Children Exploitation Legal review in drug charges

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Abstract

Children, as one of the most vulnerable in society, including individuals that, in the event of improper context the greatest losses are incurred; In previous years, the issue of exploitation of children, drug crimes, was not a big deal, but nowadays, due to the high rate of illegal use of drugs by children, rust global threat that, on the one hand excellence in the welfare of their children, and on the other hand, the national economy and threaten social order. For this reason, Article 33 of the CRC, provides: "States Parties Convention, all appropriate measures, including legislative measures, administrative, social and educational, for the protection of children against illegal use of drugs , or irritants as that defined in the relevant international treaties, and to prevent the use of adults, in the illicit production and trafficking of such material, to take ". The vulnerability of children, of the drug in years recently, in the form of drug use, or use in dealing and smuggling them clearly perceptible, and violence, particularly street violence, often drug use, and use it to buy and sell illegitimate tells, as well as the international community, to create areas, to reduce the demand for illicit drug supply, as well as preventive tools and policies, and the fight against illicit drug dealing, at the international level are emphasized. This article is part of project grant title: (Children Exploitation Legal review in drug charges) the cost is paid by Payame Noor university Islamic republic or Iran.

Keywords: Children Exploitation, Legal review, charges, drug.
Introduction

Also UN documents in the field of children's emphatic, the fight against drugs and crimes related to it. The family, as one of the most important social institution, puts a profound impact on children, and underpins his personality. Family of important issues in the field of addiction, the addiction of parents, and their impact on the children of drug addicts, and especially in view parental substance abuse, and identification with parents addicted, in various stages of growth, because addiction is a family and children. Addiction to drugs and alcohol all or some of the family members can, directly or indirectly, affect the child's behavior. Mainly due to the dependence that exists between family members, willingly or unwillingly, as some of them have infections, are also affected relative in others, and probably it will also cause pollution, and on the assumption that they pollution is not likely to marital status, influence, and perhaps those with unpleasant consequences, and will face irreversible. Drug, is not easily defined, because the word drug, only one name is not simple, and it works on civil and criminal applied. So of drugs, can be both literal and legal studied. In legal texts in English, the term drug used, contains all the things that, as the drug is used, whether it is legitimate or unauthorized and illegal. In terms of pharmacology, drug any substance other than food that, due to its chemical works, structure or function of living organisms that affect refers.

The term drug, often incorrectly used to refer to all illegal substances, many people raises significant adverse reactions, and the criminalization of the association, while the term covers a category of materials which, of opium or opium are obtained, or that are similar in pharmacological laboratories, are made the dangerous drug, opioid consumption, it does not necessarily require treatment and admission to hospital, and drug-related diseases such as AIDS, hepatitis, etc., mortality, and other social problems, such as crime and drug-related violence related to drug leads.

Children in the drug-related offenses, such as the use of children in begging, delinquency and victimization in two positions, are studied. The first paragraph: Criminals children, in the field of drugs The use of illegal drugs or stimulants by children, in many countries has been criminalized, in particular its use by children, it can be made into two parts Shared following:

A) Illegal drug use

The Research Committee of Experts referee producing toxic psychosis, or addiction to drugs, the World Health Organization, and the UN Commission on Narcotic Drugs is obtained, the use of these substances by children, both for the state and creates dependency first, it's physical dependence, madness is not true poison, and other psychological dependence that, it's called an addiction.
B) Drug use allowed

The use of these substances, a detrimental effect on the child leaves, as explained destructive effects of alcohol, the children were told that, according to the normal persons, authorized by the judgment of truth opens recognize and distinguish between imagination and memory of their true understanding, under the influence of alcohol, the force of the falls, and one that is experiencing a manic state, facts and actions you decide to do so, or he was just about desire, or not more fanciful, all blends together. Many of the fugitives impact on children is also in this way, this material is then inhaled through the lungs, into the blood vessels and then to other body organs, especially the brain and liver arrives. Typically, after the drug's euphoric feeling, while lightweight, fearless and recklessness loses, and dreams are clear. Breathing and heart rate, and other body functions to slow grace, and if the consumer with the plastic cans, inhale through the nose and mouth may occur death from suffocation. Inhalation escape ongoing, and adhesive causes damage to the liver, kidney, pale skin, feelings of weakness and lethargy, inability to think properly, tremors, thirst, weight loss, irritability, paranoid ideation, aggressive and hostile state is. According to the research conducted, it was determined that inexpensive materials, children are always the most used, and depending on the geographical location, consumables by them varies.

Although it is permissible to the detriment of substance abuse, many countries, measures and actions to prohibit the use of these substances by children have imposed, but unfortunately none of the provisions of the United Nations, and the Convention on the Rights of the Child, mentioned not to ban these substances.

Section II: victimization of children, in the field of drugs, a drug addict children

In drug offenses, the criminal victimization of children is overcome, and the sale and trafficking of drugs, more children are victim to delinquency, because the drug dealers, the lack of awareness of children, and their activities that are dangerous, they are entered. The World Health Organization, affiliated to the United Nations, addiction is defined as follows: "Addiction is a chronic (recurring effect of drugs or medication) that has the following four characteristics:

- substances that cause mental mobility, leading to anger and aggression, and alienated addicted to a person, and sometimes they become killers. B) that on the contrary, lead to a generalized numbness or numbness, and loss of vision exercise mentally, and indifferent, such as morphine and heroin, Gesen, Raymond, theoretical criminology, translated by Mahdi Key Nia, Tehran, Scientific Assembly and cultural splendor, first edition, 1995, p. 227.

- Virtual drugs, tobacco, solvents and volatile, such as glue, gasoline, etc. are.


- In 1964 the World Health Organization concluded that the term addiction is not a scientific term, and therefore drug dependency, rather it is recommended.
1. Frequent consumption of food or medicine, caused mental habit, and the habit of a person in need and psychopathic tendencies towards taking drugs or medicines, to encourage an obsession.

2. For maintenance work that used to be addicted desired, the amount consumed on a regular basis is increasing.

3. In fact, the effect of drugs or medicines, certain symptoms in patients (addicted) will appear that the signs on the type of drug, or drug dependent.

4. drug addiction, or drug is harmful to the individual or society. So a person addicted child is having four properties mentioned above, the effect of constantly relying on drugs, or medication is. The victim of any type of drug dependency, drug or mental well known addict.

In studies, criminology, addiction is defined as follows: "Addiction is a condition that, as a result of physical and psychological dependence, than there is a drug, physical dependence through the discomfort and uneasiness, due to the apparent exclusion of drug be, and psychological dependence in the form of attachment and desire irresistible, drug use relative to manifest, the drug, in order to avoid the boredom and anxiety." 

Addicted to place children in a way, that way, normally an adult, directly and without intermediaries, with incentives and to add the children, causing their addiction to narcotics or psychotropic substances in it. The method, often used by smugglers, addicts are made for adults and peers. Adult addicts, in addition to foreign entities, including parent or legal guardian who, with the intention of satisfying the financial greed, sex, etc., Consciously or unconsciously way, their children are addicted. The wont of children, indirectly, the causes of addiction-forming agents, for children can be physical factors (heredity, genes, race, gender, and physical condition of housing consumption of drugs), psychological factors (psychological disorders, sudden excitement, emotional stress caused by urbanization, loneliness, lack of love and depression), social factors (family situation, conflict, family disorganization, lack of supervision and care, indifference, denial of affection and lack of love, lack of recreational facilities, parental substance abuse, mingle with addicts, urban migration, low levels of education, promiscuity and corruption, access to narcotic drugs and sometimes extreme love and the father in the family), economic factors (poverty lack of suitable employment), the geographical environment (exposure in the city borders, and drugs the


13 Berzhreh, Jean, addictions and personality, translation Tutan Gorgani, organizations, publications and training Islamic Revolution, Tehran, 1989, p. 3.


15 Beigi, former, p. 120.
frontiers), the political environment (colonial plunder the country's financial resources, and under the influence) can be mentioned\(^{16}\). One of the most important causes of addiction-causing, for children and victimization of children, drug crimes, is the social causes of addiction parents. Dependent children of addicted parents, or so-called addiction children, children, who, in their breeding environment with a parent or family drug users, coexist. These children are not necessarily criminals or drug addicts, but also in the circle of patients and were abnormal, and the facade do not find it. The children seemed to live like normal children, families, and under the guardianship and custody of their parent or addicted parents, childhood and grew up behind you live, in many cases, appearance of the children, at par and sometimes even higher, and can be less true state of their appearance and their inner understood. Educational layer that corruption, abuse of children covered, is so complex and intangible, to the issue of addiction should not be revealed by the head of the family, is not visible and evaluation. Who according to the rules, as the guardian (father) is, and responsibility for financial management, nutrition, clothing, education and child rearing, he is responsible in front of the child, drug deals, and no one on according to the statutes and common law based on the dignity of motherhood, have to take care and custody, education, emotional and psychological needs of their children busy, or drug use is associated with a spouse or alone and to meet their personal needs, it provides premises consumption. It should be noted that children who live in families of addicts, are not necessarily addicted, but probably addicted to these two forms of "birth addict" or "addiction of children through learning" arises\(^{17}\). parents of addicts, in a very generous and self-sacrificing was a high, but in the case of a hangover are full of anger, or the maximum indifference and impatience, with the families and the surrounding events, with feeling or reaction do not show. The incidence of these behavioral changes in parents addicted, first, the tendency to drug addiction in children\(^{18}\). Children and adolescents who, unwanted addiction issues arising from his father or mother, the family are involved in various crimes are being committed, and the fate of children caught up in the criminal, it is expected, and factors causing offense can, in their criminal background, have the greatest impact. When in the Family, imported drugs, and the use or distribution, by a member of the family, the fate of children in the family, in a manner unfavorable marked and placed under serious threat. Typically fathers, drug addicts, or its distributors, in order to maintain your relationship with your spouse or children and avoid family breakdown, they also are forced to participate in the use and distribution of drugs\(^{19}\).

Based on the findings made by the Headquarters for Combating Drugs, it becomes clear that:

\(^{16}\) Danesh, pediatrics and juvenile offenders, former, pp. 85 -80.

\(^{17}\) from the total number of 87 480 people, students at risk of addiction, 77. In academic year 1997, by the Office of Counseling and Planning Education of the Ministry of Education, declared: 9877 students, with parents addicted mother, 6127 students, a mother addicted, 50,982 students, has presented addicted father. In other words, 75% of the total of students at risk of addiction to these dedicated students. Anonymous, "the children of addiction, and mining statistics on students, parents addicted and dependent on their position," correctional magazine, No. 49, 2000, p. 26.

\(^{18}\) Studies Department of Education Department of East Azerbaijan, "dependent children of addicted parents", correcting and training magazine, No. 58, 1999, p. 36.

\(^{19}\) Shambiani, former, pp. 206, 207.
1. More than 8% of the wives of addicts who were not already addicted, addicted by their husbands, have turned to drug addiction;
2. Nearly 81% said they married addicts, drug users exist in their families, and the families of addicts, 23% were single, divorced, widowed 8% and 10%, respectively. The statistics show that, in the families of addicts, addicts else, there is a pattern;
3. The proportion of drug addiction, in relation to the parent 2/27%, brother and sister 17/7%, male and female (offspring impact on parents) 1/92% uncle 3/82%, and other relatives 4/78% respectively. Therefore, the impact of addiction, parents are important in the first stage
Social psychologists believe that the pattern of drug abuse may be the result of observation is this action by parents. Parents who, in the presence of their children are using drugs or alcohol in their day, malicious children in the family, have to prepare drugs, drug distributors for parents are addicts, an example of a life for our children are delinquent.

Due to the adverse consequences of victimization and abuse of children, international law and internal regulations of various countries, the drug issue has always been considered, and in cases where the victim of the crime, children are special regulations has been appointed

In line with the regulations and international obligations, the Islamic Republic's policy has always been based on intensified counter this phenomenon, and after the victory of Islamic Revolution of Iran as one of the pioneering countries in the fight against drugs, and trafficking in has been a global level. A bill to toughen punishment for perpetrators of drug offenses, and corrective measures and employment therapy to treat addicts, in 1970 as the first regulation in relation to punish the perpetrators of this crime, was adopted after the Islamic Revolution, but the bill, certain rules for the criminal protection of children was unforeseen. The Anti-Narcotics Law, approved by the Expediency Council, was developed in 1988, and although Article 35 of this law, the validity period of two years from the date of implementation of this law, but the law was about ten years, the ability to run a. The law changes in how penalties are imposed, and predicted the new offenses.

Article 18 of the Law on Narcotics, addicted to another crime, and stated: "If that is proved, the person with the motive and the intention addicted others, the addiction to the drugs mentioned in Article 8, the for the first time in five to ten years in prison, and for the second time in ten to twenty years in prison, if sentenced to death will be repeated. " Also pursuant to Note 2 of the law, if the offender, their family member, or student or military troops and police wont, the first time in ten to twenty years in prison, and permanent dismissal from government service, and the second time he will be sentenced to death. The above-mentioned law also explicit provisions for criminal protection of children against these crimes did not anticipate, and Article 18 of the above and note that in this regard, defects are as follows:

First, the law only punishes those who knowingly caused others to drug addiction mentioned in Article 8 (heroin, morphine, codeine, methadone and other chemical derivatives of these materials) are, while if a person makes other addictions, to drugs mentioned in Article 4 of the law (cannabis, cafeteria, wine, and burned opium), and would not be punishable. Although the

20 Agha Bakhshi, Habib, "social work approach, on the effects of addiction on the family system", Department of Studies and Research Headquarters for Combating Drugs, 1997.
21 moazzami, former Page 295.
22 Convention on the Rights of the Child, Article 33.
materials mentioned in Article 8 works more dangerous, but it would not be followed, the legislator, others addicted to the substances mentioned in Article 4 to ignore.

Second, indicating the beginning of Article 18: "If you commit, your family member or student or others, not addicted" is not enough to protect children. According to the Note above, for this crime, the perpetrator must be a member of your family, is addicted. Therefore, if the father or mother of his child (whether mature or immature), addicted to the Note will be subject to penalties aggravating. The other hand, the legislator addicted student, has seen the qualities of aggravating punishment, although students are often immature, but if children, students not, exemptions are not discussed, and is covered under Article 18, absolutely addicted another, be allowed. Thus, it is, word for children to be included in the note23.

In addition to the anti-drug law, approved by the Expediency Council, a single article in 1991, "the accession of Iran to the United Nations Convention to Combat Trafficking in narcotics and psychotropic drugs" was adopted24. In accordance with Article 5 of the Convention, "Members shall take care that the courts and other competent authorities, to the actual quality aggravating the offense in paragraph 1 of this Article to relish in mind, qualities such as ...". It seduction or abuse of children, is well-known example of these qualities. According to the Iranian government, accede to this Convention, in accordance with the provisions of Article 5, paragraph, and the Convention, should its domestic law, these qualities were considered, but despite the law amending the Law drug, and accession to its material, consisting of 42 articles, and 25 amendments on 08.17.1997, approved by the Expediency Council, was, nevertheless, a specific sanction, in relation to the provisions referred to in paragraph ( seduction or abuse of children), not appointed25. Thus, it is a crime addicted children, as well as seduction or exploiting them, explicitly predicted in the Iranian Penal Code, and as qualities of aggravating be permitted.

In addition, in accordance with Article 3 of the Law on Protection of Children and Adolescents "any purchase, sale, exploitation and use of children to commit offenses such as smuggling of prohibited and committed, in each case, in addition to damages, to six months to one years in prison or a fine of ten million rials, will be sentenced to twenty million rials. " The legislator, by speaking acts which, according to the example (drug trafficking), to consider criminal acts, largely about exploitation of children, has been limited, and the criminalization of exploitation, and abuse of children, drug trafficking, has removed legal gap in this area. But what is surprising, punishment is prescribed in this Article. While, in accordance with Article 662 of the penal code, education or hide either accept or traded in stolen property (without the person it, is put in his career), punishable by six months to three years, and to 74 faced lashes, mentioned in Article punish the sale and exploitation, and the recruitment of children under eighteen years, the need to support it, six months to one year in prison, or a fine of ten million rials, is intended to twenty million rials. In addition to the lack of proportion between crime and punishment, the judge in this matter of choosing between two sentences, and choice offered is fine, while the

23 Rezaei, former, p. 132.

24 adopted by the Conference on December 20, 1988 at the sixth plenary session of the United Nations.

25 as amended Anti-Narcotics Law, approved on 02.29.2010, industrial non-drug crimes psychotropic substances, subject to the provisions dealing with drug crimes, he said.
trade in stolen goods, acts listed two penalty is mandatory\textsuperscript{26}. It seems, the most urgent is to support the children, punishment prescribed in this Article is to prevent victimization of children, in a drug-related offenses.

As well as to protect more children against addiction, according to preliminary risk of this phenomenon, is also necessary. The first material that, young people and even children are brought to the addiction, smoking is no ban placed at their disposal, and unfortunately most governments, rather than ban, with facilities and production and distribution it leads the people to the addiction\textsuperscript{27}. The formulation of certain rules in the field of prevention of smoking among children and adolescents should be considered by the legislator.

In connection with this discussion, it is worth noting that, although according to the above considerations, the Iranian legislator in the criminal adequate protection of children, not given, but in some other aspects, mainly related to family rights, such as has forecast. According to the article 1173 of the Civil Code of the court can be addicted person, the right to deprive any child-rearing, and in addition, in accordance with paragraph (c) of Article 3 of the Law on Protection of children without guardians, one of the supervisors, lack of addiction to alcohol or drugs, or any addiction is consumed.

Conclusion
1. According to the research conducted, it was determined that, always more cheap materials, are used by young children, and depending on the geographical location, consumables by them varies.
2. Children and adolescents who, unwanted addiction issues arising from his father or mother, the family are involved in various crimes are being committed, and the fate of children caught up in the criminal, waiting for them, and factors causing offense can, in their criminal background, have the greatest impact.
3. In line with the regulations and international obligations, the Islamic Republic's policy has always been based on intensifying the fight against this phenomenon, and after the victory of Islamic Revolution of Iran as one of the pioneering countries in the fight against drugs, and trafficking it was at a global level.
4. It seems that the most urgent task, in order to protect children, punishment is prescribed by law, to prevent victimization of children, in drug-related offenses.

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\textsuperscript{26} Habibzade, Mohammad Jafar and Maghdasi Ruin, Mohammad Bagher, "Introduction to the criminal protection of the child victim, the Iranian law, with a view to international instruments", a handy magazine, No. 55, 2006, p. 62.

\textsuperscript{27} Danesh, is guilty of an offense who, earlier, p 224.
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