

Prevention of Victimization of Children in danger in Iran's Legal System

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Abstract: In general, due to specific physical, mental and emotional conditions, children are vulnerable to many kinds of abuses and victimizations. However, apart from the above mentioned conditions, some children and juveniles being risky conditions and status more than ever are expect to many kinds of victimizations, They can be called "children and juveniles in danger" or "vulnerable children" That, in fact, article no.1173 of Iran's civil law is referring to it. The present paper, while presenting a brief definition of some basic concepts and probing in stances of vulnerable children, also studying their protection domain through the application of preventive schemes in Iran's current regulations.

Key words: children in danger, prevention, protection, victimizations, risky status

INTRODUCTION

1. Nowadays, beside the expression of prevention of crime, the prevention of victimization is considered, too, since these days victimology, like criminology, has rather independent concepts due to the existing relationship between victim logical criminology and victim-based criminal policy. Hence, the prevention of victimization can independently be examined on the basis of victimology major's data, though the prevention of victimization is consistent with main objective, i.e. the prevention of crime and actually is its complementary. Like prevention of crime which should be based on the study of criminal causes and investigation the process of criminal thinking, the prevention of victimization should also be based on the study of victimization causes and investigation the process of people's victimization. Therefore, considering the close relationship between the preventive criminology and preventive victimology and many similarities between them in terms of their concepts, nature, branches, methods and programs, we would study the prevention of victimization and the related issues with the prevention of crimes.
2. The prevention of crime expression in broad definition means: "predict, identification, and evaluation of the danger of crimes and doing some actions for dismissing or decreasing it." (Mirmohammadsadeghi, 2002, p. 102) prevention in this sense includes penalty and non- penalty prevention. Penalty prevention means prevention through the use of penalty tools which has coercive aspects, is applied after the crime happening or victimization. However, non- penalty prevention means "a series of non- coercive methods that are applied before the committing of crime or victimization for eliminating or neutralizing the causes or criminogenic /victimogenic situations."
3. Today, The preventive criminal policy and within it prevention from victimization in global and continental level has been manifested in the form of documents, statements, conventions or international associations such as united nations convention against transnational organized crime 2000, united nations convention against corruption 2003, convention on the rights of the child 1989, the world society of victimology. Hence, these policies directly or indirectly can be seen in Iran's different regulations. For example, the principles 3 and 156(5) of Constitutional Act 1979, article 1 of the establishment of the minister of information 1983 and etc.

The author of this paper, while aiming at a brief introduction of some of the basic concepts related to the issue and investigating the prevention domain of endangered children's victimization in Iran's current rules tries to answer the following question: what is Iran's law perspective regarding prevention of children in danger's victimization?.

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Chapter One: Acquaintance with the Concepts:

A. Victim:

In defining the term “victim” there has been some conflicts and a variety of opinions among scholars, esp. victimologist about justifying and explaining “victim”, “victimization”, and their concepts and scopes. For example, von Hentig (1948) in his book, by believing the relationship between victim and offender and his/her role in creating the crimes, only considered the victims of crimes. But, Mendelsohn believed that the subject of study should not only include victims of crime and abuse of power but should also include victims of accidents, natural disasters and others acts of God. (Dijk, 1999, p.2).

Another traditional bone of contention is whether victimology should confine itself to criminal victimization in the formal sense or accept the wider definitions of general victimology and encompass the victims of human rights abuses, accidents or disasters? The United Nations General Assembly’s 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power has been accepted by the world society of victimology as a frame of reference. The subject matter of victimology can be defined in the terms of the UN declaration: “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

b. Children:

In legal term,” child or minor is some one who has not reached to essential physical and mental growth in terms of age for social life”. (Ebadi, 2008, p.5).

Though in united nation documents, especially convention on the rights of the child 1989, 18 is determined for identifying kid both as an offender and as a victim, in Iran’s legal system, on one hand. We can see some differences in terms of crime and victimization age and on the other hand, Crime age and criminal responsibility age in this country, has changed and from the past in the following respect. In spite of some ambiguities in defining victim child in Iran’s current laws, according to the article 1 Protection of Children and Juveniles Act 2002, their support and assistance age against abuses and victimizations is 18. This indicates that Iran’s legal systems in this regard are along with the scientific foundlings and convention on the rights of the child 1989.

c. Endangered Children:

In general, children as vulnerable people against exploitation and negligence, have a strong victimization potential and background, and can easily change from potential victims to practical victims. Therefore, the criminal policy- maker should decrease the causes of victimization and violating their rights and freedom through different ways like criminalization of some behaviors, intensifying the punishments, and predicting preventive schemes. Children are abuses and exploited in different environment such as family, school and job environments and nursing and caring centers.

About why children and juveniles are so vulnerable against crimes and abuses? It can be mentioned to some of crucial reasons:

1. Physical Vulnerability:

Some studies, but not all, have shown that physically weaker children in the classroom are more likely to be victimized by bullies. Older children are less likely to be hit by their parents, and this may have to do with their increased capacity to fight back or to intimidate their elders. But overall, physical smallness and weakness are not major and consistent risk factors, even though those conditions may create a subjective sense of vulnerability. (Finkelhor, 2008, p.7)

2. Lack of Knowledge, Experience, and Self-Control:

Children have other obvious disadvantages in terms of knowledge and experience, as well as in the ability to take action, and some of these may be associated with higher crime vulnerability. This notion is certainly implicit in the prevention strategy of providing young people with information to help them avoid becoming victims.

Children, at least at some ages, may be less able to identify dangerous people and places than adults. They may be less familiar with conflict- resolution strategies. In addition, some children engage in behaviors that almost certainly contribute to the increased risks that they experience. For example, some adolescents experiment with drugs and alcohol, participate in delinquent activities, join gangs, or put themselves into risky

sexual situations. Some of this risky behavior reflects the lack of knowledge and experience that characterizes childhood, but some has other sources. The risky-behavior explanation is the one that has been emphasized most by the few criminologists who have looked at juvenile victimization.

3. *Weak Norms and Sanctions Against Victimization:*

Another probable reason for why children are at high risk of victimization is that our society has relatively weaker norms and sanctions about offenses against children. There are obvious exceptions—sex crimes against children are considered to be among the most heinous of sex crimes—but overall this is not the case. Acts considered serious offenses when their victims are adults are not taken so seriously when they are committed against children. Examples are everywhere. In most modern, civilized societies, hit your wife and you get arrested—at least if the police find out.

Hit your child, however, and little will happen if you make a reasonable argument that it was for disciplinary purposes and the child did not suffer physical injury. If a colleague punches you, the result will likely be a police investigation, followed by criminal charges and your colleague's almost certain loss of a job. If a child is punched by a schoolmate, the teacher may call it a fight and bring both children to the principal, but that will probably be the sternest official action taken.

The ambivalence toward child victimization is apparent in both societal norms and social sanctions. Some of this ambivalence stems from a reluctance to be harsh and punitive toward juveniles who commit offenses.

Some stems from wanting to preserve a parent-child bond, even when parents mistreat their children. But some stems from the belief that these victimizations are different in nature from most others: that they are less serious, that they are simply an inevitable part of childhood or family life, and that they can even be educational or build character.

In particular, the reason it has taken so long to recognize problems like sexual harassment and bullying in childhood cannot be ascribed to a simple reluctance to be harsh or punitive with juvenile offenders. Rather, these experiences have just been considered a part of childhood, even when we stopped tolerating them among adults. In the case of other victimizations that have only recently been widely recognized, such as sexual abuse and child maltreatment, the barriers to recognition were the prerogatives and privileges that adult enjoyed with respect to their families.

The protection of children simply did not weigh heavily enough on the scale of values to justify encroachments on these prerogatives. We still can't aggressively prosecute people who beat their children because those parents who want to be able to hit their children (but not injure them)—that is, those in favor of corporal punishment—insist on exculpatory criminal laws that end up protecting many abusers. Such laws allow parents charged with assaulting a child to counter that the act was in the service of disciplining the child, which generally constitutes a sufficient defense. Given the breadth of the disciplinary defense, police and prosecutors are unwilling to bring assault charges against parents except in instances of death or extreme bodily injury.

4. *Lack of Choice over Associates:*

There is a final, generally overlooked but very important reason that children are at high risk for victimization, one that has to do with the conditions of children's social lives and their living arrangements: children have comparatively little choice over whom they associate with. Children do not choose the families they grow up with, they do not choose the neighborhoods they reside in, and they usually do not choose the schools they attend. This potentially puts them into more frequent involuntary contact with high-risk offenders and thus at greater jeopardy for victimization. For example, when children live in families whose members mistreat them, they are not free or able to just pick up and leave. When they live in dangerous neighborhoods, they cannot choose on their own to move elsewhere. If they attend a school with many hostile and delinquent peers, they cannot simply change schools or quit without adult assistance or consent. They are stuck. The absence of choice in associates and environments affects children's vulnerability to both intimate victimization and street crime, and it affects the vulnerability of both young children and teens.

The article 19(1) of convention on the rights of the child 1989, has specifically considered to the issue of abuses of children. According to it, States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child.

In Iran's legal system in 2002, the sinister social phenomenon, i.e. "Child Abuse" has strongly been banned by passing a law entitled "the protection of children and juveniles act". according to the articles 2,3,4

“Child Abuse” can be defined as any kind of violence, physical and mental torture against children; exploitation and abuse such as economical and sexual exploitation; intentional ignorance of their mental health and education rights.

Though children for the above reasons are vulnerable and exposed to many kinds of abuses and victimizations. In especial cases, some children’ health and safety, are endangered, more that ever, which can be called “endangered children”. Another name for these children is “vulnerable children” who due to their personal characteristics and moods like tramping, escaping from school, educational absenteeism or addiction; or due to their family characteristics like parent’s addiction or moral corruption; or due to work place or educational characteristics and unfit friends are exposed to victimization, abuse or committing crimes or taking part in crimes by the criminal organizations. (Mehra, 2005, p. 285) In another term, endangered child is a child who for a variety of reasons has been neglected by the primary units of the community. Children like street children, Children in conflict with laws, Minorities, children who have dangerous mood, Children in constriction which, in general, due to their life situations, also their vulnerability, and being in a condition which is some how indicative of being in a dangerous mood are called ”endangered children” (Kial, 2005, p. 30). Danger in general sense means “a series of circumstances in which there are probability or possibility of undesirable and harmful consequences in future”. (Zeinali, 2009, p. 32)

Chapter Two: Some Instances of Endangered Children in Iran and the Manner of Protection of Them:

Some researchers believe that in Iran’s law except in two legal regulation, i.e. article 1173 of Civil Act or article 5 Act of Addiction Prevention, Drug addicts, Treatment and Supporting of Endangered People to Addiction 1999, there is no mention of endangered children, risky status instances and other supportive schemes. However, in Iran’s law, in addition to the above mentioned items, one can find some other items that the legislator has mentioned these issue, either implicitly or explicitly. One can understand that the reason of such approach by following article 1173 of civil law and also through the definition of endangered child and instances of risky status anticipated in bill draft of support of children and juveniles 2008. Likewise, other instances of risky status anticipated in other rules had been considered by the producers of this draft (articles 2 and 3 of the draft). In this draft, there have been considerations to the definition and explanation of endangered children and risky status in a broader level than articles 1173 and 5 of the above mentioned acts.

In the following, we would attempt to investigate instances of endangered children and the manner of applying preventing ways for their victimization in Iran’s regulations. Instances of endangered children in Iran’s law are as follows:

a. Street Children:

The above expression of the article 20(1) of Convention on the Rights of the Child 1989 i.e. “A child temporarily or permanently deprived of his or her family environment” in a great degree includes street children, because the outstanding characteristics of street children is that they spend most of their times away from their family. It seems that being a street child is an instance of risky status since in such situations children’s physical health or moral being is endangered due to lack of care or parent’s moral corruption, according to the above expression article 1173. Considering to the fact that street children due to their special situations and conditions most probably are subject to many kinds of crimes, esp. victimization, they need different kinds of supports, esp. situational preventive schemes so that their victimogenic or even criminogenic situations are omitted or neutralized. Supportive and preventive schemes according to article 20 of convention includes applying care replacement like inter alias, foster placement, Kefalas of Islamic law, adoption or if necessary placement in suitable institutions for the care of children.

In 2005, Iran’s legislator for the first time, Passed act of organizing street children, in which situational preventive schemes about organizing street children situation and preventing their victimization are mentioned. Street children from this regulation (article 1.1) is a person below 18- years- old who lives in street either limited or unlimited, which includes both a child who is still in contact with his/her family and has a shelter and a child who knows street as his/her home or is in a least contact or no contact at all with the family.

Articles 1 and 2 of this regulation are a clear instance of the quality of exacting and organizing street children situation and its different stages. According to these article, situational prevention of street children victimization and improvement of their situation requires passing some stages which welfare organization does it with the cooperation of municipality, charity associations, non- profit establishment and police by the help of social worker in the form of portable professional team or immobile/ stable in the capital cities these stages include:

1. Identification:

The relationship that is formed by social worker with the street children which results in the identification of his/her present situation.

2. Attraction:

The reinforced relationship between social worker with the street child which results in the trust and accepting relationship on the behalf of street child. This action aims at informing street child about the resources and services which can help him.

3. Acceptance:

Establishing a stable and professional relationship which leads to the problem- solving process at different levels.

4. Establishing Street Children Centers:

For residency, protection, and taking care of children in such centers, i.e. centers in which professional services are presented to these children.

5. Discharging (Release) and Returning of the Child to the Family:

6. Tracking:

A series of activities that are done for preventing from re-outbreak of the problem for the child after discharging which includes contacting with the family, visiting the family situations or inviting parents or the family close to the child or his caretaker for investigating and social work counseling.

In addition to the above-mentioned schemes, other cases of preventive schemes are brought in article 6 such as controlling street offender children by the police, free job training to street children family and children above 15 years old by technical and vocational training organization, offering employment credit facilities to job-seeking street children's family by ministry of labor and social affair, providing street children's clinical and hygienic needs and also their top family relatives by ministry of health and etc.

b. Children in Danger of the Addiction:

The article of 33 of Convention on the Rights of the Child 1989 indicates the necessity of applying all required activities such as legal, executive, and teaching proceeding for special support of children against their abuse regarding to crimes related to drugs which includes social and situational schemes. Also article 9.1 of convention 1989, article 3.3 of convention of prohibition and immediate action for suppression the worst forms of labour child 1999 and etc, present the issue of using, providing, or exposing children to illegal activities, esp. for producing and smuggling drugs in a way that are defined by the international treaties. Moreover, in some article of this convention, and also its recommendation the necessity of applying supportive and preventive activities, even situational, against this issue is emphasized.

Iran's legislator has presented this issue in the act of preventing addiction, treatment drug addict, and supporting of people endangered to addiction 1999. Part tree of this act, i.e. "supporting of people endangered to addiction", in fact, would be indicative of a kind of situational preventive schemes, because situational prevention would be an evidence for applying some activities and schemes which are done for omitting or modifying the situations that put people in the danger crimes, and also victimization and abuse. For example, a child whose both parents or one of them is an addict or in jail, the probability that the same child, for a variety of reasons, in the danger of addiction situation, is a lot more that the child who is not in such a situation. The researches and statistics already done in Iran confirm this allegation. For example, among the total students of 87480 in the danger of addiction, published by consulting and planning office of educational affair at 1997-1998, 9877 of students had both addict father and mother. 6127 of students had addict mothers, and 50982 of students had addict fathers. In other words, 75% of total student's potential of addiction is allocated to these students. (Bigi, 2005, p.122)

Article 5 of above-mentioned act refers to different varieties of student's addiction prevention and assigned this task to ministry of educational. The second part of this article refers to the applying situational prevention schemes of student's addiction. This part is mentioned: "identification of vulnerable students (students whose caretaker or legal parents are smuggler, addiction, prisoner or runaway) and wing required schemes for introducing them to the supportive and preventive authorities and counselor and if necessary training for these students".

In Iran, for identification and separation of endangered children, esp. in the case of buying and selling drugs and addiction, relief committee with the cooperation of ministry of education has done some related actions, such as providing dormitories for taking care of endangered children (children whose fathers are smuggler, addict or prisoner). This plan entitled "children separation from their addict parents" is one of the bills of Iranian national drug control headquarters of presidency institution. more over, article of 1173 of civil law refers to the issue of "child being endanger" due to lack of care or moral corruption of mother or father who is in the custody of child. Some instances of lack of care or parent's immorality are: 1. parent's excessive addiction to alcohol, drugs, gambling 2. ... 3. ... 4. Abusing of child or forcing him/her to immoral jobs such as depravity, beggary and smuggling. Hence, if a child is under the custody of father or mother who have moral corruption esp. subject of bands of 1 and 4 of this article, the probability of his/her using and or smuggling of drugs and also the probability of abusing him/her in the consumption or smuggling of drugs is so high. For this reason, the court can apply any decision regarding to the custody right from the mentioned parents, on the request of child's close family or relatives or his/her care taker or of judiciary. Article of 1173 corresponds to the band 1 article of 9 of convention on the rights of the child 1989.

c. Children without Guardian:

Like street children, these children are among people who due to their specific situation and characteristics, the probability of their right violation and victimization are much higher than others. Band 1 of article 3 of the draft, without guardianship of children or lack of consideration and negligence of parents and legal guardians regarding to their and providing their essential needs, considered among the instances of risky status. In the convention of children right or other international documents, the necessity of supporting these children is emphasized and accepted. For example, band 1 of article of 20 of convention on the rights of the child is mentioned that a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State. Some examples of these situational prevention schemes in line with the supporting of these children on the basis of articles 20, 21, 25 of the above mentioned convention are as follow: provision of replaced care programs such as taking care by the replaced family; bail in Islamic law; adoption or if necessary placement in suitable institutions for the care of children; adoption acceptance just by license of qualified authorities.

In Iran's regulations, children's adoption in without guardian children support Act 1974 has been approved. According to the article of 1 this act, every wife and husband of Iran's resident can adopt a child by the court's permission and according to the regulation of this act. The article of 2 of this act says this guardianship is for providing material and spiritual needs of the child, but would not be a reason for inheritance. Legislator in this act has an attempt to systemize the issue of child adoption in away that this act includes supportive regulation for without guardian children against exploitation and abuses.

In addition to without guardian children support Act 1974, another act for supporting without guardian children entitled provision for without guardian children and women Act 1992 has been passed. By without guardian children, according to article 2 of this act, we mean those children that for any reason, permanently or temporarily, lost their guardian.

It should be mentioned that children born from an illegitimate relationship, in fact, can be considered as without guardian children. By illegitimate children are those who were born as a result of an illegitimate relationship between man and woman. In band 1 of article 2 of convention on the rights of the child 1989, it's being appointed that States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

This band of article 2 of convention, in fact, emphasizes that a child regardless of his/her birth origin, whether legitimate or illegitimate, would have benefit of all rights and freedoms that are anticipated in human rights declaration for a human being. One cannot deprive an illegitimate child of all rights and humane freedoms because of his/her parent's licentious. As it's totally unacceptable for children for their race, color, religion and etc. This issue also has been considered and approved in the second paragraph of introduction of the universal declaration of children right 1959 and its principle 1.

Iran's civil act did not validate the free relationship between a man and a woman and its result, at all, which means a child that is born as a result of a free relationship between a man and a woman would not be associated with any of them. Articles of 884 and 1167 of civil act confirm this issue. Ambiguity that emerges regarding these articles is that considering to the innocence of the born child from a free sexual relationship

between a man and a woman, whether the child would just be deprived of inheritance or other rights. As well or his/her biological father or mother don't have any obligations toward him/her? The answer to this question is presented by general board of the Supreme Court in a unanimous verdict no. 617, 1988; this verdict content is that by applying band 1 of article of civil registration Act 1976 and subsection of article 16 and 17, the man (involved in this free sexual relation ship, i.e. out of marital relationship) is the secular father of the child; as a result, all jobs things related to a father such as taking identification are has duty, and according to article 884 civil law just inheritance issue is cancelled. In band 3 of article 6 of draft not registering the birth or taking identification for children is one of the instances of risky status.

Some preventive programs for supporting without guardian children in Iran are as follows:

- Acquiring guardianship conditions of applicant people by the qualified court (article 3 of supporting without guardian children Act 1974).
- dependence of issuance of guardianship verdict to the fact that guardianship applicants highly ensure that in the case of their death, they would provide and guarantee child's expenditure of upbringing, taking care, and education until his/her puberty age.
- the verdict or agreed guardianship annulment on the request of prosecuting and in the case of misbehavior or lack of discipline and qualification of each of the guardian ship couple for taking care and upbringing of child under guardian ship (article 16 of supporting without guardian children Act 1974).
- Different types of support of without guardian children (according to band 4 of article 2 and article 4 of providing for without guardian women and children Act 1992). These supports are as followings: a- financial supports including providing independency facilities and requirements or cash or non- cash emolument, regularly or periodically. b- cultural and social supports including providing services such as educational, training, job- finding, technical and vocational training for creating job opportunity, counseling services for resolving issues and problems in unsupervised children's life and creating marriage and family-starting opportunity. C- Daily or nightly care of unsupervised children and elderly women at welfare units or leaving guardian ship of these children and women to qualified people.
- Identification of unsupervised children with the coordination of police and introducing them to welfare organization, of course after primary investigations and passing legal stages through qualified judiciary authorities (article 2 of providing for without guardian women and children Act 1992).

d. Children in Danger of Child Abuse and Negligence:

One of important issues in national and international law is the issue of applying guardianship of parents on children. Article 5 of convention on the rights of the child 1989 is also referring to that principle. According to this article, States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. Despite the importance of this principle, some times the parents or legal care taker of children might or must be limited or banned from this rights and related obligations of the child under custody. This happens when the morality, health and safety of the children are violated and ruined due to abuses, misbehaviors, or carelessness of parents or legal guardians. Training assistance issue is, in fact, one of schemes for supporting children in danger. By the same token, band 1 article 9 of the abovementioned convention refers to this issue.

The verdict in articles 1182, 1184 to 1187 of civil law of Iran (removing guardianship right from the father and grandfather, his dismissal and possession prohibition of the minor's properties, designation of guardian) and its related issues and instances are actually a manifestation of applying Training assistance system in Iran's legal system.

By Training assistance, according to article 375 civil law of France, we mean supervision of parent's guardianship on their minor children by the qualified state and judiciary authorities. There fore, Training assistance proceedings cannot be applied to a minor who, for any reason, is not under guardianship of his/her parents (Lasal, 2008, p. 204). In fact, Training assistance issue is a help to parents for guarantying supporting the minor in danger. There fore, on one hand, it supervises children whose safety, health, morality and education is subject to danger and threat and on the other hand, is not an institution for defiance, and conflict against parents.

e. Children in Danger of Early Activity or Sexual Abuse:

Applying some policies are necessary in order to eliminate or modify facilitating condition of trading,

Depravity and pornography of children and juveniles for sexual exploitation like establishing institutions for supporting children in danger (like children whose parents are divorced or addict) through going to different sections of a society, their identification, controlling; applying influential monitoring and safety schemes at commuting routes or transferring children from one country to another, esp. at illegal roads for investigating and interrogation of children and making sure that transferring or commuting of children to overseas is not for illegal and foul purposes; identification of centers or institutions that trade children for whatever reasons or use them for depravity at sexual actions or pornography and applying some actions for closing these centers or institutions.

The above mentioned policies, directly or indirectly, have been considered and accepted in different articles of optional protocol of convention of children rights in the cases of children's trading, depravity and pornography passed in 2000. Islamic republic of Iran, also, passed the regulations in 2007. Moreover, Iran's legislator in band 4 of article 1173 of civil law considered abusing of child or forcing him/her to doing immoral jobs such as depravity, corruption, beggary and smuggling by parents as instances of risky status.

f. Labour Children:

In surveying the history of abused labour children who called counselor operator, it had been revealed that among 357 of abused children, 84 (23% percent) were employed that regarding to the total number is remarkable. Therefore, children who work- according to the results of this survey- most probably are abused more than other children (Qasemzadeh, 2001, p.26). So, establishing units or governmental and or non-governmental institutions for identification, tracking and monitoring on children's work at workhouse, factories or any other workplaces for making sure about supporting of children against different varieties of exploitation and abuses due to work is essential. For example, child under the legal age should not work. Job should not be harmful or dangerous for his/her physical or mental health. If found out that child is forced to do these jobs, it should be informed to the legal qualified centers and authorities in order that the necessary actions are done. In general, the purpose of these units or institutions is making sure that a child is not employed against the labour acts regulations or other related acts. This issue is considered in different conventions of prohibition and urgent action for eliminating the worst forms of child labour 1999 (like article 7 (2)) and its complementary recommendation 1999 (like paragraph 2, 15) and other documents.

Among the related preventive schemes in the abovementioned convention and its complementary recommendation are: creating proper mechanism for controlling on the (article 5 of the convention); providing direct necessary and suitable help for exempting children from the worst form of child's work and for rehabilitation and their social compatibility; assurance for availability to the free education and, if possible and required, technical training for all children who exempt from the worst form of child's work; recognition and availability to children in subject to special danger; considering to the girl's special condition (article 7 of the convention).

According to band 4 of article 1173 of civil law and band 9 of article 3 of draft, misbehavior to the children and juveniles or their abusing and exploitation are considered among the instances of risky status.

Conclusion:

Though the article 1173 of Iran's civil law is insufficient and incomprehensive at supporting of children in danger regarding the concepts and instances of risky status and also regarding the quality of their supporting, but this insufficiency and problem can be resolved by referring to other acts and by an approach consistent with the article 1173 of civil law and also considering to the protection of children and juveniles Act 2006, esp. it's articles 2 and 3. Therefore, in recent years, some very important steps have been taken for advancing and promotion of Iran's legal system in this field. This valuable step can be felt in the form of passing the protection of children and juveniles Act 2006 and its different articles in away that can defend of existing of a comprehensive and systematic regarding effective supporting of children and juveniles in danger in Iran.

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