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Iran: Child Protection Law Positive, but Insufficient

Put in Place New Protections, Expedite Reform



Little girls laughing in the street in Salakh, Iran. © 2015 Eric Lafforgue/Art in All of Us/Corbis via Getty Images

(Beirut) – [Iran's](#) recently approved law to protect children and adolescents is a small positive step forward but falls short of the fundamental reforms needed to meaningfully protect children's rights, Human Rights Watch said today.

On June 7, 2020, the Guardian Council, the body responsible for ensuring the compatibility of legislation passed by Iran's parliament with the constitution and Iranian authorities' interpretation of Sharia, approved a [51-article bill](#) to "support children and adolescents." It includes new penalties for certain acts that harm a child's safety and well-being, including physical harm and preventing access to education. The law also allows officials to relocate a child in situations that seriously threaten their safety. But the law fails to address some of the most serious threats against children in Iran, such as child marriage and imposition of the death penalty.

“Iranian authorities should waste no time in carrying out these new protections for children,” said [Tara Sepehri Far](#), Iran researcher at Human Rights Watch. “It is naïve, however, to think these reforms alone can keep children safe when the law still allows corporal punishment, child marriage, female genital mutilation, and the death penalty for children.”

Parliament will send the law for President Hassan Rouhani’s signature, after which it will be published in the legal gazette and enter into force.

Spurred by the national outrage that followed the gruesome [beheading](#) of 14-year-old Romina Ashrafi, allegedly by her father, on May 21, [several government officials](#) called for expediting the approval of the bill. It had been submitted to parliament in June 2012 but was stalled and then resubmitted by President Rouhani’s government in June 2016.

Article 9 of the new law defines a set of punishments, which include imprisonment and “blood money,” for negligence by anyone, including parents, that results in death, disability, bodily harm, and sexual harassment. The Guardian Council, however, removed provisions to punish parents’ use of “corporal punishment” with imprisonment. Iranian law does not consider corporal punishment by parents or guardians for “chastisement” within a customary limit as a crime.

Article 7 of the new law sets out financial penalties for parents or guardians who fail to provide for their child’s access to education through secondary level. Primary education is free and compulsory. Secondary education is free, but upper secondary education is not compulsory.

Iran passed an [earlier version of the law](#) to protect children and adolescents in 2003. The 2003 law defined child abuse as a civil crime, and it removed the requirement for a private plaintiff to demand judicial intervention for the state to intervene in cases of child abuse.

The new law, similar to [the 2003 law](#), applies to all those under age 18. Under Iranian law, however, the age of criminal responsibility is tied to the age of maturity, which for girls is defined at 9 lunar years (equivalent to 8.7 years), and for boys at 15 lunar years (equivalent to 14.6 years). This provision is not only discriminatory but also allows judges to issue death sentences against those who committed certain crimes as children. Human rights groups [reported](#) that in 2019 alone, Iran has executed 4 people for crimes they allegedly committed while under age 18.

In a positive development, article 33 of the new law requires social workers from that State Welfare Organization to promptly investigate the situation of children in “extreme danger” from abuse, exploitation, or being out of school, among other things. Under the law, they have the authority to remove a child from a household and put them under the state’s supervision until the prosecutor becomes involved in the case.

While some forms of female genital mutilation, practiced in parts of the country, are criminalized under the penal code, the new child protection law fails to prohibit all forms. It also fails to

criminalize child marriage.

Under Iran's civil code, girls as young as 13, with permission from their fathers, and boys as young as 15 can marry. Children can also marry at younger ages if a judge authorizes the marriage.

According to [official statistics](#), between March 2017 and March 2018, the state registered 217 marriages of girls under age 10, 35,000 marriages of girls between 10 and 14, and 170,926 of those between 15 and 19.

In September 2018, a group of parliament members introduced a [draft bill](#) to increase the minimum age of marriage to 16 and require a judge's permission for marriage between the ages of 13 and 16. The parliamentary judicial commission rejected the bill.

Child [marriage](#) can have dire lifelong consequences, often halting or harming a girl's ability to realize a wide range of human rights. Girls who marry early are [more likely to leave school](#) and are at [heightened risk](#) of marital rape, domestic violence, poor access to decent work, exploitation, and a range of health problems due to early childbearing.

The United Nations Committee on the Rights of the Child, the authoritative body overseeing the implementation of the UN Convention on the Rights of the Child, to which Iran is a state party, called for state parties to set the minimum age for marriage at 18 and to take measures to eliminate child marriage as well as female genital mutilation.

The UN Convention on the Rights of the Child prohibits "torture or other cruel, inhuman or degrading treatment or punishment" as well as capital punishment and life imprisonment without possibility of release for children. Corporal punishment is also prohibited under the convention as cruel or degrading violence. Decades of studies from around the world have found that corporal punishment can cause lasting harm to children.

"Repealing provisions in Iran's laws that violate children's rights is long overdue," Sepehri Far said. "This new law is positive, but it is also a reminder that other Iranian laws still make life terrible for children and should be revoked."

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