



Analysis and Evaluation of the Regulation of the Prevention of Violence against Children and Adolescents in the Iranian Legal System in Comparison with International Instruments

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Abstract

Violence against children and adolescents is one of the most significant contemporary human-rights and social challenges, the individual, familial, and social consequences of which may persist into adulthood. Effective prevention of this phenomenon requires a coherent and comprehensive legal system based on maximum protection of the child. This study aims to analyze and evaluate the regulation of the prevention of violence against children and adolescents in the Iranian legal system and to compare it with relevant international instruments. The research adopts a descriptive-analytical and documentary approach and, through an examination of Iranian laws and regulations and international instruments concerning children's rights, analyzes the principal foundations, mechanisms, and deficiencies relating to violence prevention. The findings indicate that the Iranian legal system, particularly following the enactment of the Law on the Protection of Children and Adolescents (2020), has taken important steps toward recognizing different forms of violence, criminalizing certain harmful conduct, and strengthening criminal protection for children and adolescents. Nevertheless, compared with the approach reflected in international instruments, particularly the Convention on the Rights of the Child, deficiencies remain in comprehensive prevention, early risk identification, social and institutional protection, child participation, public education, protection of children at risk, and coordination among responsible institutions. International instruments do not view violence prevention merely as a criminal response to offenders; rather, they emphasize a combination of legislative, administrative, educational, social, and protective measures. Accordingly, strengthening preventive approaches, developing early identification and intervention mechanisms, enhancing institutional coordination, promoting education on children's rights, providing specialized support for victims, and giving greater attention to the best interests of the child may improve the effectiveness of the Iranian legal system in preventing violence against children and adolescents.

Keywords: Children and adolescents; violence against children; violence prevention; children's rights; Iranian legal system; Convention on the Rights of the Child; criminal protection.

Introduction

Violence against children and adolescents is not merely an “individual deviant behavior” or a problem confined to the family; rather, it is a multilayered phenomenon with lasting physical, psychological, social, and even economic consequences that extend beyond the victim’s individual experience and damage human capital and social order. Reports and data from international institutions in recent years indicate that various forms of violence—including physical, psychological, and sexual violence, neglect, exploitation, and violence in educational or care settings—remain widespread and, in many cases, hidden. Although legal systems have made progress in “post-occurrence criminal responses,” they frequently face structural deficiencies in “prevention” and “risk reduction” (World Health Organization, 2023; UNICEF, 2024; Office of the United Nations High Commissioner for Human Rights, 2024). The importance of preventing violence against children becomes even clearer when it is recognized that childhood exposure to violence may be associated with subsequent cycles of victimization and offending, mental-health problems, and reduced social trust, thereby imposing long-term costs on the state and society (Hughes et al., 2017; Farrington et al., 2017; Gilbert et al., 2009). Thus, the central question is not simply whether violence against children constitutes a crime, but how a legal system should actively and prospectively prevent its occurrence while placing the best interests of the child at the center (UN Committee on the Rights of the Child, 2011).

In Iranian law, significant efforts have been made in recent years to strengthen criminal and protective safeguards for children and adolescents, including the enactment of the Law on the Protection of Children and Adolescents (2020) and its Implementing Regulation concerning Article 6 (2021), adopted by the Council of Ministers, which emphasizes protective mechanisms and institutional duties (Law on the Protection of Children and Adolescents, 2020; Implementing Regulation of Article 6, 2021). However, the existence of legislation alone does not guarantee effective prevention. Prevention requires precise and coordinated definitions, enforceable duties for the state and institutions, early-identification mechanisms, timely intervention, safe reporting, victim protection, restorative and rehabilitative responses, and coordination among the criminal justice system, social services, education, and health sectors. Criminological and criminal-policy literature has repeatedly demonstrated that reliance solely on punishment, without social and situational prevention and risk-reduction policies, has limited effectiveness (Nagin, 2013; Braga et al., 2012; Piquero et al., 2017). Accordingly, comparison of the national system with international standards makes it possible to identify gaps that may arise in statutory provisions, regulations, implementation mechanisms, or institutional arrangements.

The starting point for international standards is, in particular, the Convention on the Rights of the Child, which requires States to ensure children’s protection against all forms of violence and to adopt appropriate legislative, administrative, social, and educational measures (Convention on the Rights of the Child, 1989). In addition, the interpretive guidance and recommendations of the Committee on the Rights of the Child, adopting a preventive approach, emphasize comprehensive child-protection systems, the practical and legal prohibition of violence, children’s access to complaint mechanisms, and multidisciplinary responses (Committee on the Rights of the Child, 2011, 2019, 2021, 2023). United Nations reports and policy frameworks concerning the Sustainable Development Goals and protective governance have likewise emphasized linking legal reform with institutional capacity and data-driven approaches (Sustainable Development Goals Report, 2024; UNDP, 2024; Report of the UN Secretary-General, 2024). The research question therefore is whether Iranian national laws concerning the prevention of violence against children and adolescents are aligned, in terms of content

and mechanisms, with international instruments and standards, and, if not, precisely where such divergence constitutes a legal gap.

Several uncertainties remain. First, at the conceptual and definitional level, clear and uniform boundaries are not always apparent among child abuse, domestic violence, neglect, corporal punishment, discipline, and maltreatment across all laws and practices; consequently, prevention—which requires early identification and reportability—may be hindered by conceptual fragmentation and cultural or legal tensions (Safaei, 2023; Safaei & Emami, 2023; Katouzian, 2022). Second, at the institutional and implementation levels, a serious question concerns the precise duties of educational, medical, social-work, and law-enforcement institutions when confronted with risk indicators and the design of their enforcement guarantees. Many international standards emphasize reporting and cross-sectoral response mechanisms, whereas fear of administrative or judicial consequences or the absence of clear protocols may lead to silence or delayed intervention (OHCHR, 2024; Islamic Parliament Research Center, 2022). Third, at the protective-criminal level, the boundary between child protection and penal-centered approaches must be designed so as to prevent stigmatization and secondary harm while also ensuring deterrence and offender accountability. Criminal-policy and criminological literature indicates that purely repressive responses may have unintended consequences and, without rehabilitation and support, may contribute to cycles of violence (Maxwell & Morris, 2006; Daly, 2015, 2016). Fourth, from the perspective of restorative justice and non-criminal mechanisms, the capacity of the Iranian legal system for child-rights-compatible restorative responses and their integration into prevention strategies remains insufficiently clarified (Gholami, 2020).

The principal research gap is that a substantial part of domestic scholarship has focused either on describing and generally criticizing legislation or on criminalization and post-occurrence criminal protection, whereas prevention, understood as prospective legal policymaking, requires a comparative and indicator-based analytical framework capable of extracting prevention components from international instruments and tracing them in national legislation. Some domestic studies have addressed the legal, criminological, and protective dimensions of child victimization and the importance of international standards, but relatively few have systematically formulated “legal gaps in prevention” as an independent research problem using clear comparative criteria (Mansourabadi, 2024; Moazzami, 2023; Kousha, 2024). Other studies have addressed the effectiveness of the 2020 law or assessed protective policies, yet the distance between the statutory text and the preventive requirements of international standards requires further examination (Hajitabar, 2023; Rahimi, 2023). Moreover, recent developments—such as integrated child-protection systems, data-driven approaches, multi-institutional responses, and attention to groups at risk—require comparison to extend beyond the Convention itself to include interpretive instruments and updated reports (UNICEF, 2023, 2024; Council of Europe, 2024).

Review of Theoretical Foundations

Violence against Children: Definitions and Types

Violence against children refers to a set of harmful behaviors that may include physical, psychological, and sexual violence and neglect. Physical violence includes any physical harm to a child, such as assault and battery. Psychological violence includes conduct that harms a child’s mental health, such as threats, humiliation, or emotional neglect. Sexual violence refers to any sexual exploitation or use of a child, while neglect involves failure to meet basic needs such as nutrition, education, and medical care. Violence against children is a critical and complex issue in different societies, with profound and long-term consequences for children’s physical and psychological development. Laws concerning children’s rights and violence prevention generally seek to reduce and prevent such violence; however,

legislation alone often cannot provide an adequate barrier against child violence (Taghaddosi et al., 2023). This issue therefore requires careful and multidimensional examination of the reasons for legislative ineffectiveness and possible means of improvement. A major difficulty is the mismatch between existing laws and their practical implementation. Many countries have comprehensive laws protecting children and preventing violence, but inadequate resources, insufficient training, or corruption may prevent effective implementation. At times, legislation also fails to address all dimensions of violence and may focus primarily on physical violence while neglecting psychological or sexual violence and children's emotional needs (Shirali, 2022).

Lexical Meaning of Violence

In the Dehkhoda Dictionary, violence is associated with harshness, roughness, the opposite of gentleness and softness, severity, hardness, fierceness, anger, rage, and dryness. The dictionary also describes violence as a behavioral state in which a violent person uses physical or non-physical force to impose his or her will on others, sometimes as a result of anger. The Moshiri Dictionary similarly treats violence as synonymous with anger and irritability. In specialized literature, violence corresponds to the term "violence," denoting force, coercion, assault, intensity, and severity. Webster's and Oxford dictionaries likewise define violence in terms of the use of physical force to cause injury, harm, or death. Violence may therefore be understood as the unlawful or unauthorized use of power, commonly accompanied by intensity, hatred, or anger; the unlawful use of physical force against public rights, laws, and public freedoms is likewise characterized as violence. Numerous technical definitions of violence have been proposed (Alizadeh, 2020).

Al-Badrani et al. (2023), in their study entitled "The Role of the State in Protecting Children against Domestic Violence," adopted a comparative analytical approach to examine the legal frameworks of Iraq and Egypt concerning the prevention of and response to domestic violence against children. The principal objective was to clarify state responsibilities for the legal, institutional, and social protection of children. By analyzing criminal, civil, and protective laws in both countries, the authors demonstrate that criminalization is only one instrument of response and that effective prevention requires specialized institutions, protective policies, social interventions, and coordination between governmental and non-governmental sectors. Their findings indicate that although both countries have taken legislative steps toward child protection, weaknesses in implementation, the absence of coherent preventive policies, and insufficient public education reduce the effectiveness of these systems. The study highlights the importance of structural prevention and an active role for the state.

Al-Sudani et al. (2023), in their study "Parental Violence against Children in Iranian and Iraqi Law," comparatively examined different dimensions of parental violence against children. The study sought to identify forms of violence and assess the degree of criminalization and legal protection in the two legal systems. By distinguishing physical, psychological, sexual, and neglect-related violence, the authors show that a substantial proportion of domestic violence is justified as ostensibly educational behavior and remains outside the scope of criminal responses. The findings suggest that although Iran's 2020 Law on the Protection of Children and Adolescents represents progress, it remains insufficiently comprehensive in prevention, early identification, and protective intervention when compared with protection standards. The study thus reveals a gap between protective commitments and legislative realities.

Hedayati (2023), in "The Convention on the Rights of the Child and the Child and Adolescent Protection System in Iran," adopts an analytical-legal approach to assess the conformity of the Iranian legal system with the Convention on the Rights of the Child. The study evaluates the position of violence prevention in Iranian domestic policies and legislation. Using a four-stage model of child-protection-

system development—construction, improvement, integration, and maturity—and criteria proposed by UNICEF and Save the Children, the author concludes that the Iranian child-protection system has advanced in some respects but remains weak in areas such as child participation, information systems, institutional coordination, and primary prevention. The study indicates that excessive emphasis on criminal responses impedes the development of a comprehensive preventive system.

Rackard et al. (2024), in a study entitled “The Role of Identification among Adolescents Exposed to Domestic Violence in Cameroon,” examined the psychological consequences of marital violence for adolescents. Referring to increasing marital conflict in Cameroon, the authors emphasize that the phenomenon is experienced as routine in many families, creating conditions for verbal, physical, psychological, and emotional abuse between parents. Such violence frequently occurs in adolescents’ presence and may cause profound psychological distress. Using a clinical method and semi-structured interviews with three adolescents, the study analyzed data through thematic content analysis informed by a psychoanalytic approach. The findings suggest that adolescents may cope with psychological pressure through identification with peers who have not experienced such tensions. Such identification, even with unknown peers, may help restore psychological balance. The study demonstrates that domestic violence has complex psychological consequences beyond its immediate effects and should therefore be addressed in preventive and protective policies.

Garner et al. (2024), in their narrative review entitled “COVID-19 and Caregiver Risk Factors for Child Maltreatment,” examined the effects of the COVID-19 pandemic on the risk of child maltreatment. The review identified and summarized empirical findings concerning caregiver-related risk factors during the pandemic. The researchers identified 113 articles through searches of five databases, of which 26 articles from 12 countries met the inclusion criteria. The findings indicated that pre-existing risk factors associated with child maltreatment—including stress, parental mental-health difficulties, financial pressure, and substance use—were intensified during the pandemic. New risk factors, such as food insecurity and parental educational level, were also identified. The authors emphasize the absence of uniform definitions and criteria for identifying such factors and conclude that effective prevention requires evidence-based interventions, parent education, and early identification of high-risk families.

Prevention of Violence against Children and Adolescents in International Law and International Instruments

Children and Adolescents in International Instruments

In international human rights law, the concept of the child and adolescent has moved beyond a merely demographic category and become a fundamental component of human-rights theory and practice. This transformation reflects interaction among binding international instruments, institutional interpretations, and academic literature, which over the past three decades have developed an active, dynamic, and dignity-based understanding of children and adolescents. Under Article 1 of the 1989 UN Convention on the Rights of the Child, a child means every human being below the age of eighteen unless national law sets a lower age of majority; however, this legal definition is only the starting point for a broader understanding linked to development, evolving capacities, and social participation. Adolescence is also recognized in United Nations explanatory documents as a transitional stage between childhood and adulthood and is generally understood to cover ages ten to nineteen, as identified by the World Health Organization (2023) and UNICEF (2022).

In General Comment No. 20 on the rights of the child during adolescence, the Committee on the Rights of the Child regards adolescence as a period of identity formation, participation, and personal autonomy. States should consider adolescents’ rights as part of the full realization of the Convention

and align policies with their particular needs, including mental health, comprehensive sexuality education, digital safety, and social participation. Adolescence is therefore a natural continuation of childhood rather than a break from it and should be addressed coherently in national and international policies and laws. At the international level, the concept of the child and adolescent rests on the four core principles of the Convention: non-discrimination, the best interests of the child, the right to life, survival and development, and the right to participation. These principles establish not only the legal parameters of childhood but also an ethical and policy framework for comprehensive development. The best-interests principle, incorporated in Article 3, requires States to place children's interests at the center of decisions concerning them. The participation principle is reflected in the child's right to express views freely in matters affecting them and to be heard in decision-making processes (Committee on the Rights of the Child, 2009).

General State Obligations to Prevent Violence under International Law

In contemporary international law, violence prevention is no longer viewed merely as an ethical or policy objective; it is recognized as a legal obligation of States rooted in the core of international human rights and humanitarian law. This conceptual shift is particularly evident with respect to serious violence, including conflict-related sexual violence, and reflects a move from reactive approaches toward preventive, structural approaches based on positive state obligations. The Guidance on States' Obligations concerning Conflict-Related Sexual Violence, published by the Mukwege Foundation in June 2023, reflects this normative development and illustrates how dispersed rules of international law can be consolidated into general and shared state obligations. General state obligations to prevent violence derive from several binding sources. Fundamental instruments such as the International Covenant on Civil and Political Rights, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child require States not only to refrain from directly perpetrating violence but also to prevent violence by third parties through legislative, administrative, and policy measures. The UN Human Rights Committee, in General Comment No. 31, states that States' obligation to ensure Covenant rights entails effective preventive measures against violations by non-state actors (Human Rights Committee, 2004).

Convention on the Rights of the Child and Its Preventive Approach

The 1989 Convention on the Rights of the Child is one of the most significant achievements of twentieth-century international human rights law and occupies a special place in the transformation of global perceptions of childhood. It is the first binding international instrument to recognize children not merely as objects of protection but as independent rights-holders. The importance of this conceptual transformation becomes particularly apparent in the Convention's preventive role in addressing violence, abuse, and other violations of children's rights. By combining protection, welfare, and participation rights, the Convention provides a framework aimed not only at responding to violations but also at structurally and systematically preventing harm. Its preventive approach is rooted in the historical development of the concept of childhood. Before the nineteenth century, children in many legal systems lacked independent legal status and were subject to parental or guardians' authority. With the expansion of human-rights ideas, particularly after the Second World War, this understanding gradually changed, and children came to be recognized as developing human beings with specific needs and rights. Earlier instruments such as the 1959 Declaration of the Rights of the Child emphasized protection but lacked binding force. The 1989 Convention created a turning point by making state obligations legally binding and placing prevention at the core of child protection (United Nations, 1989).

The Position of Violence Prevention in International Human Rights Law

The prevention of violence in international human rights law, as a fundamental component of human dignity, has received increasing attention from international institutions, binding human-rights instruments, and the interpretive practice of UN treaty bodies. International human rights law does not view violence merely as an individual criminal act but also as a structural and systemic phenomenon rooted in social inequality, discrimination, economic deprivation, gender domination, and continuing violations of fundamental rights. From this perspective, violence prevention is not an optional or secondary policy but a core positive obligation of States arising directly from international human-rights requirements. The evolution of the international human-rights approach to prevention can be analyzed in connection with the expansion of the concept of positive state obligations. Unlike the classical view that States were primarily required to refrain from interfering with individual rights and freedoms, the contemporary approach holds that States must actively prevent human-rights violations. The European Court of Human Rights and UN treaty bodies have repeatedly emphasized that failure to adopt effective preventive measures may itself amount to a violation of fundamental rights, particularly where the State was aware of foreseeable risks of violence. This theoretical development has made violence prevention an important indicator of States' compliance with their human-rights obligations.

United Nations Instruments on the Prevention of Violence against Children

The present discussion can be analyzed within the framework of United Nations normative instruments on preventing violence against children and demonstrates that the international child-protection system, particularly in the context of armed conflict, has increasingly moved beyond reaction to violations toward structural, institutional, and normative prevention. The UN Security Council, through resolutions such as Resolution 1612 (2005) and Resolution 2427 (2018), established a framework for monitoring, reporting, and preventing grave violations against children, constituting an important pillar of the international violence-prevention system (UN Security Council, 2005, 2018). Within this framework, preventing violence against children is recognized as a legal obligation of States under international human rights and humanitarian law. The 1989 Convention on the Rights of the Child, ratified by virtually all States, requires States to protect children from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation." The Committee on the Rights of the Child, in General Comment No. 13, expressly emphasizes that prevention must be at the heart of child-protection policies and that merely punishing perpetrators after the event is not an adequate response to States' obligations (Committee on the Rights of the Child, 2011).

United Nations Charter

The Charter of the United Nations, the foundational instrument establishing the United Nations, which entered into force in 1945, is not specifically a human-rights instrument; nevertheless, its organs—including the General Assembly and the Economic and Social Council—have responsibilities relating to human rights. Although the Charter contains no explicit reference to children's rights, certain provisions emphasize human-rights principles and require Members to cooperate in promoting them. Its role as a binding international instrument in the indirect protection of children's rights therefore cannot be overlooked. The Charter sets out the purposes, principles, and structure of the United Nations. Article 1(3) identifies international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without distinction as one of the purposes of the Organization. This objective is reinforced by Article 55(c), which refers to universal and effective respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. The Charter's provisions on discrimination reflected the historical context of 1945 and did not expressly address all grounds, such as age or minority status. Under Article 56, Members undertake

to take joint and separate action in cooperation with the United Nations to achieve the purposes set out in Article 55. The Charter's human-rights objectives are supported through cooperation with specialized agencies, including the International Labour Organization, the World Health Organization, and UNESCO. UNICEF, initially established in 1946 as a temporary emergency fund for children, later became a permanent United Nations body, while retaining the acronym of its former name. Despite the Charter's lack of an express focus on children's rights, its emphasis on human rights and fundamental freedoms without discrimination may be regarded as an important indirect basis for the protection of children. Protection of children's rights has also received particular attention in international legal systems, Islamic law, and international conventions. The source text further argues that Islamic law, especially the Qur'anic teachings, addresses dimensions of children's rights that are not fully covered by modern human-rights instruments, including certain spiritual or moral rights, and contrasts this with the historical conditions of children in many societies (Patfat & Aryan, 2021).

Role of the UN Special Rapporteur in the Field of Violence against Children

On the International Day against the Use of Child Soldiers, the international community once again emphasizes the need to protect children from the devastation of war, a concern that has become increasingly important in light of the spread and complexity of contemporary conflicts and their profound effects on children's lives. According to United Nations estimates, one-fifth of the world's children live in environments directly affected by armed conflict. Children are not only among the first victims of war but are also among the most vulnerable because of their dependence, physical and psychological vulnerability, and limited access to protection mechanisms. The consequences of armed violence against children—from severe physical and psychological harm to prolonged displacement, disruption of education, and loss of livelihood opportunities—pose an irreversible threat to their future. These concerns are repeatedly emphasized in the annual reports of the UN Secretary-General on children and armed conflict (UN Secretary-General, 2024).

International Prevention Standards in Soft-Law Instruments

Rapid developments in synthetic biology have confronted traditional models of legal regulation with fundamental challenges. High rates of innovation, dual-use characteristics, scientific uncertainty, and the possibility of non-state actors accessing sensitive technologies have caused classical hard-law mechanisms, particularly international treaties, to respond slowly and sometimes inadequately to emerging risks. In this context, soft-law instruments increasingly function as flexible preventive tools in international governance and provide a platform for developing international prevention standards. Unlike hard law, soft law lacks formal binding force but has considerable capacity for norm formation, consensus building, and guiding the conduct of relevant actors. International organizations, specialized institutions, scientific networks, and even industrial actors therefore use soft-law instruments to manage emerging biotechnology risks. Prevention standards developed through such instruments commonly rest on precaution, responsibility, transparency, ex ante risk assessment, and ethical accountability, with the objective of preventing irreversible harm before it occurs.

Role of International Institutions in Monitoring Compliance with Preventive Obligations

International institutions play a fundamental role in monitoring States' compliance with preventive obligations, and this function has become increasingly prominent in contemporary international law. Preventive obligations require States to adopt legal, administrative, institutional, and educational measures designed to prevent violations of rights, structural harms, and serious crimes. Such obligations have become central not only in binding international instruments but also in the interpretive practice of monitoring bodies, making international oversight an important component of ensuring the effectiveness of international law. One of the principal functions of international

institutions is to clarify the content of preventive obligations through interpretation of legal instruments. UN treaty bodies, including the Committee on the Rights of the Child, the Human Rights Committee, and the Committee on Economic, Social and Cultural Rights, clarify the scope and requirements of preventive obligations through general comments, concluding observations, and specific recommendations to States. For example, the Committee on the Rights of the Child, in General Comment No. 19, requires States to establish comprehensive preventive systems for protecting children against violence and emphasizes that failure to prevent may itself constitute a violation of international obligations (Committee on the Rights of the Child, 2016). This interpretive approach indicates that prevention is no longer merely an optional policy but forms part of States' binding obligations.

Prevention of Violence against Children and Adolescents in the Iranian Legal System

Concept of the Child and Adolescent in the Laws of the Islamic Republic of Iran

Defining the concepts of child and adolescent in the legal system of the Islamic Republic of Iran is one of the most complex and dynamic legal issues, having undergone fundamental changes in recent decades. This conceptualization not only determines the boundaries of criminal and civil responsibility but also constitutes the foundation of protective and preventive measures concerning violence. Unlike many legal systems that rely on a single chronological age, Iranian law adopts a multifaceted approach distinguishing religious puberty, intellectual maturity, and statutory protection. This conceptual differentiation makes close examination of legal texts and legal scholarship necessary in order to derive a coherent definition for academic research.

The initial basis for identifying childhood in the Iranian legal system is Article 1210 of the Civil Code and post-Revolution amendments, which establish religious puberty at fifteen full lunar years for boys and nine full lunar years for girls. Dr. Seyyed Hossein Safaei, in *Persons and Incapacitated Persons*, explains that this traditional definition of puberty refers primarily to physiological aspects and cannot by itself determine the end of childhood across all legal domains (Safaei, 2023, p. 165). He distinguishes puberty from maturity in civil law and argues that reaching the age of religious puberty alone is insufficient for unrestricted property transactions. This view is reinforced by Dr. Nasser Katouzian, who emphasized the need to establish maturity for full removal of legal incapacity and maintained that, before maturity is established, the person remains subject to legal protections applicable to minors (Katouzian, 2022, p. 188). Accordingly, in civil law, the concept of the child is connected with minority, which itself is divided into discerning and non-discerning minors; this distinction plays an important role in determining the extent of legal responsibility and protection.

Position of Child Protection in the Legal System of the Islamic Republic of Iran

Child protection, as a fundamental component of social justice and human rights in the Islamic Republic of Iran, is rooted in Islamic teachings and higher legal instruments. Through legislative developments in recent decades, this protection has moved from a purely protective and emotional approach toward a rights-based and rule-oriented system. The foundations of this transformation can be found in the Constitution, which emphasizes the position of the family and children's rights in several provisions. According to Seyyed Hossein Safaei's analysis of family law, child protection is not merely a moral duty but also a legal necessity for maintaining social well-being (Safaei, 2023, p. 150). The Iranian legal system has responded by developing civil and criminal laws addressing different protective needs. The Civil Code, as one of the oldest legal instruments, establishes the basic framework for child custody and parental guardianship. However, emerging social needs and the complexity of social harms have made more comprehensive legislation necessary.

Religious and Jurisprudential Foundations of Preventing Violence against Children

Explaining the religious and jurisprudential foundations of preventing violence against children in the Islamic Republic of Iran requires close examination of sources of legal reasoning and the views of contemporary jurists. In recent decades, the issue has received particular attention from the perspectives of public law and Islamic criminology. Islamic jurisprudence, based on human dignity, recognizes the child as an independent human being possessing fundamental rights, and safeguarding the child's physical and psychological integrity is regarded not only as an ethical duty but also as a religious obligation incumbent upon parents and the authorities. A fundamental religious basis for preventing violence against children is the principle of human dignity, emphasized in verse 70 of Surah Al-Isra and regarded as a foundation of human rights in Islam. According to the cited family-law analysis, this divine dignity implies that conduct humiliating or physically harming a child conflicts with the divine will (Safaei, 2023, p. 180). In addition, well-known Prophetic traditions describing children as a source of tranquility and heavenly flowers indicate the importance of compassionate treatment and rejection of violence in upbringing. Contemporary jurisprudential studies use these traditions as foundations for legal rules aimed at prohibiting violent conduct.

Iranian Legislator's Approach to Preventing Violence against Children

Children's rights, as one of the most vulnerable areas of social protection, have remained a focus of modern legal systems, and the Iranian legislator has taken substantial steps in recent decades to move from purely reactive approaches toward preventive strategies. Violence against children, including physical, psychological, and sexual abuse and neglect, threatens not only children's individual well-being but also the foundations of social health. In the Iranian legal system, prevention rests on jurisprudential and constitutional foundations that recognize human dignity as the basis of rights and duties. As noted in the work of Mohammad-Ali Mahdavi-Sabet entitled *Criminological Foundations of the Prevention of Child Victimization* (Mizan Publishing, 2022), Iranian criminal policy has increasingly moved away from traditional repression toward social and developmental prevention aimed at protecting children's physical and moral integrity within the family and society.

Comparative Examination of Legal Gaps in the Prevention of Violence against Children and Adolescents in National Laws and International Instruments

Analytical Framework for Prevention Gaps concerning Violence against Children and Adolescents

The analytical framework for prevention gaps in this study is based on an integrated and multilevel approach rooted in ecological theories of human development, particularly Bronfenbrenner's model and its elaboration in the works of Belsky, Cicchetti, and Lynch. Under this framework, violence against children and adolescents is not the result of a single factor but of complex and dynamic interactions among individual, family, social, institutional, cultural, and structural factors. Effective prevention therefore requires coordinated legal responses at all these levels. Accordingly, "legal gap" in this study does not merely mean the absence of an express statutory provision; it also includes any inability of the legal system to translate a multilevel understanding of violence into binding rules, institutional mechanisms, implementation processes, and effective protective guarantees.

At the individual level, given the integrated theoretical framework's emphasis on the biological, psychological, and behavioral characteristics of children and adolescents, the study examines the extent to which Iranian national law recognizes early prevention, identification of children at risk, and access to protective and psychological services as enforceable rights rather than occasional or non-binding support. At the family level, where relationship quality, parenting styles, parental mental health, corporal punishment, and harsh parenting are highlighted as risk factors, prevention gaps are analyzed through the absence of preventive legal interventions, weak mechanisms for educating and

supporting high-risk families, and the dominance of retrospective criminal responses over supportive and corrective approaches. Particular attention is paid to whether the Iranian legislator has institutionalized primary prevention as the core of criminal policy concerning violence against children.

Relying on human dignity and the best interests of the child as the foundations of violence prevention, this analytical framework evaluates prevention gaps through a comprehensive model that enables systematic comparison between Iranian national law and international standards and provides a basis for identifying the principal findings of the research. The framework therefore serves not only to describe deficiencies but also to explain the reasons for ineffective prevention and the need to reconsider legal policymaking concerning violence against children and adolescents.

Table 1. Comparison of Iranian National Law and International Instruments

Level of Analysis	Analytical Criterion	International Instruments	Iranian National Law	Identified Prevention Gap
Conceptual–normative	Definition of violence against children and adolescents	Broad definition including physical, psychological , sexual, neglect, institutional and structural violence; emphasis on primary and early prevention	Limited and fragmented definition; predominant focus on overt and retrospective forms of violence	Conceptual gap regarding new and structural forms of violence and weak preventive orientation
Legislative	Multilevel prevention (individual/family/social)	Requirement for coordinated multilevel interventions , parent education, social protection, and mental-health support	Predominance of reactive and criminal approaches; weak binding provisions for primary prevention	Legislative gap in institutionalizing primary and secondary prevention
Institutional	Cross-sectoral mechanisms and responsible authority	Emphasis on specialized independent institutions and	Institutional fragmentation , absence of a single coordinating	Institutional gap in integrated prevention management

		coordination among education, health, social protection, and criminal justice	authority, and weak structural coordination	
Implementation	Early identification and protective intervention	Duties concerning home visits, safe reporting systems, and accessible protective services	Weak reporting system and limited non-criminal and protective interventions	Implementation gap in early prevention
Protective-procedural	Protection of child victims	Child-centeredness, child-friendly justice, and protection before and after violence	Focus on criminal proceedings; discontinuous and insufficient protection	Protective gap in continuity and comprehensiveness of protection
Cultural-normative	Changing violence-tolerant patterns	Public education and changing attitudes toward corporal punishment and parental authority	Limited norm-setting instruments; predominance of traditional views	Normative gap in cultural prevention
Enforcement guarantees	Monitoring, data, and accountability	Continuous monitoring, data collection, reporting, and effectiveness assessment	Continuous monitoring, data collection, reporting, and effectiveness assessment	Gap in enforcement guarantees and accountability

The results indicate that prevention gaps concerning violence against children and adolescents in Iranian national law are not merely legislative in nature; rather, they primarily arise from a disconnect between the multilevel understanding of violence and the design of coordinated and binding legal responses. Whereas international instruments emphasize primary prevention, early intervention,

institutional coordination, and comprehensive child-centered protection, Iranian national law remains comparatively focused on retrospective and criminal responses, which structurally limits preventive effectiveness.

Conceptual and Normative Gaps concerning Violence against Children in Iranian Law and International Instruments

Effective prevention of violence against children and adolescents first requires conceptual and normative clarity and coherence, because legal systems determine through their foundational concepts and norms which behaviors are regarded as violence, what status is assigned to the child, and what type of obligation the State bears with respect to prevention. Conceptual and normative gaps can therefore be regarded as among the most fundamental yet least visible deficiencies of legal systems in preventing violence against children; their effects are reproduced across legislative, institutional, and implementation levels.

In international child-rights instruments, particularly the 1989 Convention on the Rights of the Child and the Committee's general comments, violence against children is defined broadly, multidimensionally, and dynamically. General Comment No. 13 regards violence as any form of harm or harmful conduct against a child, including physical, psychological, sexual, and emotional violence and neglect, occurring not only in the family but also at school, in care institutions, workplaces, online environments, and even as a consequence of inappropriate policies and social structures. Within this framework, violence is not merely an individual criminal act but a structural and multilevel phenomenon rooted in power relations, social inequality, poverty, discrimination, and weaknesses in protection systems.

Conclusion

Analysis of the Iranian legal system and comparison with international instruments indicate that preventing violence against children and adolescents requires a transition from a purely reactive and criminal approach toward a comprehensive, multilevel, and preventive approach. Violence against children is multifactorial and cannot be addressed solely through criminalization and punishment. Effective prevention requires identification of risk factors, protection of children in family and community settings, education of parents and children, timely intervention by protective institutions, and effective reporting and response mechanisms.

Review of Iranian regulations indicates that the 2020 Law on the Protection of Children and Adolescents represents an important turning point in the development of Iranian criminal policy concerning child protection. By identifying risk situations and certain forms of abuse and exploitation, the law seeks to expand legal protection. The allocation of responsibilities and duties to certain persons and institutions also reflects a movement away from intervention only after a crime has occurred toward greater attention to risk-producing situations. Effective implementation, however, requires coherent mechanisms, specialized institutions, trained personnel, and sustained cooperation among the judiciary, protective institutions, the education system, and social services.

By contrast, international child-rights instruments, particularly the Convention on the Rights of the Child, adopt a broader approach to violence prevention. The child is not merely an object of criminal protection but a rights-holder, and principles such as the best interests of the child, non-discrimination, the right to life and development, and the right to participation and to be heard are incorporated into protective policymaking. Article 19 of the Convention requires States to take appropriate legislative, administrative, social, and educational measures to protect children from various forms of violence, injury, abuse, neglect, and exploitation. From this perspective, prevention

must operate before violence occurs and at the levels of family, school, community, and government institutions.

Comparative analysis indicates that one of the most significant differences concerns the scope of the concept of “prevention.” Although recent legislative developments in Iran have created greater opportunities to address risk situations and child protection, a substantial portion of preventive capacity in social, educational, and protective policy still requires development and institutionalization. In the international approach, prevention refers to coordinated measures beginning with education and empowerment of families and extending to social protection, mental-health services, support for children at risk, reporting mechanisms, and early intervention.

Another major challenge concerns children who have not yet become victims of a crime but are already at risk. An effective preventive system should be able to identify such children at an early stage and provide necessary support without causing stigmatization or secondary harm. Risk-assessment systems, professional training, secure information databases, and confidentiality safeguards can facilitate early identification. At the same time, risk-assessment tools must always be accompanied by respect for children’s fundamental rights, human oversight, and legal safeguards.

From an institutional perspective, violence prevention requires cooperation among multiple actors. Families, schools, protective organizations, the health system, law enforcement, the judiciary, and civil-society organizations each have a role in the child-protection process. Lack of coordination may delay identification, expose children repeatedly to harmful procedures, and allow dangerous situations to continue. Clear mechanisms for allocating responsibilities, exchanging necessary information, and rapidly referring cases at risk are therefore essential to an effective prevention system.

The best interests of the child should also remain at the center of policymaking and decision-making concerning violence prevention. Judicial and administrative decisions should not be based solely on criminal or disciplinary considerations; their effects on the child’s safety, mental health, development, and future should also be considered. In this context, hearing the child’s views according to age and maturity and providing safe and reliable mechanisms through which the child can report violence are important elements of preventive policy.

Overall, the Iranian legal system has made progress in recent years in recognizing and legally protecting children and adolescents against violence, but strengthening the social, educational, and protective dimensions of law remains necessary for a comprehensive prevention system. Reforming and completing existing regulations, developing a comprehensive national program for preventing violence against children, providing specialized training for judges, law-enforcement officers, and social workers, expanding psychological and social services, creating effective reporting mechanisms and protection for reporters, and increasing monitoring of high-risk environments may constitute important measures in this field.

Ultimately, comparison of the Iranian legal system with international instruments indicates that moving toward a rights-based, child-centered, and preventive model can strengthen the capacity of the Iranian legal system to address violence more effectively. Achieving this objective requires child protection to move beyond criminalization and punishment and become a sustained public policy in which primary prevention, early identification, specialized protection, immediate intervention, and child rehabilitation are addressed as an integrated chain. Such an approach may reduce the likelihood of continuing and repeated violence and contribute to the more effective realization of the fundamental rights of children and adolescents within the Iranian legal system.

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