secretariat of the authority on the Convention of the Rights of the child. With the implementation of this document, a road map for all organizations linked to children's rights has been developed. According to this National Document, authorities concerned with children's rights can even demand the details of programmes from departments. For example the sector concerned with the promotion of children's health and hygiene has been determined and the document has timetabled the implementation.

III) Women and Children's Safety National Document

According to article 227 of the Fifth Development Programme, the government was duty bound to compile a national document on women and children's safety in social relations with the cooperation of interdepartmental governmental bodies, under the direction of the Interior Ministry. The generality of this document was approved, but due to commonalities with the national document on Violence against Women, these two documents were merged.

2. Based on your experience what elements are necessary for a comprehensive and rights based care and recovery system of child victims of sale and exploitations, including sexual exploitation?

We believe that the following factors are necessary to achieve a comprehensive system that is based on rights based care and recovery system of child victims of sale and exploitations, including sexual exploitation:

- Promotion of the participation of citizens and civil society in fighting child abuse and protection of abused children to create a participatory environment for the effective presence of citizens and nongovernmental organizations.
- Public education and information dissemination system regarding the short term and long term factors and consequences of child abuse and child exploitation.
- Expansion of social worker services for individuals with emphasis on efficient legal and judicial systems.
- Establishment of a comprehensive system of registration of child abuse cases within families.
- Introducing curriculum to introduce children and juveniles to examples of child abuse and self defense methods and reporting mechanisms.

3. Provide examples of good practices and successful initiatives of assistance and rehabilitation programmes which facilitates the rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.

a) In view of the existing laws and regulations, if the judicial authorities deem a child to be ill-supervised, the judge/court can transfer the responsibility of the child to the National Welfare Organization. This procedure has been in place from the past and still

continues to date. For the purpose of increasing services to child victims and those threatened by abuse, the Welfare Organization in 1999 launched the Social Emergency Hotline, and its executive guidelines was approved in August 2012 by the cabinet of ministers. This programme includes the four following activities:

- Intervention centers for individual, social and family crises which have been running since 1999, and currently are active in 144 cities across the country.
- Social Services headquarters set up with a priority to assist private institutions in 101 regions in all provinces from 2006.
- Social Emergency hotline (123) which was activated in 2005 and is currently active in all provinces.
- Mobile social emergency services which from 1999 till 2008 were provided existing intervention service centers.

b) The Protection of Women and Children's Rights Bureau of the Tehran Province General Justice Department, has set up a 24 hour center for the purpose assisting vulnerable and abused children in seeking support and rehabilitation programmes. Similar centers exist within the justice departments of other provinces.

c) The Centre for Women and Family Affairs of the Presidency has conducted guideline studies with a child friendly approach. With the aim of strengthening the family institution and relationships, this body is deemed as one of the fundamental components of the development programmes of the Islamic Republic of Iran. In fact without attention to the development of the family and its members satisfactory results will not be achieved. As the family institution has the initial role in the prevention and treatment of the implications of child abuse and neglect, any decision and policy making for the prevention, control and reduction of social damages, must accommodate to the role of the family.

d) The Islamic Republic of Iran due to its particular geographic location and its neighboring countries which are suffering from the terrible consequences of civil armed conflicts, economic and political crises, and lack of cultural, social and legal infrastructures, all is in a vulnerable position. Fortunately due to the religious and traditional cultural fabric of the Iranian society human trafficking, particularly of women and children is strongly frowned upon. Due to the shortcomings of the Law against Human Trafficking the Centre for Women and Children's Affairs of the Presidency provided special support for women and children.

Towards special support of children's support against exploitation and trafficking this Centre has presented the following recommendations for the amendment of the aforementioned Law.

- The criminalization of the acts of those who under legal terms such as temporary marriages, and adoption, traffic women, girls, children and disabled for exploitation.
- In the event that the victim of trafficking is below the age of 18, the perpetrator will face stronger punishment.

- In the case of compensation for damages, particularly individuals under 18 and individuals with mental disabilities who do not have access to parents or guardians, and/or the parent or guardian is involved in the criminal act, action is taken by the prosecutor.

e) Establishment of Police for Children and Adolescents

According to article 3 of the Constitution, the government is obliged to "the creation of a favorable environment for the growth of moral virtues based on faith and piety and the struggle against all forms of vice and corruption, free education and physical training for everyone at all levels, and the facilitation and expansion of higher education, the abolition of all forms of undesirable discrimination and the provision of equitable opportunities for all, in both the material and intellectual spheres. Moreover article 156 of the same document entrusts the judiciary with restoring public rights and promoting justice and legitimate freedoms.

The decrease of the age profile of criminals is one of the main concerns of the authorities with regards to social security. Due to their emotional and physical conditions, dealing with children found in breach of the law requires trained and expert police personnel. According to the Criminal Procedure Act (2013), the formation of Police for Children and Adolescents has been protected and interrogation of women and individuals under the legal age is done by trained female police officers..

The new law places due attention to Non-Governmental Organizations (NGOs) as article 66 clearly states that NGOs can act as a plaintiff. Thus NGOs who work in the field of prevention of abuse and protection of vulnerable children, especially those threatened by abuse and sexual exploitation can independently file complaints

f) Sessions on the Role of Religious Leaders in the Prevention of Violence against Children

In 2014, The National authority of the Convention on the Rights of the Child with the cooperation of UNICEF Iran office has held a series of sessions on the role of religious leaders in the prevention of violence against children.. It concentrated on four subjects related to violence against children that include discrimination (gender, ethnic, religious), neglect, premature and/or forced marriage, and physical abuse; with the aim of involving religious leaders (Islam, Christianity, Zoroastrianism and Judaism) in the prevention of this phenomenon. The participants included officials and experts from relevant governmental and nongovernmental organizations, and academics who discussed their views and expert opinions on sexual abuse of children.

g) Formation of a Working Group on the Prevention of Violence against Children

One of the important debates which was initiated from the establishment of the National authority on Children's Rights was the integration and increase of inter-departmental coordination for prevention of violence against children. The National authority on the Convention on the Rights of the Child set up a working group consisting of related organizations.

h) Establishment of Offices for Protecting Women and Children's rights

Sixty offices for Protecting Women and Children's Rights are currently operational in all provincial justice departments across the country. According to instruction no. 1/81/18421 these offices oversee the investigation procedure for women and children

criminals, the protection of the rights of women and children victims and the promotion of the quality training for judges of children's courts are some of the duties of this office. This office has prepared and executed practical projects such as mandatory training for judges of children's courts on child psychology, holding national and regional conferences for judges of children's courts and the establishment of executive committees for the protection of children's rights in justice departments across the country. Other initiatives of this office include: Cooperation with Welfare Centers in order to benefit from the expertise of their psychologist-counselors, Interaction with City and Village Councils for the release of women prisoners committing financial and unintentional crimes, and also holding training sessions for the directors of Offices for Protecting Women and Children's rights.

i) Child Abuse Training programmes for Judicial Personnel

In order to provide necessary training for judges presiding child abuse courts, courses on Child Criminal Law has been foreseen at the Universities of Judicial Sciences and Administrative Services and Shahid Beheshti in Tehran. The Judiciary also plans to extend the course at a master's degree level to universities at a national level.

4. Describe the challenges that your country has identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation including sexual exploitation.

Sexual crimes against children often take place in secret, to such an extent that in some cases some of the children are raped by individuals who are close relatives. Because more often sexual exploitation of children take place at younger ages, and they might not even notice these issues, and in some cases they are threatened not to tell anyone. Support and rehabilitation programmes should take into account factors such as the cultural fabric of the society and the secrecy of children and their families in order to protect their reputation and dignity and the low level of awareness among children.

5. How do you ensure that the views and needs of children are duly taken into account in the design and provision of care and recovery services?

Child related structures such as the student's assembly usually provide assistance during the drafting stages of national programs related to children.

6. How do you ensure access of child victims to support services?

Through the ratification of enforceable laws, the creation and development of support centers, participation and direct monitoring by the people and NGO's the Islamic Republic of Iran ensures access of child victims to support services.

Furthermore, monitoring mechanisms guarantee that in the event of a social emergency, police and judicial authorities take necessary actions in order to support child victims.

7. How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender specific measures for the care and recovery of boys and girls?

The Islamic Republic of Iran has exerted full support and enacted gender-neutral laws and policies with regards to children and their sexual abuse and exploitation. As the girl child

Emphasizing on the girl child as the most vulnerable of groups and referring to Sharia, or Islamic law governing the country, in most existing and draft laws, a specialized viewpoint has been adopted on the subject.

In addition the State Welfare Organization of Iran has established support and rehabilitation centers for women and girl victims. These centers are active for the purpose of correction, rehabilitation and reintegration of women and girls into mainstream society. The duties and activities of this centre for the aforementioned target group are as the following:

- Short and long term sheltering and housing services
- Provision of technical services that include social work, psychological, psychiatric and medical services,
- Technical and professional training for the purpose of finding employment,
- Education facilities and aid along with arts and life skills training,
- Recreational activities,
- Regular and non regular material support.

8. Provide information on prevention programmes developed by your country with a specific focus on children at risk or in vulnerable situations (e.g. children working and /or living on the street, children placed in institutions, unaccompanied migrant children)

a) Establishment of an Investigation Committee for the treatment of child addicts and prevention of addiction of children under 19 with the cooperation of the Ministry of Health and Medical Education, the Drug Control Headquarters, and judicial authorities.

b) Health Houses for Girls exposed to Social Harms

Girls exposed to social harms and in need of social support are the target groups of these centers. Girls lacking effective guardianship, family support and a suitable dwelling are institutionalized at centers run by the State Welfare Organization. The Health House centers were established in 1999 to protect the best interest of these

children in separate centers from tried offenders. Health Houses provide round the clock services for free. The following operational actions are taken:

- Review of the individual, family and social situation by a social worker
- The use of education programmes
- Assisting the individual that has been accepted in the center for reintegration and gaining individual independence
- Taking necessary measures for the improvement of the physical and mental health of the individual
- Providing financial support for job training courses,
- Planning for recreational activities and providing for the urgent needs of individuals

c) Addressing the Problem of Street Children

Through its Social Harms Office, the State Welfare Organization has implemented the street children project. The target group of this activity are all individuals who are Iranian citizens and are under the age of 18 and are working and/or living on the streets, who don't have mental disorders, addictions and mental handicaps, are not physically ill or who do not need urgent medical care. The round the clock, free of charge services which can be accessed by all Iranian citizens are of the following:

- Shelter/housing services (provision of food, clothes, medicines, detergents, TV and recreation and other equipments)
- Technical services team that include social worker, psychologist, hygiene, and medical and other urgent services

It worth to mention that this project has been reviewed recently and altered.

d) Project for the establishment of a Child and Family Support-Education Center

A review of the Street Children Project indicates that despite having guardians and families a high percentage of these children suffer from severe economic and social poverty. Many who flee extreme poverty to join street life often do so under the impression that it will provide them with more opportunity and economic advantages. Due to the existence of guardian or custodian, housing these children is not legally possible. One of the most important approved approaches for the rehabilitation of street children is the family oriented approach and based on the empowerment of the family. This approach stresses on the education of children for the creation of equal opportunities and reintegration into the society.

In view of the implementation of the test project last year, and the positive reviews from the provinces it is foreseen that the expansion of this project can be an effective aid in offering services to street children. The main objective of this activity is the control and reduction of social harms sustained by children working on the streets and their families.

It must be said that for the evaluation of the process and removal of probable shortfalls in the implementation year (2013) the pilot project was implemented in Tehran, Alborz, Khuzistan, Chahar Mahal and Bakhtiari, and Hamadan Provinces.