

**A Desk review on**  
**Child labour in domestic work in Bangladesh**



**Bangladeshi Shishu Adhikar Forum**

**December, 2013**

## **Table of content**

- Background
- Objectives
- Methodology
- Definition of child domestic work
- The situation of the child domestic workers in Bangladesh
- Number of child domestic workers
- Major causes of becoming child domestic workers
- Work condition
- Working hours and nature of works
- Food and nutrition
- Wage and benefits
- Violence against the child domestic worker
- Views about the child domestic work by different stakeholders
- Existing legal frameworks to address child domestic work: Scopes and gaps
- A brief review of international instruments
- A brief review of national legal frameworks
- Why Child Domestic Work is hazardous
- Conclusion
- Recommendations

**Background:**

Harmful forms of work that involves children are one of the most critical issues facing the world today. There are different perspectives on child work. Save the Children (hereafter SC) believes that there should not be any child engaged in harmful work and SC is committed to seeking viable, sustainable solutions to this problem. SC views child work as a continuum which ranges from harmful to decent work. To response to the issue of child labor, SC divides the child work in three broad categories. These are 1. Worst form of child labor, 2. Hazardous work and 3. Child work. According to the SC's classification, child domestic work falls under the category of hazardous work. International Labour Organization (ILO) standard also support that child domestic work is a hazardous form of work.

There are a larger number of children in Bangladesh who work as domestic workers. A survey research (jointly conducted by ILO and UNICEF in 2007) shows that approximately 420,000 children are engaged in domestic work in Bangladesh, of which 83 percent are girls. Average working hours of the child domestic workers is 14 hours and average wage is BDT 509 (less than 7 US \$) per month. It is reported that children engaged in domestic work are often exposed to abuse, exploitations and violence, which in most cases remain unheard and unnoticed. In Bangladesh, still child domestic worker is not protected by any national law, including the Bangladesh Labour law (amended) 2013. Also the child domestic work is not included in the list of hazardous work (recently formulated by the Bangladesh Government), though it was a demand of human rights organizations for a long time.

There are very few initiatives from the Bangladesh Government to address the issues of child domestic work. But as a result of advocacy initiatives of human rights organizations, Bangladesh Government has started to take some positive initiatives to advance the issue. Specially, the draft policy document on "Domestic Workers Protection and Welfare Policy 2010" (though this is yet to be adopted) has been appreciated by the policy makers and facilitators. This policy prohibits employing the

domestic worker under age of 14 years. However, there are many things which need to do to bring a significant change in this field.

In this backdrop, Working Children Program of the Child Protection Sector of SC is very keen to take initiatives and introduce a start - up campaign to raise awareness on this issue. The campaign focuses on the vulnerability of girls who are the 83% of the child domestic workers. The main objective of the campaign is to facilitate an enabling environment so that the issue of child domestic workers is discussed and debated by the social change agents at all levels in order to address the issue as a matter of urgency.

As part of the campaign, the Working Children Programme of SC in collaboration with Bangladesh Shishu Adhikar Forum (BSAF) has decided to organize a national dialogue and the current document is prepared as a background document to facilitate the dialogue with the relevant stakeholders, specially the policy makers.

**Objectives:**

This current document is prepared on the basis of following objectives:

- To review the available secondary documents to understand the situation of child domestic worker in Bangladesh.
- To review and analyzes the existing national and international legal frameworks and instruments in regard to child domestic work in order to identify the scope and gap.
- To understand the perceptions of the key stakeholders towards the child domestic work and
- To propose a set of recommendations as a way forward

**Methodology:**

This report is based on secondary literature of the relevant documents on the child domestic work in Bangladesh. The review has two parts. The first part of the report

provides an overall picture of the child domestic workers' situation in Bangladesh. For this, a review of relevant and available research documents of SCI, partners of SCI and other organizations has been done. An extensive review of different web based information on the child domestic worker issues has been also conducted.

The second part of the report provides an extensive review of the existing legal frameworks in order to identify scope, and gap. This involves reviewing of adopted international instruments by the Bangladesh state (i.e. UNCRC, ILO conventions) and all relevant national policies and acts in this regard. The review also includes the relevant draft policies and acts. The second part of the report will give an idea of why and how child domestic work should be categorized as hazardous work in the light of the international and national standards. The second part of the document will also show us the scopes and gaps of using the national legal frameworks. Finally, the recommendation part will provide a brief idea of what needs to be done to prevent and eliminate child labour in domestic work in Bangladesh.

**Definition of child domestic work:**

UNICEF defines 'Child Domestic Worker' as children under the age of 18 who works in other people's households, doing domestic chores, caring for children and running errands, among other tasks. According to the Children Act 2013 of Bangladesh all individuals under the age of 18 will be considered as children. The document will follow the UNICEF definition of child domestic workers which complies with the Bangladesh's national standard and the Child Domestic Workers Convention 2011 (C 189). Thus, below 18 years of age in domestic work will be considered as a child domestic worker

- **The situation of the child domestic workers in Bangladesh**
- **Number of child domestic workers**

In Bangladesh near about 3 million young and adult populations extend their laborious contribution to the household activities as domestic worker. Among them 83 percent are female, who are mostly child and young in age. According to a report of UNICEF

3million children in Bangladesh work as child domestic worker. A research report of BILS shows that 33.6% of the domestic workers are the children among the total domestic workers and their age range is from 5 to 14. A recent survey of BSAF shows that the percentage of female domestic worker is much higher than 83% and according to this survey it is 88%. UNICEF report shows that In Bangladesh 17% of child domestic workers surveyed were found to be boys. The BSAF research also shows that the age range of the child worker is 6-18 years and most of the domestic workers are between 12-18 years of age. The highest percentage of domestic workers meets the age range 14-16 that covers 32 percent.

#### **Major causes of becoming child domestic workers:**

**Khadeja's family is very poor. She explains- "I am an 11 year old domestic child worker and I've been working for three years at my employer's house. I'm the third one out of five siblings. My monthly income is 1,000 (US \$12) and my father's income is Tk 2,000 (US \$24). My father is a day laborer and my mother is a housewife. My elder sister is also a domestic worker and my brother works in an industry. I am a primary school drop-out; I studied till my second grade ." (Ara, Iqbal, Alam 2011)**

Child domestic work is a multi-dimensional and complex issue. There are some broader causes and some specific reasons. Researches show that the key causes of child domestic work are economic vulnerability, inadequate legislative framework and labour laws, cultural and social inequities and inaccessibility in education, including inadequate provision of technical and vocational education etc. According to a research of UNICEF, the major causes of child domestic work are the acute poverty, inequalities in social and educational services provision and in economic opportunities between rural and urban areas, cultural norms, values and other practices to favoring boys over girls, especially regarding access to education and other opportunities, parent's low education, gender discrimination, vulnerabilities and social exclusion etc. There are many cases where child domestic workers are the principal money-yielding sources for their families'. This research finding also shows that many of the child workers narrated that their parents forced them to go to work because they needed the money. *One of the respondent of*

*this research* Rojina, 15 years old child domestic worker narrated her current situation in the following way: “I was forced by my parents to work in a foreign home for their daily bread. I was told I would be paid Tk 500 (US \$6) per month” (she does not know for certain how much she is paid). She also said that “When I’m married I will be happy and I’ll try to keep my husband very happy too. My employer will bear expenses of my wedding and dowry.”

Child Domestic Work is related with the low socio-economical situation of the family of the child worker. A research revealed the issue from the employer and child workers’ perspective. It shows that 90 percent of the child and 86 percent of the employer think that financial crisis is most important to become a domestic work. The other specific causes that are also related with economic factors are: large family, parent’s sickness and death of parents. There are some other causes like husband’s polygamy, and child marriage. A survey research of BILLS on domestic workers also supports the data. The survey has been done on 30 domestic workers in Dhaka city. The survey finding show that domestic workers involved with this work due to poverty that derived from economic crisis, large family, debt, natural disaster and divorce. Out of the 30 workers, 14 were came in to domestic work due to scarcity of food, 10 were came in to this work due to their family loan.

There are also other causes like social insecurity for the girl child at their village home. In the rural areas, where many families experience extreme food scarcity, women and girls do work outside the home out of necessity. But, especially for unmarried adolescent girls, this is often not socially respectable. Therefore, for some parents send their girls’ in an urban middle class home as they think that their girls are protected there.

- **Work condition**
- **Working hours and nature of works**

There is no specific working hour for the child domestic workers in Bangladesh as recorded in various researches. Generally, they are supposed to provide support

according to the need and requirement of the household. According to a report of UNICEF, in Bangladesh, Indonesia,

Pakistan and the Philippines, child domestic workers spend on average 15 hours or more working each day, seven days a week, and are generally on-call day and night. In one research nearly 74 percent of child domestic workers said that they have to work more than nine hours a day and the highest number of surveyed children work for 9-10 hours. There are other researches that support the data. The BILLS' survey research also supports the data. According to the research findings, 40 percent domestic workers had to work for more than 10 hours a day, 33 percent said that they had to work for 8-10 hours a day. On the issue of working hour, there is a huge difference between the opinion of child workers and employers. Whereas 74 percent of the interviewed domestic worker said that they have to work for more than 10 hours, the owners in contrary shared that it only happens in 50 percent cases. There are other researches which supports this data. Generally child domestic workers do the various activities that include washing floor, cleaning room, cooking, washing and ironing clothes, boiling water, waste disposal, shopping from nearer shops, cleaning toilet, bringing child from school and caring of the children as well as aged people. Research findings show that 39 percent of child domestic workers said that they do this kind of works every day.

Research also shows that children have to do works like body messaging of the employers, go for shopping, care of the aged people and bring employers' children from school. Child workers often identify these activities as "undue" work. Whereas, only 12 percent of employers said that their domestic workers do these kinds of works.

#### **Food and nutrition:**

There are different perspectives existing regarding the food intake and nutrition of the child domestic worker. It is evident from various researches that generally domestic workers get food three times. According to a research, ninety percent respondent (child worker) said that they get sufficient food for three times. Whereas another research on this issue shows that the quality of food and treatment varies in different households.



For the most part child workers eat empty calories (such as large amounts of rice) and nobody monitors if the children receive a balanced diet with adequate nutrition. Half of the respondents of this research said that they are fed only after the employer's family has completed their breakfast, lunch or dinner. Most of the time, it is the child domestic worker who prepares the meal, hungry, only to be fed late herself. Two of the respondents of this research said that they eat the leftovers of guest's meal. This is unhygienic and degrading. One of the interviewees mentioned that she may be called to work while she eats. She then has to stop eating and tend to her employer's call. One of the respondents of the

### **Wage and benefits:**

In most cases the appointment of domestic work is based on fully private contact. According to a research, 57 percent of the surveyed domestic workers got the work through their relatives. Mita describes her appointment in the following way: "I'm eight years old and I'm motherless. My father remarried and I have two younger stepsisters. My father lives in a village in Comilla and works as a utensil maker. I used to read in first grade in the year 2010 and it has been one whole year since I've started working in my employer's home. One of the employer's relative brought me here." Amongst the interviewed people 39 percent of the workers mentioned that the length of work at the present house is less than one year. Among the child workers nearly 56 percent of them mentioned that they move one to two times during their working life.

The same research showed, among the surveyed domestic workers, 17 percent are working on the false hope from their owners which include commitment of their marriage after certain period of time, provide better job facilities for them and for their family members, provide higher wages in future etc. Eighty percent of the workers mentioned that they get taka 300-1200 per month. Around 27 percent of them get only taka 300-600. On the wages, there is a huge gap in the opinion between workers and the owners. The highest 64 percent children mentioned that the owners do not increase their monthly wage, whereas 54 percent employers say that they have increased their

monthly wage. As per BILLS' survey findings, 33 percent of surveyed workers get less than 300 hundred taka per month, 30 percent get taka 300-600 and 30 percent get taka 600-900. Other than that the workers get festival allowance. According to a research, 90 percent of surveyed child domestic workers received festival allowance. Among them 50 percent received taka less than 1000. The research also shows that the amount varies in different areas.

### **Violence against the child domestic worker:**

The child domestic workers are often victims of physical, mental and even sexual violence by their employers. It is alleged that child domestic workers often become victims of torture including severe torture. Child domestic workers may suffer severe torture leading to fatal injury. It also happened that domestic workers even died due to severe torture and injury. CRC Alternative report 2013 highlighted that out of 23 news, 22 news items depicted severe torture on domestic workers. The analysis of the report showed that the child workers were tortured for very inconsequential reasons such as not performing a duty properly, delay in work, or simply breaking a glass. Aduri, a minor kid is the latest victim of the domestic child labour in Dhaka whose news went viral. The violence perpetrated to Aduri in recent times has been a shocker for the Dhaka residents. The news of course came through the conventional news medium but was spread further through the burgeoning social media users of Bangladesh. From news reports we came to know that Cantonment police rescued Aduri from near a dustbin at DOHS Pallabi, one of the posh areas of the capital on 23 September, 2013. At the time she was found she had explicit marks of severe torture on different parts of the body. Aduri was later admitted to Dhaka Medical College Hospital. Later, she was shifted to one-stop crisis centre at DMCH. As the news broke in different news channels, the police arrested Nowrin Zahan alias Nadi, wife of Saiful Islam Masud, from the city's Pallabi area on charge of torturing the minor girl on 26 September 2013 for a three day remand. The child who was working as a domestic "maid" hailed from Joinokathi village of Baulfol, Potuakhali. Her mother Shafia, 60, is a single parent of nine children. Aduri

was sent to work in Dhaka two years ago through one Chunnu Miah. She first worked as a “maid” in the house of in-laws of Chunnu Miah. Then she was sent to Saiful Islam Masud's residence. Masud is Chunnu's brother-in-law .

The severity of torture ranged from beatings, hitting the head on the wall, burning by cigarette or any other metal things, non-payment of salary and some even suffered rape by the owner of the house and committed suicide. According to a document of ASK, in the period between 2008 to 2011 there have been 2709 reports published in newspapers about the violence against domestic worker and among them 729 child domestic workers have died due to the violence. Every year a number of domestic helps are killed. It is also common to see domestic workers being sexually harassed by their employers. Child domestic workers, especially girl are victims of sexual abuse by the male members of the households. A study reveals that safety in the children’s work place is a problem to ponder upon. One of the respondents vividly described her feelings of insecurity when her employer, who is a female (single woman), brings home her male friends and colleagues. She reported that a few of the men tried to make sexual advances towards her. Verbal, mental, physical or sexual abuses are a common problem for nearly every child domestic worker. It is worse when the child is a female. For any indiscretion, they are slapped, kicked, punched, pulled by their hair or addressed in vulgar and obscene languages. Parvin, a 15 years old child domestic worker shared her experience in the following way: “Apa (female employer) shouted at me for little things all the time. She hit me on my head to wake me up. I was always severely beaten up by her and wept almost every day as far as I can remember”. Tamanna, a 13 years old child domestic worker said that “Verbal abuse is now a part and parcel of my life and I want to flee from this somehow”.

#### **Views about the child domestic work by different stakeholders :**

A research finding shows that marriage is a major concern for about half of the interviewed child domestic workers. They believe that once they are married, their life will be better than it is now. Being able to pay the dowry is another reason for working

in a household. When they are recruited, the employers promise their parents that their children's marriage and dowry will be taken care of. Rojina, a 15 years old child domestic worker shared her opinion about her work that "When I'm married I will be happy and I'll try to keep my husband very happy too. My employer will bear expenses of my wedding and dowry".

A previous study of Save the Children Sweden Denmark , tried to explore the parents' and communities perception about the child domestic works. From the findings of the twelve focus group discussions with around three 300 parents and community representatives, the study found that generally they do not have clear idea about child labour and they guess that those who work in others' household, garment factories and shops are the child workers. They think that children should go to school and play in the play ground in their childhood. It is not suitable for the children to involve work in their early childhood.

Some parents feel that Bangladesh is a poor country and it is not possible to eliminate child labor overnight here. Children are working in other's house as domestic worker, they do agriculture work, fishing, work in shops, hotels and other sorts of work. But the work that is harmful for the health of children should be prohibited. If children work, they cannot get access to school, they don't get time for games and recreation. If children are domestic workers, they become the victims of violence, they do not get proper food, the employers beat them and sometimes they become victims of sexual abuse.

Muhammad Imman Ali , Justice, Bangladesh Supreme Court shared his opinion in an interview that The National Child Policy 2010, the National Child Labour Elimination Policy, 2010 and the draft Domestic Worker Protection and Welfare Policy, 2010, when implemented, will bring a certain amount of relief. Also, if child domestic workers are recognized as workers within the provisions of the Labour Act, then at least they will be relieved of the curse of forced labor up to the age of 12 and will thereby benefit from the compulsory education provided by the State at no cost. He recommended that

authorities be directed to get child workers registered at the local governance units of their place of origin and their place of employment so that they could be tracked.

Md Muzammel Hossain , Chief Justice, said that Implementation of the child-related laws is “in a state of limbo” as “there is a manifest lack of knowledge of the laws among the police, magistrates and prosecutors,” he said. “Moreover, there is hardly any monitoring mechanism to ensure that the legal provisions are complied with.”

Tariq-ul Islam, secretary to the women and children affairs ministry, shared his view in a seminar that “Child domestic labour may be included in the list of the hazardous jobs in the future.” The reality is that both parents and employers are responsible for child labour.

Nazma Begum, member secretary of Domestic Workers’ Rights Network (DWRN), shared her opinion that many domestic workers were killed, injured and suffered different forms of mental and physical tortures, but the oppressors did not get punishment by court for various reasons i.e. the humble circumstances of the victims compared to their socially more powerful oppressors cannot be discounted. She also added that “We should all come forward to raise our voice to halt repression of the poor people as the torture on the domestic helps is a violation of human rights and stigma to civilization. The workers have been kept out of the country’s Labour law and there is no registration system for them. Hence, the trouble is continuing. If there was a formal registration system and legal recognition, the trouble would have gone”.

Benojir Ahmed, Commissioner of Metropolitan Police, Dhaka, expressed his opinion to the media during his visit to Aduri in hospital that there must be all forms of documentation and registration completed before a domestic help is employed. In other words, he was in favor of separate law for the rights of domestic labour.

#### **Existing legal frameworks to address child domestic work: Some scopes and gaps :**

Bangladesh Government is legally bounded by a number of international instruments (i.e. UN CRC, ILO Conventions) to ensure the rights of the children, especially the

working children. There are particular articles of these instruments which ensure the right of the child domestic worker and prohibit some form of child works. There are also a number of national policies and acts that ensure the rights of the working children in particular the children work as domestic helper. This section of the report will cover the scope and gaps of using the international and national legal instruments.

#### **A brief review of international instruments:**

Bangladesh ratified the **United Nations Convention on the Rights of the Child (CRC) in 1990**. Although the convention does not contain any specific article on child domestic work, there are many articles which explain the right of the child. Article 32 of CRC clearly speaks about the protection of the children from any kind of work that is harmful for their physical and mental health. There are other articles that talk about the non discrimination for the child, educational development, psychological development, protection from exploitation that is not implemented for the child domestic worker. Although as a signatory of CRC, this is the responsibility of the state, but Bangladesh Government so far did not enact any specific policy and act in this regard.

Another international binding for the Bangladesh state is **International Labour Organization (ILO) Convention 182** on the Worst Forms of Child Labor which has been ratified in 2001. The convention does not directly prohibit the child domestic work, but as a signatory of the convention, Bangladesh state is bound to identify the worst and hazardous forms of work for the children. After 12 years of ratification of the convention, Bangladesh government recently (in March 2013) formulated a list of hazardous work. However, the list of hazardous work completely ignored the domestic child labour issue which is invisible and outside from most of the policy frameworks. According to the article 3 of the Convention 182, the worst forms of child labour are “debt bondage, forced or compulsory labour and other”. The situation of child domestic work in Bangladesh shows that in some cases child domestic labour involves debt labour and forced work.

Another important international instrument is **ILO conventions 138**. It talks about the minimum age for the work. It makes responsible the state to specify a minimum age for admission to work and that is the age of completion of compulsory schools which is not less than 15. Bangladesh however, has not ratified C138, the rationale being that the age standards in its domestic labour laws are set in conformity with relevant ILO instruments and there is, therefore, little point in ratifying C138. Bangladesh government has formulated a Child Labor Elimination policy 2010 in accordance to the conventions.

The most recent ILO convention that particularly focused on domestic work which is **ILO 189 titled decent work for domestic workers**. This convention has a scope to bargain about different rights issues ( i.e. contract, safe work environment, minimum wage) of domestic workers through domestic workers' association/ union and at the same time the employers' association and recruiting agency. At the international level the usability of the convention is higher than the domestic level. At the domestic level, the domestic work sector is still very informal in Bangladesh especially the process of employing the domestic labour. This convention asserts the fundamental rights of domestic workers; it sets minimum labour standards for domestic workers. Though Bangladesh Government has not ratified the convention yet but if Government ratifies the convention, it will create scope for the advocate of this field to bargain about the rights of the workers . **A brief review of national legal frameworks:**

**Labour Act (amended) 2013**, Bangladesh has enacted a unified and updated labour Act in 2006 and that is amended in 2013. The Labor Act has fixed the minimum age for admission to work at 14 years and for hazardous work it has been fixed at 18. But this law does not apply to domestic workers as the labor law does not include the informal sector labour like domestic work. Labour law further defined light work of children between the ages of 12-14 years as non- hazardous work which does not impede education of the children. Although, the law is in place, but there is so far no indication that the law is implemented in this regard. Based on the act, a gadget notification has

been published in March 2013 where government categorized a number of hazardous works. But this list does not include child domestic work in this category.

**The National Children Policy 2011** has mentioned a number of steps to mitigate child labour. Following are the relevant steps that have been mentioned in the policy. The policy mentioned that there must be some provisions for education and recreation for the child worker (article 9.2), the owner must arrange education, food and lodging for the full time child domestic worker and ensure that the child does not engage in any risky activity (9.5). The policy also mentioned that the domestic child worker will get the chance to meet their parents at least once a month (article 9.4). The initiatives that have been mentioned in the policy is undoubtedly positive but it needs to be accompanied by proper implementation and monitoring plan.

**The National Child Labour Elimination Policy 2010;** the key objective of the policy is to withdraw working children from different forms of hazardous work and the worst forms of child labour by 2015. In advance to the ILO conventions 182 on the elimination of worst form of child labour, the National Child Labour Elimination Policy 2010 broadens the scope to defining hazardous work for the children under the section on working environment for the working children. This section generally provides the definition of hazardous and non-hazardous working environment for the children. This section, divided into 7 parts, describes most of the relevant matter for the working children. This includes non-hazardous work considering the children's capacity, condition of employment, working environment, education and recreation, health services, meeting the family members and future security provisions etc. This can be seen as a first ever policy which has high relevance for explaining the matter of domestic child work. The policy has also accompanied a strategic plan indicating the specific time frame and coordinating body for the implementation. But this strategic part of the implementation has ignored the informal sector like the domestic child labour sector. It is also important to be noted that there is a clear cut contradiction between policy and its implementation strategy.



According to the policy, Bangladesh Government is planning and implementing different short, medium and long term strategies and programs to eliminate various forms of child labour by 2015 but this will not emphasize the elimination of the child domestic work.

**The Domestic Worker Protection and Welfare Policy 2010 (draft);** this is the first ever national policy in Bangladesh that deals specially with the issues of domestic work. It's been two years that the policy has been drafted but it is yet to be enacted. The policy has been drafted to ensure the registration, work nature and security, working environment, wages and welfare, specific rules and regulation between workers and employer, conflict resolution etc. The policy clearly defined the role and responsibility of the relevant stakeholders (i.e. worker, employer, government, administration and local government). The policy keeps a provision that in case of employment of a child/adolescent (between age of 14-18), there is a need to make agreement between guardian of the child domestic worker and employer. This arrangement has been kept in the policy as the legal age for the employment is 18 according to the national legal standard. That means that the policy is allowing the employment of child in domestic work. The policy also mentioned that in general the working hour will be 8 hours for the domestic worker and there is need to arrange education for the child domestic worker (clause 5 and 7 of section A). If it also applies for the child worker, it will be a complete violation of the ILO C182 and also the national standard (i.e. National Child Labour Elimination Policy 2010). As per the standard, in case of child labor, the working hour has been set to 5 hours a day with the arrangement of formal education and adequate rest and recreation. Otherwise it will be identified as hazardous work.

The policy has also set some bindings in regard to age that is not less than 12. It also mentioned about other bindings (i.e. children should not be locked in the house, employers need to ensure that the child worker do not engage in any risky activity, do not use sharp utensils etc). In case of 12 year of age of the child worker, the employer has to ensure her/ his schooling and work safety. The policy has mentioned about the

complain mechanism in case of any violation and also mentioned about help line system. So if it is violated, worker can complain.

**The recent order of the Writ Petition no. 3598 of 2010** is one step forward in regard to deal with the issue of child domestic worker. It emphasizes the implementation of the draft policy of Domestic Worker Protection and Welfare Policy 2010. It also ordered the government to monitor and prosecute the perpetrator in case of violence against domestic worker and the order mentioned that it is government's duty to prosecute the perpetrators as the victims come from marginalized part of the society.

**“Domestic Worker Protection and Registration Act 2012 (draft);** this law is drafted by Ain O Shalish Kendra. They also submitted the draft act to the Government. This act mainly covers the area of the registration of the domestic worker and work security. As there is no formal registration system for the domestic worker yet, it will create an opportunity to register the domestic worker in their place of origin and destination. The worker will also get a valid document which will help to assert her rights if anything happens in her/his workplace. It will be the responsibility of the local government, so local government will have the information of the domestic worker too. The act also provides the scope of monitoring that will engage community and neighborhood. If this act is enacted and implemented, it will facilitate the issue of domestic worker's rights. But this law will not address the issue of assault, torture, and sexual violence. In case of sexual violence, the existing law of Nari O Shishu Nirjaton Domon Ain will be applicable for the domestic worker.

### **Why Child Domestic Work should be considered as hazardous work?**

Article 3 of ILO convention 182 on the Worst Forms of Child Labor mentioned that “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” will be considered as hazardous. Accompanied with the convention, ILO recommendation 190 explains that the consideration of the conventions should be given in relation to the “work which exposes children to physical, psychological and sexual abuses.” It also considers that children work for long hour at

night and child unreasonably confined to the premises of employer will be defined as hazardous work. This explanation of the C 182 and recommendation 190 give emphasis on the circumstantial factors in defining the form of labour and in correspondence to the explanation, the child domestic work must be a form of hazardous work for the children. According to the ILO definition of hazardous work following activities are considered as hazardous work: ironing cloth, washing heavy cloth, boiling water, operating motor or pumping water, lifting heavy goods, going to shop by crossing the road etc. Based on this definition much of the domestic workers of Bangladesh can be shown to have been involved with hazardous work.

The National Child Labour Elimination Policy 2010 clearly stated that violation of the following conditions will be considered as hazardous working condition for the children: Works for more than 5 hours per day; works that creates undue pressure on child worker's physical and psychological health and social status; works in an insecure and unhealthy environment; works without wage or with irregular payment or for low wages; works that requires carrying out duties disproportionate to his or her capacity; works in such a condition that hinders his or her education; It is forced labour; Is compelled to do such work which demean human dignity; becomes the victim of physical and/or mental torture and sexual exploitation; and gets no opportunity of leisure or recreation. The situation analysis shows that in case of child domestic work all the conditions (i.e. nature of work, working hours, working condition, right to rest and recreation, education, physical and psychological safety and security) that have been mentioned in the above laws are violated in Bangladesh on a daily basis.

The Labour Act (amended) 2013 has fixed the minimum age for admission to work at 14 years and for hazardous work it has been fixed at 18. Labour law further defined light work of children between the ages of 12-14 years as non- hazardous work which does not impede education of the children. But this law does not apply to domestic workers as the labor law does not include the informal sector labour like domestic work. So this act does not give any protection to the child domestic workers.

**Conclusion:**

This report summarizes the current state of policy and practice with regard to child domestic work in Bangladesh. A large number of children especially girls are working as domestic labour. Major portion of the domestic workers come from poverty stricken areas of the county and work in other peoples' house in city areas. They do not get any right as a child. At the same time they are treated as a labour in employers' house without having any rights of a worker.

The review of relevant policies show that there have been many policies which have been formulated and in some cases enacted in recent years (2010-13) at the national level. This policy environment can be seen as advancement itself from the government part. The review also shows that much of the international and national frameworks related to child work provide provisions for securing the rights of the child domestic worker. However, at the same time the review notes that there hasn't been a very positive move in this regard by the government and major gaps lie in policy implementation. A problem with the different policy frameworks is that when policy principles are enacted, usually the child domestic work is being considered as an informal labour sector. Thus, it continues to remain outside the purview of different legal instruments of the country. The review shows that the demand of transnational rights stakeholders to create a list of hazardous work continues to remain unfulfilled by the government. Al though all the relevant standards support child domestic work as a hazardous form of work for children, Bangladesh government so far has not be been able to recognize it officially.

At the national level, there are two newly drafted legal documents. One is Domestic Workers Protection and Welfare Policy 2010 (drafted by government) and the other one is Domestic Worker Protection and Registration Act 2012 (drafted by ASK). It is believed that if these documents are adopted and implemented, there will be a fair chance that a number of important issues related to child domestic work will be addressed (i.e. helpline for the violence against domestic workers, registration in both place of origin

and destination, involvement of the local government for registration purposes at the both level, community engagement in the monitoring mechanism etc).

The review concludes that there is a lacuna of research in regard to child domestic work issue. Thus, the employer's and child workers and their guardian's perspective are missing in this discourse. For a long term solution to the problem, it is believed that these perspectives are also brought into the fore in addition to the formulations of the policy makers.

**Recommendations:**

- Government should recognize the domestic work sector as a formal sector. As long as Government is not recognizing the sector as formal sector, it will not be possible to address the rights of the domestic worker. The Labour act 2013 (amended) and the National Child Labour Elimination Policy 2010 kept the area under the informal sector. So, this sector is remaining outside from all government regulations and monitoring mechanisms.
- Government should include the child domestic work in hazardous work list. Although the child domestic work conforms to the significant attributes of the definition of hazardous work, still government has kept the work outside the recently published list of hazardous work. As long as Government is not recognizing it as a hazardous work, the other policies will not include the sector in their strategic and implementation plan.
- Draft Domestic Workers Protection and Welfare Policy 2010 should be finalized, enacted and implemented soon. But before finalizing the policy, the identified gaps need to be considered in the document. At the same time government needs to have a well defined monitoring mechanism to monitor the implementation.
- Domestic Worker Protection and Registration Act 2012 that is drafted by Ain O Shalish Kendra must be enacted and implemented within short period. This act will

facilitate the registration system at source and destination level. So government will have the data of domestic worker that will help to monitoring the sector.

- There is a need to extend government education program for the children of poverty-stricken areas and the children who already entered work. To address the cause immediately, government can take some intuitive of special schooling mechanism for the working children.
- Policy and actions must be more realistic than idealistic. Policy in place and policy in practice are two different issues. So there is a need to focus on the implementation of the policy.
- There is a need to take initiatives for changing overall attitudes and perception towards domestic work and girls' role. It is evident from different researches that 80 to 90 percent of child domestic workers are girls and there is a dominant notion that girls are doing girls' work and seeing this as an extension of their 'duty'. So, this issue needs to be taken care of.
- There is a need to create awareness among the mass people about the domestic work. Generally, employers of the child domestic workers think that they are doing a favor by appointing a child as domestic work. They do not have the understanding that the employment of under aged children itself is a violation of child rights. When any gross violation happens then people start to think about it.
- Generally, perspectives of the employer, child worker and guardian of the child worker are missing in this discourse. But for a long term and sustainable solution there is a need to consider these perspectives in the formulation and implementation of the policy.

## References:

SC's position statement on the protection of children from harmful work 2013

United Nations Convention on the Rights of the Child (UNCRC)

International Labour Organization (ILO) convention 182

International Labour Organization (ILO) convention 138

International Labour Organization (ILO) recommendation no. 190

Labour law 2013 (amended)

National Children Policy 2011

The National Child Labour Elimination Policy 2010

Domestic Workers Protection and Welfare Policy 2010 (draft)

High Court WRIT PETITION NO.3598 OF 2010

Domestic Worker Prevention and Registration Act 2012 (draft, drafted by Ain O Shalish

Kendra

National Plan of Actions for 2012-2016

Child Led Alternative Report 2013 which will be submitted to UN CRC Committee in 2014

A presentation on Domestic Workers' Rights and Status , prepared by Domestic Workers' Rights Network (DWRN) Bangladesh, provided by Save the Children

A Child in the family but imprisoned: Study on the Situation of Domestic Child Worker in Dhaka city by M. Rezaul Islam (2010)", published by Bangladesh Shishu Adikhar Forum, 2011

A research report titled " From Open Fields to Secluded Households: Child Domestic Workers in Bangladesh"; available in

<http://www.laborrights.org/sites/default/files/publications-and-resources/AMRF%20report-%20From%20Open%20Fields%20to%20Secluded%20Households.pdf>

Living inside room outside law 2010; A Study on Child Domestic Worker and the role of Government and Civil

Society, the research conducted by Save the Children Sweden Denmark and Ain O Salish Kendra

Suamiya Khair, Child Labour in Bangladesh, A forward looking policy study, April 2005

List of Hazardous work, formulated by Bangladesh Government

<http://www.lawschool.cornell.edu/womenandjustice/Featured-Judges/Justice-Ali.cfm>

<http://www.thedailystar.net/beta2/news/child-domestic-workers-most-abused/>

<http://www.idwn.info/news/female-domestic-workers-and-their-rights-bangladesh>

[http://www.newstoday.com.bd/index.php?option=details&news\\_id=2357918&date=20](http://www.newstoday.com.bd/index.php?option=details&news_id=2357918&date=20)

[13-09-29, http://www.newagebd.com/detail.php?date=2013-09-29&nid=67272](http://www.newagebd.com/detail.php?date=2013-09-29&nid=67272)