

Studying the children's rights with an emphasis on Street and Labor children

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Abstract: During the history, there has been child abuse in all societies. However, this issue has recently been considered as a serious problem in Iran. The first judicial step for supporting the child abuse was in 1924 after the First World War by Community of Nations in Geneva. It was done as the result of war consequences and damages on children. This program was about nutrition, health, housing for war-affected and homeless children and protecting them against psychological and physical damages of war. This paper aims to find out the influential factors and causes in observing the children's rights with an emphasis on Street and Labor Children. Street children phenomenon in Iran, especially the metropolitans, is considerable as the result of these children's presence all over the streets in different forms such as selling gum, newspaper, flower, tissue paper and shoe shiner. This phenomenon spiritually and mentally annoys and hurts the Iranian altruist people. We can fight against this phenomenon as one of the most important social pathologies which continues an increasing level and affected by social, cultural, political and economic situations and factors.

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Introduction

In fact, child labor is related to family poverty: children of low-income and poor families have to help the parents in increase the income. It is usually done through participating in group works or finding a job out of home. Family power is one aspect of economic, social and cultural retardation which can be seen in most of countries and societies. The other main factor which leads children to marketplaces is lack or insufficiency of training centers or distance of these centers from children's living place. Since that 300 children show the inattention of adults to the world through their small clenched fists in First Children Exploitation World Congress in Florence, Italy (10-12 may 2004), we have no long distance. Shivari, a ten-year -old child from India, who was encouraged by the extensive and large presence of advocates and NGO members working in this field, was called to podium to announce loudly that: I have come to Congress to tell people that children must be taken out of labor market. Alice from Ivory Coast, Raffia from Cambodia, Ana Louisa from Honduras etc. along with Shivari, an Indian carpet weaver, remind us the endless sorrows and sufferings of children who have forgotten their childhood behaviors and they live in different parts of the world. With childhood Openness and honesty, they say that the heads of states and government officials have forgotten their children

(Hosseinpour & Baradaran, 2012:1). Throughout the history, there has been child abuse in all the societies. However this issue has recently been considered as a serious problem in society. It is said that child abuse and misuse is available in all ethnics, cultures such as rural or civic one. There are different factors and causes related to child abuse and maltreatment. An ecological model of child maltreatment offers several factors in the emergence of child abuse such as the parents and social factors (Kumaraswamy, 2010:24). In Iran, there is age limitation about criminal responsibility. That is, people, less than 18 year old who commit offenses, will be held in a juvenile institution. Law has looked at this phenomenon, child labor, from two aspects: works which are done obviously such as selling omen, flowers or working in workshops and houses in an organized form. Legal challenge in this point refers to lack of management and regulation in fewer than 10 - member workshops. It has made a great gap in child employment because it is possible to face many problems in these workshops. It seems necessary to recognize the labor children not only children working in streets but also children working in different areas and consider appropriate procedures for them. According to Labour Law, the legal age to work is 15 years old. If under 15 year- old children are forced to work, it is illegal. Based on the Employment Law, people can be

employed in 18 (Nasiri, 2012). Because of that, in most parts of the world and in spite of many studies, letters and conventions, presence of children in streets, valleys, workshops and fields is changed to an accepted phenomenon. According to the United Nations' report, one out of 6 children is working in the world. Without being familiar with precise meaning of exploitation and its definition in social and economic literature of adults, labor children in India go to carpet weaving workshops, in Haiti work as domestic servants (Hosseinpour & Baradaran, 2012:1).

Children easily become the victims because they are dependent on their parents and supervisor and they also do not know how to protect themselves. They are mainly unaware from their parents' wrong works (Cox, 2005:7). In Thailand Streets, children are forced to beg, in Brazil have to pick the fruit, in Albania, children are subjected to sexual exploitation, in Iran children, children do begging, work as domestic servant, subject to sexual exploitation from their father's side, they are killed by their fathers too (Hosseinpour & Baradaran, 2012:1). Realities show that in spite of statements and declarations, establishing institutions and different organizations for supporting the children's rights and also in spite of considerable costs of these organizations (like allocating billion dollars to military services), now again we can see a lot of children in different parts of the world die from poverty, disease etc. as the result of cultural, social and economic poverty (Zahedii Asl, 2002:204). Childhood definition is one of the attractive and important subjects in studying the child issues. The reason is that institutions and the different laws and regulations offer childhood definitions which make it difficult to plan programs for this class not only in Iran and less developed countries but also in developed countries. From legal perspective, child is one who has not got the physical and mental growth in their age because the real life of child and childhood starts with birth (Aghabeighlou et al., 2001: 13). CRC defines a child in Article (1): "a child is one less than 18 years unless under the law applicable of child diagnosed less than that (Ebaadi, 1376:5). As we can see, according to this Article, recognizing child depends on internal laws of each country. As stated before, this makes some problems in planning for this class. For example, in Britain, there are some criterions for being considered as a mature person such as being graduated from school, having right to vote, having driving license, being able to be independent from the family, having right to marry and finally getting to legal age. These criterions, especially in family, have made doubts about passing the childhood. In Iran, although according to Paragraph 1 of Article 1210 in the Civil Code, "the age of maturity for boys is fifteen lunar years and nine

lunar years for girls", but based on Article 79 of the labor law "forcing people under 15 years to work is prohibited," and also in accordance with Article 36 and Article 29 of the Presidential Elections Act Parliament, electors should have the following requirements: "1. Citizenship of Iran, 2. Being 16 years old and 3. Not suffering from dementia. According to the legislation of Parliament in February, 2006 that has been approved by the Guardian Council, "age of voters changed to 18-year-old". Having these kinds of contradictions in regulations makes it impossible to offer a complementary definition from this class. 'Children rights' means rights of child as the result of being in childhood or being deprived from them. Therefore, some parts of regulations, in which we can see no effect of age and are operated for both infants and adults, they are not considered as children rights (Ebaadi, 1996:3). Street and Labor Children, because of their social status, must be supported by societies. According to the International Labor Organization in 2004, more than 243 million children worldwide are working in which the highest proportion belongs to African and Asian countries, especially India and Pakistan. Iran is not exception in this issue. Because of being young and lack the monitoring devices, these children are being exploited and in many cases do not get the true value of their labor. It is not easy to achieve the precise and exact statistics of children working in different sections. However, some informal statistics show that number of these children is over 900,000. That is, 900,000 people whose names are officially recorded: Half of them have stable and full-time job and the others have seasonal job in carpet weaving and brick baking. On the whole, 80% of street children are Labor Children who have to work as the result of family poverty. These children manly live in some provinces such as Khorasan, Tehran, Lorestan and Kurdistan. Statistics show that 90% of these children have parents, 80% are immigrants, 42% are from different villages and cities, 38% from the other countries, 78% male and between 5-18 years old (Bazare Kar, 1391), while, based on Labor Law in Iran, it is forbidden to force children to work. It is also forbidden to force 15-18 year- old teenagers to physically hard working. While Labor Law in Iran has forbidden the work of under 15 years old, it allows 15-18 years olds to work under some exceptions. Teens' work hours in Work Act is one hour less than the average worker and the employer has no right to assign extra hard and harmful work to the adolescents. Four years ago, Iran government passed a new regulation for omitting the teenager's working in which 23 jobs related to welding and instruments with high were forbidden for teenagers related to welding and some machines with high vibrations. It is required by law to employ teenagers to have medical

examination. These examinations must be repeated annually. If there is not harmony with the results of examinations and the job, employer has to change the job as well as possible. According to this law, using children in some works such as digging canals, working in factory farms, slaughterhouses, carpet weaving and carpet weaving workshops, cooking stoves in homes and bakeries is forbidden (Bazare kar, 2012). Lawyers believe that if the laws are not properly implemented to prevent child labor, children are placed in situations that they should not work. According to Islam's procedure in human right and especially its focus on children's dignity, it seems easy to prevent children from hardworking. This fact that thousands of children work in different sections is opposite of Iran and international laws. CRC principles that protect the rights of children have a special place in many countries, including all the world's children. In general, Rights contained in the Convention can be categorized to fundamental rights, participation rights, civil liberties, the support right and the right to prepare security. The law contradiction in Iran is very obvious in which the maturity age for girls is 9 and for boys is 14. While Iran labor Laws say working between 15 and 18 years for children is permitted. Under this law, the legal work age is 15 years, but on the basis of a civil service law, the legal work age is 18 years. In order to support the children's right in Iran and war against any phenomenon which leads to violation from children's right, the law makers must see the issue in large view and try to support this class in society. In spite of all legal gaps in supporting the children rights, the present laws are not performed. If it was done, we would not see the children working in traffic lights and public places or parks. That is, these children could enjoy from the state supports all over the world and would enjoy their childhood. To know the ways of regulation and management in law makers and the authorities and that whether there is source to manage them or not, it needs extra research and study (Nasiri, 2012).

Children Rights Convention (CRC)

Since that child of human being is the weakest and strongest one on the earth. Weakest because unlike the other creatures, he cannot walk or fly. Then, he needs support and maintain: Strongest, because he is representative of the most evolved organisms which passed 4 billion years miraculous life process (Forouzesh, 2005:13). In the other hand, children as the result of being qualitatively different from the adults, they have especial needs, characteristics and interests, in the way that these differences are present in physical, emotional, social and cognitive areas. In spite of cultural, social, economic differences, it seems necessary to have universal criterions which can help

improve the life quality of children all over the world and try to close them to each other. In the other hand, because of having an expanded network of communication in the world, it is necessary to cooperate in various basic issues such as the children rights. Therefore, existence of an independent Law Convention for children is inevitable.

History of Convention

First step for supporting the children was after World War I in 1924 as the result of war consequences and damages to children. It was done by United Nations in Geneva. This was mainly focused on some cases such as nutrition, health and housing for war-affected children and supporting them against physical and mental hurts. After the Universal Declaration of Human Rights which was adopted in 1948, limited to the rights of children. However, the children's especial situation and violation from their rights in armed conflicts and vulnerability of this class during the Second World War made it necessary to pay much more attention to children's right and protecting them in a separated document. In 1959, Provisional Draft Declaration on the Rights of the Child by the Commission on Human Rights offered by the Commission on Human Rights to the Economic and Social Council and accepted. In fact, it is considered as the bases of Children Right Convention. However, since that declaration of 1959 never force the governments to operate them and it did not have the legal value of resolutions in UN General Assembly, we could clearly see violations against children rights all over the world, in the way that there were shocking reports about increasing rate of exploitation and abuse from children. In 1978, the Polish government created special mechanisms for the protection of children, which finally, after ten years of discussions between the governments, the draft resolution was conducted on 20 November 1989 in 54 articles by the General Assembly and finally it was operated with the approval of 20 countries in 1990 (Mosaffa, 2003:15). Gradually, the other countries accepted, in the way that in 1997 almost most of countries (189 out of 193) accepted it under some conditions (Ghasemzadeh, 1997). Children right convention has some especial characteristics which separate them from the other international commitments. We mention some of the in the following part: The first and most important characteristic of the convention is that the whole countries of the world (except some of them), in spite of being different in social, cultural, training, health, space, security, welfare differences fields, they have accepted this commitment as they are aware from the importance of childhood and training children and also the children's main role in development of countries in future. The other characteristic of this

convention refers to widespread of the audiences as the result of having under 18 year - old in first article as the large population especially in the third world countries. Flexibility is the other characteristic of convention. In spite of some social, cultural and the other differences, it is possible to perform this issue in the whole countries. Universality of convention is also considerable, because this commitment includes the whole aspects of child life such as physical, mental, emotional, social psychological growth. This commitment is collection of the experts' experiences in different areas beyond their racial, political and religious bias. The other characteristic of this commitment is to consider child as an independent person from their adults with especial needs and identity. In this commitment, it is considered necessary to have government's interference in affaires especially when child rights in families relate with the other institutions. In this situation again, the government has to support, protect and help the children. There are large number of authorities such government, family, NGOS, international institutions, attention to family institution and priority of children benefits. They are considered as the other aspect of this commitment (Ghasemzadeh, 1997). We can say that this situation comes from deficiencies in generalization of regulations and laws related to supporting and training children and also regulation on law equality. The other fact is that there is a direct correlation between child labor and high social problems, addiction, divorce, migration from rural areas to cities, unemployment etc. which are the result of unequal distribution of sources and increasing gap between the classes. Since that through worse situation of families, in both economic and social aspects, children has to aspect some responsibilities of families, in the way that thousands of children, in spite of their willingness and as the result of the family poverty, are considered as the young breadwinners of poor families. We have to look for the reasons of this fact in social and economic policies (Bazarekar, 2012). What is definition of Street Children in First Article of CVC? Street Children are under 18 year- old people who live and work in street. They either do not have family or do not have access to families. It is not possible for them to return to families while families are waiting for them (Maleki, 1385:3). In other definition, street children are ones who have dropped out of home because individual, family, social factors for providing their own life. Therefore, they have had to live and work in streets, parks. Most of these children have no contact with their families (Ibid, 5).

1. Children on the Street: they are children working in the street. They belong to poor ad crowded families. Reason of being in the street refers to getting money. These children have sense of

belonging to family in different forms. It can be several times in a day till sometimes in a year. Some of these children go to school in spite of having difficulties in and problems such as using drugs and illegal behaviores. In general, they have less illegal behaviores. They constitute the majority of street children.

2. Children of the street: it includes small number of children, but their problems are more complicated than the other groups' problems. For these children, street is like their home, they are homeless and the other people in street are like their family members. They do not go to school and live illegal in the street. They might become victim of physical and sexual abuses (Shaverdi, 2004:21).

Based on sleeping place, rate of relationship with family and supervision forms, we can offer a different classification from street children. As mentioned earlier, street children as a social fact in most of societies are considered as the second half of 20th century events. In this way, every day we see so many street children who beg in the street and follow illegal and inferior works. They are abused and harassed in the way that some of them are reported but some of them are kept secret. This phenomenon leads to many social disorders, individual diseases, social anomies etc. (Sheykhi, 2004:36). Street children are victims of family, social and economic situations. Delinquency of street children has wide negative consequences such as selling and buying these children, sexual abuse, aggression, sexual harassment, psychological harassment or killing. About a hundred million street children live all over the world out of which 40 million live in Latin America. Main reasons of increasing number refer back to social, economic situations, poverty, and mass migration of rural people. Basically, one of the well-known criterions of development in WHO and UNISEF is situation of children in a country. Situation of children and women are the most obvious signs of a countries and communities capability. If in a country the youth are vulnerable and are not supported to find their own way, in those countries people will be misused and put their country in danger as an equal partner. Weak and vulnerable women and children will make a country dependent and weak. Instead, women and children, who are strong and can benefit their own rights, will have independent and self-reliance countries (Jangholi, 2003). Jangholi studies the most important causes of children phenomenon and their supervision. The most important reasons of running away from home are as follows:

Crowded families, emotion poverty in family, polygamy, fear from punishment as the result of their works, school problems, disability, being ridiculed by

the other family members, failure in lessons, family pressure, bias, low tolerance of children against the pressures, addiction of one of the parents, tendency towards personal independency, trying to find a job.

The main reason for running away from home in single-headed households under supervision of father:

Meantime, though parents have been separated for some reasons, they do not have right to deprive the child from the other parent. That is, the child has right to visit someone who is comfortable with. Islam, with special attention to the needs of children, especially in early childhood, says that the right to visit is from one hand, the parents' right and from the other hand the children's right.

1. No discrimination between children and parents

Preventing discrimination and justice-centered behaviors are goals of Islam. Quran, in verse 8 of Maede, says that justice closes us to God. God has invited all the people to justice and being away from discrimination. One group of vulnerable people in this way is children.

2. Preparing affection and emotional needs of the child by the child's legal head

Researches of many psychologists have confirmed that the most basic need of the child is their emotional need: there are many criminals who became criminal as the result of shortcomings in emotions and feelings. Islam has also stressed necessity of answering the children's emotional needs. There are many examples in Imams and Prophets Speeches about importance of this issue and necessity of attention to it. In fact, based on Hadiths and Imams' speeches, being indifference to children's rights leads to God's rage, especial when the children are affected psychologically and mentally.

3. Observing Child Identity Rights

Another parental right to the children is verifying these facts that they are his/her parents and persuade the child to accept it. Then, one responsibility of parents is to accept their own child and using their family names in children's name.

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