

The historical research on the rights of child with an approach to the international documents

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Abstract: The problem from exploitation of children and their sufferings caused that UN approved a declaration namely declaration on the rights of the child. Following this action, the international association of school psychology of Iran provided and approved a declaration on the mental rights of child. Now after 30 years of approval of that declaration on the rights of child and 10 years of approval of declaration on the mental rights of child, the countries of world practically and seriously haven't proceed to maintain the rights of child. It obviously observed in the imposed war and slaughter of thousands Iraqi Kurds children. The present paper is a script to more introduction of covenant of the rights of child and brief description for the occurrences about that covenant.

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1. Introduction

The attention to related issues to the rights of children attracts people day to day. According to the importance of topic and considering that UN wants approve covenant of the rights of the world children by general assembly of that organization and also as author knows that the rights of children haven't been investigated scientifically in the educational works and the scientific journals related to education, it is better considering to more attention to children generally and specially to the exceptional children in our Islamic country, an analysis is performed on the rights of children. That topic in Islamic culture has deep roots and centuries ago the supreme establishers of Islam and Shiite recognized the rights of children and have encouraged the Muslims to follow it. When the west was in the ignorance and darkness era, high attention to the rights of children in the Middle East and Iran in light of Islamic educations is a lasting honor for our Islamic culture. After this introduction and brief analysis about definitions and history of the rights of children in Iran and world, we will explain the suggested covenant of those rights.

1.1. Definitions:

- 1- The rights are the sum of right in Persian means adjusting the promise and confirm, convince, to deserve, make deserving. According to the meanings conversant, its meaning is reality and be applied to statements, opinions, religions and faiths. If it be including such order its opposite is void.
- 2- The child in the vest meaning is any daughter and boy before their maturity age and in the exact meaning of the word any daughter and boy that is under 12 years old. The master of Annedraj writes under the child term: The childhood from birth until maturity and somebody say movement time and maturity.

1.2. History:

For the first time in 1959, a declaration was approved namely declaration on the rights of child by general assembly of UN. That declaration that the representative of Iran had confirmed it consists of 10 principles that generally considered removal the racial discriminations, protection the child, social security, defectiveness of children, guardianship of parents to balanced training of child personality, free and obligatory training, to prefer providing the necessary facilities for child and protection against ignorance, oppression, adversity and exploitation. UN intended to honor twentieth anniversary of approval the declaration on the rights of child in all of the countries of world, so it called 1979 the worldwide year of child (Bandman, B. (1999)). That honoring that was celebrated by the national organizations of UNESCO in different countries of the world was simultaneous with the first months of victory of Iran splendid Islamic revolution. In 1979 according to recommendation of UNESCO, a commission consisting of representatives of universities and other relevant organizations was formed to honor the declaration on the rights of child and celebrating the worldwide year of child under inspection and guidance of the national commission of UNESCO in Iran such the other countries. That commission that the author was a member of it performed a series of the educational and social actions in Iran and approved a declaration called declaration on the mental rights of child that the international assembly of school psychology provided and approved it before (Lee, Y. (2009b)). Declaration on the mental rights of child consists of 9 parts:

1. The right to have love, kindness and understanding
2. The right to be released from fear, mental and physical harms.

3. The right of support and protection
4. The right of personal identity, independence and freedom of its expression
5. The right to have the appropriate occasions for the spiritual and moral development
6. The right having satisfaction from the personal relationships and group responsibilities
7. The right of formal and informal education and the necessary and special resources for exceptional children
8. The right of full opportunities for playing, recreation and free imagination
9. The right of success and the necessary encouragements about the physical and mental growth.

Now although 30 years has spent from confirming the declaration on the rights of child by UN and 20 years from confirming the declaration on the mental rights of child, yet not only the rights of child haven't been determined and indispensable in none of the world countries clearly, but also those rights have been disregarded in the different forms. A clear and regrettable example that angers all of the mortals was the chemical bombardment of Halabcheh by the criminal regime of Iraq that during it the thousands Iraq Kurd children died. Even in west countries in spite of the philanthropy claim and the activity of support assemblies of children, the rights of children and their dignity are being trampled. We must note that experts and psychologists of west are confessing to these facts. Melton (1983) write about the child in protection the child book: Yet an agreement and entire support about ideology of children pricing them to reach the rights related to needs satisfying and their abilities certainty hasn't been collected. Hart (1982) another author and psychologist believe that there are many disagreements between the supported rights of children and the rights of children that really exist (CRC. (2009). let's return to ourselves cultural heritage and honoring the position of child in Islamic literature. The honoring of child and infant are some emphasized orders and recommendations from the respectful prophet and innocent Imams. The selected examples of these orders are:

1. Honor your children
2. The child is master in the first 7 years, obedient in the second 7 years and in the third 7 years she/he is adviser and minister.
3. We must free the child 7 years and then try to train her/him.
4. Who that has a child must behave with her/him with manner of children.
5. The God on high has mercy on a person that likes her/his child very much.

6. Train your children accept your rules, because they have been created for the time except your time.
7. The child is excused from mistake and sin.

Under the influence the yielding jewels statements of the innocent Imams, some of the philosophers and scientists of Iran such as Mohammad Ebne Zakariyya died in 320 A.H. have spoken. According to above subjects, now that our ancient country has began Islamic ruling era with the rich Koran and Islamic heritage, we must notice to the rights of children very much. It is obligatory to parents, educators of children and all of the responsible for training of children to be defender of the rights of children. Now that the mortals especially education trainers and psychologists are very sensitive to the rights of children, it is a suitable occasion to show our interest and desire and not forget our responsibilities for this great affair when we observe many rich cultural fields about the rights of child in our Islamic country. We remember that the children have the most social vulnerability having the least influence on defense and proving own rights. The children aren't able to attract the others attention to own rights. Although the exceptional children like intelligent ones, mental handicapped, unwholesome children, the children with little culture and the more important of all the bodily infirm children attract the attention of parents and trainers more than normal children, but unfortunately is being investigated and taken care of them less than the normal ones.

1.3. Agreement of the rights of children:

Agreement or covenant of UN about the rights of children has suggested by representatives of more than 40 countries after 9 years investigation and research. The goals of that covenant are economic, social, politic and personal rights of the world children that define the adult's undertakings with regard to them. In agreement consists of the criterions and indexes including the international rights of children that provide us the important defensive tool to use it for the promotion of the social welfare of children and performing the justice about them. The merit and efficiency of that agreement will be related to its acceptability and agreeability from different countries of world (Freeman, M. (2000). If the general assembly of UN confirms that agreement and then the majority of representatives of countries approve it, the articles of the rights of children change to a firm supporter to promote the benefits of children. The national and international psychology organizations and assemblies such as scientific assembly of the exceptional children of Iran, the international school psychology assembly, psychologists of schools, the educational affairs responsible, trainers of kindergartens and teachers of throughout of world

must be in the prior line of the efforts to discover the principles that are guarantee of healthy, growth and correct performance of children using them. The international school psychology assembly wants to choose the responsibility position to support the agreement of UN about the rights of children of throughout the world and encourage the other similar movements in the psychology area of both of normal and exceptional children in every country. Now the international school psychology assembly requests the help from experts of children education of throughout the world and asks for giving opinion about the agreement of the rights of children before its final plan in the general assembly of UN. Also all of the representations UNISEF in any country like our country are ready to present the script of that agreement to the interested and researchers. The plan and vote taking of the general assembly of UN about that agreement in November 1989 that is coincident with October, 1989 will happen. The respected readers can send their reformatory views or analysis to the scientific assembly of the exceptional children or magazine office of educational Affairs College of Tehran University so the others use their viewpoints and suggestions sending those suggestions to UN and UNISEF. In addition to this general polling, the international school psychology assembly intends to promote the topic of the rights of children in different countries in a long- lasting research. We can determine the amount of attention and ignorance to the rights of children by such international researches. The existing agreements and disagreements between what is done and what is considered are being observed in different cultures .In that research suppose that there are the agree viewpoints or they are being created and also the important disagreements will be observed with some existing actions about children. If this hypothesis is proved, we can be hopeful that the results of that research can be used in different cultures. We can predict that the protection rights of children causes to promote their rights criterions (Lansdown, G. (1994).

1.4. The suggested agreement of UN about children:

The first object:

- 1- Definition of child: The child is anyone that is under 18 years old, unless the law determines a less age.
- 2- The right of life and growth: The right of life and obligation of 19 governments to supply the right of life and the most growth of child.

The second object:

Name and nationality: It is the right of child to have name and nationality from birth time.

According to note 1 object 121of civil law approved by Islamic consultative assembly in 1981,

child is applied to the daughters under 9 years old and the boys under 15 years old.

The third object:

The best benefits of child: The best benefits of child are being considered in regard to the daughter and boy look in the all of the legal and enforceable decisions.

The fourth object:

Lack of prejudice: Use those rights for all of the children, the obligation of government to support the children against prejudice.

The fifth object:

To follow the responsibility of parents: The obligation of government to follow the responsibility of the persons that are responsible of child legally to perform those rights.

The sixth object:

1. The attention of parents and separation from them: The right to live with the parents unless that right opposite to the best benefits of child. The right to maintain the relations with the parents, the obligation of government to supply the information when the separation from parents be a action from the government.
2. The renewed union of family: The right of abandonment or entrance to country and maintaining the constant contact for the renewed union of family.
3. The unauthorized and unjust transition 20: The obligation of government to prevent and raising the kidnapping or caring for the child in outside of the country by one of the parents or the third party.

The seventh object:

The free expression of view: The right of thought expression and allowing child to express own view.

The eighth object:

1. The responsibilities of parents: The obligation of government to support the parents or guardians as the first responsible of their children.
2. Abuse and neglect: The obligation of government to protect the children in any form of abuse by parents or others and undertaking some programs to prevent and therapy.

The ninth object:

The access to the scientific information: The obligation of government to supply the access to the scientific information and the lessons materials from different internal and international sources.

The tenth object:

The unattended children: The right of receipt of special protection, help from government when the child is deprived of family environment and supplying the attention in the replacement family or succession in the child protection institutions.

The eleventh object:

Adoption: The obligation of government to impose the provisions related to adoption process.

The twelfth object:

1. The disable children: The right of the disable children to protect and special training helping them to be able to achieve self – reliance being an active member in the society.
2. The health and health services: The right of the highest health criteria and access to the medical services, the obligation of government to supply the protections, and primary prevention, the health care for the pregnant women and health education to them, children mortality prevention and abolition of the harmful and traditional methods of delivery.
3. The periodic examination: The rights of children that the governmental organizations care them for protection, support or therapy to evaluate them regularly from the various aspects.

The thirteenth object:

Social security: The right of use the social security.

The fourteenth object:

Livelihood: The right of proper and good quality of life, the obligation of government to help parents that isn't able to meet that responsibility and trying to meet the needs of child from persons that have the financial responsibility from government and outside.

The fifteenth object:

Education: The right of education: The obligation of government to supply compulsory and free primary education to provide equal opportunities to access to compulsory and free primary education to supply equal opportunities to access to high and academic education from one side and to ensure that the school system be the reflect human status of child.

The sixteenth object:

1. Goals of education: The obligation of government to be conducted the child by education to the personality and talent development being ready to an active life of an adult to respect the human and fundamental rights. Also her/his sense of respect the cultural values develops.
2. The minority children: The right of the minority society children and unresolved populations to have culture and use their religion and language.

The seventeenth object:

Comfort and entertainment: The right of leisure, game and participating in the artistic and cultural activities.

The eighteenth object:

1. Child labor: The right of protection against the economic exploitation and entering to any work that causes health, education and child growth threat.

2. The obligation of government to determine the minimum age for employment and regulation of employment conditions.
3. Drug abuse: The obligation of government to protect children against illegal sleeping and mental stimulation drugs and entering them into production and distribution of those drugs.
4. The sexual exploitation: The obligation of government to protect the child against exploitation and sexual abuse such as prostitution and entering her/him into bad and pornographic images and speeches.
5. Buy and sell: The obligation of government to prevent the child buy and sell and kidnapping.
6. Other exploitation: The obligation of government to supply the physical and mental treatments and the social reconstruction of children that are the victim of abuse, neglect, exploitation and torture.

2. Discussions

We notice by the performed studies that Islam and the religious sources of children seriously were addressed during the history and their rights had been recognized according to time and place. The people involved with the con temporary world have made some efforts to explain the rights of children within agreement of those rights and the other non – binding international instruments. The patchwork efforts have been made in Iran but it seems that these efforts must be completed with approval the comprehensive and focused laws and also the Islamic and world approach.

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