

The necessity to prevent domestic violence against Afghan children refugees

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Report summary

1. This report has been compiled by the Promotion of the Life Quality of Iranians Institute (ILIA) which is a nongovernmental organization active in the field of children and juveniles in Iran regarding the necessity for the proposal of prevention of child abuse from taking place among Afghan children refugees.
2. Violence against children and child abuse is any form of physical, mental or emotional abuse and injury, neglect, exploitation and sexual exploitation (World Violence and Health Report 2002) and or the intentional use of power and or physical force against children by an individual or group which either in the form of practice the health, life, development and even the self respect is damaged and or increase the possibility of creating follow up damage.
3. This report is in line with the realisation of articles 2, 4, 19, and 22 of the Convention on the Rights of the Child and also the Protection of Children Act of the Islamic Republic of Iran with regards to the need to prevent violence against children among the Afghan refugee population in Iran.
4. While defining the proportions of the child abuse phenomenon among Afghan refugee children and based on field studies carried out in the Shahrerey district with regards to the health situation of children, recommendations have also been made to the government and the Human Rights Council for the observation of the necessity to prevent child abuse and its role in the protection of the health of the children and also national security.

About Institute

5. The Promotion of the Life Quality of Iranians Institute (ILIA) is a nongovernmental, non-political and non-profit institute which began its activities in Karaj and Shahrerey in 2006 for the purpose of the improvement and promotion of the living quality of children with needs special protection with emphasis on child oriented and voluntary work for the observation of children's rights. The Institute provides 400 Afghan children with services who for various education and access reasons have health and treatment problems. The empowerment of children is done through literacy, technical and professional skills, life skills education and the provision of healthcare, medical and dental services, provision of social care and counselling work. Since the empowerment of children is only possible through their meaningful participation in activities related to themselves and access to information and knowledge, ILIA has set all its education activities on the basis of association oriented models.
6. The members of this Institute believe that children will be successful at what they do when they are introduced to their rights, and have opportunities towards having a better life i.e. not being forced to work, access to education, access to social and healthcare services, social respect and status, hope to life and the future, and most importantly protection fro any form of violence; and for them to be able to make decisions regarding their lives at the family level, and have participation in local and social associations.

7. Research and conducting field studies for the designing of empowerment programmes based on evidence and the holding of education workshops on specialised subjects for the beneficiaries, the local community and governmental and nongovernmental organizations on children issues, are some of the Institute activities.

8. Cooperation with UNODC in the holding of Drugs Addiction and HIV/AIDS among Street Children Prevention Workshop; the Empowerment of Street Children Project with the Tehran Municipality; cooperation with the Fight against Drugs Headquarters during the Week for the Fight against HIV/AIDS and Addiction; cooperation in the AIDS Prevention among the Vulnerable Groups Project with the AIDS Committee of the Welfare Organization under the Global Fund Programme; and also association oriented drugs addiction prevention in vulnerable areas were some of the Institute activities in 2008.

9. The Institute has 59 active volunteer members and has specialised workgroups on social services, education, public relations, health and treatment, research and legal. The domain of the activities of the Institute is Tehran Province. The auditing is done through internal auditing and annually outside auditors evaluate and inspect the Institute's accounts.

The Law

According to articles 2, 4, 19 and 22 of the Convention on the Rights of the Child (1989) the signatories are obliged to ratify suitable executive, social, economic, budget and education laws and to allocate necessary resources for ensuring the effective realisation of these legislations. According to article 2 of the Convention, 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 19: 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. 2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 22: 1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian

instruments to which the said States are Parties. 2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

11. Regarding the protection of children that are subjected to violence and abuse parts of article 173 of the Iranian Civil Code state: "In the event that due to the lack of the protection or the moral degeneracy of the father or the mother, the physical health and or moral training of the child is threatened, upon the request of the child's relatives or the head of the judicial system, the courts can decide any guardianship for the custody of the child". Thus according to article 2 of the Protection of Children and Juveniles Act (2002) "injury and exploitation of the child in the physical form which hurts the child physically and or emotionally is prohibited.

According to article 4 of the same Act, any form of injury and exploitation of torture and or imprisonment, is the depravation of mental and physical health and the punishment of 6 months imprisonment or 10 million rials. The article states that "the exploitation of the child is a criminal act and shall be dealt with, without private prosecution with the criminal."

Clause 6 of article 19 states, "all individuals, bodies, and other institutions that are responsible for caring of children are obliged to report any form of exploitation and abuse of the child immediately so that the relevant institutions can take legal measures. The punishment for failing to observe law has a prison sentence of 6 months and 5 million rials fine. And finally article 8 of this Act states "if higher fines have been determined for these crimes, this Act must consider them."

Methodology

12. This report has been compiled based on a research the Institute conducted in line with prevention of child abuse entitled, "Review of the health situation of children covered by the Institute" (2008). This report was conducted in the form of library study, documentation, descriptive and field study (quality and quantity) on 110 out of over 300 Afghan child refugees during the study period. It became evident that violence among the children of Afghan families residing in Shahrerey is strife to such an extent that every single child in the study had reported cases of physical abuse against them by their parents or brothers and sisters. Being in a stressful family environment and or constantly under threat of abuse, prevented the mental and physical development of the children. These children are faced with learning fundamental skills within the family including low self-confidence and lack of social development. This in fact results in them not being able to play a positive and effective role in society as adults.

Importance and necessity of the subject

13. The study of some of the existing realities in human communities are at times so distressful that amazes us to no end. The child abuse phenomenon is one of these social realities and due to all-sided inequalities which are predominant, the importance of its description in any given time period is unavoidable. Throughout

history this phenomenon has always existed and sadly all social groups regardless of race, religion or education levels, the social status of the members of the family or guardian, child abuse has always been evident. In spite of great efforts in fighting and preventing this phenomenon, no significant reduction is evident in this process. The study of the origin of the child abuse phenomenon speaks of a vicious cycle which turns the victim of the past to the abuser of today. Sociologists believe that society's delinquents and criminals are often deprived of families and healthy living environments, and the main approach to eliminate this problem is to break the repetitive vicious cycle.

14. According to a World Health Organization (WHO) report child abuse has become a great world problem with regards to public health, and according to WHO figures approximately 40 million children aged 5-14 in the world suffer from child abuse and neglect and need health and social care. Studies show that violence against children is influenced by factors that include the child's individual characteristics, and also the society's cultural environment and often due to reasons such as fear (particularly in regions and communities where the family reputation and dignity supersedes the health and safety of the child), it is not reported, or reliable reports for children and adults regarding acts of violence did not exist.

15. During the growing up process children experience many events which influence their character and behaviour quite noticeably, such as due to their physical conditions and their age, they are vulnerable to damaging threats and hurting others more than other individuals. In comparison to their vulnerability levels these children have less legal, economic and social support.

16. Meanwhile, the efforts of governments around the world which was as a result of increase in studies and reports on the irreversible damages that children suffered from, finally in 1989 the International Convention on the Rights of the Child was ratified and thereafter it became a document for the safeguarding of the rights of every child in the world, in such way that all countries of the world were obliged to take necessary legal, executive, social and educational measures for the protection of children against all forms of physical, mental, sexual abuse, neglect and their treatment due to exploitation and lack of care.

17. By signing the Convention, in 1993 in practice, the Islamic Republic of Iran became committed towards the serious implementation and observation of its contents in protecting children within its borders.

18. Small scale studies show that the groups of children who are particularly vulnerable towards violence and abuse include the disabled and handicapped, minorities and other deprived groups and marginalised refugees and homeless children, and street children and child laborers. The study on the conditions of Afghan children in Shahrerey by the ILIA Institute showed that these children are greatly vulnerable against domestic violence and failure in attention to this will result in irreversible damages inflicted mentally and emotionally.

19. According to the findings of the researches, violence and mistreatment is more common among the poor and deprived. The extent of mistreatment out of 42 children, in each 1000 poor families (less than 15000 USD per year) reaches 29 in each 1000 people. Three times more children from average incomes (15000 to 30000 USD per year in comparison with very high annual income rate of 30000 and over is 25 times as much). (Child Abuse, Aazam Taghavi, Dr. Maryam Fathizadeh, 2009 Danesh Publications).

Although physical abuse took place at all levels but this occurred more in poor families (Peterson 1998). Crowded families with lots of problems, poor families with

small homes, society disowned families, families that have one or more members that are addicts or prostitutes, are all considered families that commit child abuse. (Kaani, 1996).

20. Afghan refugee children are included in the group of children who because of poverty, parents' unemployment are constantly subjected to domestic violence and grave violation of their rights. Through its activities and contacts with these children, ILIA sees one of the biggest problems of these children to be the physical and mental abuse that they're subjected to. The Institute's concern is that in the event of lack of attention to this phenomenon, in the not too distant future we shall see the presence of adults who are not in good mental health and they may be vulnerable to criminal and other socially unaccepted behaviours within our society.

Challenges

21. Failure in having a good reportage system for announcing cases of child abuse to relevant legal authorities regarding domestic violence against Afghan children and the nonexistence of a specific screening process, the effective referral and treatment of abused children and the abuser is one of the fundamental challenges that activists on children's rights are faced with.

22. Nonexistence of enough implementing and practical backing and guarantees regarding the observation of the rights of Afghan refugee children and their protection against any form of abuse.

Recommendations and suggestions to the government

23. In line with the implementation of articles 2, 3, 4, 19, and 22 of the Conventions on the Rights of the Child and the sincerity in the implementation of the Protection of the Children Act of the Islamic Republic of Iran, with regards in the protection of Afghan refugee children residing in Iran it is necessary to take legal measures towards the protection of Afghan abused children which are based on reports from social workers or legal figures and NGOs.

- Foreseeing and designing protective and support and constructive programmes for vulnerable Afghan children, that would require all Afghan nationals living in Iran to attend workshops on children's rights and child abuse prevention as a condition for the renewal of their residency permits.
- The creation of permanent committees that protect interests and well beings of Afghan children within office of a governor general towards planning education, promotion and also reporting and complaining acceptance by Afghan refugees.
- Necessity for self-run Afghan schools to educate children's rights for children and parents.

Recommendations and suggestions to the HRC

24. For the purpose of the provision of international support for refugees and finding lasting solutions to their problems it is recommended that a joint programme between the Interior Ministry and the UNHCR be planned for the observation of the rights of Afghan refugee children. And facilities should be considered for all legal offices and NGOs active in the field of refugee and abused children.

The allocation of funds by the UNHCR for holding education workshops for children on their rights and parenting skills for their families for the prevention of child abuse.

Encouragement of the educated migrants (with the cooperation of the Afghan Embassy and UNHCR) for setting up mobile volunteer groups to monitor the observation of refugee children located in refugee concentrated population areas.

Conclusion

25. To ensure Afghan refugee children's rights are observed and the proper implementation of the Convention on the Rights of the Child it is recommended for the prevention of violence against children all available capacities in society that include NGOs, international agencies and governmental bodies regarding education and the application of the law.

Education must be done in three fields:

1. Mandatory education: in the form of child abuse prevention and rights of the child workshops for Afghan refugees, and setting preconditions on the renewal of Afghan nationals' residency permits on them attending these courses before applying for renewal of cards and or other clerical work at the UNHCR and or the Afghan Embassy.
2. Free public education such as workshops, local and family meetings.
3. Holding of education workshops and one day education camps for Afghan children to learn about their rights.