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Examination of the Duties and Sanctions for the Obligations of Responsible Persons Toward Children and Adolescents at Risk in Iranian Law and International Instruments

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ABSTRACT

Children and adolescents at risk, as defined in Article 3 of the Law on the Protection of Children and Adolescents (enacted in 2020), are individuals whose physical, psychological, moral, social, security, or educational well-being is under threat, even though they have not yet entered the process of delinquency or victimization. In criminology, this condition is regarded as an indicator of the potential movement of a child toward delinquent behavior or victimhood. Accordingly, this study adopts a descriptive–analytical approach grounded in legal reasoning to examine the obligations and enforcement mechanisms imposed on responsible persons with respect to such children. The target age group, according to international instruments, includes individuals under 18 years of age, while under Iranian law, it comprises those lacking religious maturity (children) and mature individuals under the age of 18 (adolescents). Based on Article 6 of the Law on the Protection of Children and Adolescents and its Executive By-Law, a wide range of governmental and public institutions—including the State Welfare Organization, various ministries, the Islamic Republic of Iran Broadcasting (IRIB), the Vice-Presidency for Women and Family Affairs, and other social bodies—bear specific responsibilities for the comprehensive prevention of victimization and reduction of social harms among children at risk. The pivotal role of the State Welfare Organization in identifying, supporting, and organizing orphans, neglected children, and street children, as explicit examples of children at risk, is particularly emphasized. A comparative analysis with instruments such as the Convention on the Rights of the Child (1989), the United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1995 and 2010), and the Beijing, Riyadh, and Havana Rules reveals that intersectoral cooperation and coordinated policymaking are fundamental pillars for the realization of child-centered justice.

Keywords: *Child at risk, clinical criminology, Law on the Protection of Children, State Welfare Organization, responsible persons, prevention, international child instruments*

Introduction

In criminology, and particularly within the domain of crime prevention, the term *"child at risk"* is employed to describe the condition of children and adolescents whose developmental process has been disrupted by various disorders or challenges, thereby diminishing their potential to become responsible and productive adults, and whose behaviors reflect tendencies that make them more likely to engage in criminal acts (1). A child at risk is neither a

delinquent nor a victim; however, given the very narrow boundary between this group of children and those two categories, such a child may simultaneously be a victim as well. When intervention decisions are made regarding such a child, it is often due to concern that the cumulative effect of harmful influences on the child's personality may lead to delinquency (2).

The expression *"at risk"* is, in fact, a general term referring to specific conditions under which a child is considered to be a "child at risk." Nonetheless, scholars and specialists in the field often examine this term through two main lenses—victimization and delinquency (3).

In the Iranian legal system, although the concept of *risk* has not been formally defined, several legal sources—including provisions of the *Civil Code*, *Islamic Penal Code*, and regulations such as the *Bylaw on the Prevention of Addiction, Treatment of Drug Addicts, and Protection of Persons at Risk of Addiction* (1998), as well as Articles 33 and 34 of the *Law on Combating Narcotics* (1997) and the *Regulations on Misdemeanors* (1945)—address the issue of *children at risk* (4). According to Article 1173 of the *Civil Code*, "a child at risk" is one whose physical health or moral upbringing is endangered due to neglect or moral corruption by the parent who has custody. Prominent examples of *risk situations* include children who, as a result of inappropriate relationships or conduct by parents or guardians, become victims of abuse or neglect (5).

Certain provisions of the *Islamic Penal Code*, such as Articles 633 and 713, also refer to situations in which a child is exposed to potential victimization, thus criminalizing such behaviors and prescribing penalties for them (4). Furthermore, the *Bylaw on the Prevention of Addiction and Support of Persons at Risk of Addiction* employs the phrase *"student at risk"* and identifies additional risk factors such as the imprisonment or absence of a parent, expanding upon the situations mentioned in Article 1173 of the *Civil Code* (6).

The *draft bill on the protection of children and adolescents* (Article 2, Clause "y") defines *"at risk"* as referring to any child or adolescent subject to a "hazardous situation" under Article 3 of the same law. Clause "k" defines *"hazardous situation"* as a condition that, without legal intervention for the purpose of protection, would likely lead to victimization or cause harm to the physical, psychological, social, moral, security, or educational well-being of the child (7). Article 3 of the aforementioned law identifies *delinquency* and involvement in activities such as *begging* or *trafficking* among the circumstances that place a person in a state of risk (8).

In international law, Article 1 of the *Convention on the Rights of the Child* (1989) defines a *child* as every human being below the age of 18 years, unless, under the law applicable to the child, majority is attained earlier (9). Some exceptions are provided in specific provisions, such as Article 37, which prohibits the imposition of the death penalty or life imprisonment without the possibility of release for persons below 18, and Article 38, which forbids the recruitment or use of persons under 15 years in armed conflict (10).

Children are among the most vulnerable groups in society and, due to their specific developmental characteristics, have always been the focus of special attention. Both domestic legislation and major international human rights instruments contain numerous recommendations concerning the recognition, realization, and protection of children's rights (11). The majority of these recommendations fall under two key areas: (1) protection and promotion of the rights of children and adolescents under normal conditions (non-delinquent children), and (2) protection of the rights of juvenile offenders (12).

In some countries, in addition to implementing preventive programs, legislators have gone further by criminalizing certain conditions or behaviors as part of broader efforts to prevent juvenile delinquency (3). Simultaneously, major international organizations concerned with crime prevention and criminal justice have also emphasized preventive

interventions for children who, although not yet offenders, exhibit aggressive or socially unacceptable behaviors (13).

One of the most significant organs of the United Nations dealing with crime prevention is the *United Nations Congress on Crime Prevention and Criminal Justice*, held every five years in different parts of the world. These congresses bring together high-ranking representatives of member states, independent experts, non-governmental and intergovernmental organizations, to discuss key agenda items related to global crime prevention (10). Extensive preparatory studies and regional meetings precede each congress, and substantial scientific and technical research is conducted to identify agenda priorities. Among the recurring subjects of discussion across twelve congresses, *children and adolescents* have featured prominently in nine, including the first and most recent congresses held in 1995 and 2010, underscoring the continued global significance of this issue (13).

From the perspective of factors influencing children's exposure to risk, the discussion can be framed around the principle that protection for this age group constitutes a natural right. If such protective mechanisms are absent, children become vulnerable to risk (14). Article 3 of the *Law on the Protection of Children and Adolescents* outlines 14 types of hazardous conditions that justify legal intervention and protective measures. This study focuses specifically on delineating the boundaries of "risk exposure" and distinguishing hazardous from non-hazardous conditions (7).

Negligence in fulfilling legal duties—such as providing for a child's basic needs or discharging responsibilities related to custody, guardianship, supervision, or care—is itself considered a form of endangerment (5). According to Article 3 of the *Law on the Protection of Children and Adolescents*, maltreatment or exploitation of a child constitutes a hazardous situation. Children at risk must therefore be provided with appropriate protective measures, including *developmental prevention*, which was briefly mentioned above. This form of prevention targets active risk factors within the child and can be achieved through the implementation of structured, evidence-based programs that mitigate those risks (1).

Accordingly, this study seeks to examine:

(1) the legal concept of children and adolescents at risk in Iranian law and international instruments; and

(2) the duties and enforcement mechanisms concerning responsible persons toward such children in both legal systems. By reviewing statutory provisions and offering legal analysis, the author aims to contribute to greater clarity and understanding of the challenges surrounding the protection of children and adolescents at risk.

Concepts

The Concept of Children and Adolescents at Risk in Iranian Law

According to Article 1173 of the Iranian *Civil Code*, which serves as a legal instance of "children and adolescents at risk" or "vulnerable children," these individuals—owing to the very factors that expose them to danger and harm—require special protection through various elements of the criminal policy system to be safeguarded from such hazardous circumstances (7). Children living in dysfunctional, deviant, or divorced families marked by abusive behavior are considered to be at risk. Likewise, street children and abandoned minors whose physical, emotional, psychological, and social development—and more broadly, their process of socialization and welfare—are seriously endangered, face conditions that precede victimization. For instance, compelling children to distribute or sell

narcotics or to engage in prostitution by deviant parents significantly increases the likelihood of future delinquency (2).

Article 3 of the *Law on the Protection of Children and Adolescents* (2020) defines hazardous situations as follows: "Any condition that exposes a child or adolescent to the risk of victimization or causes harm to their physical, psychological, social, moral, security, or educational well-being shall be considered a hazardous situation, necessitating legal intervention and protection for the child or adolescent" (7).

The *French Penal Code* of 1810, known as the *Napoleonic Code*, set the minimum age of criminal responsibility at 16 years in Article 66. The *Public Penal Code of Iran*, which was derived from French law but adapted to Islamic jurisprudence, categorized children into three age groups. The third group, referred to as *adolescents*, included those aged between 15 and 18 years (4). Under this Code, criminal responsibility depended on two conditions: *discernment* and *maturity*. In determining punishment, the court considered the age of the offender at the time of the crime and had full discretion to ascertain it through any means available (5).

Article 36 of the *Public Penal Code* provided that: "Mature persons over 15 but under 18 years of age who commit felonies shall be sentenced to confinement in a correctional institution for a period not exceeding five years; if they commit misdemeanors, the punishment shall range between half the minimum and half the maximum prescribed penalty for that offense" (14).

Some jurists argue that the legislator did not clarify whether the presumption of discernment for individuals above 15 years of age is immutable. Given that legal presumptions under Article 1323 of the *Civil Code* are rebuttable unless explicitly stated otherwise, and since this article contains no such explicit prohibition, contrary evidence should be admissible (14).

Based on the provisions of the *Public Penal Code*, several points are noteworthy:

(1) Even if a person under 18 committed murder—a crime ordinarily punishable by death—the maximum penalty would have been five years' imprisonment in a correctional facility (12).

(2) According to the Supreme Court's 1940 ruling (Case No. 1299), the minimum punishment for offenders aged 15 to 18 who committed felonies was 11 days of confinement in a correctional facility. Another decision (Case No. 413/9645, issued in 1937) allowed such imprisonment to be replaced by fines, considering it a disciplinary rather than punitive sanction (4).

(3) Under Article 37, jurisdiction over crimes committed by juvenile offenders aged 15–18 rested with the *Misdemeanor Court*, even for felonies, except when an adult accomplice or participant necessitated a *Criminal Court* trial, in which case both were tried jointly (8).

(4) Article 38 stipulated that provisions on recidivism did not apply to offenders under 18 years of age, regardless of whether they had reached 15. The Supreme Court, in its 1949 decision (Case No. 2001), extended this principle to exclude the application of cumulative sentencing as well (4).

The Concept of Children and Adolescents at Risk in International Instruments

The term *child*—and similar expressions such as *minor* or *adolescent*—has been examined from multiple perspectives by psychologists, sociologists, and jurists as one of the most vulnerable social groups. Various definitions and upper age limits have been proposed for determining who qualifies as a child. From a legal standpoint, defining the upper age threshold under which an individual is considered a child is crucial within the

broader framework of human rights protection (11). Accordingly, both international instruments related to children's rights and the domestic laws of most countries emphasize setting a definitive upper age limit for child recognition.

The *Convention on the Rights of the Child* (1989), the most comprehensive instrument in this field—ratified by almost every nation—defines a *child* in Article 1 as any human being under 18 years of age, unless the applicable law recognizes an earlier age of majority. However, due to cultural, religious, and social differences, some countries have adopted lower legal age thresholds, though the *Committee on the Rights of the Child* has consistently recommended that states raise this threshold to align with international standards (9).

Similarly, the *United Nations Congresses on Crime Prevention and Criminal Justice* have reaffirmed this definition in their resolutions, emphasizing the importance of uniformity while acknowledging variations in national legal systems and socio-economic conditions. They have also encouraged countries to adopt models consistent with the Convention's framework to the greatest extent possible (13).

In criminology and criminal law, the concept of the child is considered from two major dimensions: *the child offender* and *the child victim*. Determining the age of criminal responsibility is essential for identifying whether a minor's conduct constitutes a criminal act (*child offender*) or whether the minor is the victim of an offense (*child victim*). Additionally, due to the transitional and vulnerable nature of adolescence—between childhood and adulthood—many minors fall into an intermediate category known as *children at risk*, requiring specialized attention and protection (6).

The stages of personality formation and gradual socialization of the child have led experts to distinguish various developmental periods, assigning distinct rights and responsibilities to each. The historical development of juvenile justice demonstrates that, over the centuries, laws have consistently differentiated between children and adults in both criminal responsibility and punishment (8).

The Concept of Being at Risk of Committing Crime

The phrase *"at risk of committing crime"* refers to situations in which a child or adolescent is exposed to conditions that may lead them toward delinquent behavior (1). In criminology—particularly in the field of crime prevention—this term describes children and adolescents whose developmental processes have been hindered by psychological or social challenges, reducing their capacity to become responsible, law-abiding adults and exhibiting behavioral tendencies associated with potential delinquency (2).

From the perspective of developmental crime prevention, *being at risk* denotes the presence of a network of causal stimuli that predispose a child to criminal conduct. For example, severe indiscipline, exposure to violence, and academic failure in elementary school are key predictors of later antisocial or delinquent behavior (1).

Status and Perspective on Children and Adolescents at Risk of Delinquency in Iranian Law and International Instruments

In the field of crime prevention, the phrase *child at risk* is used to describe the situation of children and adolescents whose developmental trajectories are disrupted by existing disorders and challenges, thereby diminishing their capacity to become responsible and productive adults, and whose behavior indicates a condition that makes their inclination to commit crime more likely. A child at risk is neither an offender nor a victim; nevertheless, because of the very narrow boundary separating this group from those two categories, such a child may also be a victim. Where a decision is made to intervene in the child's situation, it is due to concern that, as a

result of convergent harmful influences on the child's personality, the child may become delinquent (4). In fact, the expression *at risk* is a general term that denotes specific circumstances under which a child is designated as a *child at risk*.

In the Iranian legal system, although *risk* is not expressly defined, several provisions of the *Civil Code*, the *Islamic Penal Code*, and by-laws—such as the *Bylaw on the Prevention of Addiction, Treatment of Drug Addicts, and Protection of Persons at Risk of Addiction* (enacted under Articles 33 and 34 of the *Law on Combating Narcotics*) and the *Regulations on Misdemeanors*—address the issue of the child at risk. Article 1173 of the *Civil Code* provides that a child at risk is a child whose physical health or moral upbringing is endangered due to lack of care or the moral corruption of the parent who has custody. Prominent manifestations of *risk* include the condition of a child who, as a result of inappropriate relations or conduct by parents or guardians, becomes the victim of their maltreatment. Provisions of the *Islamic Penal Code*, including Articles 633 and 713, also cover situations in which a child is exposed to the risk of victimization and therefore criminalize such conduct and prescribe penalties. Moreover, the *Bylaw on the Prevention of Addiction, Treatment of Drug Addicts, and Protection of Persons at Risk of Addiction* uses the phrase "student at risk" and identifies, in addition to the instances listed in Article 1173, the absence or imprisonment of a father as among the risk factors. The draft *Bill on the Protection of Children and Adolescents* defines *at risk* (Article 2, clause "y") as a child or adolescent who falls within the *hazardous situation* described in Article 3; clause "k" characterizes a *hazardous situation* as circumstances which, absent legal intervention for the protection of the child or adolescent, would lead to victimization or cause harm to their physical, psychological, social, moral, security, or educational well-being. From these provisions it may be inferred that the drafters' perspective emphasizes children at risk of victimization; however, Article 3 also lists, among the *hazardous situations*, delinquency and engagement in activities such as begging and trafficking, which place the individual at risk. In this sense, delinquency can place a child at risk of victimization, and the inverse may also be true (7).

Nevertheless, researchers and specialists, when explaining the subject, analyze this general expression under two branches: victimization and delinquency (12). Despite the bidirectional relationship between being at risk of victimization and being at risk of delinquency—meaning that a child at risk of victimization may also be at risk of delinquency and vice versa—the latter often appears to warrant greater attention. While both *at risk of victimization* and *at risk of delinquency* are recognized as risk factors in the emergence of victimization and delinquency, identifying and designating a child as *at risk of victimization* versus *at risk of delinquency* has different consequences that must be carefully considered in designing and implementing preventive programs and psychosocial interventions to avoid imposing adverse and harmful effects on the child and the family (2).

Additionally, within the *at risk of delinquency* branch—and despite recognition that adolescents' deviant behaviors and boundary-testing are often part of a transitional process toward adaptation—some scholars predict the possible existence of *dangerousness* in the risk subject, i.e., the individual at risk of delinquency, a notion not typically raised in discussions of risk of victimization. A United Nations Secretariat working paper prepared for the Seventh Congress under the agenda item *Youth, Crime, and Justice*, in the section "The Socialization Process of Young Adults and the Risk of Labeling," emphasizes that many conflicts experienced among adolescents are entirely normal in the transition to adulthood; only some juvenile offenders persist into adulthood. To prevent punishment or stigmatization, efforts should be made to channel youths' energies into constructive activities; moreover, a high percentage of juvenile offending ceases upon entry into adulthood. Understanding this depends both on the adolescent's resilience against criminogenic influences during adolescence and on society's restraint

from labeling them as offenders. Advanced criminology therefore focuses on the processes by which behavior becomes criminalized and on the processes that lead to de-penalization (10, 13).

Children and adolescents traverse multiple developmental stages—from prenatal life through birth, infancy, family life, preschool, childhood (approximately ages six to twelve), and adolescence (approximately ages twelve to eighteen). Because of physical and cognitive vulnerabilities during these periods, they are entitled to protection, and appropriate conditions must be provided so they can successfully progress toward adulthood. If the essential conditions constituting the child's best interests—such as welfare, physical and emotional security, psychological flourishing, moral and intellectual development, and healthy socialization—are disrupted by primary institutions like the family, school, and media, the child's positive developmental path is placed at risk and the likelihood of delinquent tendencies increases (6). A critical issue in the realm of children and adolescents at risk of delinquency is how to address the actors and causes that create hazardous situations for these groups. A few key points follow:

1. Socially maladaptive and deviant behaviors are often complex and arise from multiple factors—environmental, individual, interpersonal, and intrapersonal. Any intervention must therefore consider all relevant factors; while intervention is essential to neutralize many of these causes, the type and scope of intervention require comprehensive assessment (1).
2. Priority should be given to preserving and maintaining the child within the family environment. The child should remain with parents and within the family to the greatest extent possible, and removal should be an exception applied only under specific conditions to safeguard the paramount best interests of the child. Where a substitute is necessary, family-based placement should take precedence over institutional care. Consequently, any deprivation of parental custody for wrongdoing must be pursued with utmost caution and holistic review, mindful of parental rights and family privacy (7).
3. Another important question concerns the principle of the personal nature of punishment: is it justifiable to penalize parents because of their children's deviance? The Third Congress, under agenda item two, stated that "Negligent Families should be Penalized" (A/CONF.26/7, p. 15). In response, one Iranian jurist has argued that such measures may conflict with the foundations of human rights unless implemented with the consent of those involved and within a framework of social justice (10, 11).

Protective Measures and Preventive Actions for Children and Adolescents at Risk in Iranian Law and International Instruments

Alongside risk factors that increase children's vulnerability to delinquency, there are also factors that, even in the presence of risks, exert a protective influence. Protective measures strengthen a child's resistance to adopting future criminal behaviors and prevent deviance. Recommendation No. 20 of the Committee of Ministers of the Member States of the Council of Europe on the role of early psychosocial intervention in the prevention of criminal behavior (adopted in 2000) defines *protective factors* as certain socio-economic, sociological, cultural, or individual characteristics whose nature shields the child against the likelihood of entering into or becoming involved in persistent criminal behavior in the future. In the sphere of juvenile delinquency and responses to children and adolescents in conflict with the law, the *type of intervention* is among the most important issues addressed by international instruments and the resolutions of United Nations Congresses. While recognizing formal intervention through the justice system, these sources consistently emphasize the *principle of minimal intervention* (8, 10).

Preventive programs and actions should be designed and implemented on a broad scale by coordinating diverse social resources, with two aims: first, to create environments in which children can develop without personality maladjustment; and second, to identify children at risk of delinquency and guide them toward conformity with prevailing social standards and norms. In this regard, the following proposals may be offered:

(a) Organize the delivery of services (formal and informal) in the community; guide and supervise adolescents at risk through various means, including constructive activities within the family, schools, and other social institutions; youth counseling centers; educational centers; and leisure-time programs. Give due attention to community committees, social councils, and specialized coordinating bodies to design, organize, and develop social resources to assist children and families facing difficulties.

(b) Provide counseling through both formal and informal channels.

(c) Monitor and learn from developments in other countries in the relevant field.

(d) Focus on *delinquency-prone areas* (where interventions and treatment efforts must be intensified).

(e) Recognize that general social-welfare policies alone are insufficient; devise youth-specific programs tailored to adolescents' needs.

(f) Expand housing initiatives to provide better living conditions; in areas where diverse populations live together, ensure facilities that help bridge cultural differences and foster social cohesion.

(g) Encourage adults to develop a realistic understanding of the needs of children and adolescents, mindful of intergenerational value differences.

(h) Offer appropriate assistance and create opportunities responsive to the diverse needs of adolescents, especially those most likely to offend or those who are coerced into offending (12, 13).

It should be acknowledged that preventive actions—or early psychosocial interventions and protective measures—are grounded in risk factors within the child's developmental and socialization processes that can place the child at risk of delinquency. From early childhood onward, within the family, school, community, and peer groups, children experience the transition from adolescence to adulthood and encounter multiple risk factors. Generally, the earlier and longer a child is exposed to such risks, the more likely maladaptive and criminal behaviors will persist, increasing the probability of chronic delinquency in the future. Recognizing this, criminologists and specialists have developed preventive programs and protective measures in the domains where children and adolescents face these risks, seeking to immunize them against such factors and to strengthen the implementation of preventive initiatives (1, 3).

Identification and Examination of Responsible Persons Toward Children and Adolescents at Risk in Iranian Law and International Instruments

A body of domestic and international law has been enacted to protect children at risk, not only guaranteeing children's rights but also prescribing methods for their enforcement. These laws aim to ensure social, economic, and judicial justice and to create conditions conducive to children's growth and flourishing. This article examines, in two parts, (i) the responsible persons toward children and adolescents at risk, and (ii) actionable points for protecting children at risk within the legal structures of Iran and of the international order (7, 11).

Responsible Persons Toward Children and Adolescents at Risk in Iranian Law

Public authority—both political and administrative—is exercised through public organizations, whether state or non-state, and is apportioned territorially and functionally according to legal structures. If we classify the entire network of public entities as legal persons, expressing their interlinked rights and duties, public-law legal persons may broadly be divided into four categories: (1) national organizations; (2) local councils; (3) technical and specialized organizations; and (4) other public-law legal persons (11).

The Center for Legal and Judicial Studies of the Judiciary

Pursuant to a special resolution at its 63rd session, the High Council of the Judiciary (under Article 157 of the Constitution prior to the 1989 revision) established the *Center for Legal and Judicial Studies* on December 6, 1984. It should be noted that, by creating this Center, the Judiciary in practice did not fulfill the mandate of Clause 5 of Article 156 of the Constitution and, invoking non-interference in the functions of other branches, avoided this crucial responsibility (11).

The Office for Studies and Crime Prevention

In the second half of 1991, an entity titled the *Office for Studies and Crime Prevention* was created by order of the Head of the Judiciary and under the responsibility of the Prosecutor-General to study the prevention of criminal acts. Its charter cites Clause 5 of Article 156 of the Constitution as the legal basis for its establishment. Broadly, the Office's objectives are to identify effective methods for preventing crime and rehabilitating offenders by: (1) examining crime trends and the causes of offending; (2) studying measures to counter offenders; and (3) adopting necessary actions to combat delinquency and confront offenders (7).

The Judiciary's Research and Studies Center

Education and research are pivotal for judicial development. When personnel receive rigorous training and apply findings from applied research and contemporary knowledge, meaningful reform becomes attainable. Research can also drive the Judiciary's progress in crime prevention: socio-cultural studies of communities enable forecasting of many offenses and the design of context-sensitive social and cultural strategies to prevent delinquency. It is essential, however, that experienced and competent experts be engaged so that expertise and practice reinforce one another and advance specialization within judicial proceedings. Over the years, insufficient attention to retaining experienced judges has, in practice, led many to depart for other institutions or private practice due to economic and social pressures. Were the research and studies sector to provide appropriate pathways, it could harness these professionals' skills to recalibrate future programs. Accordingly, the research and studies arm should make prudent and optimal use of such expertise (11).

Therefore, if specialists with adequate experience engage in research, they can meaningfully advance the Judiciary's developmental objectives. Although the Judiciary has established a Deputy for Education and Research, these measures are insufficient; research must continue with a crime-prevention lens. While positive steps have been taken to elevate training, the Judiciary should redouble its efforts to realize judicial development whose benefits include the implementation of justice and, ultimately, the prevention of crime (7).

The Center for Judicial Development

In recent years, the Judiciary's *Research and Studies Center* was dissolved and replaced by the *Center for Judicial Development*, which currently bears responsibility for crime prevention. Notably, with the objective of policymaking in prevention and offender rehabilitation, this Center has submitted a *Draft Law on Crime Prevention and the Rehabilitation of Offenders* to the Islamic Consultative Assembly (Parliament) for consideration and enactment. A review of these developments indicates that the Judiciary seeks to assume, at the national level, the leadership and policymaking role in the science of crime prevention within Iran's legal system (7).

Office of the Prosecutor-General

It is essential that prosecutors across the country identify problems that arise outside the judicial system but in practice lead to the commission of crimes and the influx of cases into prosecutors' offices; having identified and categorized these issues—whether they stem from legislative gaps or defects, non-enforcement of laws by natural or legal persons, or slow governmental action—they should, as necessary, negotiate with the relevant authorities to resolve them locally where possible. If resolution is feasible through local and internal officials within the judicial district, it should be pursued; otherwise, prosecutors must report the matter to the Head of the Provincial Judiciary so that, if it can be resolved through the latter's legal powers and relationships, it is addressed in that manner. Failing that, the issue—together with details and proposed solutions—must be communicated to the Office of the Prosecutor-General. Matters such as environmental protection, monetary and financial issues, insurance, negotiable instruments (checks), family matters, and particularly the recent phenomenon of fuel smuggling—which has inflicted significant harm on the national economy—are key areas in which prosecutors must identify the social causes and factors of each and, through engagement with the relevant organizations, act to eliminate them. Accordingly, the management of crime prevention is organized along two lines: issues that, under clause (d) of item 8 of Article 4 of the *Law on the Establishment of the Law Enforcement Force (NAJA)*, should be prevented by that force; and other issues that should be addressed through cooperation with other competent organizations. It must be emphasized that, under the *Law on the Establishment of the Law Enforcement Force*, because NAJA serves as a judicial police body, it must perform its duties under the supervision of the authority on whose behalf it acts. Therefore, under clause (d) of item 8 of Article 4 of that law, prevention must be carried out under the supervision of the prosecutor (11).

Also, under the *Plan to Reduce Judicial Delays*, it is stipulated that where prosecutors cannot resolve problems through local or provincial mechanisms, they shall notify the Office of the Prosecutor-General, which, after examining the causes and factors of the offenses and engaging with relevant organizations, shall take necessary measures. Given the natural affinity between the mission of preventing crime and social harms and the institutional role of the public prosecutor, the Prosecutor-General is the connecting link among prosecutors' offices nationwide and the authority superior to them. As a national institution, the Office of the Prosecutor-General can, by adopting appropriate arrangements and mechanisms, mobilize judicial units and prosecutors' offices across the country to implement preventive measures and to safeguard the public interest—of which crime prevention and the prevention of social harms are foundational components. To this end, the Office must be equipped with the requisite organizational structures. Since various bodies—such as the Headquarters for the Prevention and Combat of Specific Crimes and the Social Protection Headquarters—have been established for this purpose, it is appropriate

to consolidate them under a unified organizational framework chaired by the Prosecutor-General. Within that framework, duties and responsibilities should be allocated with a view to effective roles in *primary prevention*, *secondary prevention*, and *tertiary (judicial) prevention*. A draft bill envisaging a high-level body chaired by the President or the Prosecutor-General under the Judiciary was previously prepared and could be effective at the macro level. It appears appropriate that this responsibility within the Judiciary be entrusted to the Office of the Prosecutor-General; legal gaps should be addressed, parallel bodies merged, and instead of fragmentation, coherent and disciplined action should be pursued to achieve desirable outcomes for society. A recently issued directive by the Head of the Judiciary underscores this objective and provides that the Office of the Prosecutor-General shall play a vigorous role in crime prevention, leveraging the Office's legal authorities and institutional standing as the nation's public prosecutor. To carry out this critical mission, the subject should be pursued at the level of the Prosecutor-General's deputies, and an efficient, dynamic, and active system—drawing on dispersed experiences—should operate with unity of action. Following the approval of the organizational framework of the Office of the Prosecutor-General by the Head of the Judiciary, a *Crime Prevention Office* was established under the supervision of the First Deputy to the Prosecutor-General (7, 11).

This decision aligns with clause (5) of Article 156 of the *Constitution*, which assigns the Judiciary the duty of crime prevention. As a supreme national judicial authority overseeing all prosecutors' offices and judicial police, the Office of the Prosecutor-General can serve as the coordinating pillar among diverse state bodies to adopt national-level strategies for the prevention of crime and social harms (11).

Dispute Resolution Council

In many countries, parallel to the formal judiciary, institutions have been established which—although not civil courts in the strict sense—effectively resolve disputes within the scope of their jurisdiction. Statistics show that, quantitatively, these quasi-judicial bodies often resolve more disputes than the formal court system. Examples of such institutions exist in both the common-law tradition and the Romano-Germanic system. In the United Kingdom, quasi-judicial bodies—sometimes referred to as courts—handle over one million cases annually arising from administrative matters and issues related to the implementation of certain laws. The breadth of subjects within these bodies' jurisdiction attests to the effectiveness of this approach. Not all adjudicators in these institutions are jurists; in some instances, practicing attorneys are invited to adjudicate, and a form of oversight by the formal judicial system is exercised over their activities. Resolving disputes at this stage often obviates recourse to higher courts, where proceedings are more costly and formal. Although higher courts have general jurisdiction, judicial practice favors the acceptance of cases by quasi-judicial institutions where appropriate (11).

Prioritizing quasi-judicial institutions—which generally address minor disputes—yields the valuable result of relieving actual courts from handling low-importance cases, thereby freeing them to deliberate on matters of greater significance. In the United Kingdom, higher courts develop the law through precedent, and many enforceable rules have roots in judicial practice. In Italy, alongside district courts, county courts, and the Court of Cassation, there exists a considerable number of conciliation bodies which, by virtue of their prevalence, play a special role in resolving low-importance disputes (11).

General Inspection Organization (GIO)

The General Inspection Organization is the *beating heart* of administrative oversight and, through its supervisory actions, can play a vital role in crime prevention. The GIO guarantees the integrity of administrative operations across state organs. In cooperation with managers, it can exercise oversight to prevent misconduct and promote lawful functioning. Inspection is not limited to addressing violations; it also facilitates the proper functioning of administrative bodies so they can better serve the public. To ensure effective administration as envisioned by the *Constitution*, external oversight—by bodies such as the GIO established under Article 174—is indispensable. Advising public managers is among the Organization's most important roles: no agency can claim to achieve its goals solely through internal controls. External supervision helps identify deviations and issue timely warnings. By working alongside other agencies and managers—and by implementing supervisory and inspection programs—the GIO steers administrative bodies toward their objectives and, in effect, serves as a facilitator for the nation's public administration (11).

Judicial Organization of the Armed Forces

The Judicial Organization of the Armed Forces can be regarded as one of the pioneering bodies that has examined crime-prevention strategies both scientifically and practically. The Organization maintains that, alongside criminal (and inherently repressive) measures, non-penal interventions—such as social prevention and situational prevention—are appropriate avenues for reducing crime in society; through precise oversight of time and place, they minimize opportunities for offending. The head of the Judicial Organization of the Armed Forces has described *decriminalization* as relying on both intra-organizational and extra-organizational factors, adding that imprisonment is a "remedy without cure." Accordingly, within this Organization, sanctions such as additional service, demotion, and reassignment to a distant post have been considered in lieu of imprisonment, and conditional release, proposed pardons, and sentence mitigation have been pursued to reduce the prison population (15).

It is improper that individuals—who possess the potential for the highest moral ascent—should fall into crime, and it is the duty of public authorities to spare no effort in this regard; hence, crime prevention occupies a special place within the Judicial Organization of the Armed Forces. The ten-year performance of its prevention committee began with two five-year programs to yield tangible results. In the first five-year plan, *etiology and causes of offenses* were prioritized, leading to numerous implemented measures, including soldiers' insurance, improvement of soldiers' pay, appropriate treatment of personnel, reduction of distance between duty stations and residence, and awareness-raising initiatives. In the second five-year plan, *criminal capacity* was assessed with reference to the types of offenses historically observed within the armed forces; forecasts of offense types and incidence were made, handbooks were prepared, and distributed among personnel. In the newly launched third five-year plan, the principle of *prediction preceding prevention* is being implemented for the first time nationwide within this Organization. Building on this, and recognizing the armed forces as a critical pillar of national order, the Organization asserts that with reliance on faith, tactics, and available technology it can nurture ethically grounded personnel; if so, offending within the forces will be minimized. Proper selection and recruitment, training, sound organization, and regular exercises to maintain readiness are identified as key crime-prevention factors. When entry points to vital institutions—such as universities, government departments, and the armed forces—are culturally purified and coupled with a strong sense of duty, many social adversities are alleviated. The Organization further emphasizes

that correct and Islamic conduct toward personnel is crucial in prevention; sincerity has faded in daily affairs, and if reinvigorated, many goals would be attained. If personnel are involved in decisions concerning the administration of their affairs, an optimal performance can be expected, and commitment and work conscience will naturally permeate operations, thereby reducing the likelihood of crime moment by moment. Prevention within the armed forces is thus essential. In light of the Judiciary's macro-policy to reduce the number of prisoners, and considering that a portion of the prison population belongs to the armed forces, such research advances multiple aims, including public security, social calm, and reduced incarceration. Implementation systems within the prevention committee should align with the Judiciary's overarching policies to realize these objectives; in parallel, robust faith-based programming must be properly embedded among personnel at all levels, including within prisons, through comprehensive, well-designed plans and ongoing in-service training. Within the armed forces, sound recruitment is only one part; the second is ensuring adequate financial and moral support during service, since shortages in either can entail irreparable consequences. Based on the projected criminal capacity, anticipated crime incidence is determined for each unit: if a commander maintains offenses within the set threshold, success is achieved; if offenses exceed the threshold, urgent measures must be taken to reduce crime (15).

Prisons and Security–Corrective Measures Organization

The most important factor in reducing high-risk behaviors is the expansion of a culture of prayer within prisons, which helps prevent harms. Additional important measures include promoting sports, proper classification of inmates, education in prison, and constructive use of leisure time—because idleness is "the mother of all corruption." Priority should be given to core, foundational measures rather than peripheral activities; the prerequisite is to provide an environment conducive to inmates' growth and refinement and to deliver necessary training. Prisons should implement these methods so that, by curbing recidivism and preventing it, the Organization can play a decisive role in crime prevention (7).

Headquarters for Prevention and Social Protection

The *Bylaw on the Establishment of the Social Protection Headquarters* was issued in Mehr (autumn) by the Head of the Judiciary for implementation by provincial judiciaries; debates and critiques remain ongoing. Given the importance of this Headquarters—regarded as a pillar of judicial development—legal commentary, both supportive and critical, is welcomed. Islamic society needs to revive the principles of *enjoining good and forbidding wrong*, on which social vitality depends. Devout youth in neighborhoods and mosques suffer from lawlessness and sin but lack legal support and guidance to fulfill social duties. Their considerable energy remains unused due to a lack of organization (7).

When crimes occur in neighborhoods, a devout youth often does not know his duty; responses vary, and may be neither useful nor constructive. In some cases, the absence of clear guidance has created legal difficulties for the practice of *enjoining good and forbidding wrong*. The public prosecutor bears a broad supervisory duty to protect society. To that end—and to reduce crime, obtain accurate information from the public, revive this religious tradition, organize devout youth in mosques, neighborhoods, and cities, and connect all social strata with the judiciary—the provincial Social Protection Headquarters was designed. Under this plan, grassroots cells are formed in every mosque and neighborhood and then linked to regional structures; all regions fall under a central headquarters. Similar structures are created in factories, markets, seminaries, universities, schools, and women's associations,

each connected to the central headquarters. These cells collect and transmit public information about crimes and offenders and, by applying the principles of *enjoining good and forbidding wrong*, seek both to prevent crime and to promote social reform and protection. Where offenses are imminent, they promptly notify the prosecutor and coordinate with police stations to take lawful action. Day and night patrols enable local monitoring. Members are screened, selected, and provided with ID cards. With public participation, the plan aims to purify society and rid it of criminal elements (7).

The bylaw's provisions include: Article 1—pursuant to Clause 1 of Article 3, Clauses 4 and 5 of Article 156, and Clause 1 of Article 158 of the *Constitution of the Islamic Republic of Iran*, and to give effect to Article 8 (the general duty to *enjoin good and forbid wrong*), a body titled the *Social Protection Headquarters* is established within the Judiciary to protect society from pollution, crime, and the formation of assemblies harmful to public security and health, to revive that tradition, to reduce and eliminate corruption, and under Paragraph (a) of Article 1 of the *Law on the Duties and Powers of the Head of the Judiciary* (adopted March 8, 2000). Its organization, administration, and financial affairs are governed by the subsequent articles. Article 2—the Headquarters is a non-profit, non-political body affiliated with the provincial judiciary, operating under the supervision of the Provincial Prosecutor and oversight of the Head of the Provincial Judiciary to protect society against crime and delinquency. Note 1—The Headquarters commences upon approval by the Head of the Judiciary and continues until its dissolution is announced. Note 2—Upon dissolution, its property is delivered to the provincial judiciary and becomes part of its assets (7).

Responsible Persons Toward Children and Adolescents at Risk in International Instruments

In international instruments, the institutions and persons responsible toward children and adolescents at risk include: parents (the family), legal guardians, social workers and non-governmental organizations, members of international congresses on the child, states, teachers and peer groups in schools, the media, and the police—each obliged, upon observing a situation of risk, to take the necessary legal measures (13).

Examination of the Duties of Responsible Persons Toward Children and Adolescents at Risk in Iranian Law and International Instruments

In Iranian Law

In the Iranian legal system, the duties of responsible persons toward children and adolescents at risk are clearly articulated in the *Law on the Protection of Children and Adolescents* (enacted 2020) and its Executive By-Law. According to Article 6 of this law, various governmental and public institutions are obligated to take effective and coordinated measures to prevent victimization and to support children at risk (7).

The most significant institutions with specific responsibilities are as follows: the **State Welfare Organization**, tasked with identifying and supporting orphaned, neglected, street, and at-risk children—such as those with addicted or incarcerated parents—and providing social work, psychological, and custodial support (6). The **Ministry of Education** is responsible for identifying children who have dropped out of school or are exposed to domestic or school-based violence and referring them to relevant authorities. The **Ministry of Interior** and the **Law Enforcement Force (NAJA)** are responsible for identifying at-risk children in public spaces and high-risk neighborhoods and reporting cases to protection agencies. The **Ministry of Health** must detect and report cases of malnutrition, mental disorders, or physical signs of child abuse. The **Islamic Republic of Iran Broadcasting**

(IRIB) is required to promote a culture of child protection and non-violence. Finally, the **Judiciary** is charged with assessing the child's legal and judicial status, appointing a temporary guardian, referring the child to protection centers, and issuing judicial protection orders, including prohibiting dangerous individuals from contacting the child (Article 9 of the 2020 Act).

In addition to institutions, individual responsible persons—including parents, legal guardians, teachers, and social workers—are also required, under Articles 3, 5, and 6 of the Act, to report any observed risk situations to the competent legal authorities. This reporting obligation represents a cornerstone of Iran's child protection framework and parallels international norms (11).

In International Instruments

At the international level, the *Convention on the Rights of the Child* (1989) constitutes the most important global instrument for child protection. Article 19 of the Convention obligates States Parties to require all responsible persons—including parents, guardians, and public authorities—to intervene against violence, neglect, abuse, and exploitation of children (9). The *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (*Beijing Rules*, 1985) also emphasize, in several provisions, the need for protective measures prior to criminal behavior and for social and psychological intervention by competent authorities and individuals (13). Furthermore, the *United Nations Congresses on Crime Prevention and Criminal Justice* (1995 and 2010) have stressed the necessity of developing comprehensive national and intersectoral strategies for identifying and supporting children at risk (10).

Even in classical criminal law, the *Napoleonic Code* (1810) of France pioneered differential treatment of juveniles within criminal justice, though the modern notion of *children at risk* developed later as part of a more protective approach within French legal doctrine (4).

Examination of the Enforcement Mechanisms for the Duties of Responsible Persons Toward Children and Adolescents at Risk in Iranian Law and International Instruments

In Iranian Law

Although the *Law on the Protection of Children and Adolescents* (2020) establishes broad obligations for responsible persons and institutions, its enforcement mechanisms remain weak and often lack sufficient deterrent effect. Article 9 of the Act authorizes judges, upon confirmation of endangerment, to issue protective judicial orders, such as separation, mandatory treatment, or prohibition of contact with the child. Article 10 provides that failure to act or negligence in protection constitutes grounds for criminal or disciplinary prosecution, provided it results in harm; however, the scope of this liability remains vague. The Executive By-Law of Article 6 is primarily advisory and lacks binding sanctions for failure to fulfill duties (7).

Moreover, the *Islamic Penal Code* contains no explicit provisions penalizing institutional neglect of protective responsibilities. The absence of institutional criminal liability remains a fundamental gap in Iran's enforcement framework, except in limited cases such as administrative negligence or omission causing harm (5). Strengthening such enforcement mechanisms would require the introduction of clear statutory sanctions, creation of supervisory authorities, and integration of accountability standards consistent with international norms (11).

In International Instruments

Under Article 4 of the *Convention on the Rights of the Child*, States Parties are required to undertake all appropriate legislative, administrative, and judicial measures to implement the rights recognized in the Convention, including the protection of children from risks and harm (9). The *Committee on the Rights of the Child*, in its *General Comments*—particularly Nos. 5 and 13—has emphasized the necessity of effective enforcement mechanisms and accountability for officials and institutions failing in their duties.

The *Beijing Rules* similarly impose requirements for institutional accountability and mandatory reporting by intervention bodies (13). The *Hague Principles* and *Paris Rules* also call for continuous monitoring, financial transparency, and periodic reporting on governmental measures concerning children's welfare.

Overall, international instruments advocate for a legal system in which the failure to perform protective duties is not only unlawful but prosecutable and subject to remedy (10). In comparison, Iranian law still requires clearer regulations, more precise enforcement mechanisms, and the establishment of an independent supervisory body to ensure that child protection obligations are fully implemented and violations are appropriately sanctioned (7).

Conclusion

The present study demonstrates that Iran's legislative criminal policy has made a significant stride in protecting children at risk through the enactment of the *Law on the Protection of Children and Adolescents* (2020) and its executive by-laws. However, numerous structural and practical challenges hinder the full realization of its protective goals. One major weakness lies in the lack of institutional coherence and the weak enforcement mechanisms concerning violations of legal duties by responsible persons and institutions.

According to Article 6 of the Act and its executive regulation, dozens of executive entities—including the State Welfare Organization, various ministries, the national broadcasting authority, the Vice-Presidency for Women and Family Affairs, and the Vice-Presidency for Science and Technology—are responsible for protection, education, awareness-raising, and mitigation of threats to children. Among these, the Welfare Organization holds a central role, as it focuses on orphaned, neglected, and street children who are socially vulnerable and, from a criminological standpoint, at risk of victimization. Nevertheless, weak inter-agency coordination, oversight, and accountability mechanisms prevent the effective implementation of preventive measures.

When compared to international standards such as the *Convention on the Rights of the Child (CRC)* and the *Beijing Rules*, Iran's approach requires reform on several fronts:

- Establishing clear and binding sanctions to ensure institutional compliance;
- Creating an inter-agency coordination structure supported by a unified database to identify children at risk;
- Strengthening the role of clinical criminology and psychosocial intervention through specialized institutions like the Welfare Organization;
- Institutionalizing the use of individualized case files (*personality dossiers*) to enable accurate personal assessments and differential prevention strategies.

Ultimately, effective protection of children at risk depends on an integrated, operational, and enforceable policy framework in which institutional cooperation, professional competence of responsible individuals, and legal accountability are central.

In light of the need to reform child protection laws and practices in Iran, the following practical recommendations are proposed:

1. **Introduce explicit enforcement mechanisms for non-compliance by institutions and responsible persons.** Article 6 of the *Law on the Protection of Children and Adolescents* outlines numerous institutional duties, but lacks clear enforcement provisions. Legislative amendments are necessary to ensure that failure to fulfill these duties is subject to criminal, administrative, or civil accountability.
2. **Institutionalize the use of personality dossiers for children at risk (not only for offenders).** The use of case files should begin at the preventive stage rather than during judicial proceedings. Redesigning these dossiers as tools for early screening and identification can enhance the effectiveness of intervention strategies.
3. **Mandate inter-agency collaboration through a national child protection system.** A unified national platform granting access to the Welfare Organization, Ministry of Education, Law Enforcement, Ministry of Health, and judiciary should be legally established. Such a system would coordinate identification, intervention, and monitoring processes for children at risk.
4. **Develop a specialized differential protocol for handling children at risk.** The Judiciary and the Welfare Organization should jointly prepare guidelines that recommend tailored protective approaches based on a child's age, gender, family background, and behavioral or social issues, while preventing unnecessary punitive or disciplinary responses.
5. **Enhance the professional competence of responsible actors (judges, social workers, teachers, and law enforcement officers).** Mandatory specialized training in child development, risk indicators, hidden forms of abuse, and communication with children should be legally required. Furthermore, an independent budget line for supporting children at risk should be included in the annual national budget. Without stable funding, the Welfare Organization, Education Ministry, and other institutions cannot effectively carry out their protective mandates.

Collectively, these reforms would help build a coherent, responsive, and evidence-based system of child protection aligned with both domestic needs and international standards.

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All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

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Transparency of Data

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