



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

### List of issues in relation to the combined third and fourth periodic reports of the Islamic Republic of Iran

Addendum

### Replies of the Islamic Republic of Iran to the list of issues<sup>\*,\*\*</sup>

[Date received: 22 October 2015]

## Part I

### 1.

1. Since the ratification of the Convention on the Rights of the Child in 1994 by the Parliament, no cases of incompatibility of the text of the Convention with Islamic standards and domestic law of the country have been reported to the executive bodies and organizations.

### 2.

#### Legal measures

2. Article 66 of Amendment to the Criminal Code of Procedure for Public and Revolutionary Courts (2015), has foreseen the capacity to charge and participate in all stages of proceedings for non-governmental organizations (NGOs) active in the area of children affairs.<sup>i</sup>

3. The Draft National plan of action for the Child's Right (strategies, objectives and administrative measures)<sup>ii</sup> which has been prepared by National Body on Convention on the Rights of the Child (NBCRC) to promote children status in Iran is composed of eleven

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee on the Rights of the Child.



strategies<sup>iii</sup> and includes administrative plans and programs to implement these strategies. These programs have been enumerated for all governmental bodies based on their functions in child affairs. There are also other NGOs which have been recognized as coordinating bodies to realize the above mentioned strategies along with governmental institutes.

4. The Administrative By-law on Establishment and Activity of Non-governmental Organizations (2005):

- Article 3 of the By-law, outlines the areas of activities for NGOs.
- Article 4 of the By-law outlines rights and capacities of NGOs.<sup>iv</sup>

5. There are also other thematic and specialized NGOs which are active under permission issued by other national bodies. (State Welfare Organization (SWO), Drug Control Headquarters, Ministry of Health and Psychology and Counseling Organization, ...).

6. According to Paragraph I of Article 4 of the NBCRC Constitution (2012), three members of the NBCRC Coordinating Council are representatives of NGOs.<sup>v</sup>

### **Practical measures**

7. There are 76 NGOs in 17 provinces of the country registered by the Ministry of Interior, from 2009 to 2015. Please find attached the names of the above-mentioned NGOs, divided by their names, areas of activity and year of establishment.<sup>vii</sup>

8. By virtue of Article 2 of By-law on Organizing the Street Children (2005), State Welfare Organization is obliged to utilize NGOs in identification and empowerment processes of street children.

9. By virtue of Legislation of Supreme Welfare Council of the Ministry of Cooperatives, Labour and Social Welfare (MCLSW)(2014), the Social Welfare Deputy Office of MCLSW utilizes the capacities of NGOs to educate child labour and street children who have been deprived of education (out of school) and school environments.

10. On 23/02/2008, the office of the Association for the Defense of Working and Street Children, which is another branch of the Society for the Defense of Working and Street Children, was closed due to the termination of its activity permit and incompatibility of its activities with provisions of its Articles of Association. It should be noted that the Society for the Defense of Working and Street Children is active currently. The permission of the Society for Endeavoring to Achieve a World Deserved for Children was cancelled by its Board of Directors in 2009 at its headquarters.

### **3.**

### **Legal measures**

#### *Definition of child as a human being under the age of 18 years old*

11. According to Article 1 of the Protection of Children and adolescents Act (2002), a child means every human being under the full age of 18 (based on the solar calendar).

12. The Draft National plan of Action for the Child's Right (strategies and administrative measures) prepared by the NBCRC for the implementation of the Convention on the Rights of the Child and the Draft National Plan on Women and Children Security in Social Affairs, as the subject of Article 227 of the Fifth Development Plan of the Islamic Republic of Iran prepared by the Women and Family Department of the Interior Ministry, have defined a child as every human being under the age of 18.

13. According to the By-law on Sheltering the Street Children (2005), children under the full age of 18, shall enjoy the benefits of above-mentioned by-law.

14. In accordance with Article 304 of the Criminal Code of Procedure (2013), all crimes committed by children under 18 years old, shall be prosecuted in a special court (juvenile courts).<sup>viii</sup>

15. The Bill on the Protection of Children and Adolescents which is under consideration in I.R.I parliament, defines children as every human being under the age of 18.

#### *The Minimum age for criminal liability*

16. According to Article 147 of the Islamic Penal Code (IPC) of Iran (2013), the full age of 9 for girls and full age of 15 years old for boys (based on the lunar calendar) are considered as the appropriate age for criminal liability; nevertheless, the Code considering the best interests of children and the international standards, believes in a Differentiated Criminal Policy. For this reason, it has devoted its chapter 10 to “Security and Correctional Measures for children and adolescents”.<sup>ix</sup> In the chapter, the categorization of children under the age of 18 and the gradualness of criminal liability are mentioned; According to Article 88, the first group of children, who are under the age of 9, are absolutely without any criminal liability. The second group, 9 to 15 years, in case they commit Ta’ziri crimes (crimes not specified in Sharia), they shall not be sentenced to criminal punishment. In such cases the court shall ask their parents to assume responsibility for their children’s behavior; the third group includes children between 15 and 18. If this group of children commits Ta’ziri crimes, according to Article 89, they shall be sentenced to pay the fine and keeping in Correction and Rehabilitation Center.

#### *The minimum age of marriage*

17. The amended Article 1041 of the Civil Code approved by the Expediency Council of the System (2002) has determined the full age of marriage as 13 for girls and 15 for boys (based on the solar calendar). Moreover, the marriage of children under the legal age mentioned here requires the consent of his/her legal guardians, and finally, the competent court shall vote with respect to the best interest of the child.

18. Article 646 in chapter 19 of the fifth book of the Islamic Penal Code (2013) and Article 50 of the Family Protection Act (2012), have both criminalized the marriage of men to girls under the age of 13 if it ignores the conditions mentioned in Article 1041.

19. Article 50 of the Family Protection Act has criminalized any parent’s interference in the marriage of their children under the legal age that is inconsistent with the terms of Article 1041 of the civil code.

#### **Practical measures**

20. The office of Vice President for Women and Family Affairs has considered all individuals under the age of 18 as its target group in its programs. Some examples are as follows:

- Conclusion of a memorandum of cooperation with the Ministry of Education on the basis of promoting the education of female students under 18.
- Preparing a project to carry out actions against counter-health trends in girls under 18.
- Drawing up research and strategic plans entitled “Child Friendly Family” in which a child means all individuals under 18.

**4.**

21. According to the letter of approval of the cabinet (2010), the Ministry of Justice determined as the NBCRC. In accordance with Article 1 of the by-law of the NBCRC by the Cabinet (2012), the Justice Minister will be the head of the NBCRC. The terms of reference for the NBCRC are as follows:

- Preparing plans and programs to promote child rights and their dignity.
- Monitoring and assessing the rights of the child at national level.
- Providing the administrative bodies and NGOs with advisory opinions in the fields of laws, regulations, trends and programs.
- Proposing ideas with regard to reforming the existing rules and regulations and preparing draft bills to submit to the coordination council.
- Preparing reports on child rights via cooperation with other relevant institutions and submitting them to the related international organization.
- Considering the reports on the violation of child rights in family and society.
- Conducting studies on child rights in cooperation with other institutes and scientific centers.
- Preparing annual and case reports to submit to state, parliament, judiciary and the Office of the Supreme Leader.
- Continuous and comprehensive notices and awareness-raising on issues concerning the rights of the child in cooperation with the Education Ministry, Islamic Republic of Iran Broadcasting (IRIB) and other mass media.
- Coordinating and exchanging scientific information with internal and international authorities on the rights of the child.
- Cooperation with international organizations for promotion, protection and implementation of child rights.

22. According to the by-law,<sup>x</sup> the Coordination Council was established through the participation of representatives of governmental and non-governmental institutions as the main part of the NBCRC which includes: Head of NBCRC, the Secretary of NBCRC, a lawyer on behalf of the Bar Association of Justice Department, three representatives from active NGOs concerned with child or human rights, a clergyman familiar with child rights introduced by the Management Council of Qom Seminary and one representative from the relevant bodies that is introduced by the mandate of the Minister or the highest official. It is worth mentioning that based on the coordination between the NBCRC and the Interior Ministry in 2015, specialized working groups on women and family issues in the general governor's offices in different provinces are supposed to follow and implement the targets of the NBCRC.

**5.****Legal measures**

23. In the laws and regulations of the country, with regard to the rights mentioned in the Convention and implementation of those rights, some legal measures are envisaged which are annexed in the appendix.<sup>xi</sup>

### Practical measures

24. Pursuant to the order of the Supreme Leader in 2015, it was established that all migrant children regardless of their immigration status be given educational facilities at schools. Following the said order, the Education Ministry, prepared a by-law to implement it. Also, NBCRC prepared the bill to reform the by-law of enrollment and training foreigners.

25. The MCLSW has adopted the following measures in protecting children with the most marginalized and disadvantaged conditions:

- The Provincial Council for Organizing Child Labour and Street Children was formed under political and cultural council of the general governor's office in 17 provinces to protect children in less-developed and underdeveloped regions and to establish a regional discourse. The mandate of the council is policy-making and planning at local and regional level to protect child labour and street children all across the country.
- In accordance with the Act of the Supreme Welfare and Social Security Council (2014), the plan on "Out of School among Poor Children" is currently being implemented in cooperation with the Education Ministry and the MCLSW in four provinces of Khuzestan (with emphasis on the poor children of the nomads), Fars (with emphasis on poor child labour and street children), Alborz (with emphasis on migrant children and poor child labour and street children), and Tehran (with emphasis on Iranian and foreigner poor child labour and street children).
- In accordance with the Act of the Supreme Welfare and Social Security Council (2015), the MCLSW in cooperation with the Interior Ministry and National Organization for Civil Registration will prepare a mechanism to settle the identity issue of children belonging to Iranian women and foreign men. To this end, despite planning a website to record the names of these children, a bill on "Targeted Social Protection of the Children without Identity" has been submitted to the parliament.

26. The Vice President for Women and Family Affairs has devoted some resources to children such as follows:

- Allocating budget to prepare a bill to remove the note to Article 26 on the Protection of Ill-supervised and Unsupervised Children Act(2013); conducting preventive plans against trends inconsistent with child health; conducting a comprehensive study on finding a way to settle the identity problem of children born to Iranian women and foreign men.
- Promoting cooperation among different sectors and collaborating with civil institutions in order to protect the vulnerable children; including the conclusion of a memorandum of cooperation with the Education Ministry on ending the issue of out of school girls, particularly those living in villages, and nomads (2015); concluding a memorandum of cooperation with the National Institution of the Human Rights Commission of the Islamic Republic of Iran (2015) focusing on fundamental and applied research in child sphere based on provincial differences and various conditions of children including age, sex, and their health conditions; pathology of the laws of the country governing child protection and proposing required solutions; conclusion of a memorandum of cooperation with the Bar of Association of the Justice Department on various issues including reviewing the child-related laws and cooperation in preparing reform bills.

27. To protect socially affected children especially child labour and street children, the Municipality of Tehran has allotted 16 places with a total area of 5,800 square meter to

Non-governmental Organizations. Various advertising in the city have been devoted to the program of child labour and street children on different occasions, during a year.

28. Article 8 of the Statute of Imam Khomeini Relief Foundation (2015), distributes the financial resources including the credit and grants from the government, gifts and aids given by people, institutes, internal and foreign institutions and organizations. One of the target groups, as stated in Articles 2 and 3 of the Instruction on the Management of Relief Service and Empowerment, are the children of the protected families till they come of the age of 18.

## **6.**

### **Legal measures**

29. In the recent Islamic Penal Code (IPC)(2013), in addition to new legal mechanisms such as postponement of issuing of a verdict (simple and probational postponement), substitute punishments for imprisonment, half-freedom system, suspension of execution of punishment, etc., penalties and security and correctional measures for children and adolescents have been provided in chapter 10 of the first book. In this chapter, decisions and sentences have been based on gradual criminal liability and involve children and adolescents under 18 regardless of gender. Generally, The legislator has accepted Qisas in the IPC but not as a definitive penalty but as a personal right reserved for the (Core Family Members of) first degree family of the murdered which can be annulled upon their pardon (Article 347 of IPC). In such a case, the accused only gets a jail sentence due to the public aspect of the crime.

30. According to Article 91 of IPC “In cases of offenses punishable by Hadd or Qisas, if mature people under eighteen years do not realize the nature of the crime committed or its prohibition, or if there is uncertainty about their full mental development, according to their age, they shall be sentenced to the punishments prescribed in this chapter.

31. Note- The court may ask the opinion of forensic medicine or resort to any other method that it sees appropriate in order to establish the full mental development.

32. In Article 89, maximum detention term for them in the Correction and Rehabilitation Centers is 2-5 years. The note to this Article reads in order for the court to determine the intellectual growth and puberty of the person, an inquiry must be made to the Legal Medicine Organization or any other relevant body.

33. According to decree 737 of the State Supreme Court on unifying judicial precedent regarding retrial for convicts sentenced to Qisas whose age was under 18 at the time of committing the crime and their definite conviction has been sentenced before the obligatory enforcement of the new IPC, in cases where the claimant is eligible for provisions under Article 91 of the new IPC, as converting and changing the punishment in this Article are respectively commutation of the penalty and issuing a more lenient penalty for the convict, the claimant can plea for retrial. Thus, the retrial of all adolescents who were under 18 at the time of committing the crime is accepted and their previous verdicts have been annulled by the Supreme Court. In order to establish the uniform judicial precedent, the new IPC, especially Article 91, is focused on educational workshops on children and adolescents’ trial to prevent the verdict of Qisas sentence for persons above puberty age and under 18.

34. Saman Nasim’s file is now going through retrial procedures and the execution of his death sentence has been stopped. As for Barzan, his file is being examined for cancellation of death sentence.

35. As for Tazir crimes, regardless of their severity, the maximum punishment for mature adolescents who are between 15-18 at the time of committing (based on solar calendar) the crime is 2-5 years of detention in Correction & Rehabilitation Centers.

36. As for Hadd and Qisas crimes, if it is established for the judge that the accused had no sense of the nature of crime or its prohibition or if there is uncertainty about their full mental development, based on Article 91 of the IPC, their punishment shall be reduced to 2-5 years of detention in Correction & Rehabilitation Centers.

### **Legal measures**

37. Besides legal support for children about Qisas that provided in Article 91 of IPC and uniform judicial precedent decree 737 (2014), the following measures are of note:

- Possibility of appeal: Based on Article 428 of amendment to code of criminal procedure (2014), the verdicts for crimes that lead to deprivation of life as legal punishment, can be appealed in the State Supreme Court.
- Obligation to have a lawyer: Based on Article 415 of CCP (2013), the individual charged with a crime subject to death penalty is entitled to have a lawyer and in case that the accused fails to appoint a lawyer or the lawyer's unjustifiable absence, a lawyer is appointed to represent the accused in the court.
- Pleaing for retrial: the definitive conviction sentence by courts whether they are executed or not, based on Article 474 of CCP (2013), pleaing for retrial is possible.
- Obtaining the pardon of the family of the murdered: Judicial proceedings for dealing crimes taking a person's life are lengthy which makes it possible for social workers and councillors and family of the accused to obtain the pardon of the family of the murdered and thereby to cancel death penalty (Qisas). Based on Article 347 of IPC, the one with the right to Qisas at any stages of prosecution, trial or execution of the verdict can either for free or conciliation against a right or property pardons the convict. Besides, in the most justice department's country wise, there are committees consisting of social workers, local men of credit who work in an organized manner to obtain pardon of the complainant.

## **7.**

### **Legal measures**

38. The office of the vice president for women and family affairs is finalizing the bill to protect woman against violence in all its forms, especially domestic violence and sexual assault. This bill is focused on three major parts: criminalization and prosecution of perpetrators of violence; protecting victims of violence (including girl victims) and treating the damage to them; and measures to preempt violence. The bill also forecasts the establishment of a coordination committee made up of relevant executive and judicial bodies to remove duplication work and work across different organizations to fight against the violence.

39. The Interior Ministry's Directorate for Women and Family, based on Article 227 of the Fifth Development Plan, has prepared draft of the national document on women and children security in social relations; this document consists of strategic subjects and goals and strategies on ensuring the security of women and children including efforts to combat prejudices and sexual abuse against women.

**Practical measures**

40. The Social Affairs and Crime Prevention Directorate of the Judicial Branch has inked cooperation and scientific and executive documents with different scientific and research centers. This directorate cooperates with university professors, scientists, state elite figures and based on scientific findings and experts' views, conferences, different workshops and committees has designed various programs in relevant areas. To this effect, faculty of mental health and behavioral sciences of Iran's Medical Sciences University has been appointed as the main scientific authority to prevent violence-related crimes and social damages. Also, national crime prevention committee comprising of legal and real entities was formed in 2015 and aims to cooperate across various sections and devise effective interventions by different organizations. Some of the specialized goals of the committee are as follows:

- Benefiting from the position of public and private bodies in order to prevent and control violence and to socially protect victims of violence.
- Adoption of policies and executive platforms and planning cohesive and effective measures to counter violence countrywide.
- Raising public awareness on polices and measures to prevent violence, on social protection and alleviating victims of violence.
- Making decision on measures to reduce judicial, social and economic costs of violence in the family and society.
- Mentioning Article No. 612 is wrong as it deals with a different topic. Article 301 only deals with the impossibility of Qisas for these persons as under Article 612 from IPC book five (1996), the perpetrator shall be subject to 3-10 years jail term.

**8.****Legal Measures***Girls*

41. The I. R. of Iran's Constitution in different parts prohibits discrimination; paragraph 9, Article 3 of the Constitution obliges the government to take measures in this respect. Paragraph 14 of the same Article enshrines equality between man and woman; Article 19 of the Constitution states that all Iranians are vested with equal rights and nothing such as language or ethnicity "or any other thing" make one group superior to others. Article 20 also states that all Iranians whether men or women are equally backed by law and enjoy all human, political, economic, social or cultural rights within the framework of Islamic principles.

42. IPC (2013) specifies that all children under 18 regardless of their gender are protected by differentiated criminal policy and based on the age group of the child; different court sentences have been determined and defined.

43. As for insurance regulations for civil servants and those working for the private sector, compared to male children, female children due to their vulnerability in items such as children allowance, insurance protection and post-mortem pension, are protected by differential protection policies. Thus, female children who are unemployed or unmarried are protected by their parents' insurance. This is while male children benefit from this advantage until they are 20.



44. In the Charter of Women's Rights & Responsibilities in the Islamic Republic of Iran (passed in 2004 by the Cultural Revolution High Council), girls' right to physical and mental health, nutrition, education and family facilities has been stressed.

#### *Children Born out of Wedlock*

45. Article 3 (Paragraphs 9 & 14) and Articles 19 & 20 of the Constitution are comprehensive and applicable to all Iranians and in general they stress removal of unfair discrimination. Drawing on this general statement, the protection of the basic rights of children born out of wedlock and removal of birth-status-based discrimination towards them can be concluded. The only exceptions in this regard are these children's inability to work as judges or to inherit from their father's properties.

46. Also, uniform judicial precedence decree 617 by the Supreme Court (1997) deals with illegitimate children. According to Article 1 (paragraph A) of the Civil Status Registration Act (1976), the Civil Status Registration Organization is obliged to register birth and issue identity card for all Iranians and legitimate and illegitimate children are treated equally by the legislator. Also, note 16 and 17 (Ibid) stress birth registration and identity card issuance for children whose parents' marriage is not registered.

47. Also, general panel of the Supreme Court in its uniform judicial precedence decree specifies that following the jurisprudential opinion of Imam Khomeini, fathers to illegitimate children are called Common Father and have to take all responsibilities of a legal father such as child's guardianship, provision of the child's life costs, etc.

#### *Unregistered, refugee and immigrant children*

48. According to general legal principles and legal interpretations, applicability of the Constitution, mentioned in the previous section. Drawing on the legislator's absolute terms, the necessity to secure the basic rights of unregistered children and removal of discrimination against them can be concluded.

49. On registering the birth of children from refugee parents, considering Articles 12 and 13 of Civil Status Registration Act (1976; amended in 1984), the birth of any child whether from Iranian or foreign parents must be registered after its announcement.

50. In 2006, "The Law on Determining the Status of Children Born in Marriages between Iranian Women and Foreign Men" was passed. According to this law, children born from the above-mentioned parents in Iran or those born in Iran at most one year after the adoption of this law, can plea for Iranian citizenship after they come of 18 years of age. Based on this single Article, children subject to this Article are granted residence even prior to acquisition of Iranian citizenship.

#### *Children with disabilities*

51. Based on "The Comprehensive Law on Protecting the Disabled" (2004), all disabled children like others are entitled to educational services, employment, rehabilitation services and other social rights.

52. Draft of the National Plan of Action on the Rights of Children and Adolescents (strategies, objectives, and executive plans) prepared by the NBCRC attaches high importance to the children with disabilities in different ways such as:

- Provision of cultural products suitable to the needs of disabled children and their different disabilities.
- Establishing educational and rehabilitation places for disabled children in poor areas.

- Provision of social rehabilitation and protective services to disabled children at home (adapting the house of families in need with disabled children to their needs — by making changes to the stairs and toilets, providing special beds for children with movement disabilities and providing a nurse at least four times a week to the families with two or more disabled children).
- Supplying rehabilitation equipment for disabled children.
- Delivering medical services to disabled children.
- Offering financial assistance for treatment and rehabilitation of children with metabolic disorders causing disability.
- Preventing the progress of disabilities caused by genetic disorders;

*Elimination of discrimination against bisexual children, children with gender identity disorder, and homosexual children*

53. Articles 3 (paras. 9 & 14), 19 and 20 of the Constitution is applicable to all nation. In general and absolute terms, they stress on elimination of unfair discrimination, securing the rights of all and people's entitlement to equal rights and equal legal protection. Drawing on this general and non-exclusive statement of the legislator, the necessity to protect the basic rights of this group of children or the necessity to eliminate discrimination against them on this basis can be concluded.

54. Bisexual children according to Islamic Sharia inherit from their parents. Based on a fatwa by Imam Khomeini in Tahrir al-Wasilah on the subject of inheritance.

**Practical measures**

55. Concluding a cooperation agreement between the office of vice president for family and women affairs and Ministry of Education in 2015; strengthening, developing and institutionalizing the concept of gender equality and justice in educational and cultural programs for girls in the sixth development plan; planning and policy making for promoting literacy among girls especially in rural and poor areas and preventing educational deprivation among disabled girls.

56. Concluding a memorandum of cooperation between the office of vice president for family and women affairs and ministry of education on expanding educational coverage for education-deprived girls in less developed parts of the country.

57. Devising a research plan on “Determining the Citizenship of Children Born in Marriages between Iranian Women and Foreign Men” by the office of vice president for family and women affairs in order to acquire the advisory opinion of private international law experts and specialists and determine the best legal initiative to support these children.

58. Children with gender identity can legally obtain the permit from the Iranian Legal Medicine Organization to undergo a sex reassignment surgery.

59. As for children with disabilities, SWO takes the following measures:

- Accommodating unsupervised children with disabilities in boarding centers and transferring them to volunteer families.
- Establishing daily rehabilitation and educational centers for children with disabilities by non-governmental organizations.
- Screening programs for autism spectrum disorders for children with 2-5 years of age. These programs include training facilitators across the country about screening and diagnosing autism spectrum disorders, center-based and family-based

interventions, making pamphlets and brochures on autism spectrum disorders and daily educational packages on family-based interventions in autism disorders.

- Screening and intervention programs on hearing disorders for children, early diagnosis and intervention by hearing assistance tools like cochlear implants, hearing aids, and allocating 30-million Rials per capita credit for cochlear implants and implementing hearing-related programs.
- Continuous implementation of artistic and sports programs for disabled children in all rehabilitation and educational centers.
- Performing theater programs and theater and sports festivals for disabled children and adolescents.
- Providing coverage for 1/033/331 disabled children and their families under Medical Services Insurance Company coverage.
- Providing economic services and paying parts of sex reassignment surgery costs, to claim the parts of living, social aid services and advisory costs prior to and post-surgery to all persons with identity disorders.
- Children born out of wedlock are accepted and protected in quasi-family centers and after legal procedures adopted by volunteer families.
- Accepting unsupervised refugee children in quasi-family centers by SWO.
- Planning Farzan Website by the MCLSW aimed at registering children born to families with Iranian women and foreign men (under construction).
- Decision of the Supreme Council on Social Security and Welfare (2014) of the MCLSW, to find a solution for identity problem of children born out of Iranian women and foreign men.
- Decision of the Supreme Council on Social Security and Welfare (2014) to combat educational deprivation of children in need of education.
- Accessing to psychological therapy and physiological medical services for Children with gender identity disorder. Among adolescents and adults, following diagnosis and confirmation of Legal Medicine Organization, permission is given for sex change surgery. SWO also helps by offering specialized and psychological consultation, social work services, and partial payment of surgery costs, supplementary treatments and empowerment allowances before and after surgery.
- To support children with gender identity disorder, “the Association to Support Patients with Gender Identity Disorder” has been established and works nationwide and this group help the above-mentioned children.

## 9.

60. Based on Articles 12 and 13 of the Constitution, non-Shia Islamic religion, Christians, Zoroastrians and Jews are free to perform their religious rituals and traditions and have their own religious education. Based on Article 14 (Ibid), the Islamic government and Muslims are obliged to honor rights of Non-Muslims. Besides, at no stage in school registration, students are asked about their religion.

61. Article 6 (paragraph 1) of the Statute of Imam Khomeini Relief Foundation (2015) stresses “examining and identifying various material and spiritual deprivations of the needy and identifying needy families in urban, rural and nomadic areas” with no discrimination as to their religion or their beliefs. Thus there are families from Christian, Zoroastrian, Jewish and Sunni families who are supported by the above-mentioned foundation.

62. To receive specialized services and social protection by SWO, there is no discrimination as to one's religion or beliefs.

63. Based on Legal Suits on Personal Civil Status and Religious Teachings of Iranian Zoroastrians, Jews and Christians Act (approved by the Expediency Council, 1993), the courts in dealing with personal status of them, are required to follow their religion rules.

64. Based on Article 554 of IPC (2013) and State Decree of the Supreme Leader, the blood money for religious minorities recognized in the Constitution is set the same as the blood money for Muslims.

## 10.

### Legal measures

65. Article 19 of the Constitution stresses that Iranian people from any ethnicity or group are entitled to equal material rights and their color, ethnicity and language makes no superiority. Thus, Iranian people including children from religious minorities are entitled to equal rights and unreasonable arrest or detention of any person whether from ethnic or non-ethnic minorities is a breach of the Constitution and a violation of legal freedoms and civic rights and any violation or offence shall be dealt with by competent courts.

66. Presumption of innocence as a principle is enshrined in Article 4 of Criminal Code of Procedure (CCP) (2013). Any restraining measure to deny a person's freedom and violate one's privacy, unless authorized by law and sanctioned by a judicial authority, is prohibited. In any event, one's dignity and honor must be fully respected.

67. Article 7 (amended in 2015) of CCP (2013) obliges all judicial authorities, justice department administrators and others who are involved in the judicial procedure to Respecting Legitimate Freedoms and Maintain Citizenship Act (2004). Violators must make reparations for the damages incurred and based on Article 570 of IPC, they will be tried unless a more severe penalty is decided for them in other laws.

### Practical measures

68. As for question 9, the criteria to support persons by Imam Khomeini Relief Foundation is their need with no discrimination as to their religion or religious beliefs and needy families from religious minorities such as Christians, Zoroastrians, Jews and Sunni are supported by this organization.

69. In the courses, held by the municipality, no question were asked regarding the ethnicity or religion of the children.

70. In the SWO, there are no ideological, religious or ethnic restrictions.

71. Based on the afore-mentioned laws during judicial proceedings, no enforcement officer is allowed to detain, arbitrarily arrest or incarcerate a person and torture, in any form, is prohibited. Any violation will be prosecuted.

72. Based on Article 578, 5th book of IPC, "Any civil servant or judicial or non-judicial agent who corporally mistreats and abuses an accused person in order to force him to confess, in addition to qisas and diya, shall be sentenced to six months to three years' imprisonment; and if it is done under someone's order, only the person who has issued the order shall be sentenced to the aforementioned imprisonment; and if the accused person dies as a result of the abuses, the principal to the murder shall be sentenced to the punishment provided for a murderer, and the person who has issued the order shall be sentenced to the punishment provided for the person who has ordered a murder".

73. Based on Article 579, 5th book of IPC, “If a civil servant punishes a convicted person harsher than what was ordered in the verdict or punishes him to what is not ordered in the verdict, he shall be sentenced to six months to three years’ imprisonment; and if the act is carried out pursuant to someone else’s order, only the person who has issued the order shall be sentenced to the prescribed punishment; and if the act is punishable by qisas or diya the main principal to the crime shall be sentenced accordingly; and if the act consists of other crimes, the principal to the crime and the person who has issued the order shall be sentenced accordingly to the relevant punishment.”

11.

### Legal Measures

74. Preparing the grounds for students’ participation in school affairs: Based on paragraph 2/13, chapter 6 (operational goals and strategies) of the document on fundamental evolution of education, passed in 2011 by Supreme Council of Cultural Revolution, boosting the efficacy of intra-school councils (like teachers’ council or students’ council) by devolving parts of powers in management of school to them was stressed which will enhance their participation in the education process at school.

75. Making presence of councillors in Juvenile courts obligatory: based on Article 298 (amended 2015), the presence of a judge and a councillor in juvenile courts is mandatory. The councillors are chosen from among specialists of the field of behavioral sciences, psychology, criminology, social work services, etc...

76. Article 22 (note 2) of the Law to Support Unsupervised and Ill-supervised Children and Adolescents states that children and adolescents who are under supervision, after reaching 18 years of age, can plea for issuance of a new identification card for themselves with the name of their real parents and in case their real parents’ name is not known, they can ask for assistance from National Organization for Civil Registration.

77. In Article 41 of the Law to Protect Family (2012), the parents’ agreement for meeting, keeping and guardianship of the child is rejected in favor of what is to the interest of the child. In Article 45 of the same law, observing the interest of the child is made obligatory in all decisions made by courts or executive officials.

78. As for sentences issued by juvenile courts, based on paragraph 2, Article 2 (Convention on the Right of the Child), the views of the child must be heard by judge. Also, based on CCP (Article 298), the presence of a judge and a councillor from among specialists in the area of children is mandatory.

79. Article 474- The plea for retrial in definite convictions issued by courts, whether the verdict is executed or not, is acceptable in the following cases:

- A person is convicted for the murder of another person who is later found to be alive.
- A number of people are convicted for committing a crime the perpetration of which is only possible by only one person.
- A person is convicted of a crime while another person is convicted for the same crime by another court in such a way that the contradiction involved in court sentences proves that one of them must be innocent.
- Different sentences are issued for a person with single charges.
- It is proved in competent courts that court ruling was based on false evidences or false testimonies.

- After issuance of definite verdict, new evidences or happenings emerge which prove that the defendant is innocent or guiltless.
- The action perpetrated is not a crime or the penalty handed down is more than what is prescribed in law.

## 12.

80. In the section “Security and Correctional Measures for children and adolescents “as mentioned in IPC, none of the above has been mentioned as punishments.

81. Article 102 of the IPC (2013) is related to the remission of complainant due to the plurality of loss sustainers; this has been excluded from the scope of children, therefore, it is not clear why the committee has raised the question.

82. According to Article 88 of the recent IPC, concerning girls and boys between 9 and 15 years old, instead of issuing penal convictions, the court embarks on taking appropriate decisions, including submission to legal guardians or parents upon their commitment to taking care of the child’s decent conduct, or sending the child/adolescent to a cultural and educational institute. By virtue of Article 89 of the same law, if the said child is 15 to 18 years old, s/he shall be sentenced to pecuniary punishment, hence no flogging punishment defined among these punishments.

83. According to the investigations, there is no case involving penal conviction, instead in many cases verbal notification and written pledge is all that is done.

## 13.

84. The points mentioned in the Question itself spell out typical extent of punishing children; therefore, applying the adjective “typical” means that specifying whether parents’ behavior is typical depends on the custom of various regions of the country with different ethnic and religious groups. In this regard, custom is inherently something dynamic and variable. Today, the general, predominant custom in Iran considers any maltreatment of children (particularly those ensuing mental and physical consequences) as an instance of child abuse. Today, governmental and non-governmental bodies have established hotlines so that all instances of child abuse can be reported. Tehran’s Social Emergency Center (affiliated to Iran’s SWO) and Child Abuse Hotlines (affiliated to the Society for Protecting the Rights of the Child) are just examples.

85. There are no provisions in the internal laws to authorize violence against children or to condone such violent actions.

86. The Children and Adolescents Protection Bill, which is undergoing the final stages of adoption, has defined, determined and criminalized various forms of abuse, exploitation, and violent behaviors toward children at the domestic and social levels.

87. Concerning domestic violence, Vice President for Women and Family Affairs has ordered the finalization of the Bill on Securing Women against Violence, which emphasizes three aspects: criminalization, protection, and prevention.

88. The draft of the National Plan of Action on Children and Women’s Security in Social Relations — based on Article 227 of the Law of 5th Development Plan in the I.R.Iran — has emphasized children’s security as well as promotion of positive and non-violent behaviors.

89. In 2014, the Iranian Ministry of Education adopted an internal circular indicating the prohibition of corporal punishment.

90. The statistics related to child abuse from 2012 to 2014 divided by province is attached.

91. Holding educational courses on behavioral skills by SWO in 2014.

92. Holding 4 scientific meetings with the subject of “role of religious leaders in prevention of violence against children” by NBCRC with the cooperation of UNICEF and other relevant scientific and administrative bodies.

93. To answer another part of the question, it is not yet clear whether by the “IPC” the committee means that adopted in 2013 or the one previously in effect. In any case, it should be noted that the committee’s question is beyond the scope of the said provisions; moreover, as regards request for divorce by the wife, Article 1130 of Iran’s Civil Code indicates the distress and constriction of the husband.

#### 14.

94. The above Article explicitly states that “if the wife refuses to fulfill her duties “without any legitimate excuse”, then she will not be entitled to alimony”; hence applying the phrase “without any legitimate excuse” has allowed married girls who have been subject to exploitation and abuse by their husbands or for whom sexual relations with their husbands brings about physical, mental or emotional damage to refrain from special obedience, i.e., having sexual relation with the husband; it also allows such married girls to resort to a competent court and bring a suit so that a competent expert proves the issue of sexual abuse. If this is substantiated by the competent court, the wife’s disobedience shall not constitute a reason for cutting the alimony. Moreover, the Note under Article 53 of the Family Protection Law (2012), explicitly states that if wife refrains from obeying her husband based on legitimate reasons, she is still entitled to alimony. Another issue is that if such violent behaviors on the part of husband continue, Article 1130 of the Civil Code allows such married girls to prove their distress and constriction in living with her husband, and, therefore, request for divorce in a competent court.

#### 15.

##### **Legal measures**

95. This question has been answered in question number 3 under the minimum age of marriage. In addition, the Legal Deputy of the Judiciary in the Bill of Discretionary Punishments, which modifies the 5th book of IPC, has criminalized marriage with children with the purpose of trafficking and exploitation.

##### **Practical measures**

96. At various provincial levels or even in various cities and villages in the same province, we witness different subcultures. Therefore, to end this phenomenon (marriages under the age of 18), we need both legislation and widespread cultural empowerment. In this regard, we can refer to the following measures:

- Holding training workshops and meetings dealing with the disadvantages of early marriage. For example, the NBCRC held a series of meetings on the role of religious leaders in prevention of violence against children; in these meetings, marriage under the age of 18 was introduced as an instance of violence. During the meetings call upon the religious leaders to use their status among their followers to put an end to this phenomenon.
- Vice Presidency for Women and Family Affairs has embarked a research project on marriage under the legal age since 2015. After identifying the existing vacuums in

terms of protecting children against early or forced marriage, this project will specify, define and operationalize appropriate solutions.

- According to statistics obtained from all over the country, from 2012 to 2014, 65 persons have been tried in relevant courts on charges of marriage with girls under the legal age. The related tables divided by province have been attached.

97. Female Genital Mutilation (FGM) is not common in the country, to the extent that most of the Iranian populations have no idea about the occurrence of such mutilation and even some do not know that such circumcision is possible. Therefore, FGM is NOT popularly accepted; nonetheless, reports about mutilation have been heard in four provinces of Hormozgan, Kurdistan, Kermanshah, and West Azarbaijan. As regards the protection of the best interests of girls and women and respect for their mental and physical sovereignty, the competent executive bodies of the country have paid special attention to standardization and cultural empowerment measures including the following:

- In terms of legal measures, Article 663 of the 4th book of IPC (2013), has criminalized FGM; therefore, girls who have faced such a mutilation can refer to this provision and file a suit against the perpetrator in order to claim damages;
- In terms of practical measures, whereas exercising the FGM in the said provinces is according to some religious rituals, whereas according to Article 12 of the Constitution, non-Shia Islamic religion have been recognized and allowed to conduct their practical rites, terminating FGM in practice requires cultural measures and participation on the part of religious leaders in order to enlighten the public opinions in the said provinces. For the same purpose, NBCRC in association with the Vice Presidency for Women and Family Affairs have put on their agenda the termination of FGM since 2014; this operational scheme is right now at the planning stage in order to hold orientation courses for relevant governmental officials (such as those of the Ministry of Health, Treatment and Medical Education).

#### 16.

98. Based on a report by the SWO, 9,633 children are being kept in 575 boarding centers of which 500 centers are governmental and 75 are nongovernmental. In addition, 13,738 children are being protected in their own families and quasi families. 1,091 children have been given to volunteer families as foster child. Moreover, 15 centers have been set up or are being set up daily for children with single-parent and children of the vulnerable regions and informal settlements entitled “children and family welfare center”.

99. These centers are established at local, provincial and country levels and are visited based on a weekly, monthly and once in every three months, respectively. They are constantly supervised intangibly at other times;

100. Children themselves keep in touch with the SWO via telephone at 123. Moreover, a special telephone line for the children under surveillance is on the verge of inauguration in the office of quasi family affairs:

- Monitoring and following cases through the assessment center of the SWO.
- Allocation of short message system at 30008530 in the SWO to receive popular information.
- The specialized instruction on protecting and training the dependent children has been adopted by the SWO in 2009. The aforesaid instruction is drawn up in 8 separate sections. They argue various issues including the required condition to accept children in those centers, accepting children with disabilities, the situation can a child arrive at a surveillance system, necessary measures to protect and train



children, the condition of children and adoptive (foster) parents, the characteristic traits of psychologists and advisors in those centers, considering the condition of the independent centers and determining mechanisms to properly implement the responsibilities.

- A comprehensive strategic plan on the protection of children and juveniles deprived of a competent and effective supervision is under preparation.

## 17.

101. This bill, after passing through the parliament, turned into Act in 2012 and the number of the Article changed into 26.

102. Note of article 26 of the aforementioned Act, has predicated the issuance of the permission of marriage between an adopted child and its parent on two conditions; first, the permit for the said marriage shall be issued by the court. Second, the court shall ask for the advisory opinion of the SWO prior to the issuance of the said permit. The organization, after reviewing all conditions of the adopted child, shall determine if the said marriage is consistent with the best interests of the child or not. Therefore, both the court and the organization shall prevent from issuing any permit that is inconsistent with the best interests of the child.

103. Despite doubts on Article 26 of the said Act, one should accept that almost all provisions here are protective and consistent with the best interests of the children. With regard to Article 26, although inclusion of the said Article is justifiable in terms of Shari'a without any problem, it is merely a legal prediction without any record of the aforementioned marriage as it is reported by the related centers including the SWO. The NBCRC has examined various aspects of this issue at different scientific meetings attended by university teachers and religious jurists, and provided the law-makers with the findings. However, the Office of Vice President for Women and Family Affairs is conducting purposeful studies to reform this act that will be submitted to the parliament as an amendment when completed.

104. Also, in the executive by law of the aforesaid Act (2015), no reference is made to the method of implementing this Article, which indicates that in practice no such marriage permit will be issued.

105. According to the SWO, no marriage between a guardian, parent and an adopted child has been reported yet.

## 18.

106. According to the instructions of the Ministry of Education and the recognition of the Office of Schools for Special Children, plan of integrating the borderline students (mentally) and other disabled persons who do not need any specific protection in ordinary schools is being executed. In addition, partially sighted students are being registered in ordinary schools.

## 19.

### Legal measures

107. Preparing and notifying "the general policies of the country in the field of health and population" (2014).

108. Preparing the draft of "the promotion of human development indices by the Planning and Management Organization" (2015).

**Practical measures***Ministry of Health, Treatment and Medical Training*

109. Preparing and adopting the multifaceted plan of growth and evolution at the beginning of childhood in the supreme health council (2013).

110. Implementing the following plans to reduce the mortality of babies, infants and mothers all across the country:

- Increasing the survival of premature, unhealthy and healthy babies in hospitals all across the country since 2010.
- Reducing fetal damage during birth in hospitals all across the country since 2013.
- Integrated care for healthy children at home and health centers all across the country since 2005.
- Integrated care for infants' sickness at home and health centers all across the country since 2004.
- Promotion of breastfeeding in houses and health centers all across the country since 1998.
- Presenting comprehensive service on development of children since 2013.
- Establishing child mortality care system in the realm of health and treatment (this system has completely been established) since 2007.
- Establishing maternal mortality care system in the realm of health and treatment (this system has completely been established) since 2001.
- Integrated care for mother safety (out-of-hospital services) at home and health centers all across the country since 2001.
- Presenting services (mother-friendly hospitals) all across the country.
- Training midwives to send to remote and deprived areas since 2008.
- Preparing a plan to establish centers to protect and accommodate vulnerable mothers by hospitals.
- Preparing a plan known as "Dr. Mo'in" (providing intellectual assistance and adopting proper decisions in emergencies through on-call faculty members to the hospitals of small cities).

111. Measures taken on the subject of childhood growth and development:

- Pilot plan for multifaceted growth and evolution for the beginning of childhood.
- Preparing a comprehensive package of supplementary service for children.
- Preparing a comprehensive plan on promoting the children development.
- Preparing a comprehensive and operational plan on multifaceted growth and development of early childhood.
- Providing pregnant, newly delivered and breastfeeding mothers with advisory services and child-training advice as well as sound lifestyle and ways to prevent children from malnutrition in health and medical centers by province, city and village (see the appendix).
- Preparing a plan on healthy and safe productivity.

112. Preparing a protection package for employed mothers as follows:
- All children deprived of breastfeeding are given formula milk based on a specified instruction.
  - Children with metabolic disorders are given special milk.
  - Increasing of maternity leave for employed mothers from 6 to 9 months and allocation of 15 days for fathers as paternity leave.
  - Distribution of free milk for 12 million elementary and middle school students, boarding school, unsupervised students.
113. Taking measures on healthy lifestyle education for children as follows:
- National plan on self-care at schools.
  - Training health agents at schools.
  - Preparing a comprehensive plan on teaching health.
  - Holding tobacco campaign.
  - Holding healthy life with a healthy heart campaign.
  - Holding healthy nutrition campaign.
  - Holding preventing obesity campaign.
  - Preparing educational media (information package, teaser, poster, etc.) with students, teachers and parents as target groups.
  - Executing plans on training children within the framework of promoting the social and mental health of the community nationwide focusing on parents' training since 2003. Currently, medical science universities hold these workshops for personnel and other target groups.
  - Conclusion of an agreement with UNICEF on developmental and nutritional care for endangered babies, and preparing a joint 5-year program concerning all health aspects of children.
  - Preparing an integrated package including 11 significant services: child growth screening, breastfeeding, supplementary nutrition, vitamin supplements, eyesight screening, and teaching method for training children, preventing accidents and screening the growth of children since 2004.
  - Urging medical science universities to hold before and in-service training on making medical and paramedical students familiar with special health requirements of children.
  - Emphasizing the inclusion of facilities, equipment, services, drugs (medicines) and medical centers using three indices of accessibility, quality and cost-effectiveness in health evolution plan.
  - Preparing a road map to present rehabilitation services to children with disabilities.

#### SWO

114. Developing Personal Advisory Service Centers all across the country for pregnant mothers to 1,200 non-governmental centers and 27 governmental centers in addition to 31 distant advisory governmental centers(Phone No:1480).
115. Constantly holding training courses on puberty process and sexual issues for unsupervised children and children with disabilities.

116. Implementing rehabilitation plans for 36,000 severely disabled rural children nationwide.
117. Paying allowance for nursing 1,958 children with medullar damage in addition to a plan for screening autism disorders in children from 2 to 5 years.
118. Providing 21,518 disabled children with daily training and rehabilitation centers for under-15-year children with mental disorder.
119. Providing 10,484 disabled children with professional service.
120. Enjoyment of 2,892 children with medullar damage of protective, productive, rehabilitative and empowerment services as well as sport and recreational programs.
121. Providing 354,000 disabled children with rehabilitation services like physiotherapy, occupational therapy, acoumetry, optometry, speech therapy and orthopedics.
122. Preparing rehabilitation equipment for 15,000 disabled children such as wheelchair, wavy mattress, walking stick, hearing aid and equipment for on-time recognition and intervention in special rehabilitation centers for children.
123. Providing service for 952 disabled Afghan and Iraqi refugee children in cooperation with UNHCR.
124. Operating 190 intervention centers during social crisis nationwide, 160 social service bases all across the country and allocating 298 vehicles to give mobile social service.
125. Preparing joint cooperation plan with UNICEF to maintain special social service for unsupervised children in Iran.

*Vice Presidency for women and family affairs*

126. Preparing a research and strategic report entitled “multi-dimensional recognition of the problems of addicted children” which includes the road map or guidelines to prevent, control and treat addiction in children under 18.
127. Drawing up a project to terminate the trend inconsistent with the health of girls under 18 (like early or forced marriage or early pregnancy).

**20.**

128. Article 53 of the executive By-law for schools (2000), by Supreme Education Council has expounded the way married students can pursue their studies. This Article also includes all pregnant students without exception.
129. According to the principles of the Iranian Constitution and domestic laws and regulations, there is no discrimination against any persons regarding free and compulsory education in the country.
130. In Civil Code and other laws related to family, including the Family Protection Code (2012), no Article indicated that a husband can prevent his wife from studying; in addition, a woman, based on Article 1119 of the Civil Code, while getting married, can set a condition to continue her studies after marriage. In case of acceptance of such condition, if after marriage the man prevents her from her studies, the woman can, by referring to a Family Court, ask the man to abide by his commitment. If this situation goes on, the woman, referring the case to a court on the basis of her husband’s breach of commitment, can ask for divorce.
131. In addition to the aforementioned provisions, Article 4 of Children and Adolescents Protection Act (2002), has criminalized the obstruction of child education; moreover, it can

legally be inferred from this Article that if the perpetrator of the aforesaid act is the husband, he will be criminally responsible for his Act. In accordance with Article 1 of this act, a child is any human being under 18; therefore, all married girls under the age of 11 will enjoy all protection mentioned in the provisions of this Article.

132. At all levels of education in the country, the required license for teaching some parts of the Persian Book in the native language of the ethnic minorities has been issued for 2016-2017 school year.

## 21.

133. In order to render purposeful social protection for child labour and street children, the council for organization of child labour and street children has taken the following measures in 2014 and 2015:

- Establishing the think tank for child labour and street children attended by representatives of nongovernmental and academic organizations that are active in that field in order to institutionalize the presence of civil society in decision making processes and to help implement the Bylaw of organizing street children (2005).
- Establishing a codification committee for social protection of child labour and street children to develop plans and make sustainable policies in order to empower these children, and control and decrease child labor via governmental and nongovernmental organizations.
- Revising the by law of organization of child labour and street children (2005), with the presence of representative of nongovernmental institutes and state experts in the field of children.
- Holding a conference on child labour and street children, attended by experienced and international experts in association with UNICEF.
- Activating the council for organizing street children in the country's provinces.
- Provincial visits to get familiar with the status of child labour and street children in various provinces and assessing the protective projects implemented.
- According to the approval of the Supreme Council of State Welfare and Social Security, (2014), the identification of educationally deprived children plan is being implemented in association of Ministry of Education in four provinces of Khuzestan, Fars, Alborz, and Tehran.

134. The SWO has taken the following measures for the protection of child labour and street children:

- Identification and protection of 6,000 child labour and street children and their families throughout the country on a yearly basis.
- The continuation of activities of 37 governmental and nongovernmental centers providing free educational, supportive and residential services to such children, and the continuation of activities of child and family supportive/educational centers in 30 provinces in 2015.
- Tentative launching of nonresidential supportive/educational centers for children and families in 5 provinces in 2014.
- Training teachers for street children supportive centers.
- In order to support and protect socially affected children, especially child labour and street children, Tehran's municipality has provided 16 places for nongovernmental

institutes, where social, educational, literacy, and psychological services are provided to the target groups.

- In order to protect child labour and street children, 170 children were symbolically covered by Health Insurance Services with the cooperation of Iran Health Insurance Organization. Insurance services for other child labour and street children are provided freely by Medical Services Insurance Organization with the cooperation of NGOs. On 24/05/2014, some of these children received their Insurance Certificates by the president of the Islamic Republic of Iran.
- According to the provisions of IPC and CCP, every person who has been a victim of violence can file a criminal suit, and the individual's status is not a determining factor in this process. Also, Article 66 of the CCP for nongovernmental institutes related to children has envisaged their competency for indictment and taking part in all stages of the trial. Therefore, such institutes can report instances of violence against children to the judicial authorities.
- For example, Tehran's prosecutor's office and the deputy for custody shall issue indictments after prosecution of perpetrators of violence and child abuse, based on self-report or other reports sent from relevant governmental or non-governmental sources.

## 22.

135. Regarding the registration of birth of children born from refugees, as per Articles 12 and 13 of Status Registration Act (1976), the birth of any child, whether born of Iranian parents or of foreign ones, shall be registered upon announcement to the national organization for civil registration.

136. By virtue of the order issued in 2015 by the Supreme Leader of the Islamic Republic of Iran, all migrant children, regardless of their migration status can enjoy education in the country's schools. Subsequent to the said order, the Ministry of Education issued an internal circular to operationalize the order. Furthermore, the NBCRC has prepared the amendment bill for the education of foreign nationals so that all illegal migrant children could enjoy education; the bill is under consideration of the Cabinet.

137. According to paragraph 1 of Article 6 of the Articles of Association of Imam Khomeini Relief Foundation, the criterion for protecting people is their need; therefore, their status as refugee or immigrant does not act as a determining factor for providing them with protective services. According to paragraph C of Article 15 of the Instruction for Empowerment and Relief Services (2009), foreign nationals in need shall be entitled to receive protective services after the processes of admission, identification, and need assessment.

138. As for the claim of police forces abuse of this group of children, please refer to the answer to question 21.

## 23.

139. Prosecuting children's crimes is exclusive for Juvenile Courts and includes the following cases:

- According to Article 285 of the Code of Criminal Procedure (2013), since prosecuting children's crimes is a specialized task, some branches in all prosecutor's offices all over the country have been allocated to preliminary investigations of crimes committed by children.

- According to Article 304 of the CCP (2013), all crimes committed by children under the age of 18 are heard in juvenile courts.
- According to Article 315 of the Code of Criminal Procedure (2013), hearing crimes leading to deprivation of life of people by matured persons under 18 lies within the jurisdiction of Juvenile Criminal Court.
- According to Article 409 of the CCP (2013), various training courses have been arranged for judgment apprentices, serving judges, as well as administrative clerks, police officers, staff of correctional centers, lawyers and social aid workers.
- As per the provisions of Article 28, Note 1 of Article 29, and Article 30 of the CCP, the prosecutor in each jurisdiction is obliged to continually train children and adolescent police forces as well as staff of the correction and rehabilitation centers. Moreover, based on Article 31 of the code, the draft of the bill for establishment of “children and adolescents police” has been prepared in the Judiciary and is currently pending for approval.

## Part II

### a)

- Code of Criminal Procedure (2013), specifically Chapters 2 and 6 of section 3 of the Law; Ch. 2: procedure arrangement; Ch. 6: Children and Adolescents Court).
- Islamic Penal Code (2013), specifically Chapter 10 (punishments, security and corrective measures for children and adolescents).
- The Family Protection Act, (2013), specifically Chapter 5 (protection and maintenance of children and alimony) and Article 45.
- The Law of Protection of Unsupervised and Ill-supervised Children and Adolescents, (2013), which has provided more protective arrangements for such children, including the following: rising the age of adoption to 16 years, envisaging the possibility of adoption of legally qualified single girls, entitling the adopted child to parents’ annuity, the possibility of possessing parents’ properties, envisaging paid leave for foster mother in order to look after the newly born infant.
- The amendment to the drugs combating law (2010), particularly Article 35 providing for the intensification of punishment for those who coerce children and adolescents into committing drug crimes.
- Order of judicial precedent No. 737 issued by the State Supreme Court (2015), concerning retrial all crimes punishable by death penalty committed by persons under 18 years old.
- Instruction about organizing prisoners and reducing the criminal population of prisons, specifically Articles 8 and 10 of the said document.
- Drawing up a directive on “maintaining children with imprisoned mothers and pregnant social workers” (2015), in order to provide services such as medical examination, monitoring, vaccination, nutrition, protection, issuing birth certificate, and other legal, medical and consultation services.
- Preparing the draft executive Bylaw of correction and rehabilitation center, based on Article 528 of the CCP (2013).

- Preparing the draft executive directive of Article 40 of Family Protection Law (2012), with the subject of guardianship of and visiting children in family consultation centers and with the help of experienced consultants and psychologists.
- Envisaging provisions to protect children in the bill for amendment of the 5<sup>th</sup> book of IPC on the Judiciary agenda (including intensifying the punishment when the victim is a child; or generalizing the instances of human trafficking to cases where adoption takes place with the aim of trafficking and exploiting the child).
- Compilation of the National Plan on Women and Children Security in Social Relations, as per Article 227 of the 5<sup>th</sup> Plan Law.
- Approvals of the “Supreme Council for Welfare and Social Security” within the MCLSW (2014):
- Prevention of educational deprivation among all poor children.
- Solving identity problems among children born of Iranian women and Foreign Men.
- Compilation and implementation of the directive for care and treatment of children/adolescents in medical centers by the Ministry of Health, Treatment and Medical Education, in 2007.
- Formation of Children and Adolescents Special Police Force, as per Articles 31 and 42 of the CCP (2013).

**b)**

- Making it mandatory for consultants specialized in psychology and training to appear in children and adolescents courts, as per Articles 298 and 410 of the CCP (2013).
- Establishment of Special Prosecutor’s Office for Children and Adolescents headed by deputy prosecutor, as per Article 285 of CCP (2013).
- Determining special qualifications for judges who hear crimes committed by children and adolescents, as per Article 409 of the CCP (2013).
- Making it mandatory to form ‘character files’ in the courts dealing with crimes committed by children and adolescents, as per Article 286 of the CCP (2013).
- Envisaging the possibility for NGOs active in the field of children to announcement of crime and presence in court to follow the proceedings, as per Article 66 of the CCP (2013).
- Establishing social aid unit in the special courts for children and adolescents in Article 486 of CCP (2013).
- Using a specialized working group of women and family under the council for planning and provincial development, in accordance with the coordination council of the NBCRC in the Justice Ministry in cooperation with Interior Ministry to coordinate actions concerning child right all across the country in 2015.
- Carrying out structural reforms in the Vice Presidency for Women and Family Affairs and activating children section in the legal affairs office to study children rights; preparing relevant bills and conducting functional-strategic studies on children.
- Establishing 16 centers through strategic management and cooperation of non-governmental institutes by Tehran Municipality to protect child labour and street children (2014).



- Creating a change in the membership combination of child labour and street children organization council in the MCLSW; new combination includes NBCRC, Forensic Medicine Organization, Targeted-Subsidy Organization, Center for Children and Juveniles Intellectual Training, the Headquarters for Combating Narcotic Drugs and the Ministry of Sports and Youths.
- Establishing the NBCRC in the Justice Ministry.

## c)

- Preparing National Plan of Action for children and Adolescents rights by the NBCRC which includes 11 strategies as follow (some programs and activities are envisaged to implement each strategy):
  - Promoting the fundamental rights of children.
  - Promoting family relationship and substitute cares.
  - Developing health and primary welfare of children.
  - Developing a child-friendly culture.
  - Developing special care.
  - Improving special educational, training, sport, cultural and recreational activities for children.
  - Improving the structure and management system.
  - Developing rules and regulations.
  - Developing research and science.
  - Developing and empowering human resources.
  - Developing international cooperation.
- Preparing a comprehensive plan on protecting affected and vulnerable students in cooperation with Judiciary System and University of Tehran Research Center for Criminal Law, and preparing a coalition document among 8 governmental bodies with a protective role. The protective packages of the aforesaid program include:
  - Protective measures regarding affected, vulnerable and exposed students.
  - Educational measures to improve lifestyle of children.
  - Growth-based trainings (bring-up training course for development crime prevention).
- Preparing a plan to provide identity certificate for children without id certificate in women's penitentiary from 2000 to 2015.
- Drawing up a project to put an end to trends inconsistent with children health in 2014 by the office of vice president for women and family affairs in cooperation with the NBCRC (the credit for this project is envisaged in 2015 budget).
- Measures, activities, plans and programs conducted in the women and family office in 17 provinces in cooperation with administrative bodies.
- Adoption of 5 notes in Article 104 of the second 5-year act of Tehran Municipality (2009-2013) in line with protecting affected and vulnerable children in Tehran City Council (the Tehran Municipality Organization for Welfare, Service and Social Participation annually allocates some credit to protect child labour and street children).

- Organizing and implementing the Plan of “Love House” by the State Organization of Prisons with the cooperation of SWO to protect children living with imprisoned mothers.
- To sign a memorandum of cooperation between the State Organization of Prisons and the Ministry of Education to provide educational and consultative services to social workers living in correction and rehabilitation centers.
- To codify Victims Protection Plan by the State Organization of Prisons with the cooperation of Ministry of Justice to grant GRATIS facilities to the children of needy prisoners.
- implementation of a food security program for children under 6 years by Imam Khomeini Relief Foundation and Ministry of Health in 2013 in 32 provinces of the country and protecting 65,965 children under age 6, including 12,131 children of members of Imam Khomeini Relief Foundation and 53,834 children of other families.
- Implementation of the plan of promoting timely registration of birth to use civil and social rights of children within 15 days of their birth fully; and plan of increasing registration coverage in the country, especially in rural, border and nomadic areas for the timely registration of the birth of children by the Civil Status Organization; (the financial resources of the said plans were mutually provided by UNICEF and UNDP).
- Codification and implementation of the Plan Delivering a Portion of Hot Food to Children 3-6 years old in rural kindergartens and implementation of Food Basket Plan to Children Under 6 in Needy Families by MCLSW.

**d)**

- Signing the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in September of 2010.

### **Part III**

140. Regarding the inseparability of budget and financial credit of governmental bodies and organizations on child affairs, it was not possible to provide more detailed information.

141. The Ministry of Justice, as the NBCRC in the IRI, by virtue of its smart management system has planned “Human Treasury System” to provide information and protective services for children and adolescents and is offering its services by the participation of all child right activists.

142. This system covers all information of persons under 18 including personal information, personal traits, and type of the received services by the governmental and non-governmental bodies in a concentrated manner and its first phase was launched in September 2015. In the second phase, this system provides protective, statistics and referential services of the country’s population under 18 to all stakeholders and official.

143. In 2013-2014, a study was carried out by the request of NBCRC and by the cooperation of UNICEF to set the country’s protective priorities and determine the group of children with high priority. In the above mentioned study, the identified prioritized groups of children with protective needs are as follows:

1. Sexually abused Children.
2. Prostituted Children.

3. Street Children.
4. Cardboard Children Sleeping in cardboard box.
5. Ill-supervised and Non-supervised Children.

144. Of course, there are some proposal protective measures to protect these children and face the child related challenges, as follow:

1. Availability of Advisory Services.
2. Presence of Advisors in Schools.
3. Facilitation of Availability of Services to Children.
4. Training Expert Human Resources in the Area of Rights of the Child and Protecting Sexually Abused Children or Sexually Vulnerable Ones.
5. Appointing a Lawyer and Social Aid Worker in all Stages of Judicial Proceedings of Sexually Abused Children.

**National Body on the Convention on the Rights of the Child (NBCRC)**

**Islamic Republic of Iran**

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