

Violation: Child Labour Rights in Iran – Analysis and Solutions

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Abstract

Child-rights violations and child abuse have long histories in human society, taking on different conceptual definitions in each period. Children are considered to be the most vulnerable group of the human community, directly suffering from all kinds of hardships, pressures and miseries caused by the ways adults live. Today, there are millions of children across the world who are living under difficult conditions and having their rights violated because of the loss of their parents, displacement from war and natural disasters, malnutrition, infection with dangerous diseases, parental addiction and divorce problems, abuse by drug traffickers, prostitution and forced labour. However, children's rights violations vary in different parts of the world. Children in developing nations are more likely to suffer from poverty and its consequences, such as malnutrition and a lack of healthcare and educational amenities, while in developed countries, children are affected by moral problems and weak family foundations. This article is an excerpt from the book *Traces of Exploitation in Childhood (A Comprehensive Research on Forms, Causes and Consequences of Child Labour in Iran)*.²

Keywords: Child rights, government agencies, analysis, solution

Introduction

In today's world, where the public understands the importance of social justice and the global community has realised that one of the most important preconditions of sustainable development in societies is to establish justice and eliminate inequalities, child labour and measures to reduce and put an end to it are of high significance. This is because, if children, as the most vulnerable and powerless group in society, fall victim to social inequalities, are deprived of education because of poverty and are engaged in forced labour, society will miss its ideal of sustainable development.

Regardless of the fact that child labour harms the health of the individual and society and is a violation of human rights, there are still many children around the world who fall victim to it. Child labour is a crisis that originates in a society in which policy-makers fail to create equal chances for all to reduce poverty, or politicise this very important issue for their own interests. Contrary to national and international rules and regulations, as well as international conventions on elimination of child labour, children are still continuing to get hurt within the forced-labour cycle, especially when many of these labour forms are

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considered to damage the child's natural development process, endangering his/her physical and mental health.

Global measures to reduce and end child labour have been initiated for years; in 1999, the International Labour Organization drafted a bill specifying the minimum age for employment, by which employment of children under the age of 15 and of children under 18 in harmful occupations was prohibited. After this bill was signed into law, many countries, including the United Kingdom, amended their domestic laws to fight child labour. In 1973, the International Labour Organization passed the Convention on Eliminating the Worst Forms of Child Labour, known as 182, prohibiting the employment of children in difficult and harmful work. In 2020, when all countries of the world acceded to this convention, the United Nations declared 2020 a historic landmark in the global measures to stop child labour and named the year 2021 The International Year for the Elimination of Child Labour. Earlier, the year 2015 had been named the year for child-labour elimination.

Despite these measures, UNICEF and many other children's rights agencies declared that child labour would not be eliminated unless poverty was alleviated. This suggests that, although national and international laws have, in some countries, prohibited child labour, one should take into account children's income levels and subsistence. With this in mind, the following questions are raised:

- Under what circumstances are children forced to work?
- What are the factors affecting their work?
- What are their other options, if they abandon their current work?

Many countries in the world have prohibited child labour under a certain age. However, no such prohibitions are at work for child labour in some countries. What matters in relation to child labour is the defined status of the work. Children experience the worst working conditions in some parts of the world. For example, they may be entrusted with the most tedious work or what are known as the 'worst forms of child labour', which may prod the children into delinquency. Child labour is officially defined in two categories in different countries: first is the type of work, and second is the minimum suitable age for that work.

'Child labour' refers to the exploitation of children through any form of work that deprives children of their childhoods, interferes with their abilities to attend regular school and is mentally, physically, socially and morally harmful. Such exploitation is prohibited by legislation worldwide. The second category is the suitable working age and its repercussions on children's health and development. Accordingly, the International Labour Organization's Convention No. 138 specifies a minimum age for various work, declaring that, if a child under the set age goes to work, it is a case of child labour.

In Iran, Article 79 of the Labour Code prohibits the employment of children under the age of 15, and if an employer recruits children aged under 15, he shall pay fines for it, serve imprisonment and have his factory permit revoked. Article 84 of the Labour Code also stipulates that the minimum working age will be 18 years for occupations deemed detrimental to the health or morals of adolescents; this issue is determined by the Ministry of Labour and Social Affairs. As per Article 80 of the Labour Code, 'A worker aged between 12 and 18 is called an adolescent worker and must be medically examined by the Social Security Organisation before being employed.' As per Articles 80 to 84 of the Labour Code, the employer can utilise an adolescent labour force under certain conditions, which include:

- medical examinations are mandatory for the adolescent worker;
- the daily working hours of the adolescent worker must be half an hour less than the normal working hours of other workers;
- it is forbidden for the adolescent worker to do any additional work and work at night;
- it is forbidden to entrust an adolescent worker with various kinds of harmful, dangerous and excessive work, such as carrying loads by hand without using mechanical instruments; and
- it is also forbidden for the adolescent worker to engage in work that is morally indecent and harmful.

Literature Review

Like international organisations such as UNICEF, the World Health Organization and the International Labour Organization, which provide extensive research on child labour every year, there are many researchers who have conducted studies into child labour and addressed its causes, providing significant findings in relation to this study's subject. The following section includes some of these studies and their results.

Ah Eng's 2017 study entitled 'Child Labour in Small-Scale Industries in Penang, Indonesia' concludes that child labour is a product of the economic and social conditions of the Third World. On this basis, in a social organisation in which people work to earn a living and for group survival, child labour constitutes a part of socialisation that meets the need for a future labour generation, thus helping eliminate economic problems. However, poverty is the main cause of child labour. In their study entitled 'Child Labour Routines in the South Nations', Boyden and Holden (1991) suggest that economic necessity cannot account for the whole story because many parents presume that early learning of a profession would be the best way to get their children ready for future life, and therefore seek to get them employed in various fields. Boyden and Holden argue that unsuitable reactions to child labour worsen the situation, rather than compensate for the degraded social status of forced labourers. The expulsion of child labourers from the garment industry in Bangladesh and the subsequent abject circumstances of children in the early 1990 is an example of such a reaction. Contrary to the Bangladeshi legal provisions, around one-tenth of the 750 thousand workers in garment factories across Bangladesh are children under 14 – mostly girls who do light work.

The Bangladeshi Government had threatened the managers of these workshops with the imposition of international sanctions on those goods produced by child labour, and the managers responded by expelling children from the workshops. As the following research suggests, the expelled children continued to work, however, and none of them resumed education as anticipated. Rather, they engaged in riskier working conditions and informal street labour (such as sex abuse). Compared to the group still working at the garment workshops, these children suffered from poorer health conditions, more severe malnutrition and lower incomes. In response to questions raised by the press, the children stated that more convenient workshop labour, along with two to three hours of education at school, could be the best solution to alleviate their poverty. These statements led to the development of a new plan, which required employers to re-employ children who had already received educations.

Bonnet's research entitled 'Child Labour in Africa' (1993) demonstrates that the unemployment crisis has led parents to conclude that education is merely a means to getting a degree, rather than a good way to ensure getting a job in the future; meanwhile, parents also concluded that continuing to work in an economic environment depended on the unofficial sector.

In the book *Children at Work: Health and Safety Risks*, Forastieri (2002) looks at various forms of child labour and the dangers surrounding them. As the book suggests, child labour is divided into agricultural work, small-scale work, housework and unofficial work. The book also examines child-labour conditions.

In the book *Child Labour*, Wall (2006) evaluates the working conditions of children in various industries in India. He firstly provides a quantitative examination of child labour in the studied industries and then addresses the working conditions of children in different industries, such as glass-making, agriculture, poultry, handicrafts, etcetera. In 2012, Payam Roshanfekar and Delaram Ali studied the most vulnerable areas for children in the article 'Zoning of Social Harms Threatening Children in Tehran', which focused on districts 17, 18 and 19 in terms of domestic and foreign migrants and the most prevalent harms, including addiction and child abuse. This article reveals that non-governmental organisations ('NGOs') are mostly focused on child labour and child abuse, and few organisations address child addiction. In this regard, researchers propose providing a context for supporting and launching community-oriented NGOs to empower local communities, raise community awareness and make state agencies more responsible for helping children fight addiction.

The Paranfar's study (2008) entitled 'Social Policies Conducive for Street Child Labour' concerns various preventative, supportive and structural policies. For example, the preventative measures aimed to identify low-income and vulnerable families through such agencies as the Welfare Organisation, the Relief Committee, the Prisons Organisation and schools. The research also proposes identifying poverty-stricken neighbourhoods, supporting and empowering families, enabling schools and the education system, reforming laws, effectively implementing macro-level policies (such as alleviating poverty), creating job opportunities and reducing unemployment, providing socially acceptable services as well as support services, providing insurance and social security, implementing collective planning accurately, providing education for all, implementing cultural programmes and social-development programmes for villages and deprived areas, and paying special attention to local and indigenous economies, which would reduce migration to metropolitan areas.

Child Labour

In its 2021 annual report entitled *State of the World's Children*, UNICEF included a special section called 'Child Protection', in which it provides statistics in relation to working children according to age and gender in most countries; i.e. the countries declaring statistics of child labour. In the same report, children incorporated into the category of 'child labour' are divided into the following sub-categories in terms of age and working hours:

- children aged 5 to 11 who do at least one hour of economic activity per week, or a maximum of 21 hours' housework per week; and
- children aged 12 to 14 who do at least 14 hours of economic activity per week, or a maximum of 35 hours of economic activity together with housework.

Article 138 of the International Labour Organization Convention stipulates that light labour must have the following two characteristics: firstly, it should not harm the child's health and development; and, secondly, it should not interfere with his/her school affairs and potential. Statistically speaking, light labour for children of 12 to 14 is labour that is safe and does not exceed 14 hours a week. As set out by the International Labour Organization, the minimum permissible age for light work should be 12 or 13; however, children can do things legally allowed for a particular age group, such as house work, considered to be part of job training. Meanwhile, the minimum employment age is set out in national law and can include children of 14, 15 or 16. It should be stated, however, that all risky forms of child labour, as set out by the International Labour Organization, are prohibited for all children of any age.

Sociological Approaches

Social Disorganisation

'Social disorganisation' is defined as the inability of community members to achieve shared values or to solve jointly experienced problems. Social disorganisation actually occurs when not all components of a social system are harmoniously adapting to functional needs and environmental changes.

On the other hand, this disorganisation occurs when equal opportunities and conditions are not provided to all social groups adapting to environmental changes. This helps form vulnerable groups within communities, which are an undeniable reality.

For Robert K. Merton (2019), 'anomie' – defined as the uprooting or breakdown of any moral values or cultural structure – emerges when there is a gross incongruity between cultural goals and norms and the available means to achieve those goals and norms. In a stable society, there is a balance between socio-cultural goals and the publicly acceptable means of achieving them. Anomie occurs when this balanced relationship is disrupted, causing a series of socio-cultural crises that can hamper economic development. Accordingly, the exclusion of a group of society from a rapid development-cycle will be inevitable. When moving into modernity, societies are confronted with its prevailing values, such as advancement and instrumental rationality, followed by such developments as complex labour division, uncontrolled population growth and urbanism, social segmentation and the rise of individuality, which may cause various social problems. Social development and growing urban values may lead to an influx of immigrants into large cities and rising population rates, thereby disrupting balanced development in developing societies. These social problems could lead to bigger problems such as traffic congestion, environmental pollution, sub-urbanisation, robbery, murder and violence, prostitution, poverty, addiction, physical and mental illnesses, and all kinds of offenses and social deviancy. Since developing countries have failed to establish the necessary grounds for the production, employment and training of manpower, the growing population will suffer from low per-capita income and GDP, plunging levels of industrial development, higher production-incurred expenses, socio-economic dependence, illiteracy (or low literacy levels), unemployment and housing problems.

Theory of Symbolic Interactionism

Symbolic interactionism is 'a sociological theory that develops from practical considerations and alludes to particular effects of communication and interaction in people to make images and normal implications, for deduction and correspondence with others' (Hall, 2007). It is an approach to explain social issues. This

approach was first developed and expanded to review such social issues as the spiralling urban population in Chicago, USA, and, for this, it is usually referred to as the 'Chicago School'.

Unlike structural functionalism and conflict theories, which emphasise structures and functions, this approach focuses on the interactive relationships between people and groups in a society. This approach actually emphasises the mental and inter-subjective dimensions of actors who constitute the social reality, considering social issues to arise from actors' subjective and mental mindsets from the social conditions, as their subjective interpretations are thought of as constantly changing realities.

Also, because this approach emphasises actors' goal-orientated motivations and choices, which help establish social realities including social harms, it is thus feasible to use this approach to study children's motivations to engage in work.

According to the child-centred theory, the question is, 'How is child labour constructed and made meaningful?' This theory emphasises children's self-reports and attaches importance to their own potentials and competencies when making decisions about their own future lives. Child-centred process implies agency in social organisations.

Conflict Theory

According to the conflict approach, two Marxist and neo-Marxist theories govern social issues. The former emphasises economic conflict and the latter social conflict from the conflicting values and interests of social groups. This perspective posits that conflict is an integral part of human societies.

Advocates of conflict theory emphasise the wealth and power mismatches in society as well as differences of social class, race, ethnicity, gender and even age and generation, as Karl Marx believed that social issues originate from personal property and the exploitation of social classes, which necessitates the achievement of a classless society to alleviate the capitalist system and to liberate man from its bondage.

According to conflict proponents, the incidence of social harms in society's transition to development will be inevitable, as the social reality is conflicting and constantly evolving towards a desirable situation. Meanwhile, many of these social harms will result from internal propaganda of the capitalist system. As Marx stated, the capitalist system hampers creativity, innovation and human freedom.

Thus, social issues are essentially rooted in 'economic' sources. According to this theory, child labour is a product of the capitalist system.

Reasons for Child Labour

Although almost all studies of child labour conclude that poverty is its main cause, it appears that this social problem is more or less prevalent in developed nations (though at a lesser rate).

The reasons for child labour can be examined in terms of both supply and demand. Beginning with the supply side of the story, almost all researches have considered poverty to be the main cause. In terms of demand, the families of working children (especially in rural communities) contribute greatly to the issue of child labour. In 2007, the International Labour Organization examined the supply and demand sides of the child labour situation and found as follows.

Supply-related reasons: These factors include poverty, family living conditions, social and cultural norms, flood-risk theory, earthquakes, disease, unemployment, war and other conflict, family loans and debts, unequal distribution of income, and instability.

Demand-related reasons: These include the assumption that children have agile fingers, especially when recruiting them into gold and diamond mining; the labour-structured market; employers' profits; and lower wages.

Generally speaking, reasons for child labour are divided into three general categories, referred to as 'Futures without Child Labour' by the International Labour Organization.

- *Immediate reasons:* a lack of money or food; rising commodity prices; accumulation of family debts; family turmoil such as death or illness of the head of the household; falling product harvests; lack of schools or the presence of low-quality schools, or weak and irrelevant curricula; demand for a cheap workforce at small-business workshops; business imbalances; and family-farm income at the expense of workforce.
- *Latent reasons:* disruption of extended families and unofficial social-support systems; illiterate or low-literacy parents; rising fertility rates; growing cultural expectations of children's work and education; class conflicts; ethnic, national, religious and racial discrimination; perception of poverty; the desire to consume goods and have better living standards; and pressure by families on children and by the rich on the poor.
- *Structural reasons:* plunging national income; inequality between various nationalities and regions; undesirable business situations; social turmoil, such as wars or upheavals; financial and economic crises; AIDS and migration; inadequate political or financial pledges for basic education and social support; weak governance; social deprivation of marginalised groups; and illegitimacy or failure to effectively enforce laws.

Contrary to the public view, child labour is not only the problem of developing countries. The phenomenon of child labour can be found across the world. However, the International Labour Organization's reports and documentation by researchers have demonstrated that, the higher the level of development, the less child labour.

The following sections concern the reasons why child labour is happening and its causes.

Regions	Number of Child Labourers (millions)	Prevalence of Child Labour
Developed countries	5.2	2%
Transitional economies	4.2	4%
Asia and Oceania (Asia-Pacific)	3.127	19%
Latin America and the Caribbean	4.17	16%
Sub-Saharan Africa	0.48	29%
Middle East	4.13	15%
North Africa	211	18%

Table 1: Regional Estimation of Children's Economic Activity, UNICEF 2000

Child Labour Division

Rodgers and Standing (1981) consider labour to be part of a wider range of children's activities. They have demonstrated ten categories of child activities: housework; non-housework; no-wage work; group or collective work; wage labour; insignificant economic activities; education; indolence and unemployment; recreation and leisure; and productive and reproductive activities. Although these activities seem to be wide-ranging for children and could include a variety of other activities, not all of these categories are completely informal and arbitrary. Thus, none of them are mutually exclusive.

UNICEF, on the other hand, may have adopted a reductionist approach in this area, considering only three major areas for children:

- **No-wage housework:** This category is divided into sub-categories of housework; agricultural work such as farming, harvesting and shepherding; handicrafts or cottage-related industries such as carpentry; or leather-making and leather-weaving.
- **Inside the family but outside the house labour:** This category includes shepherding or agricultural work, which may be full time, seasonal or migratory-based; as well as home service (i.e. when a child serves another family); productive work; and employment or personal work in an informal economy.
- **Outside the family labour:** This category may include recruitment by others, such as servitude and forced labour to pay off debts, including apprenticeships, helping with professional commerce, non-professional industrial work in mines, etcetera, and housework. This category could also include

begging or engaging in prostitution. In this group, children may also be personally involved in informal labour such as waxing and washing cars.

In light of this division, one would argue that the criterion for labour division is doing work either inside or outside the family; although this is a very controversial view. As White referred to in 1994 (Bessell, 1996), it is by no means clear whether or not the children working with or for the family may be exposed to lower risks. Those who want to understand the situation of children working in a hypothetical place need to work out many different factors, including:

- Is the work done in an urban area or in a village?
- Are wages considered for the labour or not?
- Are these wages in cash or in kind?

James, Jenks and Prout (2004) provide another division of child labour as follows:

- Any work at the house, commonly known as 'housework', including cleaning and tidying the house, making food and taking care of younger children.
- Any work for earning a living on farms or in shops, such as exchanging goods.
- Any work as an apprentice, which requires the child to work at another house or place while learning an art.
- Any work as a slave or a contract worker sold to others and working for their interests.
- Any begging on the streets, working either for themselves or as part of a group for their family, group or gang.
- Any work as a worker on farms, in factories, or in shops for wages.

The World Labour Organization's estimate suggests that approximately 250 million children are currently working in developing countries. It is not, however, clear how many children are working at home, though they are plenty. As documents by the International Labour Organization have shown, girls under 16 are more involved in this category than any other group. Considering the hidden nature of household affairs, it is difficult to provide a reliable number of children involved in housework. Data from existing research only show the tip of the iceberg, which mirrors concerns about this phenomenon around the world.

Prohibition of the Worst Forms of Child Labour

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, known in short as the Worst Forms of Child Labour Convention, was adopted by the International Labour Organization in 1999 as the ILO Convention. This law, which was ratified after setting out a minimum age of employment, was aimed to prevent child exploitation through national and transnational measures. The Convention emphasised free education and meeting the basic needs of children and their families. This Convention, with its 16 articles and recommendations, was ratified by the Iranian Parliament in November of 2002 and approved by the Guardian Council.

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Articles 1 to 3 of the ILO Convention include certain forms of child labour that are predefined as the worst forms of child labour, including the following:

- all forms of slavery or practices similar to slavery, such as
 - the sale of a child;
 - trafficking of children, meaning the recruitment of children to do work far away from home and from the care of their families, in circumstances within which they are exploited;
 - debt bondage or any other form of bonded labour;
 - forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- commercial sexual exploitation of children ('CSEC'), including the use, procuring or offering of a child for:
 - prostitution, or
 - the production of pornography or for pornographic performances;
- the use, procuring or offering of a child by others for illegal activities, also known as children used by adults in the commission of crime ('CUBAC'), including the trafficking or production of drugs
- work by its nature that is likely to harm the health, safety or morals of children

Programmes of Action by the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

The measures set out in Article 6 of the Convention include the following:

- (a) identifying and denouncing the worst forms of child labour;
- (b) preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;
- (c) giving special attention to:
 - (i) younger children;
 - (ii) the girl child;
 - (iii) the problem of hidden work situations, in which girls are at special risk;
 - (iv) other groups of children with special vulnerabilities or needs;

- (d) identifying, reaching out to and working with communities where children are at special risk;
- (e) informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

Worst Forms of Hazards

The last category of the worst forms of child labour is 'work which by its nature or the circumstances is likely to harm the health, safety or morals of children', or Worst Forms of Hazards faced by Children at Work. This includes:

- any work that exposes children to sexual abuse (physically or psychologically);
- any work that is done underground, underwater, at dangerous heights or in confined spaces;
- any work that is done with dangerous machinery, equipment and tools;
- any work that involves the manual handling or transport of heavy loads;
- any work that is done in an unhealthy environment that may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels or vibrations damaging to their health; and
- any work that is done under particularly difficult conditions, such as working for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

As per the Executive Regulations, Notes 1 and 2 of Article 1, of the Worst Forms of Child Labour Convention and its supplementary recommendations, the list of hazardous work for persons under the age of 18 is as follows:

- 1) work in mines, whether underground or above the ground, and work in tunnels and corridors or work with mining rods;
- 2) work in enclosed reservoirs;
- 3) work in tanning, leather making and animal gut-cleaning workshops;
- 4) work in effluent places such as landfills; collection, transportation and disposal of municipal sewage;
- 5) spraying poison of gardens, trees, fields, and disinfecting places, stables, and poultry sites;
- 6) diving;
- 7) work at a height of over five meters above the ground level and work on pylons, moving chambers, scaffolding, and structures;
- 8) work in noisy environments;
- 9) work on power transmission lines of 63 kV and above;
- 10) work including girt blasting, spraying asphalt, etc.

Iranian Labour Code

As per Article 96 of the Labour Code and in order to properly enforce the law and the technical protection criteria, the General Administration of Labour Inspection (affiliated with the Ministry of Cooperatives Labour and Social Welfare) is responsible for monitoring the enforcement of rules governing working provisions, especially protective rules over hard and hazardous work, work duration, wages, workers' welfare, female employment and adolescent workers. Labour inspectors and labour-health experts reserve the right, within their scope of action, to enter and inspect the workshops and factories, subject to Article 85 of this law, at any time of the day and night, without prior notification, although labour inspectors require the written permission of the local prosecutor to enter family workshops. Section Two of the Iranian Labour Code concerns inspections.

The Iranian Labour Code is the most important code that deals with child labour in detail. In this Code, the minimum legal age of employment and terms to recruit adolescent workers, as well as exceptions in this regard, are stipulated by the legislator. The Iranian Labour Code, in compliance with international labour law, prohibits the compulsion of people to perform certain work and the exploitation of them, calling for equality for all people in this regard. Also, pursuant to international labour law, Article 79 of the Iranian Labour Code specifies the minimum employment age; accordingly, the minimum employment age in Iran has been set at 15 years, while children under 15 are prohibited from being employed.

Article 96

To enforce this code and technical protection rules, the General Administration of Labour Inspection affiliated with the Ministry of Cooperatives Labour and Social Welfare shall be convened to perform the following duties:

- A) Monitoring the enforcement of rules and regulations governing working conditions, especially protective provisions over hard, harmful and hazardous work, working duration, wages, worker welfare, female and adolescent worker employment.
- B) Monitoring the enforcement of labour law regulations and guidelines pertaining to technical protection.
- C) Training technical protection and directing workers, employers and all people exposed to injuries and damages from accidents and hazards at work.
- D) Investigating problems from enforcing technical protection regulations and providing necessary proposals to reform guidelines over the forgoing issues, being commensurate to technological developments.
- E) Investigating working accidents at the workshops subject to general and statistical analysis to prevent more accidents.

Article 98

Labour inspectors and health experts reserve the right to enter and inspect the workshops and factories under Article 85 of this code at any time of the day and night without prior notification,

while obtaining copies of relevant documents pertaining to labour issues from corresponding offices.

Note: Labour inspectors require the written permission of the local prosecutor to enter family workshops.

Article 99

Labour inspectors and health experts reserve the right to take samples of the materials workers are exposed to when working and submit them to their own chiefs in order to ensure the safety of such compounds.

Article 104

Employers and other persons who prevent labour inspectors and health experts from entering the workshops subject to this code, or interfere with their duties or refuse to provide them with the necessary information and documents, shall be punished as set out in this code.

Article 105

When the inspector determines that an accident may arise or some hazards could unfold, the inspector or health experts will be required to immediately notify the employer or his representatives of this and report it to their own chiefs directly in writing.

Children's and Adolescents' Labour Conditions in Iran

Today, child labour is regarded a challenge in many countries around the world. Apart from economic protection and financial support to overcome this challenge, it is imperative to set out child protection laws to fight child labour. Iranian domestic laws on fighting child labour will be reviewed in this section. The Draft Child and Adolescent Protection Act, as well as child labour provisions, will also be briefly discussed.

Although the Islamic Republic of Iran's Constitution does not directly and explicitly refer to children's rights and their subsets, especially child-labour rights, it contains two principles to implicitly emphasise the elimination of child labour. These two principles are the 'right to benefit from free education' and the 'prohibition of forced labour and exploitation of human beings'. The third paragraph of Article 3 of the Constitution sets out the Government's duty to provide the right to free education and its availability for all members of society. Also, the fourth paragraph of Article 43 recognises the right to freely choose occupation to prohibit forced labour and the exploitation of humans, founding the economy of the Islamic Republic on this criterion.

According to the Islamic Republic Labour Code, a child aged 15–18 is considered an 'adolescent worker' and the provisions set forth in Articles 79 and 84 of the Labour Code on adolescent workers are applicable. The legal provisions stipulate that the employment of people under the age of 15 is completely prohibited. A worker aged between 15 and 18 is called an 'adolescent' and needs to produce medical check-ups approved by the Social Security Organisation before they can be employed.

Child Labour in Iranian Laws

The Islamic Republic of Iran's Labour Code also sets out provisions for the employment of children and adolescents. Chapter Three of this Code, at Article 80, envisages that the employment of any person under the age of 15 is prohibited. According to the International Convention on the Rights of the Child, every person under the age of 18 is considered a child. The Islamic Republic of Iran has acceded to this Convention with some terms and conditions: the age limit for a child has already been set according to Sharia, which regards every person who has not reached puberty to be a child. Note 1 of Article 1210 sets the age of puberty for a boy at 15 and for a girl at 9.

Child-labour provisions are specified in the Iranian Civil Code, per Article 80 of the Labour Code. No employer has the right to recruit persons under the age of 15, and anyone who violates this shall be fined 200 to 500 times as much as the minimum wage a worker receives daily. However, if a worker is under the age of 15, he cannot practically file a lawsuit against his employer, because it is prohibited to employ children under the age of 15.

Of course, certain rules prevail over the employment of people between the ages of 15 and 18. Pursuant to Article 81 of the Labour Code, an adolescent worker must produce a medical check-up when employed, which must be renewed once a year and documented on his file. The physician also expresses his views on the ability of the adolescent worker to do the type of work, and if (s)he deems the work to not match the worker's ability, the employer is required to change the worker's job within his or her scope of activities. Article 82 of the Labour Code also envisages an adolescent worker's daily working hours to be half an hour less than those of normal workers. According to Article 83 of the Labour Code, requiring an adolescent worker to do any additional work; work at night; do hard, harmful or hazardous work; and carry loads without the use of mechanical devices is entirely prohibited. Article 84 sets the minimum age of 18 for occupations deemed to be detrimental to the health or morals of trainees and adolescents. This is determined by the Ministry of Cooperative Labour, Welfare and Social Affairs. Some of these occupations are:

- working in mines;
- working in enclosed tanks;
- working in tanning and gut-cleaning workshops;
- working in sewage canals;
- collecting, transporting and burying municipal waste;
- spraying poison on and trees and farms;
- disinfecting places and stalls;
- cleaning poultry farms;
- diving;
- working at a height of more than five meters above the ground or working on moving pylons and on scaffolding;

- construction work;
- metal-casting;
- glass-making;
- transporting and moving molten material from active kilns;
- working on industrial farms in and slaughterhouses; and
- working at mortuaries and in brick kilns, in bakeries and on industrial sites.

Despite the fact that Iranian law prohibits the employment of persons under 15 and conditionally accepts the employment of adolescents between the ages of 15 and 18, many children of different age groups are seen engaged in various sectors, from agriculture and farming to manufacturing workshops. The main reasons why children are employed in different sectors is the failure to monitor them and their working environments, and employers exploiting children easily without fear of laws, as families need to send their children to work to earn a living. Meanwhile, employers believe that no legal actions can be taken against them for employing children. Thus, they begin to exploit and harass them. An example of this is the Afghan workers who are working without legal permission and cannot file actions against their employers because their employment is illegal.

‘Harassment’ covers a wide range of behaviours of an offensive nature. It is commonly understood as behaviour that demeans, humiliates or embarrasses a person, and it is characteristically identified by its unlikelihood in terms of social and moral reasonableness. In the legal sense, these are behaviours that appear to be disturbing, upsetting or threatening. They evolve from discriminatory grounds and have an effect of nullifying a person’s rights or impairing a person from benefiting from their rights. ‘Child harassment’ or ‘abuse’ refers to any conduct that causes physical injury, such as beating, punching, kicking, biting and burning. ‘Psychological child abuse’ refers to emotional or psychological abuse that occurs when a person is called valueless, defective or unlovable. ‘Emotional child abuse’ refers to verbal aggression (such as humiliation, shouting, threatening, blaming or taunting), exposing the child to domestic violence, harassing a child through excessive expectations and encouraging a child to engage in antisocial activities. ‘Child sex abuse’ includes a variety of sexual conducts, including but not limited to rubbing, touching or kissing a child’s genitals or forcing a child to touch an adult’s genitals.

Child Abuse

Child abuse is not just physical violence directed at a child. It is any form of maltreatment by an adult that is violent or threatening to the child. Child abuse by neglect is the most common form of abuse and denotes a failure to provide adequate care and protection for children. Child neglect suggests the failure to provide adequate care proportionate to the child’s age, such as shelter, food, clothing, education and medical care, which are seen as critical to a child’s physical and emotional capacity. Most cases of neglect happen to infants, toddlers and preschool children. There are several types of neglect:

- **Physical neglect:** includes abandonment, rejection and expulsion from home; disregard of the child’s safety and well-being; failure to provide necessary food, clothing and shelter; and inappropriate or lack of supervision.

- **Medical neglect:** the failure to provide necessary medical or mental health treatment.
- **Educational neglect.**
- **Emotional neglect.**

It is hypothesised that various types of abuses against children are linked together, one producing another type of abuse within networked structures. It is also clear that there are various forms of physical aggression against child labourers in society. This includes a wide range of physically violent conducts, including pushing, slamming and slapping as well as deadly impacts with heavy and sharp objects. Moreover, street children are confronted with different groups of people who may physically abuse them. Parents (e.g. parents active or inactive in the child's workplace, family members, adult colleagues, employers and competitors) could create problems for the children and harass them. Emotional or psychological child abuse is a pattern of behaviour that impairs a child's emotional development or sense of self-worth. This may include constant criticism, threats or rejection, as well as withholding love, support or guidance.

Role of NGOs

There is almost no widely accepted definition of an NGO in the literature. Their diverse goals and structures, as well as the very driving forces behind them, have made it difficult to find an agreed-upon definition. An NGO is a non-profit group that functions independently of any government. NGOs, sometimes called 'civil society', are organised on the community, national and international levels to serve social or political goals such as humanitarian or environmental causes. NGOs are divided into four types in terms of orientation, as follows.

- A **charitable orientation** often involves a top-down, paternalistic effort with little participation by the 'beneficiaries'. It includes NGOs with activities directed towards meeting the needs of the poor – distribution of food, clothing or medicine; provision of housing, transport or schools; etcetera. Such NGOs may also undertake relief activities during natural or man-made disasters.
- **Service orientation** includes NGOs that run activities such as providing health, family planning or education services in which the programmes are designed by the NGO and people are expected to participate in their implementation and in receiving the services.
- **Participatory orientation** is characterised by self-help projects in which local people are involved, particularly in the implementation, by contributing cash, tools, land, materials, labour, etcetera. In the classical community-development project, participation begins with need definition and continues into the planning and implementation stages. Cooperatives often have a participatory orientation.
- **Empowering orientation** is where the aim is to help poor people develop a clearer understanding of the social, political and economic factors affecting their lives and to strengthen their awareness of their own potential power to control their lives. Sometimes, these groups develop spontaneously around a problem or an issue; at other times, outside workers from NGOs play facilitating roles in their development. In any case, there is maximum involvement of the people concerned, with NGOs acting as facilitators.

NGOs serve to get citizens and nations closer to governments. These organisations are one of the most important elements of social capital – they strengthen it, because they boost social relations and the resulting outcomes, namely social support. In other words, these organisations strengthen social ties to provide the best mechanisms to help people.

NGOs are also active in the field of child labour, providing support for children's needs. Some of these organisations are the Protection of Child Labour Association, Protection of Child Rights Association, Mehr and Mah Association, and Imam Ali Association. The target groups for these associations are at-risk children and women. There are many other associations and charitable groups across the city of Tehran that are active in this regard. The most important services they provide include educational services, social work, psychological counselling, law advice, welfare, research, medicine, support and advocacy, defending children's rights, and so on.

Prohibition of Child Labour and Ineffective Plans

Organising Street Children and Child Labour was the title of a regulation/scheme passed by the Government in 2006. The plan was aimed at empowering and supporting child labourers – seeking to get children out of the labour cycle; however, it turned out to be a task force to clamp down on street children. According to the Regulations on Organising Street Child Labour, approved in 2006, every person under 18 who wanders on the streets for an indefinite number of hours is recognised as a 'street child'. This regulation calls on relevant agencies to take necessary measures to identify, recruit and support these children. It emphasises that street-child labourers should be identified and recruited by social workers via effective measures.

In the next step, children would be empowered – a process that could distance the children from the working cycle. The plan vested the Welfare Organisation with the responsibility of protecting child labourers, specifying duties for the 11 government agencies. For example, the police force must establish security at all stages of implementation. The Ministry of Justice is charged with issuing all judicial rulings. Allocation of resources and equipping of appropriate physical spaces are the responsibilities of municipalities, while the Ministry of Welfare, the Ministry of Health, the Health Insurance Organisation, the Social Security Organisation, the National Broadcasting Service, the Red Crescent Society, the Ministry of Education, and the Relief Committee are responsible for providing employment credit lines to families suffering from child labour, providing children's health-and-medical services, setting out health-insurance policies, undertaking necessary cultural activities, providing supportive and humanitarian services, and identifying at-risk students and groups.

The Regulations on Organising Street Child Labour aimed to defend children's rights within the framework specified; however, the provisions that, if implemented, could have lessened the sufferings and agonies of children turned into a kind of crackdown on child labour and failed to throw support behind the children in need of help. This plan proved to be ineffective, creating a fearsome environment for children and causing violence, fear and anxiety among them. The plan, once aimed to protect the rights of child labourers, became an anti-child plan, seeking to eradicate street children at any price.

What happened on the streets was not the identification and recruitment of child labourers by social workers by gaining trust; rather, it was the arrest of child labourers. Having been detained, the children

were sent to welfare-organisation-affiliated accommodations and behaved violently. They could be freed after 20 days if they accepted not to enter the streets once again. Many children — some of whom had no choice but to work and provide for their families – were subjected to social harms in the process because they returned to underground workshops, which could cause much greater harm to them.

After being implemented for 15 years, the plan was seen to be a fiasco that failed to support the children and protect their rights as intended. However, in 2021, 15 years since the failed plan began, welfare-organisation officials sought to replace it with a new, family-orientated plan known as ‘Social Support for Child Labour’. It tried to identify, recruit and protect the children through ‘case management’; however, ambiguities surrounding the plan also raised concerns among children and their families. Children’s stories of plans, such as organising street-child labour, reaffirm that these children had fallen victim to all kinds of violence under the social protection and recruitment plans. Meanwhile, other agencies, such as police, municipality and subway officers, sought to prevent these children from working in the areas under their supervision, sometimes using various forms of physical and psychological violence against them. Many children’s advocates also posited that those plans were already futile and ineffective.

It should be stated that, if no comprehensive programmes are implemented at the level of schools and neighbourhoods to support these children and their families, financial and human resources will be wasted on the street level, and it could cause much damage without positive results. Children have reported being detained by government agencies such as municipalities and sent back to the Welfare Organisation. One child remarked:

The Welfare Organisation wants to take us to a beggars’ house; gets us there to call on our mothers to take us back home. They dictate to us not to work anymore. That’s it. The municipality chases us and that’s awful.

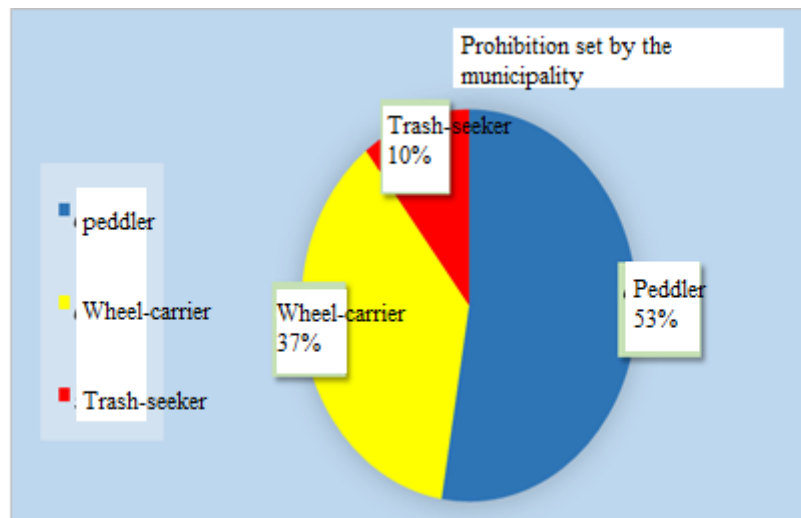


Diagram 1: Percentage of children stopped and cleared from street by Prohibition and Restriction teams of the municipality (n=91)

Children speak of ordeals they have gone through because of the plans introduced by the Welfare Organisation, describing them as follows:

Municipality officials come each day and say, 'Don't work.' The Welfare Organisation does not intervene for COVID. The Organisation has detained me six times, and the municipality officials caught me once. Our parents came and released us.

I was in the market, working; all of a sudden, a car came and held my hand. They took me with them and prisoned me. We were many in the prison, amounting to 300 people. They were all my age. I spend two months there until my cousin came and paid a sum to free me.

I told the welfare official who caught me. I said to the chief who knew me. He called up another colleague and said he had arrested a girl, named __, aged 10. He ordered him to free me. I said to him if he liked to get his daughter to be imprisoned; think of me, your girl. Please help me.

I was detained by the Welfare Organisation two times in my own city. Here, I was arrested once. We are held for three days. Then one would come and free us.

Once I was sitting and working. One came along and said, 'Come on, let's go.' I thought he wanted to give me food, only to see it was a Welfare Organisation official. I ran and they chased me and caught me. I was held for several days.

The municipality officials beat us up, take our money and wanted to deport me. I was in Golshahr.

In many cases, children were afraid of being held, because they knew they would be mistreated and beaten up. When being taken to detention centres, they saw them as a beggars' houses, prisons, etcetera.

For the past 15 years, the Welfare Organisation has run a plan to clear and collect of child labours from the street almost twice a year. The plan usually commenced in June, when schools were closed and more children joined the work cycle. Under such plans, working children were transferred to Besat and Yaser service centres. Besat and Yaser were temporary accommodations. The capacity of each centre was fewer than ten people. These plans called on officials to arrest child labourers and send them to pre-determined centres. However, they were treated harshly and beaten up. 2020 reports suggest there were centres holding as many as 530 children – a concerning situation. In response to these criticisms, welfare managers said that children were screened in these centres. This means that Afghan children were deported if they did not have a guardian and other children's parents were required to not allow their children to work on the streets any more. Usually, the detention time of children varied, depending on whether it was their first, second or third arrest.

Field Quotes about Child Labour



A picture of a child florist's wheelbarrow in the local flower market (photo from the research)

Scrap Work

Working in waste and scrap workshops is very hazardous for children. The most important work of such shops involves moving heavy metal parts, loud noises resulting from working with oxygen-cutting machines, injuries and burns when working with industrial machinery, or injuries from moving iron parts. A number of children working in these workshops described their ordeals, and remarked:

Yeah, these are heavy; it is too heavy at first. They are heavy to raise. Cutting is good, though difficult.

This is very dangerous. My friends got hurt. We got hurt, also. You push the iron, you get your feet entangled. You fall down and this is hazardous.

I have to cut all these iron doors. I crush them. I have my hands injured. It burns. Here are the scars.

Welding

Major hazards of this job are burns caused by working with oxygen-cutting and welding machines, high noise levels, eye damage, respiratory and lung problems due to toxic gases from electric welders, as well as orthopaedic problems, such as crooked spinal columns due to poor sitting postures. Children working in this environment describe their experiences as follows:

It is hazardous when you get burned when working with the oxygen-cutting machines.

One of my friends had a welding sparkle in his eyes, [so he] could not see well any more. Most of the children working in here cannot see well. They wear glasses.

It is difficult. Welding is bothersome. It is boring.



Image of a teen working at a welding workshop

Work on Farms

Working on farms can result in problems such as skin cancer; injuries from using agricultural machinery or sharp tools while picking and sorting vegetables; injuries from using agricultural products, which may cause amputation and even death; falling from trees while picking garden products; back pain from picking crops; and so on. Several children working in this field described the hazards as follows:

You need to work before the direct sunshine. You just sweat and lose your back. I just keep on working; I am busy on Fridays; I cannot see the city; that's too bad.

Once, my friend got his hand stuck in the device and lost one of his fingers.



Image of several children working on a farm

Working in Crystal-Making Shops

Working in these workshops also causes many hazards for children. The hazards include very hot working environments; exposure to chemicals and melting kilns; chemicals entering the body from blowing the glass; lung and respiratory problems; a lack of good ventilation in the workshop; body burns, such as hands and feet and the abdomen; dry skin and even breast problems resulting from a hot working environment; great pressure on the body from carrying heavy loads; too much standing when working on cast crystals; and unsafe work practices. Children usually lack safety equipment such as shoes, clothes and hats. One child describes his situation as follows:

Previously, I used to work at a glass-making workshop. I placed the glass on iron and put it inside the apparatus. The women gathered them and packed them. Then, they were carried by cars. I couldn't afford it, as I received low wages. I decided to quit. Then, I turned to street work and washing car glass. I burned my hands. [He raised his sleeves and showed us the scars.] Then, I abandoned that work. I used to go to work from 4 am until 5 pm.

We have to work with these rods. I burned my hand several times before the kiln. I just messed up.



Image of children working at a crystal-making workshop

Working in Manufacturing Shops

Children mostly work in shoe-making and clothing workshops, tailor's shops and other production shops. Major hazards facing children include the following: fingers stuck under sharp tools, cutting hands and fingers when working with scissors, the high speed of some devices and having to tolerate much pressure to work with them, working with combustibles and incendiary materials, using material adhesives, addiction to inhaled chemicals, amputated limbs, boring work, head injuries, moving and carrying heavy loads, exposure to chemical atmospheres, weakening morals and abuse, and drinking alcohol and drugs. Some children remarked:

We were two apprentices in the previous workshop and four tailors. One of them used to go to Saba club. I had to work for him to make it up. The employer asked me to speed up the working process; I couldn't. It was tough. I had to tolerate much too [much] pressure.

Sometimes, it is difficult to raise a heavy load. For example, I had to raise an 80-kilo load, which was quite tough for me.

I quitted my former work and I didn't replace it. I couldn't thread the needle. I was expelled. I worked in clothing production for two weeks, in the Armenian market. I came here to a sewing workshop. You either have to sit down or you have to stand up. I was also a middleman in a production there; we were all sitting. It is humiliating.

Executive Strategies to Reduce Child Labour

Child labour is highly prevalent among migrants, especially Afghan nationals. Migrants and foreign nationals are legally deprived of many opportunities, such as getting jobs and having housing. This structural discrimination causes ever-increasing poverty and incurs high costs for the Government.

Therefore, it is recommended that this structural discrimination be alleviated through some political and legal measures to help families find appropriate jobs. In the meantime, free education should be provided to help remove child-labour problems.

1. This group of children lack identity documents and, thus, it is not feasible for them to continue their studies at schools. ID cards need to be issued to them to help their educations.
2. NGOs are viewed as one of the most effective types of agencies to protect children's rights and prevent them from child labour and its hazards. The findings of this study also suggest to what extent these organisations could contribute to alleviating child-labour problems. However, for these organisations to produce desirable outcomes, they require legal backing. Concerning governance, it is necessary to not only remove the security perspective, but also to support them in various ways, because they are among the few agencies that have handled children effectively and supported child labourers and their families. It is also necessary for the Ministry of Interior to apply various mechanisms, especially education, to direct these organisations to empower these children, and for Parliament to adopt a series of rules and regulations for these organisations.
3. A number of children have no choice but to enter the work cycle because they have headless families or have suffered abuse, neglect or related issues, including poverty. Although the Code of Protection for Children Without Caretakers or Irresponsible Caretakers was adopted in 2014 and relevant agencies were notified, this Code did not cover migrant children and failed to be well implemented in Iran. It is recommended that government agencies such as the Welfare Organisation and the Relief Committee identify and support these children to make them economically viable, and provide caretakers for them. For example, today, the demand to have a child through a surrogate mother is rising and some plan mechanisms are being applied to persuade these families to instead adopt working children.

Conclusion

Children decide to work under very undesirable nutrition and health conditions and engage in hazardous work. These children can easily fall victim to professional criminals, including thieves, drug-trafficking gangs, houses of corruption, etcetera. Meanwhile, a discriminatory education system has deprived many children of competing with other children. In general, most child labourers are more sensitive and emotionally vulnerable compared to their peers because of their poor emotional states and special living conditions. Thus, disregard of their emotions and neglect could cause hidden anger in their subconsciouses, contributing to many anomalies during adulthood in the community.

Additionally, child labour helps accumulate profits and capital for those who exploit them, thereby increasing class gaps, poverty and deprivation in society. This bars children from equal access to chances of living and education. It could also cause more social harms, such as addiction, delinquency, exploitation, discrimination and poverty, thereby endangering the social health and development of society.

Considering the various working conditions of children and the incidence of many harms in different places and workshops, as well as increasing child labour in enclosed spaces, this study aimed to study child labour and identify different forms of it in Tehran and the surrounding cities. This research sought to realise the consequences and harms children are confronted with in the workplace, as well as the root causes of continuing child labour and factors affecting child labour. Available studies have just addressed different forms of child labour, and a few have taken on the subject of housework. In this regard, conducting studies is important in several ways: the psychological and physical consequences resulting from child labour not only affect individuals, but also affect society as a whole; child labourers are among

the most deprived groups of society and are without the most basic rights; but the different aspects of this phenomenon, such as children's working conditions, their numbers in different workshops; their wages; their working hours; and the problems of working in different workshops and places are still unknown. Meanwhile, no proper policies have been developed to tackle this crisis, but practical guidelines and well-established strategies can help eradicate these problems and reduce social harms from this phenomenon.

About the Author

A social anthropologist and scholar, **Kameel Ahmady** received the IKWR 2017 Truth Honour Award from London Law University and placed first in the literary category at the 2017 Global Woman P.E.A.C.E. Foundation ceremony hosted by George Washington University.

A dual British-Iranian national, Kameel Ahmady studied economic environment and publishing at the University of Communications in London, earned an M.A. in Social Anthropology from the University of Kent, and pursued additional courses on research methods and Middle East Studies at the London School of Economics and Birkbeck, University of London.

Kameel has worked mainly on international and social development, focusing on gender and minority issues. Published in English, Farsi, Turkish and Kurdish, his previous pioneering research has garnered international attention. In 2011, Etkin in Istanbul brought out ***Another Look at East and South-East Turkey***, and his ground-breaking research, ***In the Name of Tradition: Female Genital Mutilation in Iran***, appeared in 2015 with UnCUT/VOICES Press. Nova Science Publisher added ***An Echo of Silence*** – a study of early child marriage (*ECM*) in Iran – to its programme in 2017, a work that Shiraze publishing made available in Farsi. In 2019, ***Childhood Plunder*** (about scavenging – i.e. waste picking – in Tehran) was printed by IRSPRC. In 2020, ***A House on Water***, investigating temporary marriage in Iran, was brought out by Shiraze in Tehran and Mehri in London.

In the last few years, Kameel has focused on LGBT+ and ethnicity in such works as ***Forbidden Tale***, a comprehensive study of LGBT+ individuals in Iran, printed in English and Farsi by Mehri. In 2020, ***The House with an Open Door***, a comprehensive look at temporary marriage in Iran, was printed, and in 2021, ***From Border to Border: An analysis of Iranian identity and ethnicity***, based on research with five major ethnic groups – Turkish (Azari), Kurdish, Baloch, Arab and Fars (Persian-speaking) – was also published by Mehri in Farsi and English. His new book on child labour, ***Traces of Exploitation in Childhood: A Comprehensive Research on Forms, Causes and Consequences of Child Labour in Iran*** was published in June 2021 by Avaye Buf publishing. His latest research on **male circumcision (MGM)** will appear shortly.

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