

Children's Rights Bill Fails to Protect Girls



SPECIAL REPORT
Women's Committee
The National Council of
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September 2020

FOREWORD

Romina Ashrafi, a 14-year-old girl, was beheaded with a sickle by her father on May 21, 2020. Subsequent news confirmed that Romina's father knew he would enjoy the backing of the clerical regime's unfair Judiciary and misogynistic laws before killing his child.

Romina Ashrafi's murder was followed by other ghastly honor killings, which had a significant impact on public opinion, both inside Iran and abroad. In response to the mass outrage over the honor killings, Hassan Rouhani, the mullahs' president, came to the scene one week after Ashrafi's murder to order the expedited passage of relevant proposed bills.

These bills, adopted by the clerical regime on social grounds, are actually devoid of any executive guarantees and are intended only

to mislead and deceive the public, both in Iran and around the globe.

For example, back in September 2019, the state-run media announced that the Judiciary had finalized and passed the bill on Provision of Security to Women (PSW) to Rouhani's government.

In the final bill, the Judiciary had omitted what limited content there was in favor of women.

At the time, regime officials admitted, "In light of the considerations of the Judiciary Branch and the Guardians Council, it is unlikely that this bill would have a positive outcome."

In another example, after 11 years of foot-dragging, the Bill to Protect Children and Adolescents was hastily passed on June 7, 2020.

The bill's content fails to address any of the current policies or laws that violate children's rights in Iran. The bill also falls short of providing any means to ensure the allocation of a budget sufficient to meet the needs of child laborers or child widows.

The bill also fails to address the clerical regime's marriage laws, which set the legal age of marriage for girls at 13 and the legal age of criminal

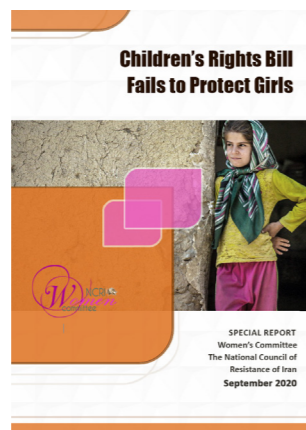
accountability for female children at 9.

In addition, the bill fails to include provisions to ensure financial assistance to low-income families to improve their children's living conditions.

As with the bill on the Protection of Women's Security, the Bill to Protect Children and Adolescents would not benefit Iranian children even if it were enforced.



Romina Ashrafi



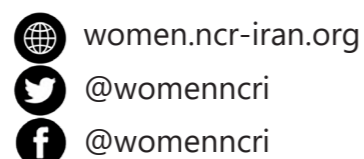
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History of the Bill to Protect Children and Adolescents

The Bill to Protect Children and Adolescents was first adopted on December 16, 2002, in the mullahs' Parliament. However, it was never passed into law.

The government drafted and sent to Parliament another bill with a similar name on May 12, 2009. On August 1, 2011, the Bills Committee of the 10th Government ratified it after removing five of its articles.

On November 19, 2011, the bill was sent yet again to Parliament. However, the parliamentary Legal and Judicial Committee did not receive the bill for review until 2013.

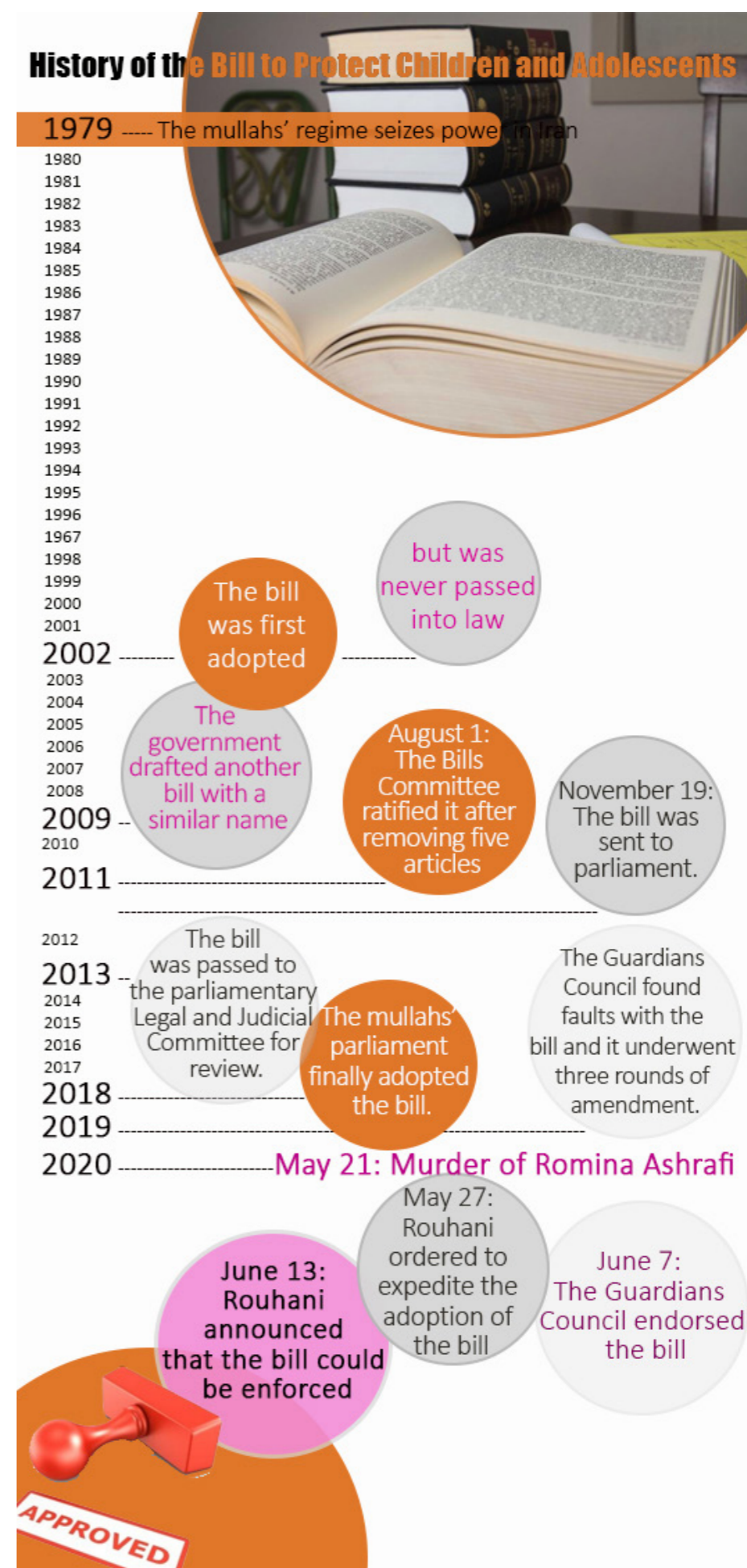
In 2018, the mullahs' Parliament finally adopted the bill. At that point – 7 years after it had been drafted – the bill underwent three rounds of amendments, either by the Guardians Council or the Parliament itself. The bill continued to stagnate.

After Romina Ashrafi's cruel murder at the hands of her father, the volatile state of society forced the clerical regime to try to restore calm. Within 10 days of Rouhani's order to expedite the adoption of the bill, the Guardians Council endorsed it.

The Bill to Protect Children and Adolescents had been passed around for at least 11 years among various government agencies and Parliament.

On June 13, 2020, all state media, in a coordinated chorus, announced that the President had declared that the Bill to Protect Children and Adolescents is going to be enforced.¹

Romina's heartbreaking murder was not the first case, nor was it the last, of honor killings or violence against children. The only difference was that this case made headlines and influenced public opinion.



Content of the Bill to Protect Children and Adolescents

As is the case with most of the bills adopted by the clerical regime's Parliament on social issues, the Bill to Protect Children and Adolescents is made up mostly of definitions and generalities. The bill includes a section on punishments that is merely copied from the original Penal Code.

The Ministry of Education is required to report children and adolescents who fail to enroll in schools or who are suspected of having dropped out.



An estimated 2 million children have dropped out of school because their parents cannot afford their education.



Education in Iran is neither compulsory nor free, because there is no budget for it.

Article 3 of the Bill to Protect Children and Adolescents states, "If a person subjects a child or adolescent to harm or inflicts harm on his/her physical, psychological, social, moral, security, or educational safety and wellbeing, the situation is considered dangerous and requires legal intervention to protect the child or the adolescent."

The bill, however, falls short of providing such a mechanism or ensuring such an intervention. Article 6 of the Bill to Protect Children and Adolescents, which describes various government bureaus' duties, requires the Ministry of Education to report children and adolescents who fail to enroll in schools or who are suspected of having dropped out, to the Welfare Organization and/or the Judiciary Office for the Protection of Children and Adolescents. This law applies to

The law lays out financial penalties for parents or guardians who fail to provide for their children's access to education.

However:



The main reason for Iranian children dropping out of school is poverty.



The legal age of marriage for girls is 13, and many impoverished families are forced to sell their daughters.



Most Iranian villages do not have even a shed for secondary schools.



Iranian poor children deserve education

children and adolescents in the first grade to the end of high school (12th grade).

The article has no concrete meaning in the clerical regime's legal and political system: education in Iran is neither compulsory nor free.

The General Director of the Department of Education in Kermanshah Province admitted that the Ministry of Education's budget is not enough to provide free education. "Every student needs a budget of 9 million Tomans per year. The Ministry of Education cannot afford to pay it."²

An estimated 2 million children have dropped out of school because their parents cannot afford their education.

This is an optimistic estimate, given that the regime systematically fails to provide clear statistics and has not updated or published data for the past 2 years.

Article 7 of the Bill to Protect Children and Adolescents lays out financial penalties for parents or guardians who fail to provide for their children's access to education.

The practical outcome, however, is further

deprivation for the child, given that many parents cannot afford to pay for their children's education.³

Given that the legal age of marriage for girls is 13, and that many impoverished families are forced to sell their daughters, a major question to the regime's lawmakers remains: How does Article 7 resolve any children and adolescents' problems? Likewise, in a country where most villages do not have even a shed for secondary schools, who is to be punished?

That question would ostensibly be answered by Article 15, which states that anyone who attempts to exploit children and adolescents economically, in violation of labor laws, is subject to both, imprisonment to the sixth degree and other penalties prescribed by the Labor Law.

However, the regime's systematic exploitation of children goes unchecked, as evidenced by the 4,700 (at least) children who work at 500 junkyards and garbage dumps in Tehran Province. These child laborers produce a daily profit of 2 trillion Tomans for the garbage mafia.

Of these profits, 200 billion Tomans go to Tehran's Municipality.⁴

Anyone who attempts to exploit children and adolescents economically, in violation of labor laws, is subject to imprisonment to the sixth degree, and other penalties prescribed by the Labor Law.



At least 4,700 children presently work at 500 junkyards and garbage dumps in Tehran Province.



These child laborers produce a daily profit of 2 trillion Tomans, of which 200 billion Tomans go to Tehran's Municipality.



Unofficial estimates say there are more than 7 million child laborers in Iran.

The Guardians Council says it violates religious principles if prison sentence and financial penalty are set as punishment for parents who cause their child's death, loss of one of their senses, or loss or injury to one of their body parts.

Therefore, a murderer father is sentenced to only 2 years in prison.

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- Mostafa Salehi was executed for taking part in an anti-regime protest and the deed to his children's only place for living was confiscated.
 - Fatemeh Davand who participated in the protests in November 2019, was sentenced to 5 years in jail and 30 lashes.
 - Farangis Mazloun was sentenced to 6 years in prison for supporting her incarcerated son.
 - Maryam Akbari and Zeinab Jalalian have been imprisoned without a single day of leave, for 11 and 13 years, respectively, for alleged political activity.

Guardians Council's Amendments

In June 2019, the Guardians Council returned the Bill to Protect Children and Adolescents to Parliament for amendment.

The Guardians Council claimed that Article 9 of the Bill to Protect Children and Adolescents violated religious principles.

Article 9: "Whenever as a result of negligence, carelessness, lack of skill, or failure to observe the standard conduct by the parents or legal guardians of the child or adolescent, or persons who are responsible for taking care of the child or adolescent, or are involved in the affairs related to children and adolescents, the child suffers death, loss of one of the senses, loss or injury to one of the body parts, wounds in the head, face or neck, or other damages, they will be sentenced to imprisonment and financial penalty."⁵

In December 2019, the mullahs' Parliament amended the bill to accommodate the Guardians Council as follows: "Whenever negligence or carelessness by the parents leads to results which are subject to this article, they will be sentenced to the minimum punishments as mentioned in the above articles. With regard to paragraph (T) of this article, the parents would be subject to the sentences outlined in this waiver only if they did not undertake the necessary measures to prevent injury and the injury is documented to be carried out by them."⁶

Thus, in a single amendment, Article 9 provides exceptions for parents who commit crimes against their children, minimizing their accountability and punishment.

This travesty is evidenced by paragraph (a) of Article 9, which states that abuses that lead to the child or adolescent's death are punishable by imprisonment in the fifth degree.

According to the regime's Punishment Law, imprisonment in the fifth degree amounts to a sentence of 2 to 5 years. Thus, a parent who murders their child – like Romina Ashrafi's father did – may be subject to 2 years in prison.

Adding to this farce is Article 1179 of the regime's Civil Code, which permits parents to physically abuse their children, provided that they do not exceed conventional limits.

Meanwhile, the clerical regime's medieval Judiciary hands down long prison and death sentences to civil activists and protestors who protest peacefully.

Often, sentences are based on confessions extracted under torture. For example, Mostafa Salehi was arrested during the December 2017-January 2018 protests. He was detained and viciously tortured for 2 years before being executed on August 5, 2020. But his case did not end with his death. In yet another inconceivably inhuman measure, the mullahs' Judiciary subsequently confiscated the deed to his house and garden, where Salehi's widow and two children live.

The mullahs' criminal Judiciary also uses unfair and cruel punishments for apolitical crimes.

Most of the women executed during Hassan Rouhani's tenure were victims of the misogynistic law sanctioning early forced marriage. These women also endured violence and harassment during their married lives. Finally, they were sentenced to death in unfair trials on the charge of murder.

The Iranian Judiciary also has on its record the ruthless execution of young women, including Reyhaneh Jabbari, who was executed for legitimate self-defense against rape. Another example is Zahra Navidpour, who repeatedly filed charges of rape that went unheeded by the regime's courts. Navidpour was later found dead under suspicious circumstances.

Security of Children and Adolescents After the Adoption of the Bill

On June 20, 2020, Abbas Masjedi Arani, the head of the National Forensics Organization, disclosed in a news conference that the number of child abuse cases had a 12.5 percent surge within a single year.⁷



The latest reports indicate a 12.5 percent surge in the number of child abuse cases within a single year.



Since the outbreak of the Coronavirus, the number of citizens who contacted the Welfare Department's Social Emergency in the small city of Maybod increased by 20 percent.



Child abuse tops the various forms of social ills in Iran.

Mohsen Fallah, the head of the Welfare Department of Maybod, announced, "Since the outbreak of the Coronavirus in February 2020, the number of citizens who contacted the Welfare Department's Social Emergency in relation to domestic violence, child abuse, or suicide, had increased by 20 percent."⁸

In June 2019, Reza Jafari, the head of Social Emergency of the National Welfare Organization, declared that child abuse topped the various forms of social ills in Iran.⁹

Iceberg of Catastrophe Under the Mullahs' Rule

The Bill to Protect Children and Adolescents has not provided any definition of the rights of children. When the bill does discuss children's rights, it merely states that children must enjoy the right to free health care and treatment.

Healthy nutrition, compulsory and free education, and safety are fundamental needs for children's growth.

The Bill to Protect Children and Adolescents fails to include language about the regime's intention to protect children, versus the criminal, profiteering, and misogynist officials.

For example, the bill fails to protect children against Tehran's Municipality, which continues to abuse children and use them as cheap labor.

The bill fails to address and revise unfair legal procedures for juvenile offenders and/or imprisoned mothers.

The bill contains no references to any plans to address poverty, lack of medical and health care, and nutrition of children particularly in rural areas and city slums.

The tip of the iceberg was revealed in recent remarks by a member of the board of directors of Mashhad's City Council.

Shahnaz Ramaram said a 14-year-old garbage scavenger had become pregnant so she could sell her infant to pay for her living expenses.¹⁰

The state-run Shahrvand Daily also published a report in September on the sale and purchase of infants via Instagram.

According to the report, male infants are allegedly sold for about 50 million Tomans; female infants command between 70 and 80 million Tomans.

Lacking parents, garbage scavengers are easily hunted by human trafficking cartels, which have ties to regime officials.

The regime's Bill to Protect Children and Adolescents contains no signs of change in Khamenei's population policy, which violates

There is no will within the Iranian regime to change the conditions of children and adolescents in Iran.

- 1** The bill fails to protect children against government agencies and agents who abuse children economically.
- 2** The bill fails to address and revise unfair legal procedures for juvenile offenders and/or imprisoned mothers.
- 3** The bill fails to address or change the law on forced early marriages of girl children.

There is no will within the Iranian regime to change the conditions of children and adolescents in Iran.

- 4** The bill contains no plans to provide the budget needed for education of children left out of school, or to address the plight of child laborers and child widows.
- 5** The bill contains no references to any plans to address poverty, lack of medical and health care, and nutrition of children particularly in rural areas and city slums.

human rights of women and girl children, under the pretext of population growth. Further, the bill makes no reference to forced marriages of girl children, which pave the way for a plethora of deprivations and violence against women.

Moreover, the bill contains no references to any plan to address the plight of the thousands of child widows in Iran. According to regime statistics, there were at least 24,000 child widows in Iran -all under the age of 18- by 2018.

Violence against women and children is not limited to a particular social group, nor to a specific religion or faith. Rather, it is a general instrument of power in a male-dominated society and impacts all of society.

The pervasiveness of poverty, abnormal behavior, addiction, homelessness, prostitution, and crime lay the foundation for child abuse.

Kambiz Noruzi, a lawyer, believes that the recent laws and bills are futile under present circumstances in Iran, regardless of their content. He said there were at least 13 cases of child murder in 2019. All but three had been committed within the family.

According to Noruzi said, “When families struggle with financial difficulties and other pressures from all asides, what else could we expect?”

He added, “The law is not our issue. We must resolve the economic, social, cultural, and even political crises. These are the factors that have caused various social ills, one of which is crime in the family.”

Noruzi pointed out, “When the inflation rate amounts to 800 percent in less than 15 years, it shatters many of the pillars of society. We cannot overcome this situation simply by legislating laws.”¹¹

In fact, under the mullahs’ rule, such bills are not proposed to solve a social problem. Rather, they are created to appease Iran’s educated public.

The leaders and officials of this backward and decadent regime, particularly Khamenei and Rouhani, know very well that defending women and children is diametrically opposed to their fundamentally misogynistic policies and outlook.

Iran’s ruling dictators do not have any sense of children’s rights.

If they did, they would have realized that the bedrock for any social progress and development is democracy. Therefore, the only solution to these problems is to remove the regime and pave the way for a democratic government.

Obviously, a bloodthirsty regime cannot claim to be democratic or defend children’s rights.

This statement is bolstered by the example of the UN Education 2030 Document. The regime’s leaders and officials, particularly Ali Khamenei, reacted so hysterically to the document that Rouhani was forced to withdraw Iran’s signature, albeit with reservations.

We conclude that, to prevent additional tragic murders that batter humanity’s conscience in the 21st century – such as Romina Ashrafi’s beheading – the only solution is to isolate the clerical regime in Iran until it is overthrown by the Iranian people.

Endnotes

- 1- The official IRNA news agency, June 8 and 13, 2020
- 2- The state-run BORNA news agency, October 4, 2019
- 3- Website of the Presidential Legal Directorate, June 13, 2020
- 4- The state-run ILNA news agency, September 12, 2020; the state-run Tasnim News Agency, June 25, 2019
- 5- Website of the Welfare Organization, June 12, 2019
- 6- The official IRNA news agency, December 22, 2019
- 7- The state-run Hamshahrionline.ir, June 20, 2020
- 8- The official IRNA news agency, April 14, 2020
- 9- The state-run Asriran.ir, June 10, 2019
- 10- The state-run IMNA news agency, September 15, 2020
- 11- The state-run ROKNA news agency, June 17, 2020



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