



Convention on the Rights of the Child

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Committee on the Rights of the Child

Report submitted by the Islamic Republic of Iran under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, due in 2009*

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Introduction

1. In its concluding observations (CRC/C/15/Add.254 dated 31 March 2005) on the second periodic report of the Islamic Republic of Iran on the implementation of the Convention on the Rights of the Child (hereinafter referred to as the Convention), the Committee has recommended that the state party ratify the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography (hereinafter referred to as the Protocol). Acceding to the Protocol, on 26 September 2007, the Islamic Republic of Iran implemented this recommendation after two years.

2. Pursuant to Article 12 (1) of the Protocol, this is the initial report of the Islamic Republic of Iran submitted to the Committee on the Rights of the Child on the implementation of the provisions of the Protocol.

3. It contains information and data with respect to the measures taken to implement the provisions of the Convention and its Optional Protocol, including the legal and institutional framework, in particular the criminal provisions on the sale of children, child prostitution and child pornography as well as the prescribed penalties, safety measures and social rehabilitation.

I. General information

A. Brief introduction to national body on the Convention on the rights of the child (NBCRC)

4. Since January 2010, upon the approval of the Cabinet¹, the Ministry of Justice has been designated as the “NBCRC”, which is responsible for monitoring and reporting thereon. (CRC)

5. Provisions thereof, endorsed by the Cabinet on 04/01/2012, set forth tasks, objectives and structure thereof. Representatives of 16 governmental organizations² dealing with children's issues, three non-governmental organizations elected through the direct vote of NGOs, a lawyer with at least five years of academic and practical experience introduced by the Bar Association or Center for Counseling Affairs and a clergyman specializing in children's rights constitute members of the Coordination Council - the highest decision-making section in National Body.

6. In order to implement the Protocol, the Islamic Republic of Iran has taken a number of legislative measures including amending a wide range of rules and regulations, working out institutional mechanisms, undertaking executive measures as well as strengthened solutions such as development of judicial system with a view to enhancing the legal and institutional frameworks.

B. Data gathering and reporting process

7. This report has been prepared in accordance with the Committee's revised guidelines regarding initial reports to be submitted by State's parties under Article 12, Paragraph 1 of the Protocol through the following steps:

- The Secretariat of NBCRC requested governmental and non-governmental organizations dealing with children's rights to gather data and information in the legislative, executive and judicial fields;
- The data gathered herein was sent for verification of validity, reliability of documentation, and transparency in coordination and cooperation with above-mentioned organizations;

¹ Decree No. 205847/T43855H.

² Annex II.

- The draft was prepared with respect to relevant guidelines in consultation with experts;
- The draft was submitted to partners for endorsement;
- The final version was submitted to the Committee on the Rights of the Child in October 2020 by Ministry of Foreign Affairs.

C. Implementation of the Protocol and compliance with the general principles of the Convention

8. Based on Islamic and cultural values, the Islamic Republic of Iran has always taken into account the physical and moral aspects of children's safety and security. To that effect, numerous legislative, judicial, and executive measures have been adopted in place to prevent, prohibit and criminalize the offences defined in the Protocol. However, the Islamic Republic of Iran's accession to the Protocol has accelerated efforts to combat the criminal offenses envisaged thereof.

9. In line with its commitment to the Convention and in accordance with its domestic laws, The Islamic Republic of Iran respects the principles of non-discrimination, best interests of the child as well as the right to life, the right to development and the right to be heard for children. Furthermore, domestic laws and measures provide a special protection for children without guardians or neglected by parents, victimized children and children at risk, children with special needs and children in vulnerable situations such as extreme poverty, displacement, asylum, and apartheid.

D. The Legal status of the Optional Protocol in domestic law and its Application in the Judicial Process

10. Article 9 of Iran's Civil Code stipulates that regulations of the treaties concluded according to the Constitution between the Government of the Islamic Republic of Iran and other States are considered as law. NBCRC has invested a great deal of efforts into awareness-raising amongst governmental organizations in order to mainstream the implementation of provisions of the Protocol. In this regard, it has conducted specialized training courses and meetings for judges, lawyers and legal advisers in order to make them familiar with the provisions of the Convention on the Rights of the Child and Optional Protocol thereof.

E. Reservations to the Protocol

11. The Islamic Republic of Iran has accepted the Protocol without any reservations whatsoever.

F. Challenges and factors affecting Protocol implementation

12. Due to their intimidating nature for victims, the offences subject to the Protocol remain concealed all around the world. This fact gives rise to difficulties in the data gathering process. The Islamic Republic of Iran has undertaken numerous measures to guarantee the privacy of victims. However, the devotion of special attention to the issue of children, preventive measures and protection of victims is imperative.

13. The increase in children's presence in cyberspace makes them more vulnerable to online exploitation and violence. Accordingly, efforts have been made to promote the safety and security of cyber space for children through identifying inappropriate and criminal content, restricting child access thereto – whilst respecting the principles of freedom of expression and access to information – and raising the awareness of children and their parents.

G. Data and information

14. According to the sector of their responsibilities, numerous organizations and bodies, inter alia, Ministry of Health and Medical Education (MOHME), Welfare Organization, Social Emergency Coordination Center, Ministry of Education (MEDU), Police, Social and Crime Prevention Directorate of Judiciary collect and process data related to different forms of child abuse and exploitation including those subject to the Protocol.

15. Therefore, the issue has remained on the agenda of NBCRC in order to make a holistic vision on the scope of crimes. The Islamic Republic of Iran has also expended considerable efforts to mobilize all relevant organizations and bodies to achieve this objective.

II. General aspects of implementation

16. This chapter provides some information on general aspects of implementation of the Protocol including its framework, responsible organizations, fund and allocations as well as monitoring mechanism and NGOs participation.

A. The legal framework for the implementation of the Protocol

17. Addressing special needs of children, providing a safe and prosperous familial and social environment and protecting them against all forms of exploitation and abuse have been taken into account in legislation. The legal framework is introduced in chapter V in detail.

18. In recent years, significant progress has been made in legislative and executive measures. Specialization and enhancement of social assistance and rehabilitation services, establishment of inclusive education system, empowering governmental organizations such as the Judiciary, Ministry of Justice, MOHME, Police, Welfare Organization, the Office of Vice Presidency for Women and Family Affairs (VP-WAFA), and promoting the participation of civil society and NGOs in children's issues are the most important amongst.

B. Organizations responsible for implementing the Protocol

19. There are miscellaneous agencies and entities working and cooperating to implement the Protocol including those are members of NBCRC and those who are not members but dealt with children issues in some ways.³ The NBCRC is mandated to coordinate, monitor and report the activities performed by these relevant organizations.

C. Funds allocated for implementation of the Protocol

20. The budget allocated to the various organizations and institutions such as Social Emergency Centers, shelters, health homes and other relevant centers for affected children or those in vulnerable situations and their families, covers the offences subject to the Protocol.

D. National program and government strategies for implementation of the Protocol

21. The NBCRC has developed, for the first time, a comprehensive plan of action known as "National Document on the Rights of the Child" (2015) in cooperation with all executive and judicial bodies. The program sets out mission, vision, macro goals, and strategies for governmental and non-governmental partners in accordance with their capacities.

22. The National Document provides some provisions to support children in the area of sale, prostitution and pornography as follows:

³ Annex II.

23. Caring for children without guardians or children with irresponsible parents in Childcare Centers: the program includes standardizing the status of Childcare Centers affiliated to Welfare Organization, organizing non-governmental care centers and continuous assessing of care centers' performance. The Ministry of Cooperatives, Labor and Social Welfare, in cooperation with NGOs, is the main responsible for the implementation of this provision.

24. Supporting children in vulnerable situations: the program includes identifying children in vulnerable situations, admitting them to Care Centers, evaluating their physical, mental, emotional and social status, delivering medical, psychological and social assistance, as well as providing them legal and judicial assistance. The Welfare Organization, MOHME, MEDU, Judiciary, NGOs, Ministry of Cooperatives, Labor and Social Welfare are responsible for the implementation of this provision.

25. Developing child social health indicators: activities included in the program revolve around conducting studies in order to develop the indicators. The main body responsible for the implementation of this provision is MOHME and its co-responsible is Ministry of Cooperatives, Labor and Social Welfare, specifically Welfare Organization.

E. Civil society participation in the implementation of the Protocol

26. Currently approximately 2,000 NGOs and charities are active in childcare and more than 800 NGOs are active in the area of child labor and street children, all of which provide them with necessary support inter alia educational, financial and social.

27. NBCRC, Welfare Organization, and Social and Crime Prevention Directorate of Judiciary have the highest level of cooperation with NGOs in the area of child protection against sale, prostitution and child pornography. In this regard, developing a popular coalition on the protection of affected children or those at risk by the Social and Crime Prevention Directorate of Judiciary is notable. This initiative will be expounded in paragraph 31.

F. Monitoring mechanism

28. The main body in charge of monitoring the implementation of the Protocol is NBCRC, which receives reports from relevant organizations in order to assess and monitor the status of the implementation of the Protocol. In addition, institutions and organizations such as Iranian Islamic Human Rights Commission (IHRC) and Social Emergencies receive reports on matters discussed hereinabove. MOHME is also required to monitor the birth record and report false cases in order to prevent the sale of children.

III. Preventive and protective measures

A. General approach

29. Preventive measures and actions taken by the Islamic Republic of Iran to implement the Protocol are oriented generally in 4 fields:

- Raising awareness on the provisions of the Protocol and its related internal regulations by developing and distributing educational brochures, holding workshops and exhibitions;
- Holding the specialized training courses for experts and those dealing with the offenses subject to the Protocol;
- Determining preventive punishment for the sale of children, child prostitution and child pornography; and
- Providing the opportunity for facilitating public and NGOs participation in reporting the sale of children, child prostitution and child pornography cases.

B. Measures taken by relevant organizations

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

30. Notwithstanding its coordinative and monitoring duties, NBCRC has undertaken the following activities in order to enhance the implementation of the Protocol:

- Sharing the provisions of the Protocol with governmental and non-governmental organizations;
- Holding scientific meetings, conferences, summer workshops and schools;
- Establishing “Citizenship Rights Clinics” with an emphasis on children’s rights;
- Conducting specialized training course on the rights of the child focusing on the Protocol’s provisions;
- Planning curriculum on prevention of sexual assault at schools;
- Providing educational media appertaining to violence against children and ways to prevent it;
- Holding specialized meetings on the role of religious leaders in the prevention of violence with the themes such as discrimination, negligence and carelessness, early and forced marriage and sexual harassment. All discussions in these meetings have been documented, published and made available to public;
- Identifying NGOs and charities active in the field in order to make them familiar with provisions of Protocol and empowering them;
- Signing Memorandum of Understanding with domestic and overseas scientific centers in order to share experience; and
- Creating a comprehensive database on the rights of child entitled “Samaneye Ganje Ensan”⁴ with the aim of facilitating the free flow of relevant information between responsible governmental and non-governmental organizations.

The Social and crime prevention directorate of judiciary

31. Preventing all forms of harm, abuse and violence against children and protecting them is one of the most important priorities of the Social and Crime Prevention Directorate of Judiciary. The following measures lie in this category:

- “National Coalition plan on Controlling and Reducing Child Abuse” has been developed in order to engage all governmental and non-governmental organizations and bodies to take actions and confront such crimes. In this regard, the most important steps taken are as follows:
 - Establishing a research and technical task force to develop a comprehensive program for the prevention of violence against children;
 - Drafting the Coalition Document and the Comprehensive Program on Prevention of Child Abuse (Child-Friendly Preventive Measures); and
 - Sharing the document with relevant executive organizations and bodies in order to receive their considerations;
- A program to develop concepts and mechanisms on training basic social skills to children (under eight years) has been implemented throughout the country. Given the current concerns and danger, which threaten children, they need to be taught social skills in an understandable language. For this purpose, it is necessary to develop a precise, specialized and coordinated program aimed at familiarizing them with threatening situations and skills to confront such situations whilst maintaining their peace of mind and psychological safety and avoiding adverse psychological effects. The most important actions taken to implement this program are as follows:

⁴ Human treasure system.

- “National Child Foundation Strategic Document” has been developed and implemented in order to establish a semi-governmental nonprofit organization;
- A working group composed of experts in the field of education has been established in order to develop the principles of Islamic-Iranian pedagogy for children;
- Basic social skills needed in preschool education have been identified and developed with an emphasis on psychological principles and Islamic teachings;
- A guidebook for parents and trainers on child rearing has been composed; and
- Skill-based books for parents and trainers tailored to Iranian Islamic lifestyle with topics such as social skills, cognitive and emotional skills, creativity skills, advanced social communication skills, developing multiple intelligence skills, thinking skills, self-management skills, moral development skills, and educating children has been written with a considerable emphasis on psychological principles and Islamic teachings.
- A program on cultural leadership in cyberspace has been developed. The most important actions taken to implement this program are as follows:
 - Developing an implementation plan to hold workshops on managing cyberspace and illegal computer games with the participation of the National Computer and Video Games Foundation as well as Police;
 - Drafting the National Coalition Document on proper ways of dealing with digital environment and computer games damages;
- A preventive program to control and reduce social harms for trainers and parents has been developed. The most important actions taken to implement this program are as follows:
 - Holding national training workshops across 31 provinces;
 - Publishing two educational pamphlets;
 - Holding workshops on controlling and reducing social harms for parents with children aged 7-12 years at schools;
 - Holding 343 workshops for 4263 persons (106,872 persons/hours) across 31 provinces; and
 - Concluding a Memorandum of Understanding with the Parent-Teacher Association.

32. The National Project on Student Social Care System (NAMAD’ Project) has been implemented in pilot schools throughout the country by cooperation of MEDU, Ministry of Interior (MOI), Welfare Organization, MOHME, Imam Khomeini Relief Foundation, Police, Ministry of Cooperatives, Labor and Social Welfare, the Barakat Foundation, Shahid Beheshti University and Refah University are other partners in this project.

Ministry of Education (MEDU)

33. MEDU implements primary prevention programs and services at a wide range of schools across the country; however, stressing the necessity of further social care for children and adolescents and empowering them more against harms and abuses, NAMAD Project has been launched pursuant to the decree of the Supreme Leader of Iran’s Islamic Revolution. The Project is in line with National Document on Controlling and Reducing Social Harms and the Protocol. It provides infrastructure, services and care for at-risk children. The most important actions taken to implement this project are as follows:

- Designing a comprehensive pattern for identifying and referring affected students and those in vulnerable situations and providing them necessary services;
- Approving the NAMAD project in the Supreme Welfare Council and its notification by President;
- Prioritizing the status of risk factors amongst students;

- Designing parent-screening questionnaires;
- Publishing 74 books, developing 32 counseling packages and 19 self-help packages, for parents, teachers and students;
- Providing a police and legal aid package and defining a preventive police-school mechanism;
- Holding five-day provincial workshops for 1200 teachers;
- Selection and qualification of 148 trainers from all over the country in 2017;
- Holding Training of Trainers during the pilot implementation of the program in 384 selected schools all around the country in 2016-2018;
- Implementation of comprehensive pilot project in 126 schools in the selected town of Nazarabad between 2017 and 2018. 27,000 students have been covered by this project during in a span of one year, and 24,000 students have been screened in the academic year 2017-2018 in Nazarabad; and
- Developing an executive guideline-spending pattern for project in 2017.

Ministry of Interior (MOI)

34. Different organizations and departments affiliated with the MOI have taken various measures, which will be explained in Paragraphs 35 – 37.

Office for women and family affairs

35. The “National Document on the Safety of Women and Children in Social Relations” has been drafted. This document is subject to Article 227 of the Fifth Development Plan Act, which has been formulated in cooperation with Police, the Judiciary, Welfare Organization, Municipality, VP-WAFA, MOHME, Ministry of Cooperatives, Labor and Social Welfare and the Supreme Council of Provinces in 2014 and is going through the ramification process. It identifies strategic priorities related to child safety, of which the most important ones are as follows:

- Capacity building and increasing public participation with an emphasis on activating and expanding capabilities of women and children in the field of social relations;
- Managing public culture in the field of women and children security, developing social networks in line with Islamic-Iranian culture in cyberspace, building protected parks for children, and designing as well as developing lively and indigenous computer games for them;
- Providing infrastructures through strategies such as strengthening efforts to intensify the punishment of perpetrators of social security offenses against women and children including sexual assault, acid attack, moral, physical and sexual harassment, threat and intimidation of women in public or work places, kidnapping and hostage taking of women and children;
- Facilitating legal protection in order to reduce crimes rooted in some harmful practices and traditions, producing relevant content in textbooks, developing legal-social support for women and children with special needs and their families and training human resources to secure public spaces for women and children in governmental and non-governmental sectors; and
- Providing legal possibilities for Iranian women married to men with foreign nationality to pass Iranian nationality to their children.

Organization of social affairs

36. This Organization cooperates in and supports programs to reduce social, moral and ethical harm in cyberspace and cultural products. It could activate 190 non-governmental organizations in the field of childcare with scientific, cultural, social, sports, artistic, charitable, preventive, supportive, health, rehabilitation and environmental approaches.

Deputy department of security and law enforcement

37. It is tasked with establishing the Anti-Human Trafficking Commission, notifying enactments, and monitoring implementation thereof under the supervision of the Supreme Security Council. The following actions have been taken in this regard:

- Proposing an amendment to the Law on Human Trafficking (2004), in order to enhance deterrence thereof. This amendment is under legal processing;
- Establishing sub-committees on combating human trafficking in 16 border provinces;
- Enhancing control over the country's borders in order to prevent human trafficking. The MOI has set up a "Special Border Task Force" which holds meetings, follows up and oversees programs to guarantee sustainable border security and effective border control. The Police are responsible for effective implementation of the programs.

Welfare organization

38. The organization supports children in vulnerable situations in particular those with irresponsible parents or without guardians and those with physical or mental disabilities through providing them with various services.⁵

39. In order to raise public awareness about the consequences of the crimes mentioned in the Protocol, the Welfare Organization annually organizes and conducts comprehensive training courses for active social workers on providing services for families in vulnerable situations and at-risk children. These courses are based on needs assessments and are tailored to update needs, programs and policies. For example In 2015, two training courses were organized for social workers and psychologists of Social Emergency Services with a focus on specialized measures, which shall be taken in a variety of child abuse cases including child sexual abuse and training them on the provisions of the Protocol.

40. In order to prevent the sale of the children, a special center for the treatment of addicted mothers with young children was established in Tehran in 2016. This center provides an opportunity for them to receive treatment in a safe and healthy environment and nurture their children. This initiative is set to expand throughout the country.

Ministry of Health and Medical Education (MOHME)

41. The precise identification of newborns is seriously taken into account. The birth of infants from drug-addicted mothers or from parents with records in child maltreatment is urgently announced to Social Emergency Service in order to assess the parental competency and necessary follow-up.

42. Ministry of Health also organizes the following courses in order to raise awareness, for staff involved in children's issues:

- Conducting training courses on identifying child abuse cases for general practitioners, psychologists and health care professionals, with a great emphasis on the Protocol;
- Holding training workshops on child abuse, its types and diagnosis, especially for the personnel of health service centers; and
- Providing parenthood education delivered by psychologists in all health service centers.

⁵ The related services are outlined as hereunder:

1. Centers for organizing street children;
2. Education and support centers for street children and their families;
3. Health house centers for at-risk girls especially those who have abandoned their domicile;
4. Rehabilitation centers for socially injured women and girls;
5. Social emergency hotline (123) to protect injured persons, especially children exposed to abuse and street children; and
6. The Office for Children and Adolescents Affairs active in preventing violence and child abuse, including but not limited to prostitution, trafficking and pornography.

The Office of Vice Presidency for Women and Family Affairs (VP-WAFA)

43. The office has concluded various agreements with relevant bodies in order to sensitize them to the issue and reduce these crimes. Some of these agreements are mentioned below:

- Signing an MoU with MEDU, which includes provisions on empowering plans for at-risk female girls students, counseling services in 8 provinces, as well as producing atlas of the prevalence of psychological and social harms for female students in different geographical areas;
- Signing an agreement with MOHME on evaluating and training female students in boarding schools (in the least developed) and protecting them against abuse and exploitation;
- Signing MoU with Ministry of Roads and Urban Development on empowering women and girls in informal settlements and worn-out areas;
- Signing MoU with the Bar Association to provide legal services and advice to women and girls;
- Signing MoU with the Ministry of Communication and Information Technology (Ministry of I.C.T) on promoting media literacy and resilience of family members, especially children, in order to prevent possible harm caused by their presence and activities in the cyberspace and the protection of women and children against all forms of violence particularly child pornography; and
- Signing MoU with NGOs in order to effectively empower women and girls in vulnerable situations, promote their physical and mental health, literacy, employment and entrepreneurship.

Legal deputy of judiciary

44. Establishment of specialized institutions for children and adolescents is one of the elements of differential criminal policy. Establishing a unit of police specialized for child and adolescent has been taken into account in the Criminal Procedure Code of the Islamic Republic of Iran. Article 31 of this Code states: "In order to properly execute the duties of judicial officers in the cases in which child or adolescents are engaged, a special children and juvenile police force shall be established within the Police Force. The Head of Judiciary has been mandated to draft a bill on duties and authorities of this unit of Police."

45. A working group composed of judges, academicians and law enforcement officials has drafted this bill as the first legal text, which explains the role of police in dealing with children and adolescents in different status, including those in conflict with law, victim, witness or being at risk.

46. The main characteristics of this unit of police in line with the Protocol are as below:

- Specialized and Inclusive Police: Regarding Article 31 of the Criminal Procedure Code, the bill was drafted in such a way that the aforementioned unit of police has the authority to deal with all issues of children and adolescents including the offenses related to the subject matter of the Protocol. Article 1 of this bill states: "In order to perform the duties of police officers dealing with children and adolescents including those at risk, victims of crime, in conflict with law, witnesses or aware of crime, as well as prevention of their victimization and protecting them against criminal offenses, Special Children and Adolescents Police is mandated to execute legal duties." (in line with Article 8 Paragraph 4, and Article 9 Paragraph 1 and 3 of the Protocol);
- Prevention of victimization: Articles 11 and 12 of the draft bill provide several tasks for the pediatric police regarding the prevention of child abuse inter alia establishment of the Committee on Safe Schools. (in line with Article 9 Paragraph 1, 2 and 4 of the Protocol);
- Filing personality data for victimized children and adolescent: in order to provide more protection for victimized children and adolescent, article 19 of the draft Bill states: "If necessary and determined by the Judiciary official, personality data for

victimized children and adolescent will be filed in accordance with Articles 203 and 286 of the Criminal Rules of Procedure” (in line with Article 8 Paragraph 1 of the Protocol).

IV. Prohibiting sale of children, child prostitution and child pornography

47. According to Article 4 of the Constitution, all civil, criminal, financial, economic, administrative, cultural, military, political and other laws and regulations must be in accordance with Islamic standards. This applies to all principles of the Constitution and other laws as well as regulations. Since abusing children and harming them or any exploitation of children are prohibited in Islam, the Protocol is of particular and paramount importance in national legislation.

48. According to domestic law, the illegal separation of a child from his/her family and selling him/her is prohibited and punishable and considered as a violation of the rights of the child and parents. All acts related to prostitution and pornography are absolutely prohibited and therefore punishable. The punishment is more severe and tougher when the victim is a child. This chapter is dedicated to the legal framework on the offences subject to the Protocol.

A. Laws on sale of children

Articles 48, 49 and 51 of the law on registration (1976 amended in 1984)

49. The birth registration is taken into account by the legislator as an important factor in fighting against the sale of children. These articles criminalized abandoning the birth registration, delivering or issuing any bogus data and certificates on the birth, death or identity of child by parents or health professionals. Thus, the legislator has sought to prevent the sale of children at birth, even with the motivation to illegally take over his/her custody.

Single article approval of the convention on prohibition and immediate action for the elimination of the worst forms of child labour and its complimentary recommendation (2001)

50. The Islamic Republic of Iran ratified the Convention of the Elimination of the Worst Forms of Child Labour and the Worst Forms of Child Labour Recommendation in 2001. Article 3, Paragraph (a) of this Convention has considered the sale of children as the worst form of child labour.

Law on human trafficking (2004)

51. This law defines human trafficking in a large scope, which covers almost all forms of this crime. In order to provide more protection to children and adolescents, the legislator has determined the maximum penalty for the perpetrators when the trafficked person is less than eighteen years of age. The legal processing of the amendment to this law, as explained in paragraph 37, is underway in order to enhance deterrence thereof.

Law on protection of minors and adolescents (2020)

52. The law prohibits any transaction on child or adolescent. The punishment shall be aggravated in following cases:

- If such act is perpetrated with the aim of prostitution, pornography, economic exploitation, organ transfer or engaging a child or adolescents in a criminal activity;
- If any person who has made mediation in the commission of a crime subject to this article as his profession, he/she shall be sentenced to the average of the minimum and maximum punishment of the crime steward, otherwise he/she shall be sentenced to vice crime punishment; and

- If staffs of the Government are involved in the commission of these crimes, social deprivation of the fifth degree of the Islamic Penal Code shall be added to his/her punishment;
- This law criminalized explicitly trafficking of minors and adolescents. The perpetrator is condemned to the third degree of imprisonment of Islamic penal Code.⁶ Organ transferring, selling, buying or trafficking has the same punishment.⁷

B. Laws on child prostitution

53. Criminalization policy of the Islamic Republic of Iran in sexual crimes has protected children against prostitution even in cases where the child has not been victimized. In furtherance to the general law which exists in this regard, the followings directly regard this crime as against children and adolescents:

Law on protection of minors and adolescents (2020)

54. This law criminalized explicitly child prostitution. Some of the most important issues concerned in this regard pursuant to the aforesaid are outlined as hereunder:

- Sexual exploitation and abuse of minor or adolescent;
- Taking into account conditions such as the victim's situation, conditions of the perpetrator and the consequences of the offense;
- Contact and non-contact sexual harassment by incest, by force or in other forms; and
- Communicating with the minor or adolescent in cyberspace, in order to establish any form of illicit sexual relations with him/her or any kind of sexual harassment of him/her.

C. Laws on child pornography

55. There are some laws, which in general, criminalize pornography. They are as follows:

Rules and regulations for computer-based information networks (2001)

56. This law has prohibited production, expansion of prostitution, distribution of photos, images and any content against public morality and decency.

Penal code (2013)

57. Chapter Four of this law is devoted to crimes committed against public decency and morality. Article 742 criminalized dissemination, distribution, trade or transaction on pornographic content through computer or telecommunication systems, data carriers, or producing, storing and keeping such content for trade or corruption purposes.

58. In addition to general law on the matter which have been mentioned in Paragraphs 56 and 57, there are some law which are especially concerned about child pornography. They are as follows:

Act on protecting computer software creators (2000)

59. According to Article 11 of this law, the Supreme Informatics Council is obliged to refuse issuing the technical approval for software, which is contrary to Islamic ethics, public decency and healthy personality of children and adolescents.

⁶ Article 12.

⁷ Article 13.

Law on punishment of persons involved in illegal audio-visual affairs (2007)

60. This law declared that using children for the purpose of holding, displaying, supplying, selling and reproducing illegal tapes and DVDs should result in the maximum penalties applicable to the perpetrator.

Law on protection of minors and adolescents (2020)

61. Defining pornography, this law includes provisions on the following issues:

- Sexual exploitation of children and adolescents through supply, possession, coercion, or hiring for pornography or sexual abuse;
- Making available for or rendering pornographic or immodest content to a child or adolescents;
- Using the child and adolescents to produce, distribute, reproduce, display, sell, and maintain pornographic or audiovisual productions; and
- Importing, exporting, reproducing, distributing, supplying, trading, uploading, keeping and carrying pornographic content involving children and adolescents.

D. Laws on complicity in offenses subject to the protocol

62. According to Article 126 of the Penal Code, following persons shall be found guilty of assisting and taking part in any of the offenses subject to the Protocol:

- Anyone who incites, threatens, entices, or provokes others to commit a crime or causes someone to commit a crime by conspiracy or deception or abuse of power;
- Anyone who makes or supplies tools of committing crime or provides its means; and
- Anyone who facilitates the crime.

63. Providing more effective protection for children, Article 128 of this law states that:

- Anyone who uses a child as a means of committing a crime shall be sentenced to the maximum legal punishment of the same offense;
- Anyone who assists in the criminal conduct of a child shall be sentenced to the maximum punishment for aiding and abetting in the crime;
- Article 129 of this law enshrines that if the perpetrator is not pursuable due to his/her minority, the punishment and persuasion of his/her accessory shall remain in place.⁸

E. Criminal liability of legal persons

64. Articles 20, 21 and 22 of the Islamic Penal Code (2013) have dealt with the liability of legal persons.

65. Law on Protection of Minors and adolescents (2020) has also recognized the liability of legal persons involved in commission of the offences against child and adolescent.

F. Laws on adoption and prevention of illegal adoption

66. The illegal or improper adoption could pave the way for offences subject to the Protocol. There are some legal provisions to guarantee the child's interests in adoption mechanism.

67. "Law on Protecting Children without Guardian or with Unfit Guardian (2013) sets forth the circumstances of adoption and provisions in order to prevent out-of-law

⁸ Evidently, this provision is applicable if the accessory is an adult.

guardianship in line with Article 3 of the Protocol. Some of the most important issues concerned by this law are as follows:

- Application for adoption should be submitted to the Welfare Organization;
- The institution or person who temporarily has the custody of the child could announce its opinion about applicants. The status and circumstances of the applicant/applicants is examined by competent authorities;
- The competent court issues a temporary guardianship order for a period of six months;
- Regular monitoring and evaluating parental behavior and child status perform in the period of temporary guardianship in a variety of ways. If the court, as a result of receiving reports from institution previously held the child or from the other associations and organizations, or by investigating through any other means, finds that this adoption is not in the child's interest, it shall terminate the temporary order of adoption;
- The judgment of component court finalizes the legal process of permanent adoption;
- If the guardian couples feel that the child is incompatible with them and that it is impossible for them to have a spiritual relationship with the child or for any reason is unable or unwilling to adopt him/her, they can declare their withdrawal to the court. In that case, the court shall also terminate the interim custody order;
- The court's order on the probationary period and its termination can be appealed; and
- The Permanent guardianship order is also revisable.

68. Furthermore, the following suggestions were raised in provincial meetings held in 2016 on the implementation of this law and its executive provisions:

- Concluding a MoU between Welfare Organization, Judicial Authorities, Police, Civil Registration offices, Heads of Hospitals at provincial level and establishing a Joint Committee in provinces in order to decide on illegal adoptions;
- Raising awareness on consequences of illegal adoption through mass media at provincial level;
- Creating a database for missing children in cooperation by provincial police;
- Establishing a supervisory mechanism in hospitals and maternity centers;
- Raising awareness amongst mothers or pregnant women on the consequences of delivering their children in illegal adoption process.

G. Competence of the Iranian courts in offences subject to the Protocol

69. Article 3 of the Islamic Penal Code of Iran enshrined the principle of territorial capacity under which the provision of this Code applies to all persons who commit an offense in the territorial, maritime and air territories of the country.

70. Article 4 of this law also extends this jurisdiction in criminal offenses of which some part or their results have been occurred in Iran.

71. According to Articles 6, 7 and 8, internal courts have jurisdiction over criminal offenses committed abroad by all Iranian, inter alia governmental staff, political and diplomatic representatives.

72. Article 9 has taken into account the international jurisdiction for national judicial authorities in cases of international crimes.

73. As such, the judicial authorities have full jurisdiction to deal with the cases of sale, prostitution and child pornography.

H. Extradition related to offenses set forth in the Protocol

74. According to the Law on Extradition of Criminals (1960), extradition of persons, accused of any offenses shall be allowed in accordance with agreements concluded between the Islamic Republic of Iran and other states and taking into account the principle of reciprocal action. This law covers the offences subject to the Protocol however; the Islamic Republic of Iran has received no request for the extradition of persons accused of committing the offenses listed in the Protocol during the reporting period.

I. Confiscation and seizure of property and assets used and proceeds of crime under the protocol

75. According to Article 49 of the Constitution, the Government shall be required to take wealth derived from usury, usurpation, bribery, embezzlement, theft, misuse of pious endowments, misuse of Government contracts and transactions, sale of original ownerless barren lands and original ownerless properties, centers of corruption and other illegitimate acts, and to return to its rightful owner: in case the owner is unknown, to return it to the Treasury. This provision shall be carried out by the Government by examining, investigating and substantiating the proof in accordance with the law and religion.

V. Protecting victim's rights and interests

76. The Judiciary protects child and juvenile in different status including victim, witness or informed of crime and those in conflict with law.

A. Protective laws

77. Some of the safeguards and protective laws in the field of protecting rights and interests of child victim are mentioned in the Chapter 17 of the fifth book of the Islamic Penal Code. These provisions focus on specific criminalization or intensification of punishment in offences against children, the most important of which are as follows:

- Harassment, molestation and insult by words and actions in public places against children have been criminalized according to Article 619;
- If the crimes of abduction or concealing for the purpose of claiming money, property or revenge or for other purposes either by threat or deceit or by any other means has been offended against a child under the age of 15, the perpetrator is sentenced to maximum possible penalty;
- Abduction or concealing a newborn baby, replacing him/her with another child or registering him/her as the child of a woman other than his/her own mother has been criminalized according to the Article 631;
- Refusal to deliver a child entrusted to the person who is legally authorized to claim this delivery has been criminalized in Article 632; and
- Leaving a child who is unable to protect himself/herself has been criminalized in Article 633. Depending on the circumstances of place where the child has been left and impacts of this act on him/her, the punishment shall be aggravated.

78. Articles 97 and 214 of the Code of Criminal Procedure specifically address the protection of witnesses and victims, including children and adolescents. This protection is considered in both substantive and procedural approaches.

79. According to the law on Protection of Minors and adolescents (2020), anyone who discloses information and secrets of a child or juvenile victim or those at risk of being victimized, or the details of the crime committed by or against the child, shall be sentenced.

80. The participation of NGOs in criminal proceedings is one of the innovations of the Code of Criminal Procedure (2013). According to the Article 66, NGOs whose statute is

based on protection of the children and adolescents, can press charges in related cases and participate during all stages of trial. As a result, the right to press charges and the right to participate in all proceedings have been guaranteed for NGOs.

81. According to the note of Article 38 of the Law on Protection of Minors and adolescents (2020), in addition to provisions of Article 66 of the Code of Criminal Procedure, the court can also invite the well-informed representatives of the NGOs authorized to work in the field of minor and adolescent rights, to attend the hearings.

B. Protective measures

82. In addition to the aforementioned legal protections, various measures have been taken in order to protect victims, which are mentioned in Paragraph 83-85.

Office for protecting women and child

83. The office was established upon the judiciary's approval based on the MoU between the VP-WAFA and the Judiciary. Currently, the branches of this office exist in all provinces. The most important tasks of these offices are as follows:

- Providing special judicial services to children victimized sexually, physically, and psychologically, during and after the judicial proceedings (referral to the prosecution, forensic medicine, etc.);
- Adopting supportive programs, especially during physical and mental treatment of victims, as well as following up their situation in order to protect them against revictimization;
- Providing legal, psychological and social counseling in order to enhance victim's abilities to control and reduce social harm and guarantee their individual and social rights;
- Referring children without or with irresponsible guardians to social protection centers (governmental and non-governmental) and vocational center to enhance their welfare level;
- Interacting continuously with governmental and non-governmental centers.

Women police

84. The Islamic Republic of Iran's Police have recruited and deployed female police officers in order to maximize their involvement in cases related to children and adolescents and reduce their vulnerability. This aim is reflected in the Article 42 of the Code of Criminal Procedure, which states that trained female police officers should conduct interrogations and investigations of women and minors where it is possible. This approach could help the child enjoy psychological security during preliminary investigations. These female police officers have been selected amongst those eagerly interested in this field. They have completed courses in basic forensic science and trained in psychology.

Judicial Staff Training

85. The extensive and varied activities aimed at raising the awareness of judges and prosecutors in order to promote and advocate the rights of children and to institutionalize the provisions of the Convention, as well as to implement the Protocol have resulted in delivering orders and verdicts more precisely and more completely for the time being.

C. Compensation

86. According to Article 1 of the Law on Protection of Minors and Adolescents (2002) which supports all persons under the age of 18, and Article 14 of the Criminal Procedure Code which recognizes the right to compensation for material and spiritual damage, all

victims including those under the age 18 have the right to claim all their material and spiritual damages in criminal court.

VI. International aid and cooperation

87. The Islamic Republic of Iran has already signed several international cooperation agreements and MoUs with countries and international institutions which include provisions on promotion the right of child.

88. The Judicial MoU between Iran and Iraq in eight articles concluded in 2017 is a case in this regard. Article 4 of this MoU states: “The parties emphasized respecting within the framework of relevant laws and regulations and exchanging experiences, including through seminars and workshops on the dissemination and promotion of Islamic values related to children, women and citizenship rights in both countries.”

89. The Islamic Republic of Iran has implemented extensive legal aid and assistance in protection of displaced children in the region, including Afghans, Iraqis, Syrians, and others.

90. Numerous international educational programs and conferences on child protection against sale, prostitution and pornography have also been held in cooperation with UNICEF for judges, lawyers, judicial officers and assistants. These workshops have been focused on related legislation, protection for victims, as well as interviewing techniques and social support.

Conclusion

91. Based on paragraph 1 of Article 12 of the Protocol to the CRC on the Sale, Pornography and Prostitution of Child, this report is considered as the initial report of the Islamic Republic of Iran, which includes some of the main legislative, executive and judicial measures taken in order to implement the Protocol.

92. It should be noted that some of the information provided, including the laws and regulations, was briefly mentioned in the third and fourth periodic reports on the implementation of the Convention on the Rights of the Child.

93. Whilst emphasizing its commitment to the Protocol, the Islamic Republic of Iran reaffirms that its national laws and regulations in the fight against the sale of children, child prostitution and child pornography has been inspired in the first place by Islamic values, which strongly prohibit crimes subject to the Protocol.

94. The Islamic Republic of Iran is committed to promoting the rights of children in all areas specifically in making its best efforts in implementing the provisions of the Protocol through local, national, regional and international efforts and cooperation.

Annexes

Annex I

List of abbreviations (alphabetic order)

Iranian Islamic Human Rights Commission	IHRC
Ministry of Communication and Information Technology	Ministry of I.C.T
Ministry of Education	MEDU
Ministry of Foreign Affairs	MFA
Ministry of Health and Medical Education	MOHME
Ministry of Interior	MOI
National Body for the Convention on the Rights of the Child	NBCRC
Vice Presidency for Women and Family Affairs	VP-WAFA

Annex II

Organizations and institutions contributing in preparation of the report (alphabetic order)

<i>NO.</i>	<i>Title</i>
1	Legal Deputy of Judiciary
2	Ministry of Cooperatives, Labor and Social Welfare
3	Ministry of Education
4	Ministry of Foreign Affairs
5	Ministry of Health and Medical Education
6	Ministry of I.C.T
7	Ministry of Interior
8	Ministry of Justice
9	Police
10	Social and Crime Prevention Directorate of Judiciary
11	Vice-Presidency for Women and Family Affairs
12	Welfare Organization
