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The Rights of Children against Forced Marriage At The International Level

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Abstract

Adoption is not recognized in the constitution of the Islamic Republic of Iran, This legal establishment, only a single article to follow non-Shiite Iranian personal status Act 1312, have been identified in non-Shi'a Iranians and for Iranians to oversee the similarities and distinctions like an explanation is. In this research effort, subject to adoption of legal rules and regulations of the state, French and British adoption law is discussed. Unlike the British and French law, the rights of the adopted child and the parents accept the verdict close supervision is not create. On both sides, some have regarded it as adoption. But others argued that, despite the similarity of the Law on the Supervision Adoption, an independent entity with a special status. Looking at the adoption of the law of France, England, and Iran's efforts to support the children new bill to be considered.

Keywords: Adoption, adoption, children, supervision

Introduction

Many scholars and psychologists new family the best environment for the growth of body and spirit for the orphanage children understand and treat these children in prison and exile It was noted that Islam and maintenance of orphans and orphans children in public places and providing food and clothing does not suffice them And strongly recommend that these children grow up and their families are treated with compassion. Adoption of the best ways to help orphans and children deprived of compensation for the families of children being used since ancient times to the present has been. The concept of adoption laws in other countries such as France and England are not acceptable for Iran to comply with Islamic law and jurisprudence and civil law, Is silent about the adoption and support of orphans whose only law was passed in 1353, the administration was accepted, However, the same adoption have made a difference, but it is also, The purpose of the law of the place of adoption in Iran, France, the UK, identifying weaknesses and faults, and the proposed change in the law to protect its religious roots is.

1. General Concepts and History of Adoption

To Login to the discussion of adoption, it is first necessary to become familiar with the concepts and issues on the subject. Adoption is typically defined as French books' ancestry through adoption, birth, unlike descended from a lineage of spiritual and psychological relationship based solely on a court that is not a blood relationship, and biological, (Jacqueline,1999:1600).

Adoption is defined in English law as "adoption, a method of providing a new family for children who can not be held with their original parents.» (Www.Adoptionuk.com) proceedings the Rights of the Executive legal where is the responsibility of all parents to be godfather and adoptive transfer, "Decree of adoption, parental rights and responsibilities of the core and move off responsibility and rights of the person or persons to the acceptor (acceptor parent or parents) are. After final adoption, no legal differences between adopted children and no children were born by the parents. Within the agency, adoption rights as other children of the same parent parents are receptive or not the difference between them. In Iran, adoption lawyers have offered various definitions which we will mention a few examples: "Adoption is that someone else who is not his natural children to adopt a child. The adoption to be recognized, to establish a relationship. Is not solely related to the natural law. In other words, with the adoption of an artificial relationship between parent - child or parent - child between two people can make. "(Safaei, 1385: 277), Doctor Katouzian believe due to adoption related to the adopted child, the adoptive father and adoptive mother, and their family is not. (Katouzian, 1382: 395-399).

But as he virtual proximity between the parties established that the author comes from a legal source of moral conscience and not in the financial interests of the child. So how about adoption, because of the court order has been made between the parties, must be rooted in ethics and the relationship was derived from internal sentiment, must be declared by a court order, but because of the court's the new law will be forced to establish a relationship that is creating a new state law.

Adoption agency's position before coming to the legal and ethical form origin of the heart and the hearts of the people, who, in various ways in various societies and civilizations, history has a long history. Adoption around the world before the law and for the common people appear bright rules And by benevolent individuals, persons or people acting under their supervision have been deprived of the blessings of your children have children. "(Ameli, 1352: 5).

The historical background, religious beliefs in this area can be involved, he said. In ancient Persia, the vast majority of Iran's population is comprised of Zoroastrians, the religious roots of adoption. "Zoroastrians believe that Paul laying ceremony can be understood as the root entity.

These sterile and childless people could get into Heaven to make a play for their adopted child. "

Adoption was very common in ancient Rome. At that time the family of the father (patriarchy) was based. The head of the family was wonderful And willingly gave up the family and her true children feel ostracized and alienated children admitted to the children. Widespread adoption due to religious reasons, because the Roman family, family celebrations and religious continuity must be guaranteed

The ancient Romans most likely had having children son, After his death it was necessary to continue a family, and it keeps the girls could do it, As a result of marriage, family, faith and the faith of her husband's family was released. Roman men would therefore necessarily have a son. (Emami, 1349: 404).

Christianity and the Law in the Old Europe culture, family and church are based solely on marriage between persons on the basis of a legal marriage recognized. Therefore, adoption in cultural, religious and traditional rights was inherently wrong and evil.

2. Consider adoption in Iran

Adoption of the concept in western countries, there are laws in Iran. In 1353, legislation was passed to protect children unsupervised. Under this law, parents without children, under the terms and conditions of the children who can not head to head, without the effects of relative affinity, such as inheritance and the sanctity of marriage, should be developed.

General terms Iran the law is based on Islamic principles, must be considered the legal status of adoption of the fiqh.

Islam has a lot of attention to issues of child unsupervised. There are many moral teachings about children. The rights of children have a lot of traditions and verses like Sura Baqara verse 22: "And they ask you about the orphans: say, it is better to correct them if they are your brothers and God can coexist criminals from honest opening knows, if God wanted you to effortlessly throw because surely Allah is Mighty, Wise. "

Surah Nisa¹ verse sink that I like eating fire devouring the children will be, "They are the property of orphans cruelty in fact, they are down on their stomachs in hell fire and the flame will happen soon."

Adoption "The word's origin means son Benno Tfl roots of Adoption, Adoption and boy has bite. "(Ansari, 1384: 626) whose son in Fiqh is not a real person, The man's son has been chosen by Tbny say that ignorance was common in Islam and it eliminated.

Considering the legal texts and the fact that the verses of the holy lawgiver, the legal effect of adoption of change and transformation and its customs have changed over the period of ignorance.

3. Adoption Rights in France

In France, like other countries, Roman - Germanic, adoption by the legal judgment of the Court by Family Court judges will be realized in two full adoption and simple adoption there.

Full adoption of the French jurists as "the rule of law children" are described as:

"Adoption full, complete separation of the child from the family of its original (non-relative and spouse) and another family is joining». (Be'tan. R, 1997: 4).

In addition, "full adoption of the foster child relationships parent adoption goes home to his parents. (Other than the biological relationship and descent ...). "(Ambrios., 1991:307).

Full adoption, is an institution in which the foster child from the custody, education, provincial, sanctity of marriage, inheritance and child, with a child of recipient's last name, there is no real difference. To complete the adoption, who is less than fifteen years, and the entire Jewish adopted children enjoy privileges but simple adoption "means the contract between the foster child and the person who takes her child to the death if the court accepts. Recent reforms in France just before the great persons or minors between fifteen to eighteen years could thus be adopted. Because he wanted to fulfill his adoption was necessary. But now accepting minors to consent to a child with a person or entity that is responsible for their supervision are permitted. "(Neighborhoods, 1386: 171).

Simple adoption of only some of the benefits of real children will benefit. This type of adoption is irrevocable, and the relationship of the child with his original family will not be interrupted. (Emami, 1383: 27) The simple adoption is agreed upon, but in general it should be the framework of the law. In contrast, all of the full adoption of the law is described.

In French law, adoption by unmarried individuals is strictly prohibited. Even if the child is considered to be the wife of an adopted child. Paragraph 5 of Article 348 of the French Civil Code, children under 2 years of

¹ Holly Quran , surea nisa

age who are under the protection of the welfare of children for adoption are offered to couples. Adoption is for children ages than their nationality is different.

In France for the adoption of two for the maintenance and monitoring of adoption there. Clause 3 of Article 348 of the Civil Code of France during the initial trial period of 2 months and 6 months.

4. Adoption rights in the UK

"In the UK, the most common and the most common reason that children, a family pass for adoption, abuse and mistreatment, the original parent Children for adoption are placed into three groups: children or abandoned infants, their parents adoption in complex situations, and apply those children who need social services and the courts have ruled that to their adoption. '

Children must be under the care and protection of their parents. If the parents do not support them or their children, "the parents are unable to resolve the problems that have been created or caused harm to the child, the role and contribution (such as alcohol consumption alcohol and drug addiction), the court may terminate the rights of parents to give them. In this case, the child can be admitted to the child "¹, Adoption Act 1968 in English law therefore adopted the provisions of the 1964 Convention of the Hague Conference on Private International Law will apply to the adoption. However, the qualification rules under section 24 relating to children was adopted in 1975, replacing the 1968 Act regulatory authority has ever been run. The But the Convention in July 1978 has been accepted by the Parliament amended the provisions of the Convention and Article 24 of the present Act, 1975 and the remaining provisions of the 1968 law on adoption runs.

In most jurisdictions, adoption by the parents (who have given birth to a baby) For my unborn or newly born child starts their families. Main parent, the child can choose whether to have a family membership. Depending on the jurisdiction, and local laws, Know a family who entrust their children to them, or they might find people who want to go with a lawyer, Or by finding a public or private institution entrust their children to them, which facilitates adoption. (Allen.N, 1992:82).

Adoption was arranged privately that they were illegal. Parents have the primary right of the child to the world that they are choosing this kind of adoption, open, semi-open or closed will be? Parents may file for them to view and choose from among them or the agency may select a family for them.

In England, there are law firms as intermediaries between the adopted child and the parents are receptive to the rights of these institutions have a place. They have different roles and functions. The institutions of the parties, to help with more information about their duties. These institutions play an important role to play in the period leading up to the adoption decision so that they can for their condition and refused to give inappropriate adoption. The decisions of these institutions are not conclusive and can complain. In the course of their general duty of consultation, advice and information to those parties.

5. Take a new bill to protect children and young orphans

The draft amendments to the current legislation with that of its strengths is, In order to expand the scope and improve the supervision and care of children and adolescents. However, some changes in the existing law is faced with a serious problem and is consistent with the public interest, Therefore appears to be associated with the modification or removal of the material is delivered and maintained by reforms that are appropriate and justified Children's Protection Act of orphans as it is explained in the introduction Reform Act of 1353 and the first attempt to address the limitations of existing Secondly, the scope of the deposit to eligible families with children and adolescents in appropriate circumstances, Third and Fourth promote alternative family care practices adopt rules regarding children who have been given a court order to temporarily Welfare. Child Protection Act to protect unsupervised children unsupervised on 12.29.1353 has been approved as noted earlier, The law of the "Adoption Act" is not named or Tbnv the adoption of Islamic law is not recognized But it should be noted that the adoption has led to the same extent and reject it partially fills the void.

After the addition of twenty Iranian constitution, which guarantees the welfare of children and emphasizes Insurance, The law also provides for women and children's parliament approved on 24.08.1371, And support to children and the law enforcement agency that has put the nation's welfare. The bill of material fact with regard to certain restrictions on child have elevated lead the body ,expand the scope and supervision while also strengthening alternative family care practices has predicted. In other words, this law change that occurred in the 1353 Act.

Children under the age of 12 years to 16 years, including increased supervision of juveniles placed under the supervision of inclusion bodies.

In addition, the purchase order is subject to the supervision of the applicant or the applicant's property the child or adolescent and to pay for child care even after the death of the guardian or guardians, life insurance law is in their favor. In addition, the bill died in child or adolescent under the supervision of a supervisor or

¹ (wwwAdoptionuk.com)

supervisors who are entitled to a pension fund he does not find a new superintendent until the death of the deceased has dependent family members.

You acknowledge that all the above bill is one of the strengths. But there are some problems with the bill, said in an overview:

First on the bill is the right of women and girls without a husband to take care of children and adolescents are unsupervised. While this can cause traditional marriage should be encouraged, And unmarried persons to provide a means for satisfying emotional deficiencies, In addition to the family know that the child's interests deserve to be supported Women without husbands and children without guardians are not able to meet all needs.

Second, while Article 1 of the 1353 agreement, together with the sole custody of the couple will reside the current bill for all Iranian citizens who are resident of or domiciled abroad are awarded custody. This is due to the lack of monitoring can cause problems to residents abroad.

Thirdly, the bill has been granted custody of the couple's children. While it is not clear that the best interests of children to be unsupervised. However, in most cases, children will be more interesting and kind of discrimination can have detrimental effects on child care, in addition, other provisions of the bill deposit differentiate between children and adolescents. To these types of families and couples without children are not allowed to purchase part of the property on all need to be considered. The Children of the couple's child custody claim was not feeling accepted.

Fourthly, although the introduction of the bill to justify the 1353 law about children who are temporarily assigned to the Welfare Organization is silent However, it should be noted that paragraph "b" of Article 6, the current child welfare institution for the deposit and three years have not visited their paternal parent or placed under supervision including the only consistency in the new bill is amended in paragraph three years, the "b" of Article 6 has been reduced to two years.

Fifth, some of the shortcomings of the 1353 Act, or in some cases, the bill remains tuned to the shortcomings of the law is more.

For example, the current bill decided to purchase the property after the death of the guardian or guardians of a child or adolescent is not at all clear. While the amendment of Article 5 of the 1353 Act, though with inferior terms, a rule has been imposed in the area. Also, in paragraph 2 of Article 16 of the 1353 Act and Education loss of power to the child's adoption decree is terminated, but the fact that Article 26 of the bill has caused the cancellation of the sentence.

Conclusions

The adoption of the law is not recognized. Iranian lawmakers addressed in a single article to follow non-Iranian Shia Shiite followers of the Zoroastrian religion, Judaism, is that the constitution is named. The adoption of these religions can and it works, so long as it is not contrary to public security benefit.

Adoption in France and the UK rights differ from the rights of supervision which was accepted, and it is a concept that is used in France and England; Although there are similarities between them. The major difference is that the adoption of the law in France and England, it can be noted that the root is adopted. Can be found in the roots of religion in France and England Rights Act It is only derived from.

The similarities between the rights of custody and adoption rights in France and England in the age of the parties to the relationship. But there are differences in the age and condition.

In France and England, they get adopted, the situation will go easier. But in terms of strict and sometimes harsh and incorrect definition of child support, cause, children under agency supervision may be less. Although admitting that the French or the British model is not fully consistent with the cultural, religious, moral or public order Iran but it can be used to review and revise existing laws and the rights and laws of these countries there are positive points modified in favor of the status quo and their families need our support.

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