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Volume 48, Number 4, December 2023

URI: <https://id.erudit.org/iderudit/1108591ar>

DOI: <https://doi.org/10.18357/jcs202321284>

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Publisher(s)

Canadian Association for Young Children

ISSN

2371-4107 (print)

2371-4115 (digital)

[Explore this journal](#)

Article abstract

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Cite this article

Pourmohammad Golzari Nobar, M., Arfania, B., Afshari, M. & Taghizadeh Ansari, M. (2023). Child Labour in Iran: Problems and Solutions. *Journal of Childhood Studies*, 48(4), 56–66. <https://doi.org/10.18357/jcs202321284>



Child Labour in Iran: Problems and Solutions

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The confusion of domestic laws in integration with international laws, the incorrect implementation of laws, and the economic crisis are among the most important factors of child labour in Iran. Examination of the current situation in Iran is impossible due to a lack of transparency. The first step should be to take control of working conditions. By creating special places to work and implementing measures such as recording information about child labour status and planning to improve children's health and education, activists can help improve children's working status.

Key words: child labour, Iranian child labour, child labour problems, child labour solutions

The existence of child labour in the streets and in underground workshops in Iran clearly shows that the problem of child labour in Iran has not been solved. Child labour causes many consequences, including exploitation of children, forcing them to commit crimes, physical and sexual abuse, contamination with various diseases and drugs, and deprivation of education and other basic rights, including the right to happiness and freedom. Even in the assumption of children's consent to work to financially support their families, it is still social pressure and the compulsion of poverty that forces them to work and not real consent; hence they will be abused by profiteers in the society. This issue has a negative impact on the society, on children, and also on adults.

Legal ambiguities, lack of implementation of laws, and improper functioning of responsible institutions are also among the factors that have created such a situation inside Iran.

The National Authority of the National Convention on the Rights of the Child as a policy-making, regulatory, and monitoring institution since 1991 acts as a centre for organizing children's problems in Iran, but most of the executive measures are not applicable due to lack of coordination.

Although some developing countries, including Iran, consider human rights laws and the Convention on the Rights of the Child to be a result of Western discourse, from an international point of view, child labour can

be a violation of children's rights and the Convention on the Rights of the Child, because Iran has joined the Convention and is required to comply with it.

Given these domestic and international developments, this research describes and criticizes the existing domestic rules and their ambiguities; also, by explaining the weaknesses, it will help the Iranian government to find a solution to the issue of child labour.

The concept of child in the Convention on the Rights of the Child and Iranian law

According to Article 1 of the UNCRC, a child has been defined as follows:

Every human being below the age of 18 years, unless majority is attained earlier under the laws applicable to the child.

In Article 1210 of the Civil Code of Iran, puberty is considered the end of childhood. It is assumed to be consistent with sexual maturity, and accordingly boys aged 14 years and 7 months, as well as girls aged 8 years and 9 months, are considered mature and legally responsible and are punished for crimes as adults.

These various definitions of childhood and adulthood, which usually reflect maturity, make it possible for people of a certain age to be considered mature enough to make legal decisions (Todres, 2012). In addition, sometimes rules governing legal age are influenced by political considerations (Rosenbury, 2015). Even with age considerations as law, children as young as 4 years old are involved in child labour and some are living on the streets. This worsening situation has been reported by journalists and news agencies.

Hence, child protection rules in Iran cover fewer rights than in countries that have accepted and properly implemented the relevant conventions, such as Thailand, Malaysia, and China (Wolfensohn, 2004), and yet, written rules are very different from actions and existing conditions.

The concept of child labour in international law

There is no universal definition of child labour. Public discourse uses the term *child labour* to refer to a child's engagement in activities that are somehow harmful for body and soul (Bentley, 2005; World Labour Organization, 2017).

As per international standards, the basic minimum legal age at which children are authorized to work is 15 years (14 in developing countries). For light work (only a few hours from time to time) the age limit is fixed at 13 to 15 years (12–14 in developing countries). Finally, for hazardous work, the limit is pushed up to 18 years (16 years under certain conditions in developing countries) (International Labour Organization, 1973).

The concepts of child labour and child work have changed culturally and over time. The main international institutions in this regard, the International Labour Organization (ILO) and UNICEF, distinguish between exploitative or hard work and positive or productive work (Humbert, 2009).

The term *child labour* is often defined as an activity depriving children of their childhood and potential success, which is detrimental to their physical and mental development. It could refer to activities that:

- are mentally, physically, socially, or morally dangerous and harmful to children, and/or
- interfere with their school objectives through depriving them of the opportunity to attend school, obliging them to leave school prematurely, or requiring them to combine school attendance with

excessively long and dangerous work. (International Programme on the Elimination of Child Labour (IPEC), 2021, para. 2)

According to the ILO's definition, every kind of work should not be regarded as child labour. If the participation of children or adolescents in activities does not affect their health, impede their personal development, or harm their education at school, it will be generally considered positive (IPEC, 2021, para. 2). Examples of these activities are helping their parents with housework and helping their family increase income outside school hours and during school holidays.

Nonetheless, it seems that the factor of poverty has been left out in the definitions of child labour. The economic factor is highly impacted by political conditions and considerations, as well as incompetence within the organizations involved in child labour.

In situations where a child has no choice and is under economic pressure, such work may be mistakenly assumed to be useful. This means that the pressure due to poverty may make children think about financially supporting their family, which does not fit the world of childhood and could be harmful. Families' economic conditions should be considered when addressing different types of work for children (Edmonds, 2009).

In contrast to the concept of child work, child labour refers to work that is harmful to the child, work that is mentally or physically dangerous, work that interferes with their ability to go to school, and work that affects their ability to earn money in adulthood. The health and well-being of the child labourer is at risk, and the child can end up trapped in a cycle of poverty.

Considering a particular form of work as child labour depends on the child's age, the type and time of the work performed, the circumstances in which the work is performed, and the goals pursued by countries. The answer to this question could vary from country to country, as well as between sectors within a country (IPEC, 2021, para. 3).

Therefore, to determine the concept of child labour in any country, including Iran, it is necessary to refer to the country's domestic laws and its application of international laws.

The concept of child labour in Iranian law

Pursuant to Iranian labour law enacted in 1990, the employment of children under the age of 15 is prohibited. According to this code, all children leave childhood at the age of 15 (Iranian Institute of Labor and Social Security, 2004, art. 79).

According to this labour standard, individuals over the age of 15 and under the age of 18 are considered adolescent workers. This means that the legislative body has neither considered them minors to prevent their employment nor deemed them adults who are fully allowed to work; thus, the legislator believes in inadequate physical and mental growth in this group of people. In such cases, the issuance of a work permit is subject to compliance with some conditions, such as a ban on working at night and on overtime work.

Article 79 complies with the provisions regarding the conditions of child labour in the CRC, whereby "States Parties shall provide for appropriate regulation of the hours and conditions of employment" (UN General Assembly, 1989).

Iran's adherence to the Convention on the Rights of the Child

The Islamic Republic of Iran has acceded to most international conventions on the rights of the child, including the ILO Convention and the UNCRC; nevertheless, there are many shortcomings and problems arising from its domestic issues in practice. From the legislative aspect of various internal regulations and rules related to children's rights, Iran is facing anxiety, especially regarding the concepts of child, child labour, and working conditions, and by joining international conventions, this confusion and ambiguity have increased. The Iranian government signed the CRC on September 5, 1991, and acceded to the treaty on July 13, 1994 (United Nations Treaty Collection, 1994). The accession is with rights of reservation and conditional upon the fact that if the provisions of the Convention conflict with domestic laws and Islamic norms, they will not be binding in Iran. According to this condition, whenever the provisions of the Convention conflict with any of these norms, they will not be implemented. This condition impacts the rights of children.

One of the most important features of the CRC is its flexibility. In other words, the CRC is applicable in all countries despite cultural, social, and other differences. Unfortunately, this feature is not adhered to in Iranian regulations; as a result, the CRC is not flexible or enforceable in Iran. This complexity causes most international laws to lose their effectiveness when faced with domestic regulations, and responsible institutions can easily ignore them; for example, the CRC is conditionally accepted with some amendments or attachments added to some parts, including the definition of the child and nondiscrimination between children. In relation to gender nondiscrimination, respect for children's interests, the right to life, the right to identity, the right to live with parents, the joint responsibility of parents, prohibition of violent behaviour, the possibility of living in a family, the rights of child refugees, assistance for children with disabilities, the right to the highest standards of living and a good life, and the right to education, each of these factors impacts the problem of child labour. Even in cases where a child is entitled to something under domestic laws, the related rights are not enforced properly.

Although in general, the UN Committee on the Rights of the Child thanks Iran for adhering to the CRC and international law related to children's rights (UN Committee on the Rights of the Child, 2003), various issues related to the implementation of children's rights were raised in various reports to the Committee on the Rights of the Child, such as lack of coordination of internal institutions, ambiguity in financial resources and unclear approaches to government funding, the death penalty for persons under 18, absence of equal opportunities for children, establishment of a database that has been proposed since 1996, and lack of adequate training for responsible persons, lawyers, judges, and kindergartens. Because of these reasons as well as economic conditions and absence of action, the numbers of child labourers and children in the streets are increasing (UN Committee on the Rights of the Child, 2003, 2015, 2016).

Child labour and COVID-19

Before the COVID-19 pandemic, the involvement of children in work in Iran had been declining in all categories and among all age groups and both sexes. The data showed that we were reaching a critical threshold for eliminating child labour (UNICEF, 2020b). The economic crises caused by the COVID-19 pandemic have also affected child labour.

Children of legal working age may drop out of school and enter the labour market with limited education and skills (UNICEF, 2020b). Children below the minimum legal age for working may seek employment in informal and domestic jobs where they face acute risks of hazardous and exploitative work (ILO Recommendation No. 190), including the worst forms of child labour (ILO Convention No. 182).

Antonio Guterres, the ninth secretary-general of the UN, has warned that the COVID-19 pandemic has caused the largest disruption of education in history, with some 40 million children worldwide missing out on critical preschool education. The UN has also warned that the shortening of the school year due to the spread of COVID-19 may increase the scale of child labour around the globe.

As the pandemic wreaks havoc on family incomes, without support, many could resort to child labour, said Guy Ryder (2020), director-general of the ILO, marking the World Day Against Child Labour. According to UNICEF executive director Henrietta Fore (2021), in times of crisis, child labor becomes “a coping mechanism for many families” (para. 5). As poverty rises, schools close and the availability of social services decreases, more children are pushed into the workforce. Fore further expressed, “as we re-imagine the world post-COVID, we need to make sure that children and their families have the tools they need to weather similar storms in the future. Quality education, social protection services, and better economic opportunities could be game changers” (2020, para. 6).

One of the problems is the growing evidence of increased child labour due to school closures as a result of the pandemic, with more than one billion young people impacted to date in 130 countries. As noted by ILO and UNICEF in their joint statement, “even when classes restart, some parents may no longer be able to afford to send their children to school” (UNICEF, 2020b, as cited in United Nations, 2020, para. 8). This statement indicates that financial problems in poor families force most of their children to work; furthermore, COVID-19 could result in a rise in poverty and therefore to an increase in child labour as households use every available means to survive.

Child labour in Iran during the COVID-19 pandemic

2020 was an extremely challenging year for Iranian children, as the country was severely impacted by the COVID-19 pandemic while continuing to be adversely impacted by economic sanctions. Parts of the country experienced earthquakes and floods even as people were still recovering from the disasters of 2019.

Multidimensional deprivations suffered by children were aggravated by a combination of the pandemic and economic and financial strains. 2020 was the third consecutive year of recession and the GDP possibly fell by 15% due to multiple factors, including economic sanctions, exchange rate deprivations, and high inflation (Chamber of Industry, Mining, and Agriculture of Tehran, 2020).

Prior to the COVID-19 crisis, 40% of the national budget was allocated to social protection schemes, including universal basic income; with the impact of sanctions and the COVID-19 pandemic, responding to the needs of people affected by natural disasters was an added pressure on the government's capacity and resources in disaster risk reduction (UNICEF, 2020a).

The COVID-19 pandemic, inflation, and sanctions have increased economic insecurity in many areas, including shortages of food, medicine, and treatment, and have affected and threatened Iran's public budget. Temporary school closures also exacerbate these conditions as households look for new ways to make the best use of children's time and for ways to survive economically.

As school closures and economic shocks continue in Iran during the COVID-19 pandemic, families in poverty are forced to make the difficult decision of encouraging their children to work. If we want to do something to improve the situation, we should not start with the child, but we should start with strengthening the family economy (Iranian Ministry of Welfare and Social Security, 2020). Lack of supervision over the implementation of labour laws is another challenge for child labour, which has been exacerbated in the pandemic (UNICEF, 2020a).

Data and information about child labour in Iran

According to statistics from the ILO and UNICEF there are an estimated 152 million children worldwide involved in child labour (World Labour Organization, 2017). The most important factor in child labour is economic poverty (Edmonds, 2009). Some research shows that an increase of 1% in poverty leads to an increase of 0.7% in child labour (Ryder, 2020). Child labour is not limited to street children. Many children work in underground workshops, such as brick kilns, while others work in factories, repair shops, farms, and ranches (Srivastava, 2011). However, with respect to Iran, there are no exact statistics on the number of children involved in child labour, and the various statistics provided differ. For example, the Iranian representative of the Welfare Organization stated, “We do not have a study that shows the statistics of all children in a census. About 5 percent live on the streets, while identifying children working in underground workshops is the job of the Ministry of Labor” (Jafari, 2018, para. 3). Tehran mayor Pirouz Hanachi (2009) stated that “409,000 child labourers have been identified in Iran, but unofficial statistics have previously estimated their number at more than three million” (para. 2).

According to the official newspaper in Iran, as announced by the health committee the Islamic Council in Tehran, Iran has 120,000 child labourers, 70,000 of them in Tehran, and 14,500 street children. The main reason for the existence of child labour in Iran is poverty, and a small percentage of children are abused by mafia gangs. The committee claims that 80% of these children are not Iranians. A member of the Council asks to stop these refugees/immigrants from entering the country (Najafi, 2023).

Most child labourers are reportedly immigrants, many of them coming to Iran from Afghanistan and Pakistan to work due to economic problems. Because of immigrants’ often precarious legal residency statuses and lack of identity cards, many of them are left out of the count (Mousavi Chelek, 2021). According to Iran’s Ministry of Welfare and Social Security (2020), 82% of child labourers are non-Iranian.

Although exact statistics regarding the increase in the number of child labourers during the pandemic period in Iran are not available, the increase in the number can be considered certain due to the direct relationship with the significant increase in poverty. According to the last statistics of the Majlis Research Center, the research arm of the Iranian parliament, in July 2023, when children working at home are considered, the rate of child labour in Iran is 15%, and 10% of children do not go to school, which is a very bad situation.

Legal and executive measures to solve the child labour crisis in Iran

The Iranian government has repeatedly tried to “organize” child labour through actions such as gathering pertinent information about the number of child labourers and their status, allocating funds to improve children’s situations related to labour, taking child off the streets, cooperating with the Committee on the Rights of the Child (Iranian Legislative Parliament, 2005), and creating and enacting laws to protect children’s labour rights. In recent years, positive measures have been taken with the adoption of the Child and Adolescent Rights Protection Law (approved in 2020). According to this law, the most important role of protecting child labourers is assigned to Iran’s Ministry of Cooperatives, Labour, and Social Welfare.

Insurance is the most important protective article in this law to protect the rights of child labourers, and it can be effective in reducing work-related injuries. The law also complies with the CRC, which refers to the right to social security (Child and Adolescent Rights Protection Law, 2020, art. 6, part C). The Convention outlines that “States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law” (UN General Assembly, 1989, art. 26, part 1).

In Iran, more than 15 organizations, including the Ministries of Sports and Youth, Health, Justice and Education, Relief Committee, Municipality, Welfare, government and nongovernmental executive forces institutions, are active in the field of combatting social harms, including solving the problem of child labour (Masoudifarid, 2019). Governmental and semigovernmental organizations receive funding to address child labour and perform the assigned tasks to eliminate child labour correctly, but these sectors do not fulfill their responsibilities properly.

A member of the Iran Parliament, said: "There is child labour everywhere in the capital of Iran. Most of the institutions that should fulfill their duties in this field do not take action and also do not implement the law on the protection of children and adolescents" (Bastami, 2023, para. 2).

A plan to gather child labourers working on the streets has been implemented 32 times and has failed. The director of Tehran Municipal Services Organization said about the situation of child labour in the streets of Tehran, "Some children enter child labour mafia networks for various reasons, including profiteers taking advantage of the financial weakness and poverty of children's families. This is despite the fact that hiring and employing children is a crime under the law, but the measures taken against child abusers are not a deterrent" (AhmadiSadr, 2022, para. 1).

As a helping organization, the Welfare Organization is against gathering child labourers from the street in general and believes this plan denies the problem instead of solving it. Children, for fear of losing their income, will leave the reach of the Welfare Organization to receive support and turn from working on the street to underground work. The issue should be solved with a program to reduce poverty.

In 2019, controversy arose over the plan to organize child labourers and street children in Iran due to issues regarding implementation. Municipalities, in cooperation with the Welfare Organization, gathered children from the streets and took them into centres located in the Welfare Organization. However, there was not enough space and facilities to maintain them and there were no specific plans for the children's future, so the initiative failed (Masoudifarid, 2019).

On the other hand, childcare centres were established in Iran to teach child labourers and street children, but the main issue of child labour, economic poverty, was not considered, thus children returned to the cycle of work. The government also did not allocate the necessary funds to families due to internal economic crises. These efforts have not completely improved or eradicated child labour. Lack of coordination between sectors is an ongoing issue as the responsibility for handling child labour continues to be left to government and nongovernmental sectors and organizations; in addition to differences in the performance of the executive bodies due to numerous and vague laws, there is no guarantee of proper implementation for these initiatives (Masoudifarid, 2019). Actions are taken intermittently, but after a while, often due to lack of follow-up by officials and a lack of financial resources, they are forgotten again (UN Committee on the Rights of the Child, 2015, p. 2).

Contributions from NGOs sometimes reduce or improve children's work conditions. If a child is in one of the worst forms of work, 3 or 4% of children may be able to work less or go to school. If they are educated along with work, in the future they may be able to leave jobs that harm their physical and mental development and work in better jobs, but the reality is that NGOs alone can never stop child labour. It is the duty of the government to pay attention to development programs. Iran has now reached its seventh development program (2021–2025), and according to this program, there is no sign of child labour. Only in the sixth development plan (2017–2021) were there hints, which did not specifically address the situation of children. Since the pandemic child labourers are highly exposed to injuries, but this is infrequently mentioned in government considerations. Governments are expected to take serious action in the areas of social security and child labour protection.

Suggestions for improving the situation of child labour in Iran and similar countries

The main problem leading to the prevalence of child labour in Iran is the poverty of families, and until that problem is solved, unfortunately, children seem to be the cheapest and most profitable option. Despite the economic crisis, the government cannot fulfill its duties and enact an effective plan to eliminate the poverty of families. The experience of failure in collecting children from the streets is proof of this. In this situation, the first step can be a solution to ameliorate existing problems and the working conditions of children. One of the best implemented patterns in this regard is UNICEF's efforts in 2019 to improve the situation of child labourers. Because many of their families were poor, these children were exposed to exploitation, such as street work injuries. Children largely from the ethnic Dom community were trained in UNICEF-supported centres in Jordan. The centres played a key role in identifying children who were challenged and helping them to enroll in formal and informal education. UNICEF is constantly working to stop child labour. Social service workers play a key role in identifying, preventing, and managing risks that can lead to child labour. Their efforts include identifying and responding to potential child labour situations through case management and social protection services, including early identification, registration, and interim rehabilitation and referral services (UNICEF, 2021).

A similar but more complete UNICEF experience in Jordan could be used in Iran by proposing the creation of places by the municipality in each area for children to engage in work that is appropriate to their age, gender, and physical conditions and where all legal requirements, including the level of difficulty and working hours, are observed. We presented a plan to organize child labour by controlling children's working conditions through the creation of special places by the municipality to the Iranian Children's Rights Protection Association and wanted to coordinate the relevant organizations in different ways and solve the problem collectively.

With this method and creating an identity file to find out the exact number of children and record their conditions for all their affairs, including education (going to school), health, family members, economy conditions, etc., a plan can be created. It will be easier to enforce children's rights by allocating government places for children to work. In this way, children's working situations can be controlled at a low cost. For example, a small percentage of a child's work profits can be spent on maintaining those places and improving the quality of their education and health, with the rest going to them. In addition to using volunteer forces to help in various fields for the development of children, we can take the first steps to the main goal, which is the elimination of child labour. The municipality plays an important role in allocating specific places to create suitable working conditions for children. This plan has a relatively difficult implementation process due to government permits and the need to coordinate subordinate institutions.

The role of international institutions is undeniable. UNICEF is an institution that is responsible for the comprehensive support of children. Direct participation with local responsible organizations, including statistics and information gathering about child labourers, is of particular importance.

Although Iran has not joined the Optional Protocol of the Convention on the Rights of the Child on correspondence approved on December 19, 2011, and therefore does not accept the jurisdiction of individuals to file a complaint (communication), in terms of a supervisory role, the reports of the Children's Rights Committee and the Human Rights Committee play an important role in protecting children's rights.

Conclusion

Although poverty and unstable economic situation are the most important factors of child labour, and the recession caused by COVID-19 has aggravated this situation, other factors such as inadequacies of social institutions like

family and school, the noncompliance of Iran's law with international laws, including the CRC, many problems in the implementation of domestic and international laws, and lack of sufficient supervision by the responsible organizations are also among the obstacles to eliminating child labour in Iran.

Iran has acceded to the CRC but with a general and ambiguous condition such that, in many cases, children do not enjoy the rights in the CRC. The child labour situation cannot be improved unless all organizations perform their duties correctly. On the other hand, the dimensions of social damage are constantly changing and the solutions must be updated. Recent political and social uprising events and the worsening economic conditions have also impacted the severity and increasing number of children on the streets and in the labour force. It has taken positive steps in recent years, including enacting child protection laws, to further coordinate with the authorities. However, more work needs to be done to eventually eliminate child labour.

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