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***Criminal Responsibility of Children  
in Iranian Penal System in the Light  
of New Penal Code***

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**SUMMARY**

The qualitative and quantitative reactions of the penal system to offenses by children and adolescents have always been the subject of investigations and explorations. The significance of childhood and adolescence, the effects of these periods on the personality and future of members of these age groups, and evident differences between the physical and psychological capabilities of children and adolescents compared to adults are the causes of the significance. In this regard, determination of the age of criminal responsibility is considered one of the main axes of juvenile criminal law. The importance of this issue originated from the fact that in this stage the criminal adolescent is exposed to punishments determined for adult committers of such crimes. Accordingly, in most countries the legislator determines an age as the age for application of full criminal responsibility. Therefore, when an adolescent reaches that age he/she gains sort of physical and intellectual maturity. The age is conventionally equal to the age of acceptance of social responsibility. In most countries, 18 is the age for application of full criminal responsibility. In Iran, the age of religious maturity for girls and boys is 9 and 15, respectively. The ages are also considered the criterion for applying criminal responsibility. However, changes have been made that have caused gradual application of responsibility, specification of some punishments, and prosecution of crimes. The present study aimed to analyze and criticize the status quo in light of the new Islamic Penal Code of Iran and the Criminal Procedure Act.

→ **KEYWORDS** — CHILD, CRIMINAL RESPONSIBILITY, RELIGIOUS MATURITY, ISLAMIC PENAL CODE, CRIMINAL PROCEDURE ACT

## STRESZCZENIE

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### *Odpowiedzialność karna dzieci w irańskim systemie karnym w świetle nowego kodeksu karnego*

Różnorakie reakcje systemu karnego w odniesieniu do przestępstw popełnianych przez nieletnich zawsze były przedmiotem badań i poszukiwań. Źródłem tych reakcji jest wpływ okresu dzieciństwa i dorastania na osobowość i przyszłe życie dziecka, w tym oczywiste różnice między fizycznymi i psychicznymi możliwościami dzieci i młodzieży z jednej strony, a dorosłych z drugiej strony. W związku z tym faktem, określenie wieku odpowiedzialności karnej jest uważane za jedną z głównych osi prawa karnego wobec nieletnich, tak by nieletni przestępca nie był narażany na kary przeznaczone dla dorosłych. W większości krajów ustawodawca określa wiek pełnej odpowiedzialności karnej, zakładając, że wraz z osiągnięciem tego wieku młodociany osiąga pewien stopień dojrzałości fizycznej i intelektualnej. W większości krajów pełną odpowiedzialność karną ponosi sprawca, który ukończył 18. rok życia. W Iranie wiek dojrzałości religijnej w przypadku dziewcząt i chłopców kształtuje się odpowiednio na poziomie 9 i 15 lat. Wiek ten jest równoznaczny z wiekiem odpowiedzialności karnej. Jednakże, wskutek zmian w ustawodawstwie Iranu, wprowadzono stopniową odpowiedzialność, specyfikację niektórych kar oraz ścigania przestępstw. W artykule autor dokonuje analizy i krytyki *status quo* w świetle nowego islamskiego kodeksu karnego Iranu oraz ustawy o postępowaniu w sprawach karnych.

→ **SŁOWA KLUCZOWE** – DZIECKO, ODPOWIEDZIALNOŚĆ KARNA,  
DOJRZAŁOŚĆ RELIGIJNA, ISLAMSKI KODEKS  
KARNY, USTAWA O POSTĘPOWANIU W SPRAWACH  
KARNYCH

## Introduction

In Iran, according to Article 14 of the Islamic Penal Code the following four types of punishment are defined for the general public: fixed punishment, retaliation, restitution and corporal punishment. Moreover, Article 23 predicts additional and consequential punishments such as exile, job prohibition, etc.

In Iran, childhood age, punishments and criminal responsibilities are similar to other laws determined on the basis of jurisprudence. However, due to requirements of the time and fatwa of some jurisconsults, changes have been made to these rules that are reflected in the new rules of the Criminal Procedure Code and the Islamic Penal Code. As a result of these changes,

efforts have been made to follow principle four of the constitution: "all civil rules and regulations, and financial, economic, administrative, cultural, military, and political codes shall be formulated according to Islamic laws." In addition, the regulation of the Convention of Child Rights,<sup>1</sup> which is binding as domestic laws in the power of the parliament, as well as requirements and necessities of the time, shall be taken into account.

As a general principle, whoever commits a crime is not necessarily responsible for it because in addition to determining the carrying out of a crime and criminal responsibility, the perpetrator has to meet some conventional conditions to be known as the 'doer' of a crime. Consequently, a human being is considered responsible for a crime when the act leads to an accident. That is to say, it has to be possible to ascribe a crime to the person.<sup>2</sup> Hence, criminal responsibility is the result of the ability to ascribe or attribute it to someone. That is to say, judicial authorities have to realize that the perpetrator of the offense has gained such physical strength and rational ability as well as determination and power that a causal relationship can be established between the committed crime and its agent. Therefore, it is evident that the perpetrator of a criminal act is punished only if he/she has understanding of the good and bad and is of sound mental health. The person has to commit the crime intentionally and deliberately. Moreover, there has to be a direct relationship between the crime and determination of the doer. In other words, the crime has to be the result of an action carried out by its doer. Concerning the criminal responsibility of the juvenile, the most important factor that makes the distinction between their criminality and that of adults' is age.

In legal terms, a child is a person who has (not?) reached the age of physical and mental maturity and is able to live in the society.<sup>3</sup> Hence, determining the age range for children depends on maturity.<sup>4</sup> According to note one of Article 1210 of the Civil

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<sup>1</sup> United Nations Convention on the Rights of the Child, Nov. 20, 1989, 28 I.L.M. 1456, 1577 U.N.T.S. 3.

<sup>2</sup> Najafi Abrand Abadi, Ali Hussein, *An Introduction to Criminal Policy*, Mizan Press, 2002, p. 30.

<sup>3</sup> Ebadi Shirin, *Child Rights*, Kanoon Publications, 2010, p. 5.

<sup>4</sup> Najafi Abrand Abadi, Ali Hussein and Hashem Beygi, Hamid, *Terminology of Criminology*, Shahid Beheshti University Press 1998, p. 11-12.

Code maturity for boys is 15 and for girls is 9 years. According to note one of Article 49 of the former Islamic Penal Code, a person who without religious maturity was considered a child without any criminal obligations while all persons with religious maturity were charged with criminal responsibilities and were sentenced in cases where they committed crimes. On the other hand, according to the bill submitted by the Islamic Republic of Iran to the Convention on Child Rights, passed in February 20 – March 20, 1994, people under 18 are considered children.<sup>5</sup>

The age for the criminal responsibility of children is one of the most challenging legal issues associated with child rights in Iran. Since, on the one hand due to the dominance of religious rules and regulations over laws and adherence of the Iranian Legislator to the opinions of famous Shiite jurists in formulating and passing relevant laws, determination of a special age as the religious age of maturity has been the basis of determining criminal responsibilities for criminal children. On the other hand, since Iran has joined various international conventions and accords, compliance between domestic laws and regulations mentioned in the conventions and accords is a necessity. The regulations have to be in line with special definition of child included in these references. In the post-revolutionary Iranian legislative system, children were subjected to the criminal system defined for adults as soon as they reached maturity. However, about half a century ago, the Criminal Juveniles Court Act of 1959 had predicted an intermediary stage.<sup>6</sup>

Adherence to the rule that criminal responsibility is defined depending on the religious maturity of girls and boys has caused problems to the Iranian society. Not only is the age defined for girls considered to be too low, but also, criminal responsibility is completely excretory in this view. That is to say, up to a point the child lacks legal and criminal capacity and suddenly all legal, religious and criminal responsibilities are applied to him/her. The intensity of punishments, especially execution, increases depending on the criticality of the crime.<sup>7</sup>

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<sup>5</sup> Article 1 of the Convention on Child Rights.

<sup>6</sup> Ashuri Muhammad, *Juvenile Trial in Iran*, Proceedings of the seminar on juvenile trial, Tehran, UNICEF, first volume, 2000, p. 70-72.

<sup>7</sup> Nobahar Rahim, *Age and Criminal Responsibility*, "Journal of Criminal Law", 2/2013, p. 162.

The changes made in the current years to the Iranian law have defined gradual criminal responsibility, change of quantity and quality of some punishments, and prosecution and hearing methods by applying the Islamic Penal Code and the Criminal Procedure Code.

## Notion, Basis and Pillars of Criminal Responsibility

In order to gain an understanding of the real meaning of responsibility and its dimensions, in addition to the commitment and obligation defined by the authority, other factors and conditions shall be taken into account that are as follows:

1. Obligation to do or refuse to do an act, which is an obligation *per se*. The obligation has to be the result of legal rules or social relationships.
2. Awareness of the responsibility, because a person who is unaware of his responsibilities cannot be considered responsible by any means. Being unaware of existence of an obligation may be caused by the deficit of mental and emotional powers or deficit of social education. It may be also caused by the failure to inform the person of his/her responsibility or obligation.
3. Ability to accomplish the task: Inability of the obligated person to accomplish his/her tasks may be caused by personal or social factors.<sup>8</sup>

In sum, it shall be said that the obligation to respond to violation of the rights of others is known as “criminal responsibility” whether it is aimed to support personal rights or to defend public rights. However, in none of the penal rules of Iran are the legal nature and criminal responsibility clearly defined. Although no clear description of criminal responsibility is available, there is a sort of personal obligation to respond to the consequences and dissatisfactory results of the crime or offense. In the criminal point of view, commitment of crime or any offense or violation to penal codes does not cause criminal responsibility on its own because in order to blame the committer on the moral and

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<sup>8</sup> Shambayati Hushang, *Public Criminal Law*, Zhubin Press, second volume, 1997, p. 2.

social aspects of his/her crime, the following conditions have to be met:

1. Commitment of a crime or offense originated from intentional awareness and willingness defining the opinion, deeds and decisions of the person.
2. A criminal act committed with previous determination, will and intention originated from the outside world has to be suggestive of the ill-will of the perpetrator or his/her mistakes.
3. In addition to the will to commit a crime or offense, the crime has to be capable of being ascribed to its doer or agent. Whoever commits a crime with prior knowledge and awareness is not necessarily considered responsible because in addition to determination, ill-will or criminal responsibility the perpetrator has to have capacity and conventional personal traits. Consequently, when human is considered responsible only when he/she causes an accident. That is to say, the accident has to be ascribed to the person. Hence, criminal responsibility is the product of attribution. That is to say, juridical authorities have to know that the doer of the crime has reached such a physical and rational capacity as well as a determination and power that the crime can be ascribed to him/her.<sup>9</sup>

In fact, criminal responsibility is proved by direct consequences of the crime ascribed to the doer. Hence, in sum it can be said that criminal responsibility requires attribution and approval of the crime. The question that springs to mind is who is considered to be irresponsible? The Islamic Penal Code of Iran, drawn on jurisprudence to concluded in Article 146 that immature people are free from criminal responsibility. According to this code, reasons for elimination of criminal responsibility include: 1) insanity, 2) dream and intoxication, 3) compulsion, 5) mistake, 6) minority of age.<sup>10</sup>

The pillars of criminal responsibility include criminal capacity and guilt. Criminal capacity is comprised of the following two elements: understanding and power. In penal laws, understanding refers to the power and ability to understand and distinguish

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<sup>9</sup> Mirsaeedi Seyyed Mansour, *Criminal Responsibility*, first volume, 2007, p. 24.

<sup>10</sup> Mohseni Morteza, *Criminal Responsibility*, Public Criminal Code Course, Ganjedanesh Press, first volume, 1997, p. 175.

the nature of deeds and their moral and social consequences. Accordingly, if the criminal lacks understanding and power, he/she is not considered to be responsible for his/her action. Hence, the definition and clarification of the boundaries of criminal responsibility is of great importance. There are several conditions to criminal responsibility which are as follows: a) the person has to reach maturity; b) the person has to be free from insanity or similar conditions; c) the person has to be free from compulsion or other factors, or the person has to have power. Since the 18 century, during the emergence of individualism, a criminal and his/her personality was introduced as a riddle (mystery). Therefore, understanding the personality of the criminal became one of the concerns of various criminological schools and new viewpoints were expressed. The viewpoints led to two major evolutions in the field of criminal responsibility.<sup>11</sup>

A) Individualization of criminal responsibility: In the primitive ages and until the Middle Ages, identity and thus individual responsibility were meaningless. Hence, criminal responsibility was collective and was extended to the members of a family, a tribe or a race.

B) Personalization of criminal responsibility: Before the 18<sup>th</sup> century, the most important characteristic of criminal responsibility was its objectivity or materiality. That is to say, the personality and thought of the criminal were not taken into consideration. The mental element had no importance in the identification of crimes and only the material element mattered. However, after that period with the emergence of intellectual schools of criminology, the best way to confront criminals was known to be determination of causes of a crime as well as appropriate responses depending on the real personality of the criminal.

Criminal maturity refers to the age when the child reaches a level of maturity and growth that he/she can be considered a criminal and subject of juvenile criminal laws. In fact, the reason for the attributive nature of crime is that it varies depending on the person and it is measured against the maturity of the child in question. Criminal maturity or the age of absolute criminal responsibility is the age when the criminal is considered to be an

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<sup>11</sup> Mirsaeedi Seyyed Mansour, *Criminal Responsibility*, op. cit., p. 108.

adult and is assumed to have absolute criminal responsibility.<sup>12</sup> Gradual criminal responsibility is the difference between criminal responsibility and maturity. In other words, in the attributive criminal responsibility, it is a period or leniency when special juvenile prosecution matters. In this period, criminal executions and reactions are only aimed to train and socialize the criminals. This stage is derived from the following substantial issues: 1) the conditions and special characteristics of the child; 2) educability of children and the fact that the justice system has to act as an educational system in the case of children because the objective is not only to punish and frighten the child but the penal system aims to recover the child. However, constitutions of different countries do not employ similar approaches to this period as some have divided this period into several periods and have defined a specific reaction for each period. Some others have also considered the period as an integrated period and have granted the court judge to decide on the punishment based on a range of pre-determined punishments.

## Legal Evolutions of Juvenile Criminal Responsibility

In Iranian criminal law, and for the first time in the General Penal Code of 1925, the conditions of the juvenile were taken into account. This law allocated Articles 34 and 39 to juvenile crimes. In this law, which drew on the French law, the separation criterion was taken into account. This law predicted no regulations for the prosecution methods.<sup>13</sup> In 1959, the act for formation of Criminal Juvenile Court (which was dedicated to children between 6 to 18 years) was passed, but after the Islamic revolution, the legislator dictated that juvenile crimes have to be prosecuted by General laws. The legislator also showed no interest in creating specific courts. However, the decision did not last and finally by Article 219 of the Criminal Procedure Code of 1999, some general courts were allocated to prosecution of juvenile crimes. The new Islamic Penal Code of 2013 also paid special attention to juvenile crimes, which is considered one of its advantages. Chapter ten

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<sup>12</sup> Ibidem, p. 110.

<sup>13</sup> Ashuri Muhammad, *Juvenile trial in Iran*, op. cit., p. 18.

of this law was entitled the “Juvenile Punishments and Security and Educational Measures.” Some believe that this chapter is aimed to suggest that in the case of children only security and educational measures suffice and it is not possible punish them with pre-determined punishments.<sup>14</sup> In the new Islamic Penal Code the age of 18 is accepted as the age of adolescence and a classification is used that divided childhood and adolescence into the following periods: birth to 9 years old; 9 to 12 years old; 12 to 15 years old; and 15 to 18 years old. It not only introduces the age of 18 as childhood and adolescence, but also has defined maturity to determine the criminal responsibility of a group of children and adolescents. The new bill of the Criminal Procedure Code, which has been approved recently (but has not been put into effect yet), also has been subjected to positive changes concerning the formation of special courts and the methods used for preliminary investigations and issuance of warrant concords for criminal children. The changes are going to be discussed in what follows.

- a) Changes made to the application of punishments in the new Islamic Penal Code by accepting the gradual responsibility of children and adolescents and ranking crimes have caused and will cause numerous changes. These changes are focused on corporal punishments, fixed punishments and retaliations. Concerning children below 9 years old, who commit corporal crimes, only security and education measures are taken. Concerning children and adolescents between 9 and 15 years old (the second and third periods) decisions are made to correct and educate them with emphasis on the responsibility of parents and other guardians. Examples of these measures are the surrender of children to legal guardians who commit to educate and correct the children or surrender of children, whose parents are not eligible, to other people or institutions. However, rules included in Article 1173 of the Civil Code concerning deprivation of the right of custody of parents also applies to this case. Concerning adolescents between 15 and 18, Article 89 dictates that if members of this age group commit

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<sup>14</sup> Fathi Hujjat Allah, *Juvenile Criminal Responsibility*, “Quarterly of Islamic Law”, 21/2009, p. 81.

corporal crimes, they are sent to Correction and Rehabilitation Centers, or are charged with fine or public services. That is to say, in the new law not only are corporal crimes classified into different levels, each age group is subjected to specific punishments. Concerning crimes that necessitate fixed punishments and retribution, according to note 2 of Article 88, in the case of male children between 12 and 15 and before it (9-12), decisions made in Article 88 are applied. The decisions can be revised and rethought as many times as required by the juvenile court according to the benefit of the child while the punishment for stay of the child in Correction and Rehabilitation Centers and fines can be converted to other preferable punishments. Moreover, fixed punishments and retributionss can be converted to corporal punishments in the case children aging less than 18 whose sanity and mental growth is suspect. The aforementioned cases are among the important considerable issues addressed in the new law.

- b) The advantages of the new changes made to the penal code especially concerning corporal punishments are that no difference is made between girls and boys and physical punishments such as the lash are omitted. The new code also accepts postponement of the issuance of decrees for children and the omission of criminal sentences. The aforementioned are among positive evolutions of the code.

According to international standards, the approach aimed to reduce legal interventions, de-jurisdiction, and objective measures (including mobilization of all resources such as families, social groups, schools and other social institutions) are among important principles of juvenile justice. Moreover, surrendering children to parents and legal guardians referred to in Article 89 is a suitable measure aiming at educating, correcting and monitoring the deeds of the juvenile.

Seemingly, the difference between maturity and the age of absolute criminal responsibility is the best time to take corrective and educational measures that may help prevent the committing of crimes by children.<sup>15</sup>

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<sup>15</sup> Abachi Maryam, *Juvenile Criminal Laws*, Majd Press, 2001, p. 71.

## Addressing juvenile crimes

Most international standards encourage governments to create criminal procedures, or establish independent or specialized entities to handle cases condemning children.

What shall be taken into account is that in the Iranian constitution, there is no difference between crimes committed by children and adults similar to some legal systems of the world. In some countries, crimes are defined as "juvenile crimes." However, the eighth congress on crime prevention and criminal justice held by the United Nations in 1990, asked for omission of these items from constitutions of countries. In Iran, according to Article 220 of the Islamic Penal Code, crimes committed by adults aging less than 18 years are addressed in court, but it shall be noted that in addition to branches of penal general courts that dedicated to prosecution of juvenile criminals, there are other specialized courts (such as the revolution court and the provincial criminal court) that deal special juvenile crimes. If a child commits a crime that has to be handled by the Revolution Court, by precedent decisions he/she is prosecuted in the Juvenile Court and Provincial Court.

- a) The new criminal procedure code of includes positive changes one of which includes formation of a special juvenile court headed by a solicitor-general and one or several inspectors. In this court, preliminary investigations into crimes committed by adolescents between 15 and 18 are carried out. However, investigation into crimes such as adultery and sodomy is carried out directly by the court. Cases of such crimes are included in the new bill of "other anti-chastity crimes as well." According to this bill, investigation into crimes committed by children under 15 (whether boy or girl) as well as children between 15 to 18 years of old (who spend the last days of their childhood) is carried out in the juvenile court. If a criminal court or revolution court is eligible to handle the crime, the criminal court of juvenile crimes will hear the case.
- b) Changes have been made to the procedure of issuance of warrant for children. In the current law, since there is no classification for childhood and adolescent, laws are equally applied to all children under 18. However, in the new law different rules are set for children under 15 and

children between 15 and 18 years old. Concerning delivery of a warrant or bond, which is a responsibility of parents or legal guardians, the new law dictates that the warrant is only received for the accused between 15 and 18. Similar to current regulation, if the parents or guardians fail to provide bonds or warrants, the child is sent to a Correction and Rehabilitation Center. Moreover, according to Article the interrogation of females under 15 shall be performed only by trained female officers otherwise the case has to be referred to the juvenile court or its deputy.

Other positive changes made to this law are as follows: concern for NGOs supporting juvenile to announce crimes; presence at all of the phases of prosecution to present reasons and object to the judgments of judicial authorities, feasibility of presence of the lawyer in preliminary investigations; and presence of two counselors in the court.

## Conclusion

The execution of the death penalty (such as fixed punishments and retaliation) on children under 18 has always been faced with legal and judicial problems. Fortunately, the legislator has a positive attitude toward these deficiencies and therefore has taken actions to set new rules and regulations. As a result, by calling all people under 18 as children, the Legislator has classified children into three age groups.

According to the new law, in the case of corporal or preventive punishments legal punishments do not apply to adult children. Rather, depending on the age of the committer and according to the act of juvenile crimes, decisions are made accordingly. Moreover, if immature children commit a crime, they are free from responsibility. If a child commits a crime, he/she is surrendered to his/her parents and guardians to be educated or is sent to a Correction and Rehabilitation Center to be educated.

Concerning crimes to which lashing is applied as a punishment, if an adult child does not have an understanding of the essence of the crime or its evilness or if the child has not reached rational perfection yet, depending on the age and case he/she is sentenced to fixed punishments defined in the law for crimes

committed by juveniles. According to this law, the court is to recognize whether a person has reached rational perfection or not. The court is also authorized to use any medical or any other necessary means to investigate the issue further.

Accordingly, it can be said that the new law is more consistent with the Convention of Child Rights. Regulations related to the response to criminal children as well as discussions included in the new Islamic Penal Code and the Criminal Procedure Code are more consistent with the requirements of the time. The rules and regulations also comply with the fourth principle of the constitution as well.

However, in the case of child punishment, the law still has its deficiencies. Evidently, useful changes made to the rules and regulations are more prominent. The law predicts that the criminal child is surrendered to the court which may refer him/her to a coroner to determine his/her maturity. The process is criticized because it cannot be 100% certain that whether the court judge sends the person who is under 18 to a coroner or not because the judge has full authority in this regard.

Hence, it is evident that the legislator has considered religious fundamentals and public requirements to make changes (corrections) to laws associated with the criminal responsibility of children and subsequent punishments. The legislator has classified children into three groups and has set specific rules for each group. Therefore, juvenile regulations not only comply with principle 4 of the constitution (regarding consistency with the religion) it also complies with the international commitments of Iran.

In line with the Convention on Child Rights, the new law divides children and adolescents by their age. As a result, children and adolescents who commit corporal crimes and are aged less under 9-15 at the time of committing the crime are granted limited privileges. In such occasions, the judge is authorized to surrender a child to his/her parents or legal guardians and refuse to determine other punishments. The new law monitors the deeds of parents or legal guardians of the child. The law states that the child is surrendered to the parents if the parents commit to correct, educate and care for him/her. In this case, whenever the court decides it can obtain warrants from the responsible persons to fulfill their obligations. For example, it can ask parents to bring their child or adolescent child to a social worker, psychologist or

other experts. It may also ask them to send their child to a training and cultural institute for educational purposes.

Moreover, the judge can ask parents to take the necessary measures to treat the child or subject him/her to addiction treatment under the supervision of a physician. It can also prevent communication of the child with people who are recognized to be harmful by the court. Finally, the court can ask parents prevent visits of the child to specific places.

In the case that the parents or legal guardians of the child are not available, the judge can surrender the child to other legal or real entities depending on the interest of the child and it can oblige them to implement the rules. However, eligible people are not obliged to accept children and adolescents as they can refuse to accept the child.

The court may suffice to give some advices to the criminal child or at most warns them of their evil actions. It may also obtain written commitments of the child to prevent them from repeating the crime. However, the maximum punishment for children is send them to Correction and Rehabilitation Centers for three months to one year in the case of first-degree to fifth-degree corporal crimes.

Concerning adolescents who commit corporal crimes and who are aged between 15 and 18 at the time of committing the crime, harder punishments are dictated. Accordingly, the maximum punishment is keeping them in Correction and Rehabilitation Centers for one to five years in the case of first-degree to fourth-degree corporal crimes.

One of the punishments for adolescents is obliging them to do public services, but the hours of service may not exceed four hours a day. Moreover, the court is authorized to sentence the child to remain in house determined by the court or spend weekends in the Correct and Rehabilitation Centers for three months to five years instead of issuing a verdict of punishment or fine.

Although religious punishments have to be executed, in the case of crimes necessitating fixed punishments or retaliation, whenever the doer who is under 18 does not have an understanding of the crime or its evilness or has not reached maturity or maturity, depending on the case and age of the doer only limited punishments are determined. The law is harder on adult criminals and only predicts special conditions for change, mitigation or revision of their punishments. However, since children

and adolescents are sensitive and less understanding, exceptions are made for them.

For example, the court may revise its verdict only once based on the reports of the behavior and deeds of the child in the Correction and Rehabilitation Center. It can reduce retention to one-third or surrender the child to his/her parents or legal guardians.

The court can revise its decision only if the child or adolescent spends at least one-fifth of the time determined for his/her retention in the Correction and Rehabilitation Center. Moreover, the court verdict in this regard is definite but this does not prevent the use of parole and other legal mitigations that can be used.

Moreover, the court may reduce at least half of punishments and security and education measures for children and adolescents or it may take other actions. On the other hand, the court is also exceptionally enabled to postpone prosecution or execution of punishment in the case of all corporal crimes committed by adolescents. Finally, the criminal conviction of children and adolescents lacks criminal effects, which is of great importance.

It is impossible to deny that proper changes have been made to the new law in relation to corporal punishments. Moreover, children (whether girls or boys, adult or non-adult) who commit such crimes under 18 are only condemned to security and educational issues and it is not possible to apply adult punishments to them. As compared to the previous law which considered religious maturity as the only requirement for criminal responsibility, it can be said that the changes have been positive especially in the case of female children. Moreover, it is possible to cancel fixed punishments or retaliation if it is proved that the child lacks maturity. However, this law is not perfect and does not address the problem thoroughly. In addition, it is necessary to make distinctions between crimes committed by children, adolescents and adults.

Finally, it shall be noted that corrective measures that have always been asked for by activists and human rights international societies, aimed to fully and unconditionally cancel fixed punishments, retaliation, hostile punishments, and hanging for people under 18. But these goals have yet not been attained.

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