

# STATE OF CHILD RIGHTS IN BANGLADESH 2013

Published by



**Bangladesh Shishu Adhikar Forum (BSAF)**

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# STATE OF CHILD RIGHTS IN BANGLADESH 2013

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## MESSAGE FROM THE CHAIRPERSON

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I am pleased to know that Bangladesh Shishu Adhikar Forum (BSAF) yearly publication, State of Child Rights in Bangladesh 2013 has been published. The publication contains an array of subjects that are relevant to the child rights movement in Bangladesh, including child labor, child abuse, child trafficking, child marriage, child health, birth registration and so forth.

Since its inception in 1990, Bangladesh Shishu Adhikar Forum has sought to build a better, safer, more peaceful world for the country's children and to press the government of Bangladesh to uphold their responsibilities for the freedom and well-being of our young citizens. Of all the lessons learned in the past decades, the critical role of leadership is perhaps the most important one to take with us into this century. Leadership is an imperative if we are to improve the lives of our children, their families and their communities. We must put the best interests of children at the heart of all political and business decision-making and at the center of our day-to-day behavior and activities.

This publication would not be possible without the contributions and advice of BSAF's Board Members, Editorial Board, officers and Member Organizations of this network. We are indebted to each and every individual and organizations who do not appear here but have supported our venture over the year. We are grateful to Terre des Hommes Netherlands for their financial support to BSAF and particularly to this report.

Bangladesh Shishu Adhikar Forum continues to collate the works done by the Member Organizations and other actors with the same end in view. The resources and expertise of BSAF is directed towards achieving the cherished goal of ensuring the fundamental rights of all children of Bangladesh.

**Md. Emranul Huq Chowdhury**  
Chairperson, BSAF



## FOREWORD

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It gives me immense pleasure to be able to introduce the “State of Child Rights in Bangladesh 2013”, a yearly publication of Bangladesh Shishu Adhikar Forum (BSAF). The study takes a step forward in highlighting the prevalence and the worse situation of underprivileged children in Bangladesh.

The report reviews Bangladesh’s progress towards fulfilling children’s rights to education, health care, current situation of child labor, birth registration, violence against children, child trafficking and so on. The study has been prepared through consulting secondary information, focus group discussions, Key Informant Interviews etc. with key stakeholders including children in several communities, which provided important insights. The recommendations provide specific and concrete measures for authorities working with child rights issues to presume their responsibilities and be held accountable for the protection of children’s rights. We hope that this report will help readers a glimpse of child rights situation in Bangladesh. It will be an important and useful document for professionals who work on child rights issues.

I express my sincere thanks to the Chairperson of BSAF for his guidance and suggestions and all other Office Bearers and Members in the Executive Board for their cooperation in producing this report. I am grateful to all the member organizations of this network for their support and cooperation. I am very much indebted to Terre des Hommes - Netherlands for their continued support to BSAF and without their support this publication could not come out in light. I am also thankful to Mr. Shukomol Roy, the main consultant and his team for their tireless effort to accomplish this task. I am also thankful to Mr. Sharfuddin Khan for his technical support and cooperation in producing this report. I, in this connection, remember those individuals and institutions who have contributed in many ways to make the effort a success. Finally I am thankful to my colleagues in BSAF Secretariat for their support in bringing out this report.

**Abdus Shahid Mahmood**

Director

Bangladesh Shishu Adhikar Forum (BSAF)



# BSAF at a glance

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Bangladesh Shishu Adhikar Forum (BSAF) is a national network of Non-Government Organizations (NGOs) actively engaged in child rights work. It was formed and launched in 1990, following the ratification of the UN Convention on the Rights of the Child (CRC) by Bangladesh in the same year. The World Declaration on the Survival, Protection, Development and Participation and the Plan of Action for its implementation as adopted by the World Summit on Children in September 1990 and subsequent Declarations provided the framework for its operational objectives, which seek to ensure services and rights to children as provided in the CRC. BSAF started its journey in 1990 with eighteen member NGOs which has been increased to 263 member NGOs at present.

BSAF advocates for a Child-Friendly world. It works as a networking entity and brings together and assists child rights organizations to pursue common goals. It helps synthesize the viewpoints of member organizations and works to mobilize material and human resources for promoting child rights programs. It provides collective leadership in program matters to member organizations. It works with law and policy makers to bring positive changes in national laws and policies relating to children. It runs a vigorous campaign at macro level to make the civil society and policy makers aware of the provisions of CRC and plays a proactive role in promoting and upholding these rights. It also provides guidelines and assistance to member organizations to carry out advocacies for promoting child rights and influencing the policies of the Government. BSAF's mandate is to complement and supplement the government's effort to promote and protect the rights of the child. It has been engaged in networking and establishing linkage with relevant government organizations, trade unions, media, UN agencies, inter-governmental and other national and

international organizations for promoting and protecting the rights of children. Its representative and national status gives it a greater reach to draw attention to issues concerning the rights and well-being of children at national, regional and international levels. BSAF has a resource centre which preserves information and collates database on child rights, publishes state of child rights in Bangladesh and submits alternative reports to the UN committee on CRC about the progress of child rights situation in Bangladesh.

## **Vision and Mission Statement\_\_\_\_\_**

To establish a healthy, child-rights enriched society, free of abuse, exploitation and discrimination for the disadvantaged children of Bangladesh. The mission of Bangladesh Shishu Adhikar Forum is to:

- Include organizations working with children in Bangladesh into the Bangladesh Shishu Adhikar Forum network
- Stop child abuse and exploitation
- Stop child labour
- Stop child trafficking
- Education for all without discrimination
- Eliminate gender discrimination
- Provide adequate recreational facilities to children
- Participation of children of the development process
- Improve social security
- Create pollution free environment
- Create and expand superstition-free environment for the children with disability (physically and mentally handicapped)



# Goal and Objective

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## **Goal:**

The goal of Bangladesh Shishu Adhikar Forum is to promote the UN Convention on the Rights of the Child.

## **Objectives:**

- To play an effective role for the purpose of implementing the CRC
- To create mass awareness on children rights
- To assist in the formation of legal framework for the protection of children rights
- To increase the access to fundamental rights
- To protect children from all forms of deprivation
- To implement children policy, children act and national child labour elimination policy

# Major Activities

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- Advocacy and lobbying with government on the implementation of CRC
- Monitor the child rights situation in the country and furnish alternative report to UN
- Networking / Campaigning and Awareness raising with relevant stakeholders on CRC
- Rapid situation assessments (RSA), research and study on child rights
- Capacity building of member NGOs
- Information dissemination and publications on child rights
- Media advocacy
- Promote the rights of the child within the contexts of the UN

convention

- Influence public opinion on CRC
- Provide a channel of communication and facilitate the sharing of information
- Coordination with member NGOs and other concerned stakeholders
- Seek new ways for establishing the rights of the child
- Provide technical supports and services to the MNGOs.

BSAF has a mandate to work all the districts in Bangladesh through its 264 member NGOs. The secretariat is based in Dhaka and membership is open for all Bangladeshi NGOs having regular program on child rights issues.

## Legal Status

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BSAF is registered under Foreign Donation (Voluntary Activities) Regulation Ordinance 1978 (amended in 1982) with NGO Affairs Bureau, Prime Minister's Office- Government of Bangladesh. Registration No. is 724, dated 4th July 1993 and renewed on 25th August 2013.

## Contact

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# Methodology of the publication

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Bangladesh Shishu Adhikar Forum (BSAF) publishes a yearly report titled ‘State of Child Rights in Bangladesh’ which depicts the overall child rights situation of the country. The report is prepared through collecting information and gathering data from various secondary sources, including publications of national and international organizations, newspapers and electronic media, and academic and research institutions as well as BSAF’s own information resource center. The present report on the state of child rights has been prepared through using both the primary and secondary data derived from the sources below:

## ***Primary Data:***

Primary data is an important source of understanding the stakeholder’s views and perceptions about an issue or affair. With a view to understand the overall situation of the child rights in the country following tools were used for extracting primary data:

a. **Focus Group Discussions:** Under the study, it allowed to collect consciousness and perceptions of different stakeholders through Focus Group Discussions (FGDs). A total of two FGDs were conducted in three regions where different professionals including government officials, representatives from different NGOs, lawyers, politicians, local elites and disadvantaged children participated and shared their perspectives. The outcomes of the FGDs are also incorporated within the literatures where required. The FGDs were organized in Rajshahi and Thakurgaon district. Representatives from social and professional bodies comprising different stakeholders took part in the FGDs and expressed their opinion and statements. The disadvantaged children separately participated in an FGD held

in Dhaka to share their experiences, views and opinion.

**b. Key Informant Interviews (KIIs):** A number of development and rights-based organizations work on child rights issues in Bangladesh. In addition, government organizations, donor agencies, INGOs, NGOs and CBOs are also contributing to the sector to promoting child rights in the society. The representatives of such different organizations underwent in-depth interviews who provided with valuable information and suggestions to improve the child rights situation in the country. A checklist was developed by incorporating various relevant aspects of child rights situation in the country to conduct the FGD and KII.

### ***Secondary Data:***

Secondary data were gathered by reviewing relevant literature, i.e. study reports on child rights, newspaper/television reports and publications of different national and international organizations. Websites of different GO-NGOs, INGOs, donor agencies, UN agencies, academic research institutions have also provided with numerous information and data on child rights situation in the country.

# Child Rights Situation in 2013:

## A flashback

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The teacher-student ratio stands at 1:46 while the total learning time in a year in primary school is yet far behind the international standard of a thousand hours. Besides, a primary teacher alongside teaching has to carry out many other tasks like birth registration, population survey, many other social surveys and polling duties during elections. Another major reason behind the shortage of quality teachers at primary level is poor salary and remuneration.

Due to lack of awareness among the people and negligence of the authorities concerned, many children remained out of birth registration. The government enacted the Birth and Death Registration Act, 2004 making birth registration mandatory for all. The present legal framework has made birth certificate mandatory for getting 16 basic services. These include—passport, marriage registration, admission in school, appointment in job market, driving licence, enrolment in voter list, land registration, opening bank account, getting export and import licence, getting utility connection, getting tax identification number, getting contractor licence, getting approval of building plan, registration for vehicles, getting trade licence and getting National ID cards.

Despite initiatives undertaken by government and non-government organizations, there are challenges in addressing the commercial sexual exploitation and prostitution of children in Bangladesh. Recently, government has undertaken a number of initiatives to ensure birth registration, still a large proportion of children are not registered. Information and data on child prostitution is inadequate.

Though there are no reliable statistics on the extent of commercial sexual exploitation of children (CSEC), it is estimated that there are approximately 10,000 to 29,000 victims of CSEC in Bangladesh (GME 2007). The incidence of violence, including commercial sexual exploitation of children especially girls is believed to grow which is a significant problem. However, this problem remains largely hidden due to clandestine nature of this trade and reluctant attitude of concerned stakeholders towards the issue.

Malnutrition has emerged as a severe threat to child mortality in Bangladesh as it indirectly contributes to 50 percent of total child mortality in the country. Around half of the children aged below five in Bangladesh are suffering from one or multiple sorts of malnutrition that is considered the underlying cause of child mortality. If a child is deprived from exclusive breastfeeding properly before the age of six months and cannot get adequate complementary food or had repeated infections, the child will surely suffer from malnutrition.

The juvenile justice in Bangladesh is built on the recognition that many juveniles who come into conflict with the law are victims of social hardship, violence and deprivation and that they often do not understand the consequences of the act they committed. Due to the multifaceted nature of needs, they require and are entitled to special care and protection. In this context, the UN Convention on the Rights of the Child and other relevant international standards for dealing with juvenile offenders provide several provisions to protect their rights. As a State party to the Convention on the Rights of the Child, notably, Bangladesh is under a legal obligation to establish a child rights oriented juvenile justice system based on UNCRC elements i.e., to protect human rights of children, prohibit degrading punishment imposed on them and rehabilitate them with dignity. This obligation has been resonated also through the insertion of

CRC as a reference in the preamble of the Children Act in 2013.

Given the recent case study, truly the juvenile justice practice still accepts the full confinement with some vocational and correctional activities as a core technique of rehabilitation. Though the recent Children Act has inserted substantive provisions of alternative care, family conferencing, diversions, rules still need to be adopted how methods of family conferencing and diversions would be practiced in the ground. The governmental authorities in this concern should act proactively to make rules and regulations dealing with non-custodial sanctions. Only then, we can dream for a child-rights friendly juvenile justice system in Bangladesh.

Bangladesh is a source country for men, women, and children subjected to forced labor and sex trafficking. Women and children from Bangladesh are transported to India and Pakistan, where they are subjected to commercial sexual exploitation or forced labor.

Within the country, some Bangladeshi children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Some street children are coerced into criminality or forced to beg; begging ringmasters sometimes maim children as a means to earn more money. In some instances, children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Some Bangladeshi families and some Indian migrant workers are subjected to bonded labor in Bangladesh's brick kilns; some kiln owners sell bonded females into prostitution purportedly to further recoup the families' debts.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted rules to implement the 2012 Human Trafficking Deterrence and Suppression Act (HTDSA) and began prosecuting cases under the law. However, the lack of adequate law enforcement efforts and institutional weaknesses continued to contribute to the trafficking of Bangladeshi migrant workers abroad. Inadequate trafficking victim protection remained a serious problem.

Children constitute almost 40 percent of the total population of Bangladesh, and yet, as of now, they do not feature separately in the national budget. Resources are allocated through different ministries, like Health, Education and Women's and Children's Affairs, but there is no overarching framework to establish exactly how much budget is currently being apportioned to children, suggest experts. Even within the individual ministries, there is no mechanism that allows for determining the exact amount being dedicated to children.

Child rights experts argued that there should be a dedicated budget with more focus on children's health, education and nutrition and particularly for the disadvantaged children, so that it goes directly to them.

The CPD and UNICEF report, titled, "National Budget: Are the Commitments to the Children of Bangladesh Being Kept?" highlights that the share of allocations for child-focused programmes has not been changed significantly since FY 2005-06. The number of social safety net programmes and amount of money allocated in the budgets increased, but the amount and proportion of these resources are insufficient compared to the number of poor and most vulnerable children.



Bangladesh is among the first countries to ratify and bring into force the two most significant global documents that protect the rights of children with disabilities– the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Rights of Persons with Disabilities (CRPD). Rehabilitation services in Bangladesh are provided by the government under the direction of the Ministry of Social Welfare.

The country has taken a number of legislative and policy actions towards national adoption of the global commitments including the Children Policy 2011 and the Rights of Persons with Disabilities Act 2012.

However, the act, a key factor for taking further actions, is pending enactment. Knowing the exact number of children with disabilities and the types of problems they are facing is another issue for further actions. However, till date the government is in the dark in this regard, as no nationwide survey on children with disabilities was held so far. Recently the government has started a survey to count the number.

## **Child Prostitution**

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Bangladesh has ratified number of international instruments and formulated policy against sexual abuse and exploitation of children including trafficking. These measures certainly indicate the GOB's policy commitment and initiatives towards achieving the goals set for fulfilling the rights of children. However, there is a wide gap between policy commitment and implementation.

Though there are no reliable statistics on the extent of commercial sexual exploitation of children (CSEC), it is estimated that there are

approximately 10,000 to 29,000 victims of CSEC in Bangladesh (GME 2007). The incidence of violence, including commercial sexual exploitation of children especially girls is believed to grow which is a significant problem. However, this problem remains largely hidden due to clandestine nature of this trade and reluctant attitude of concerned stakeholders towards the issue.

Women and girls are widely treated as sexual objects in Bangladesh. Though it is widely circulated that women and girls enter into prostitution willingly, it was found that behind that willingness there were compulsions. Children are recruited and forced into prostitution by the vested interest groups who use various techniques through their agents like pimps, local mastans, brothel owner, members of the law enforcement agencies etc. for monetary or other types of benefit. According to Bangladesh Bureau of Statistics-BBS, (Commercial Sexual Exploitation of Children (CSEC) Pilot Survey 2008), there are about 15,702 girls' sex workers in Bangladesh. Out of these, 430 are brothels, 2,498 hotels, 4,088 streets, and 8,686 are residence based prostitutes. It is believed that number is under reported and actual number of child prostitutes is much higher than the statistics.

Children forced into prostitution are deprived of basic necessities and rights like quality food, shelter, education, medical care. They do not enjoy any rest, recreation and leisure. They are also excluded and deprived of most of the public and social services.

There are brothel, hotel, apartment and street based prostitution. Residential hotels adjacent to bus, train, and launch terminals believed to rent room to facilitate prostitution. Street based prostitution is widespread in parks, near bus and train stations, cinema hall, and also in places nearby majar (grave of religious

leaders), government offices (as this are closed in the evening), buildings under construction etc. Apartment based prostitution is hard to locate as it is spreads in major cities.

Major causes of prostitution are unemployment, vulnerability due to lack of education, lack of awareness, poverty perpetuated by economic disparities, injustice, social stigma, deprivation, marginalization, gender discrimination, harmful traditional practices, lack of proper implementation of legal instrument, grip of the powerful section of the society, domestic violence etc.

As a consequence a child who could have been a responsible and productive citizen of the country remain as sex slave and ends up only serving without positive value. Prostitution has severe negative economic and social impacts. Children forced into prostitution are condemned and seen as anti-social entities. Economic deprivation, social marginalization and stigmatization often lead these children to learn hatred. They feel like taking revenge that perpetuates violence in the society.

GoB, several national and international NGOs and development partners are providing various services such as temporary shelter, food, basic education vocational training etc. However, these services are inadequate comparing to the need and requirements.

Despite initiatives undertaken by government and non-government organizations, there are challenges in addressing the commercial sexual exploitation and prostitution of children in Bangladesh. Recently, government has undertaken a number of initiatives to ensure birth registration, still a large proportion of children are not registered. Information and data on child prostitution is inadequate.

## Child Labour

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Child labour remained an important obstacle to achieving Universal Primary Education and other Millennium Development Goals in Bangladesh. It not only harms the welfare of individual children, but also slows broader national poverty reduction and development efforts. Children forced out of school and into labour to help their families make ends meet are denied the opportunity to acquire the knowledge and skills needed for gainful future employment, thereby perpetuating the cycle of poverty.

Several steps were taken to prevent and eliminate child labour, especially hazardous forms of child labour in terms of policy formulation and implementation of projects and programs. The Child Labour Elimination Policy (NCLEP) was adopted in 2010. The NCLEP set the minimum age for employment at 14 years and it prohibits children's engagement in hazardous work below the age of 18 years. A National Plan of Action has been adopted to implement the NCLEP. Revision of the Labour Act 2006 is completed. The new national child labour survey has been initiated with technical support from ILO. The final list of hazardous work for children has been determined.

The issue of child labour has been incorporated in all major national development plans, including the Sixth Five Year Plan (2011-2015), the National Plan of Action to combat human trafficking (2012-2014), the National Labor Policy, the National Education Policy (2010), the National Plan of Action for Education for All (2003-2015), the National Skills Development Policy (2011), and the National Policy for Children (2011).

However, legal protections regarding child labor are limited and the capacity to enforce child labor laws remains weak. In addition,

adequate human and financial resources are yet to be allocated to implement activities set out in the National Plan of Action.

The Ministry of Labour and Employment established the Child Labour Unit few years back with the objective to coordinate child labour related interventions in the country as well as generating and disseminating child labour related information on a regular basis. However, the unit became almost non-functional since 2012.

It is important to note that the recently approved list of hazardous work for children did not include the child domestic work despite continuous lobbying and advocacy by the civil society organizations. As a result, children engaged in domestic work are left out from any legal protection and will still be subjected to inhuman abuse and exploitations. The Ministry of Labour and Employment claimed that considering the sensitivity of the issue they have decided to adopt a separate policy to protect the rights of the child domestic workers. This policy (Domestic Workers' Protection and Welfare Policy) was drafted in 2010, which is yet to be finalized and approved. On the other hand, the provisions proposed in the draft policy also contradict with the National Child Labour Elimination Policy 2010 and revised Labour Act. Because the draft policy said children under 14 years of age should not be recruited for domestic work, whereas the two other policies clearly stated that children under 18 years should not be employed for any hazardous work. And this is beyond debate that child domestic work is one of the most hazardous work taking into the consideration the working environment and conditions.

## **Birth Registration**

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The Ministry of Local Government, Rural Development and Cooperatives (MoLGRD&C) is solely responsible for birth registration. The Local Govt. Division of the MoLGRD&C has been implementing the Birth and Death Registration Project with support from UNICEF since 2001. The aim of the project is to ensure birth registration and providing certificate to all people, including children.

According to the Birth and Death Registration Law, 2006, it is mandatory to show birth certificates for receiving 16 services -- passports, driving licences, TIN numbers, applying for jobs, business identification, admit card for taking public examinations, opening bank account, applying for microcredit, withdrawing governmental allowance and land purchasing and selling.

At the same time, the certificate should be used for getting trade licence, purchasing and selling vehicles, involving oneself in an insurance scheme, marriage registration, voter identification in different elections, admission in educational institutions, gas-water-electricity connection, telephone-mobile, internet, cable TV connection, receiving governmental subsidy, filing any case or appeal in court and applying for company shares and for other governmental services.

Birth registration also helps the government to plan for its development activities, as the birth registration statistics helps the government to pinpoint the number of children in the country.

However, there are still challenges to bring all children under the birth registration program, especially hard to reach areas like hilly areas

and char land areas where the birth registration rate is remains very low. According to the Law, births of all children are to be registered within 45 days. However, many parents are reluctant to do that as the first time they need birth certificate for their children at the time of enrolment in primary school. By that time children usually reach the age of 6 years. The LGD has taken special initiative to achieve the birth registration target in the low performance areas, including registration of births within the given timeframe by the law. The special measures include linking birth registration with the Extended Programme of Immunization (EPI) so that parents become obligated to register births of their children to get the EPI service and mobile birth registration in hard to reach areas. The Ministry introduced online birth registration program with the support of UNICEF.

## **Child Marriage**

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Child marriage is a violation of human rights. It adversely affects education, health and wellbeing of girls and perpetuates cycles of poverty. Child brides experience the detrimental physical, psychological and social consequences of child marriage. This is a global phenomenon and a grave cause for concern.

Bangladesh has one of the highest rates of child marriage in the world. According to the national survey on child marriage jointly conducted by Plan International Bangladesh and ICDDR,B, 64% of women currently aged 20–24 were married before the age of 18. This is despite the fact that the minimum legal age of marriage for females in Bangladesh is 18 years and 21 for males.

There are multiple reasons for child marriage in Bangladesh which don't vary significantly across geographical area. Marriage is widely considered a family matter and survey finds that in

Bangladesh it is most common for the father to make the decision regarding his daughter's marriage. The practice is deeply embedded in culture. Parents and wider family members may believe that by arranging marriages with a groom they perceive to be suitable, they are providing girls with social and economic security, and protecting them from harm, including sexual harassment. The financial pressure associated with the practice of dowry is also a driver - dowry prices often increase the older a girl becomes. This increase is associated with the cultural perception that a girl will become less attractive with age. Girls from families of poor socio-economic status and those living in rural areas are also more likely to become child brides.

Lack of education is strongly associated with levels of child marriage. Not only is this an additional driver, marriage under the age of 18 also deprives girls of their right to education. Many girls drop out of school after entering wedlock. Another adverse effect of child marriage is early pregnancy and childbirth. These can have detrimental and long-term health effects on girls whose bodies are not developed enough to give birth, and also increase health risks to the newborn.

The government of Bangladesh and its development partners have prioritised delaying age at first marriage, recognising the impact that child marriage can have on achieving almost every Millennium Development Goal (MDG). Survey reveals that the trend of child marriage in Bangladesh is declining, particularly with regard to marriages under 15 years of age. However, this decline is slow. It is therefore essential that more is done to end this harmful practice in Bangladesh.

The survey reveals the prevalence and changing trend in child



marriage in Bangladesh. It also shows associations with education and wealth, among others. Key findings of the survey include:

- The prevalence of child marriage is still high in Bangladesh. 64% of all women aged 20–24 were married before the age of 18.
- There are lower rates of child marriage among younger women compared to older women suggesting that child marriage rates are decreasing.
- There is a positive correlation between location (urban/rural) and child marriage. The rate of child marriage among all women aged 20–24 years was 54% in urban areas, compared with 71% in rural areas.
- Education is strongly associated with child marriage. 86% of women with no education were married before 18 years of age, compared to 26% of women who had completed secondary or higher education.
- It is most common for the father of the bride to make decisions regarding the marriage of their daughters.
- There is a correlation between location (rural/urban) and awareness of legal age limits. 45% of women in rural areas who were surveyed, and 55% of women in urban areas who were surveyed were aware of the legal age of marriage. Employment at time of marriage is associated with lower rates of child marriage (57% employed versus 70% unemployed at time of marriage).

The psychological impacts of child marriage can be significant for both boys and girls. Child marriage can mean that children are

disconnected from their parents and close relatives, leaving them isolated and vulnerable, without necessary support in dealing with marriage, parenthood, domestic duties and supporting a family. In order to stop child marriage the survey recommended the followings:

- Enforcing legal processes to stop child marriage
- Implementing on-line birth registration across the country
- Improving girls' safety in communities, including through national and community-based child protection systems and mechanisms
- Increasing the awareness of families and communities, especially fathers
- Fostering children's agency in preventing child marriage
- Involving men and boys as key agents to stop child marriage
- Investing in girls' education
- Investing in adolescents' sexual and reproductive health

## **Child Mortality**

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Malnutrition has emerged as a severe threat to children's health in Bangladesh as it indirectly contributes to 50 percent of total child mortality in the country. Around half of the children aged below five in Bangladesh are suffering from one or multiple sorts of malnutrition that is considered the underlying cause of child mortality. If a child is deprived from exclusive breastfeeding properly before the age of six months and cannot get adequate complementary food or had repeated infections, the child will surely suffer from malnutrition.

The government has announced several commitments to prevent child mortality in Bangladesh.

Emphasizing breastfeeding, one of the commitments said, "Engage

multi sectoral approach to ensure exclusive breastfeeding of children up to six months and complementary feeding practices after the age of six months.”

Besides, the government has initiated the National Nutrition Services (NNS) to be continued till June 2016 to reduce child under nutrition. The programme has 20 prioritized objectives among which improvement of IYCF practices, community and facility based treatment of malnutrition, community based nutrition (CBN), prevention and treatment of micronutrient deficiencies stand at the top.

As Bangladesh bears the burden of a large number of malnourished children, it may affect the country’s economic progress because these children grow up with low capacity of productivity and slow cognitive development.

Delivery by Skilled Birth Attendant is a prerequisite to ensure maternal and newborn’s. To this effect, Ministry of Health and Family Welfare has recently reiterated its commitment to ensure half of the deliver’s to be attended by a Skilled Birth Attendant ( SBA) by 2016 in the declaration ceremony of “ Ending Preventable Child Death : Bangladesh Call for Action’. Currently, one third (32 %, BDHS 2011) of Bangladeshi women gave birth by the assistance of Skilled Birth Attendant. To fulfill this commitment the declaration has figured out the major strategic approach for ensuring round the clock delivery service from health facilities equipped with necessary equipment, delivery room & beds and most importantly availability of skilled birth attendant.

Till date, 710 certified midwives have been trained in this country. Government has initiated two pronged strategies to increase

the number of midwives in Bangladesh : six month long “skill-up” short training of existing nurse-midwives, and (b) three-year direct-entry Diploma in Midwifery programme through Bangladesh Nursing Council. This diploma course has commenced in December 2012 with 525 students in 20 training sites (nursing colleges and institutions) where scarcity of nursing or midwifery instructors and nursing and midwifery lecturers is acute. Nonetheless, creation of the posts for midwives is under process. Expeditionation of this process is necessary to ensure already trained midwives to retain competencies and offer quality pregnancy, delivery and postpartum period.

According to the Child Equity Atlas: Pockets of Social Deprivation released on 2013, a report jointly done by UNICEF, Bangladesh Institute of Development Studies and Bangladesh Bureau of Statistics, child marriage is still a significant challenge for the country as almost one-third of females (aged 15-19 years) in the country are married in their teens, which is one of the highest rates in the world. The proportion of females aged 15-19 years who are married declined by five per cent in the last 10 years, from 37.5 per cent in 2001 to 32.5 per cent in 2011. However, in the activities and interventions proposed in Bangladesh government’s recent commitment to end preventable child death before 2035, no specific mention has been made to stop early marriage.

Another significant reason for child mortality in Bangladesh is drowning. Every year, a silent killer strikes the lives of at least 18,000 children in the country. It’s so deadly that it’s actually considered the number one cause of death of children over the age of one year – more fatal than diseases like pneumonia, tuberculosis or polio. It’s so swift that a child doesn’t even have the chance to call out for help, and it’s so mundane that no family sees it as a potential threat. Every day, as many as 50 children die from drowning, according to

the Bangladesh Health and Injury Survey (BHIS), a comprehensive survey conducted by UNICEF. But according to experts, the actual number of fatalities is several times greater than actually reported.

Adequate supervision and swimming lessons can significantly reduce child drowning, says the report.

The report shares evidence of efficacy of prevention interventions designed by UNICEF in partnership with NGOs. For instance, drowning death rates among children attending village crèches were reduced by more than 80 percent as a direct result of having adequate supervision. Meanwhile, drowning death rates in children 4 years and older who participated in swimming and safe rescue training programme were reduced by more than 90 percent.

However, intervention needs to happen on a national scale for large-scale impact. Despite the alarming statistics, drowning-related deaths have remained undetected as a significant health issue. In fact, child experts argue that the failure to address such deaths can be a major hindrance to Bangladesh fulfilling its Millennium Development Goal of reducing child mortality rate by two-thirds by 2015.

## **Street Children**

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The widely accepted definition of street children comes from UNICEF in Bangladesh. UNICEF defines street children as “who is of the street and on the street”, that means who works all day in the street pass their times, eat and go back to the family at night for sleep are children on the street and those who work, pass time and sleep on street are children of the street. Therefore children living, working and passing their times in streets with or without parents is called street children, these floating children usually eat, sleep and work on the street may live in one place and sometime move to

other place. They generally sleep at footpath, railway station, bus station and in other public places at night.

Although any reliable surveys have not been conducted for the actual numbers of street children but it predicted to be increasing day by day. In 2005 the total estimated number of street children in six divisional cities was 679,728 and projected number of total children in 2014 was 1,144,754.

The living condition of street children is worse. They usually move from one place to another place for better working facilities, sleeping place and for weather. They often have to sleep on street, park, railway and bus stations, government buildings, they have to change open sleeping place due to rain and in winter time. Night guard, other guards and police made difficulties for street children in sleeping.

Approximately 80% earnings of these children are being spent on food, some reported to beg food from restaurant and even some collect food from dustbin. In addition 39% of street children have two meals in a day followed by 3.1% have one meal in a day and 0.7% sometimes starve a day and most children go to bed at night without having food at least one or two nights in a week. More than 80% street children do not have any winter clothing and high proportion of them became sick in winter for not having cloth.

There is no official statistics about drug user among street children but a large number of street children spend their money on drug. And a significant number of street children got involved in committing crime that would involve stealing, snatching, selling and trafficking drugs and arms etc.

In order to ensure protection of children living in the street, the Ministry of Social Welfare implemented a Project titled “Protection

of Children at Risk (PCAR)” from 2007 to 2011 with the technical and financial support from UNICEF. The overall objective of the project was to develop the life style of the street children and children without parental care through protecting them from all forms of violence, abuse and exploitation. The specific objectives of the project were: (i) developing capacity to reintegrate street children into families and community; (ii) ensuring protection of street children and developing capacity of the concerned stakeholders; (iii) increasing and strengthening basic services of the Drop-in-Centers in six divisional cities; (iv) strengthening psychosocial and life skills related services; (v) ensuring sustainable change in the lives of street children through providing Non-formal education and vocational training; and (vi) ensuring street children’s protection and safety through creating income generating opportunities for the parents/guardians of street children.

Ministry of Women and Children Affairs also created an opportunity for street children to have education through its Early Learning and Childhood Project (ELCD). A total of 8771 pre-primary education centers have been established throughout the country. In addition to the interventions by the government, a large number of national and international NGOs have been working to provide services to street children at divisional and district levels. The services include non-formal and vocational education, shelter homes, reintegration into family, health care etc.

However, It has been observed that many of these interventions are not being able to address the problems of the street children and thus the number of street children is increasing day by day. Experts said that the interventions designed for street children do not always suits compare to the needs and aspirations of the children living on the street. Street children are not interested to attend the non-formal

education as it does not bring any immediate results to their lives. Some organizations provide technical education which in most cases does not have a demand in the market. The drop in centers and night shelter facilities are not adequate compare to the number of street children and the environment of those centers are not also child friendly. On top of all, street children do not have any option as their families largely depend on their income because of household poverty.

## **Juvenile Justice**

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The development of juvenile justice in Bangladesh is built on the recognition that many juveniles who come into conflict with the law are victims of social hardship, violence and deprivation and that they often do not understand the consequences of the act they committed. Due to the multifaceted nature of needs, they require and are entitled to special care and protection. In this context, the UN Convention on the Rights of the Child and other relevant international standards for dealing with juvenile offenders provide several provisions to protect their rights. As a State party to the Convention on the Rights of the Child, notably, Bangladesh is under a legal obligation to establish a child rights oriented juvenile justice system based on UNCRC elements i.e., to protect human rights of children, prohibit degrading punishment imposed on them and rehabilitate them with dignity. This obligation has been resonated also through the insertion of CRC as a reference in the preamble of the Children Act in 2013.

Juvenile justice system initially functions as public social agencies striving to find solution to the problem of juvenile delinquency and to rehabilitate the accused. Its aim is not conviction and punishment of those who commit wrongful acts, but to correct the child. Child-rights based juvenile justice offers separate trial/treatment of child



and his social rehabilitation so that he/she can enjoy human rights he/she is entitled to.

Coming into contact with the formal criminal justice system apparently is assumed to be detrimental to children's growth and psychology. There is significant societal stigma and prejudice against children living under full confinement that the society makes them feel unproductive. That's why child rights experts most often advocate for non-custodial interventions such as care, guidance, community service order or diversions offer to place child within a family-like environment which is more likely to correct them instead of punishing them in prison. Dealing children in conflict with the law within community settings allow them to maintain contact with their families as much as possible as it has been shown to improve their reintegration.

CRC and other instruments dealing with the rights for children in conflict with the law gear towards non-judicial principles in a juvenile justice to reintegrate the children. Article 40(3b) of the CRC notes, "whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected". The Committee on the Rights of the Child in reference to interventions without resorting to judicial proceedings explains, given the fact that the majority of child offenders commit only minor offences, a range of measures involving removal from criminal/juvenile justice processing and referral to non-custodial and alternative (social) services (i.e.,diversion, family/community conferencing) should be a well-established practice that can and should be used in most cases.

Apart from CRC, Beijing Rules 1985 attempts to enumerate some

of the important sanctions for instances, community service orders, financial penalties, compensation and restitution, intermediate treatment and other treatment orders, etc. as sentencing options to for a juvenile offender.

The UN Guidelines for the Prevention of Juvenile Delinquency 1990(principle 6) withal confirms that community-based services and programmes should be developed in a juvenile justice system. In compliance with the CRC and other international agreed standards, e.g, Riyadh Rules, Beijing Rules Bangladesh is duty bound to apply non-custodial interventions dealing with the children in conflict with the law and a meaningful partial transfer of power to communities, and to facilitate the children's rehabilitation.

However, in Bangladesh children are treated and tried under the retributive criminal justice that is generally acknowledged to be detrimental to children's physical, social, emotional, cognitive and spiritual development.

Direct contact with law enforcing agencies in Bangladesh often brings violence, abuse and exploitation of the children in conflict with law. After a child is arrested, he is often locked-up and tried with adult criminals and after trial, and if he is found convicted, he is left with the option of full-time confinement in Child Development Centre.

In Bangladesh there are three specialised institutes set up for the detention of child offenders named as Child Development Centre (CDC). These are monitored by the Department of Social Service under the Ministry of Social Welfare. However, unsatisfactory condition of the post-trial institutionalisation system for the juvenile offenders in Bangladesh offers fewer possibilities for rehabilitation.

It appears because of poor administrative cooperation and lack of sufficient logistic support from the government. For example, the vocational training programs conducted in the centers such as tailoring, automobile, electric service are very obsolete and modern technical education like computer programming is open to very limited delinquents.

Additionally there are no arrangements in CDCs for keeping the children separated in accordance with their age. The need to keep older children separate from younger children is patent if we consider their physique and mental development. It is a common phenomenon that younger children may be exposed to psychological abuse and bullying by older peers and more importantly, they may be sexually harassed, which would leave them distraught and scared for life. Ironically, children are deprived of the basic rights to survive, e.g., right to food and standard living, freedom of participation, freedom of assembly.

Nonetheless 2013 Children Act covers a wide range of areas like a special judicial mechanism, prohibition of joint trial with adults, detention of a child in a safe place, and restrictions on punishment of children, and introduction of alternative care and diversions for the protection of juvenile offenders. After a child is arrested and alleged to have committed a crime or on suspicion, if the crime is of minor in nature, the court may also order the probation officer to resolute it alternatively. The new Act of 2013 contains provisions for diversions also for correction of children in conflict with the law, notwithstanding there is no guideline or rules how the methods would be applied or how alternative interventions would be conducted in the ground.

Given the recent case study, truly the juvenile justice practice still

accepts the full confinement with some vocational and correctional activities as a core technique of rehabilitation. Though the recent Children Act has inserted substantive provisions of alternative care, family conferencing, diversions, rules still need to be adopted how methods of family conferencing and diversions would be practiced in the ground. The governmental authorities in this concern should act proactively to make rules and regulations dealing with non-custodial sanctions. Only then, we can dream for a child-rights friendly juvenile justice system in Bangladesh.

## **Health And Nutrition**

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The Health, Population and Nutrition (HPN) sector of Bangladesh lays emphasis on reducing severe malnutrition, high mortality and fertility, promoting healthy life styles and reducing risk factors to human health from environment, economic, social and behavioural causes with a special focus on improving the health of the poor.

Bangladesh has been implementing Sector Wide Approach (SWAp) in HPN sector since 1998. Since Bangladesh was the first country in the world to implement SWAp, much of the learning was by doing. Despite this shortcoming, significant progress has been achieved in a number of HPN areas. According to the findings of the Demographic and Health Surveys, total fertility rate declined to 2.7 from 3.3, percentage of children underweight for age declined to 41 from 56.3, percentage of children underweight for height declined to 17.4 from 17.7, percentage of children short for age reduced to 43.2 from 54.6, under-five mortality rate per 1000 live births declined to 65 from 116, percentage of infant mortality rate per 1000 live births declined to 52 from 82 and percentage of children's vaccination has improved to 81.9 from 54.1. However, lack of progress in reducing stunting raises concerns about the adequacy of child nutrition. The

percentage of mothers with access to trained birth attendants is still very low.

Bangladesh took a number of important steps to improve child nutrition in the country in 2013. One of the steps is passing a law that bans production and advertisement of any baby food that claims to be an alternative to breast milk. It also regards marketing of any commercially produced “baby food” as a punishable crime. When implemented, the law is expected to directly impact the rate of breast feeding in the country. It is expected that stopping all advertisements of “baby food” and simultaneously promoting the nutrition value of breastfeeding will eventually cut down child mortality.

One of the major causes of stunting and underweight children is lack of exclusive breastfeeding during the first six months after birth and continued breastfeeding for two years along with appropriate homemade complementary foods. Bangladesh Demographic and Health Survey (BDHS) 2011 found that only 21 percent families strictly follow the feeding practices that include start of breastfeeding within first hour of birth and exclusive continuation until six months of age.

While the law has many progressive provisions, some stakeholders said they cannot sue any food companies yet because the by-laws are still not prepared. Prior to this act, the previous “Breast-Milk Substitute (regulation of marketing) Ordinance 1984” didn’t impose any tough regulation on commercially produced “baby food”. But the new law states that manufacturers of “baby food” can be fined up to TK 50 lakhs if a child falls sick or dies after eating their products.

The law also prohibits pictorial or illustrated depiction of children or mothers on the packages or cans of food products—a move that will

significantly reduce the demand of commercially produced “baby food” in the market. Most importantly, the food companies will not be allowed to organize seminars, conferences, workshops and pay health officials to attend it, according to the law.

## **National Budget and Children**\_\_\_\_\_

There is a need for specific allocation for children in the national budget to facilitate adequate services for all children and establish their rights in a systematic manner. Achievements have been made over the last few years in the field of child rights and welfare, with commendable success in increasing and sustaining net enrolment in primary schools, attaining gender parity in both primary and secondary school enrolment, reducing the post-neonatal and under-five mortality rates and providing vaccination coverage to children aged 12-23 months.

However, there are also major challenges towards establishing a child-friendly Bangladesh, as almost half of all children still live in poverty, denied of proper access to education, healthcare and legal services. Children from marginalised communities and children with disabilities are particularly left behind in most sectors. Child labour and trafficking and violence against children continue to put the lives of millions of children at risk in Bangladesh.

Children constitute almost 40 percent of the total population of Bangladesh, and yet, as of now, they do not feature separately in the national budget. Resources are allocated through different ministries, like Health, Education and Women’s and Children’s Affairs, but there is no overarching framework to establish exactly how much budget is currently being apportioned to children, suggest experts. Even within the individual ministries, there is no mechanism that

allows for determining the exact amount being dedicated to children.

Child rights experts argued that there should be a dedicated budget with more focus on children's health, education and nutrition and particularly for the disadvantaged children, so that it goes directly to them.

The CPD and UNICEF report, titled, "National Budget: Are the Commitments to the Children of Bangladesh Being Kept?" highlights that the share of allocations for child-focused programmes has not been changed significantly since FY 2005-06. The number of social safety net programmes and amount of money allocated in the budgets increased, but the amount and proportion of these resources are insufficient compared to the number of poor and most vulnerable children.

The National Child Policy of 2011 states that attempts will be made to allocate enough resources to children in the national budget. As of now, however, no tangible steps have been taken to translate the pledge into action. The national budgeting process needs to include a child friendly budgeting framework to address the social inequities faced by millions of children.

## **Child Trafficking**

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Bangladesh is a source country for men, women, and children subjected to forced labor and sex trafficking. Some of the Bangladeshi men and women who migrate willingly to the Gulf, Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Brunei, Europe, and elsewhere for work subsequently face conditions indicative of forced labor, such as restrictions on movement, withholding of passports, threats of force, physical or sexual abuse, and threats of detention or deportation for

immigration violations.

Women and children from Bangladesh are transported to India and Pakistan, where they are subjected to commercial sexual exploitation or forced labor.

Within the country, some Bangladeshi children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Some street children are coerced into criminality or forced to beg; begging ringmasters sometimes maim children as a means to earn more money. In some instances, children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. Some Bangladeshi families and some Indian migrant workers are subjected to bonded labor in Bangladesh's brick kilns; some kiln owners sell bonded females into prostitution purportedly to further recoup the families' debts. Some Bangladeshi families are subjected to debt bondage in the shrimp farming industry in southeastern Bangladesh and that some ethnic Indian families are forced to work in the tea industry in the northeastern part of the country. In some instances, girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments.

Trafficking within the country often occurs from poorer, more rural regions, to cities. Many brothel owners and pimps coerce Bangladeshi girls to take steroids to make them more attractive to clients, with devastating side effects.

The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. While the government trained police on standard operating procedures for trafficking investigations, including provisions for identifying trafficking victims, government



officials did not systematically identify trafficking victims among vulnerable populations or refer victims of trafficking to protective services; victim referrals occurred on an ad-hoc basis. More than 600 trafficking victims were either self-identified or identified by civil society groups in 2012.

The Bangladeshi government made few efforts to prevent trafficking during the reporting period. Many government ministries, in partnership with civil society organizations, continued to raise awareness of human trafficking to government officials and vulnerable populations.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted rules to implement the 2012 Human Trafficking Deterrence and Suppression Act (HTDSA) and began prosecuting cases under the law. However, the lack of adequate law enforcement efforts and institutional weaknesses continued to contribute to the trafficking of Bangladeshi migrant workers abroad. Inadequate trafficking victim protection remained a serious problem.

## **Corporal Punishment**\_\_\_\_\_

Corporal punishment in schools refers to intentional application of physical pain as a method of changing behavior of students. Ordinarily people are in favor of punishing children in school with a view that corporal punishment can be an effective technique of training and discipline. These children are better controlled, develop better social skill as well as improved moral character and learn to better social discipline. On the other hand, this type of torture causes pain, humiliation, low self esteem, and deep psychological trauma. It may also lead to multitude physical and social problems

like school drop-out, anxiety disorder, alcohol and drug abuse, cardio vascular disease including irreparable mental damage. When teacher uses physical punishment, the child feels betrayed in the worst way possible. Regular physical punishment is responsible for lack of faith and may provoke rebellion.

In 2011, Bangladesh High Court declared all types of corporal punishment in schools illegal and unconstitutional following a writ petition to stop cruel punishment for children. Ministry of Education also banned corporal punishments in schools. Despite all these laws and regulations a big number of incidents relating to inhuman punishment in various educational institutions occurred in 2013. According to a feature published in the Daily Star on May 13 2014, more than 150 students were beaten by an assistant teacher of Gulta Government Primary School in Tarash Upazila of Sirajgong district. Thirty students were unable to attend their class rooms due to their injury received from the teacher's beating. In June 2013 a child was tortured by teachers at a madrasa at Jamalpur and hand of a child was broken by teacher at Joypurhat.

As a signatory to the UNCRC Bangladesh obliges to protect children from being subjected to torture, punishment and any cruel or inhuman treatment and physical violence as children are human beings with the right to dignity and physical integrity. Therefore the government must take a proactive role in protecting children from corporal punishment in all settings. Supervision of the Ministry of Education to inspect the schools and to take immediate disciplinary actions against teachers who have been shown to abuse a child is highly expected. In addition, teachers must receive training on non-violent and effective means to manage a classroom and inspire students.

## **Children with Disability**

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Discrimination in the family, the community and the workplace is at the core of most violations of the rights of children with disabilities in Bangladesh. Beliefs are that disability is a curse and these social beliefs are deeply rooted at all levels. While progress is slow, changes have been noted due to policy modifications and social mobilisation.

Unicef's report "The State of the World's Children 2013", which was unveiled in Bangladesh recently and especially dedicated to children with disabilities, strongly recommends building more inclusive societies for them.

Bangladesh is among the first countries to ratify and bring into force the two most significant global documents that protect the rights of children with disabilities– the UN Convention on the Rights of the Child (CRC) and the UN Convention on the Rights of Persons with Disabilities (CRPD). Rehabilitation services in Bangladesh are provided by the government under the direction of the Ministry of Social Welfare.

The country has taken a number of legislative and policy actions towards national adoption of the global commitments including the Children Policy 2011 and the Rights of Persons with Disabilities Act 2012.

However, the act, a key factor for taking further actions, is pending enactment. Knowing the exact number of children with disabilities and the types of problems they are facing is another issue for further actions. However, till date the government is in the dark in this regard, as no nationwide survey on children with disabilities was held so far. Recently the government has started a survey to count the number.

Challenges to realisation of the rights of children with disabilities need to be understood within the context they live in Bangladesh. Bangladesh

is one of the most densely populated countries and over 31 percent of the total population live below the national poverty line.

To make an inclusive society for the children with disabilities, the government has mandated the schools to build ramps. The government has a programme of awarding the children with stipends as well.

Children with disabilities at primary, secondary and higher secondary levels received Tk 300, 450 and 600 per month respectively in the fiscal year 2012-13. A total of 18,620 students with disabilities, including those who enrolled for higher studies, received the stipend. A major initiative in the development of health for children with disabilities is the establishment of Shishu Bikash Kendra (child development centre) in government medical colleges. Ten centres with trained multi-disciplinary professionals are located in as many government medical hospitals with three in Dhaka.

## **Children in Domestic Work**

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The year 2013 observed cases of severe abuse and exploitations against child domestic workers. A large number of cases reported in the national and local media regarding the inhuman torture, abuse and exploitations that occurred in the lives of child domestic workers.

According to the findings of several surveys, more than 400,000 children are engaged in domestic work. Majority of the domestic child workers are between 12-14 years of age and around 90% are girls. The highest number of domestic child workers are from the family consisted 5 to 8 members and the highest are from 6 (28 per cent), followed by 7 (20 per cent), 5 (18 per cent), and 8 (14).

According to a survey conducted by Bangladesg Shishu Adhikar

Forum (BSAF), Nearly 74 per cent child domestic workers have to work more than nine hours a day and the highest numbers of children work 9-10 hours. A domestic child worker has to do a number of works daily, which includes washing floor, tide-up and cleaning room, cooking, cleaning furniture, washing clothes, helping cooking, child care, dish washing, boiling water, waste dispose, shopping from nearer shop, ironing cloth, cleaning toilet, bringing child from school, water flower, open gate, and care aged people.

The domestic child workers do a number of hazardous works such as iron cloth, wash heavy cloth, boiling water, operate motor for pumping water, lifting heavy goods, going to shop by crossing road, etc. A significant number of child workers (17 per cent) are doing domestic work just to have false hopes from the owners, which include commitment of their marriage after certain period of time, provide better job facilities for them and their family members, provide higher wage in future, solve their family crisis, etc. Eighty per cent of the domestic workers get Tk. 300-1200 per month. Around 27 per cent of them get only Tk. 300-600 per month. The highest 64 per cent children monthly wage is not increased.

The highest numbers (88 per cent) of the child workers physical and 39 per cent of their mental condition is moderate. They live in indifferent spaces, such as empty places of the house, drawing room, with other family members, kitchen, veranda, with parents, with husband, and other places such as garage, etc. The recreational facilities of the domestic child workers are very limited. Watching television is the foremost recreational facility of the domestic child workers, which hold 90 per cent. Sixty eight per cent child workers mention that they get medical facility and 23 per cent state that their medical facility is moderate.

The study shows that a large numbers of domestic child workers are subject to physical, verbal, mental and sexual abuse. The highest number of the child workers received verbal abuse (95 per cent). Seventy three per cent children received physical abuse and a significant number of children (17 per cent) stated that they were exposed to sexual abuse. 52 per cent child domestic workers stated that they are being abused on a regular basis.

It is important to mention that the country does not have any legal provision at the moment to protect child domestic workers from all forms of abuse and exploitations. It was very unfortunate that the Ministry of Labour and Employment did not include the child domestic work in the recently approved list of hazardous work for children despite a popular demand made by the civil society organizations. Therefore, children engaged in domestic work will have to live on the mercy of their employers and will be often subject to severe forms of violence.

As mentioned earlier that the government of Bangladesh through the Ministry of Labour and Employment drafted a separate policy to protect the rights of the domestic workers, including adult domestic workers in 2010 and that policy is still in draft form. However, finalizing this policy would not bring any significant changes in the lives of child domestic workers until and unless this work is recognized as hazardous work.

# Child Rights Situation: Perceptions of the Adult Stakeholders

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As mentioned earlier, two Focus Group Discussions were conducted with representatives from different walks of life in Rajshahi and Thakurgaon in order to explore their perceptions with regard to the overall child rights situation in the country. A total of 65 attended in the discussions. Summary of the discussions is as follows:

The respondents of the FGD stated that the overall situation of child rights in the country was little improved in the year 2013. Many people now understand the rights of the children, although majority of the population do not know in detailed. The Government of Bangladesh was also active to address the problems of children. For example, The Children Act 2013 was enacted, policy has been formulated to stop corporal punishment in educational institutions etc.

According to the respondents the main barriers towards ensuring the rights of the children included poverty, lack of proper implementation of the laws and policies, irresponsible behavior of the relevant government institutions and lack of awareness among the majority of the people regarding the rights of the children. They said despite having some level of understanding on the rights of the children many parents cannot afford to send their children to school and they send them to work at an early age due to household poverty.

The respondents identified some positive aspects that contributed to realize the rights of the children in 2013 that included compulsory birth registration, emphasizing on the compulsory primary education,

awareness raising activities by the government and non-government organizations, and positive role of the media. Majority of the participants felt that the country has got enough laws and policies to protect the rights of the children. Now we need to implement those laws and polices in an effective and efficient manner.

With regard to the awareness on the existing laws and policies related to child rights, more then seventy percent participants heard about the National Child Labour Elimination Policy 2010 of which around twenty percent stakeholders know about the National Plan of Action to implement National Child Labour Elimination Policy. About forty percent know about the Children policy 2011. Fifty percent participants learnt about the new Children Act 2013 however, only about ten percent knows what is all about the new Children Act.

Majority of the respondents stated that they know somehow that some laws and policies are available in the country to ensure child rights but they are not aware about the implementation status of those policies. People who were aware about the lack of proper implementation of the policies mentioned some of the reasons that were lack of adequate financial and human resource allocation, lack of dissemination of the laws and policies at all level and in many cases, the child rights violators are very much influential and therefore the law enforcing agencies cannot bring them under the law.

In response to the question regarding applying all laws and policies at different level the participants felt the need for a separate Ministry for children only. In addition, they recommended for allocating sufficient amount of resources, ensuring exemplary punishment against the perpetrators, proper dissemination of information using effective media, strong collaboration between government and



NGOs and reviewing all policies and laws in every 3-5 years in order to making these consistent with the demand of the current time.

In connection with the discussion on child labour situation most of the respondents felt that the situation of child labour has not been improved and this is still a big challenge for the country. Due to increase level of rural urban migration, high unemployment rate among the adult workers, population growth etc, poor parents are not being able to meet the demand of the family members. As a result, they are sending their children to work for additional income. Employers are also demanding for cheap child labour. And many people in the country still not aware regarding the negative consequences of child labour. With all these economic and social factors the number of child labour is increasing.

They said that the government has formulated many laws and policies to address the child labour related problem, but those are all in paper. There is no strong effort by the government to apply those laws. There is no monitoring mechanism in place to monitor workplaces mostly in the informal sector. No initiative was observed to address the poor economic condition of the parents of the working children.

A good number of participants discussed about the situation of children in domestic work. They said although poverty is one of the main reasons for the parents to send their children to cities to work as domestic help, however lack of awareness among the parents and employers as well as absence of appropriate policy to stop child labour in domestic work pushing thousands of children into domestic work which can be considered as modern day slavery. Majority of the participants said that child domestic work should be recognized

as one of the most hazardous work and should be included in the list of hazardous work for children.

The participants stated that a good number of children are engaged in prostitution. The initiatives taken by the government and NGOs are not enough to rescue those children. Due to the involvement of the powerful people it is not possible for the law enforcing agencies to stop child prostitution. Sometimes the law enforcing agencies operate their routine raid but the perpetrators manage them with the help of local influential people. NGOs are implementing some educational and health related interventions. Some NGOs provided with shelter facilities for children of the adult sex workers, but they can accommodate only a few of them. There is no strong effort to stop bringing children into prostitution and reintegration of child sex workers into family and society is also not very effective.

They recommended that all children engaged in prostitutions should be immediately rescued and rehabilitated. The law enforcing agencies should regularly monitor all brothels to stop bringing children into this profession and finally people who involved in trafficking children into prostitutions should brought under the law.

With regard to child marriage, the participants said the rate of child marriage is reducing but still it is very high. Poor parents are not aware about the impact of child marriage and they want to handover their responsibility to someone else through getting their daughter married early. Most important reason behind child marriage is the lack of implementation of the marriage act. At the same time availability of fake birth certificate is also causing difficulties to prevent child marriage. The existing marriage act is also not very strong. Therefore, the government should enact a new law with provision for strong punishment for parents and other related parties

involved in encouraging child marriage.

The participants also talked about the school enrollment and dropout rate. They said that although the enrollment rate was very high but many children dropped out from school before completing grade two. Poverty is one of the main reasons for school dropout along with school environment, teaching method they said.

The participants of the FGD said the number of street children has not increased. Rather it is increasing day by day. Many poor parents are migrating from rural area to urban area and their children are ended up in work either in the informal sector or on the street. The programmes implemented by the government and NGOs are not sufficient to rehabilitate all street children. Some of the programmes are even not suitable compare to the actual need of the street children.

# Child Rights Situation: Perception of Children

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Almost all the children participated in the FGD said that the year 2013 was not a good year for children in Bangladesh due to series of strikes and other political instability that occurred throughout the year. They said due to series of hartal and violent activities many children were physically injured. Some children were killed by bomb attack. Political parties used children for political activities and they were brutally tortured by the law enforcing agencies. Political unrest also hampered children's education. Schools were closed for indefinite period. Exams were delayed and rescheduled for several times. Working children lost their business due to hartal. Many children got injured while playing with bombs as ball. Children were also psychologically affected due to fear of violence, they highlighted.

Child participants mentioned that in 2013 many child domestic workers were severely tortured and killed in Dhaka and other big cities. They said the poor parents send their children for work as domestic workers, but the employers do not show any sympathy to these children. They work for more than 12 hours per day only for 500-600 taka. They do most of the hazardous work and face many accidents. They are not given proper food, place to sleep and wages. They are also not entitled for holiday and meeting their family members. On top of all, they are often subject to brutality. The government should adopt appropriate law to protect the rights of the child domestic workers, they recommended.

Child participants thought that although the rate of child education has increased but environment in educational institutions is not up

to the mark. Due to lack of space children cannot get a proper sit in schools. In many schools the teachers are not child friendly. Still they beat children for small mistakes. Girl children face difficulties on the way to school. Many young boys disturb girls using bad languages.

Children living in slums have been facing special difficulties. Due to slum eviction and fire many children with their families were severely affected. They lost their valuables, including children's education materials. Slum children are also exposed to various drugs and other anti-social activities. Adults use these children for their vested interested.

# What Children Want From Adults?

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Children want an environment in which they can continue their education without any hassle. They also want the government to provide economic support to children from poor families so that they can continue their higher education. They would like to see withdrawing all children from work, especially hazardous work and send them back to school. They said the parents of the working children should be provided with economic support to set up income generating activities so that they do not depend on their children's income.

Child participants also mentioned that majority of the government hospitals are not child friendly and treatment cost is very high in the private hospitals. As a result, children from poor families do not have access to health facilities. Sometimes they go to NGO clinics which cannot provide all kinds of treatment and NGO service is not available everywhere. Therefore, they want the government to provide child friendly health services everywhere in the country. There should be special provision for children in each hospital. The doctors should be given orientation on child rights issues so that they can understand the special requirements of the children.

With regard to the media, child participants believed that both the public and private media in Bangladesh are yet to be fully sensitive to the needs of the children. There is hardly any entertainment program for children. Some private TV channel started news for children. All media should be responsive to the special needs of the children and should produce various programmes targeting only child audience. They should also produce programmes for parental education on child rights issues.

Through an opinion poll separately conducted by UNICEF in 2013

children expectations from the political aspirants were as follows:

- A separate ministry for children only
- A separate management committee for children on national level that will solely work for children and their rights
- Protection of child rights being supervised and enhanced by the government
- Banning of children's participation in political activities
- Availability of inclusive services for children with disabilities in every form of service delivery
- Ensuring children's rights to quality education
- Inclusion of a special lesson on child rights and protection in academic syllabus and national board curriculum
- Freeing all academic institutions from politic
- Proper training of teachers of primary and secondary level and banning private coaching classes of the teachers
- Special care and services for the children from disaster prone areas
- Free access to all entertainment parks and playgrounds for children
- Rehabilitation programme for the street-based children and orphans
- Child-friendly spots for entertainment in each zilla (district) and upazilla (sub-district)
- Compulsory library and laboratory facilities in every school
- A compulsory counselor for children in every school
- A drug-free society ensuring secure and flawless growth of all children of the country
- Banning foreign TV channels and programmes which have negative impact on the children and replacing those by cartoon series like Meena and Bangladeshi production
- Ensuring birth registration for children from rehabilitation camps and children of sex workers

- Stopping child trafficking increase the access to internet for the children and facilitate it's use by different infrastructural development in the rural areas
- Suggestion/complain box, maintained by children in premises of every school/academic institution
- Special facility for the child health care, free medicine, and treatment for children
- More involvement of local leaders in establishment of children's rights



# Way Forward

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With the current situation of children in Bangladesh, especially children who belong to disadvantaged groups what conclusion we can make? Should we conclude by saying that the future of Bangladeshi children is bleak? Or we should say there is still hope for the children of Bangladesh? If we see the gradual progress of adopting various laws and policies to ensure the rights of the children we may have a optimistic notion. However, the pace of implementation of those laws and policies often make us frustrated. But getting frustrated is not the solution. All of us should make our best effort to create an environment in which our children will find ways to overcome all hurdles they are facing at the moment.

This is true that government should be primarily responsible to provide necessary supports to ensure the rights of the children of the country. However, government alone cannot do everything unless the society as a whole becomes responsible and accountable to the rights of the children and contribute accordingly.

Although the year 2013 was really a nightmare for many children in Bangladesh due to political instability and other social and economic factors, however, the year was also significant for the Bangladeshi children as number of laws and policies were adopted by the government. Media played an important role in highlighting the reports on violation of children's rights. Civil society organizations continued making their efforts to address various demands of the children. Society as whole became more aware on child rights issues. Therefore, we have still hopes to bring meaningful changes in the lives of Bangladeshi children. All we need to do is reiterating our commitment towards the rights of the children and act together to achieve our common goal. Let's join our hands to advocate for the proper implementation of the laws and policies and adopting new laws to address the problems of children who are still out of the boundary.

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# Statistics of Child Abuse in Bangladesh

## January - December 2013

SL	Type of Abuse	Total
1	Raped	150
2	Sexual assault	13
3	killed after rape	19
4	Suicide after rape	1
5	killed	180
6	Attempt to kill	15
7	Suicide	76
8	Attempted to suicide	12
9	kidnapped	42
10	kidnapped and rescued	37
11	Attempted to be kidnap	10
12	Kidnapped and killed	19
13	Trafficked and rescued	36
14	Torture on Domestic child worker	9
15	Acid violence	6
16	Killed in road accident	149
17	Injured in road accident	7
18	Missing	25
19	Killed after missing	2
20	Killed by arson	22
21	Injured by arson	4
22	killed by water vessel accident	1
23	Electrocuted	14
24	Killed by drowning	132
25	Killed by medical negligence	5
26	Killed by ill treatment	4
27	Killed by roof collapse	2
28	Missing of newborn baby	2
29	Missing and rescue of newborn baby	3
30	Strangled while playing with rope	1
31	Injured by physical torture at school	170
32	Killed by physical torture at school	1
33	torture by teachers	1
34	Killed in political violence	11
35	Injured in political violence	38
36	Killed by bird flue	1
37	killed by objects from the constructing building	3

SL	Type of Abuse	Total
38	Injured by building collapse	1
39	Injured by thunder	5
40	Killed by Killed by thunder	17
41	Injured by bridge collapse	1
42	Used as drug carrier	2

# National Child Labour Elimination Policy 2010

Ministry of Labour and Employment  
Government of the Peoples Republic of Bangladesh  
March 2010

## 1. Introduction

The overall socio-economic development strategy of Bangladesh has become a model for many third world countries. Today's Children will be acting as the driving force of the development strategy for tomorrow. The very achievement towards developing our children and making them worthy for a modern and independent nation is not satisfactory. After the emergence of Bangladesh as an independent country, the Children Act" 1974 was enacted imbued with the spirit of great liberation war which paved the way in formulating National Children Policy"1994, undertaking many development projects in this regard including the National Action Plan for Children" 2005-2010. Bangladesh has become the partner of many international, regional and bilateral declarations with ratifying the

United Nations Convention on the Rights of the Child (UNCRC) and other major child labour related conventions of International Labour Organization (ILO). The said measures and subsequent steps in this regard along with the sincere effort of the Government, successful tripartite consultation between Government, employers and workers, led to the withdrawal of working children from the Ready Made Garments (RMG) industry and that the image of Bangladesh was upheld a lot in the international arena. Even then, a substantive portion of children and adolescents in Bangladesh remain engaged in hazardous work. Child labour still prevails in agriculture and other informal sectors. The very situation

of Child Labour is absolutely undesirable for a nation like Bangladesh.

The world is changing in a faster pace with having remarkable development of science and technology and with the emergence of welfare state initiating substantial changes in social life and existing values. To maintain the equilibrium along with these changes, pragmatic policies, rules and regulations are being formulated in parallel to the amendment of existing laws. In the context of transition of social life and values, a social consensus is required to save the traditional values from decaying as well as adapting the adjusted values to mitigate the demand of time as well as to accommodate the values created in response to historical changes with affection and empathy. The said social consensus and renewed policies virtually regulates the social control and mode of changes.

It became the unanimous demand of Government, Non-Governmental Organization (NGOs) and the civil society at large to have a timely policy to move the existing child labour situation towards a positive direction. Within this backdrop, the Child Labour Elimination Policy“2010 came into force with having incorporated necessary elements extracted from different events and incidents happened in recent national, regional and global level in socio-economic, cultural and geo-political arenas. The existing laws and regulations related to child and child labour will be gradually integrated into this policy, and it will be considered as the determinant and standard instrument while enacting and amending laws and formulating rules and regulations on child and child labour issues in public and private sector.

## **2. Child Labour Situation in Bangladesh**

Like many other South Asian countries, child labour is also prevalent in Bangladesh. In childhood days when children are supposed to go to schools with books, papers, pencils and play with their friends, many children have to work for their family livelihood. When a poor father becomes victim to the scourge of persistent poverty, it is impossible for him to keep his children safe, cuddled and bonded with family by parental care. In this juncture once dislodged from the family, children become one of the mass of the society. Some of them start selling their labour as workers in hotel-restaurant, factory-workshop, and as domestic workers. Beside these, children also are engaged in load carrying at the market, job of a porter, begging, rickshaw pulling, pulling of hand carts, bidi stacking etc. Some turn into street children being unable to manage a job. Despite possessing all the childlike attributes, a significant number of them become rootless and ruthless being because they have been disintegrated from their families and nobody owns them as pleasing human beings. Eventually they are deprived from all opportunities of proving themselves as good citizens.

Another depressing side of child labour in Bangladesh is that some children are lured from their villages into towns and cities and often trafficked abroad where girls are compelled to engage in prostitution and pornography while boys get involved in many anti-social and illicit activities.

## **3. The Causes of Child Labour**

The first and foremost cause of child labour in Bangladesh is the economic impoverishment. Poverty-ridden family cannot afford to carry the educational expenses because they are poor and pass their days in hardship.

So, parents or guardians feel reluctant to send their children to school. Under such circumstances, parents consider their children better to assist their profession or engage in any other job to supplement the family income. On the other hand, the underprivileged children not going to school and the drop-out children from school involve themselves in various occupations. The employers, owners, and managers and concerned authorities prefer to engage children at work as they can easily be exploited to work longer hours with minimum wages.

The socio-economic adversity also affects the child labour situation in Bangladesh. In case of death of a head of household, the family finds it very difficult to meet the basic needs, let alone children's education. In case parents get separated, their children face extreme hardships in managing bread and butter. Nevertheless, poverty stricken families, usually show less interest in adopting family planning measures which ultimately turns a family large in size with lot of sufferings in maintaining the family.

Moreover, widespread unemployment, social insecurity, resource scarcity are the underlying factors of migration from rural to urban areas.

Natural calamities like riverbank erosion, floods, droughts, storms and tidal surges, earthquakes etc. drive children towards greater risks of being engaged in physical labour.

Due to little learning, poverty and lack of awareness, many parents consider education as a non gainful activity and that they lose their patience to continue their children's education for a continuous period of 10 or 15 years. Child labour is also increasing due to non availability of education materials, lack of opportunity for education and indifferent attitude of parents regarding the negative impact of child labour. Due to the culture of excessive dependence on the domestic help and conventional way of living in urban life, even the attentive pupils of rural areas are picked up and brought to the town for domestic work.



#### **4. Child Labour: Constitutional and Legal Position**

(a) The fundamental rights of the citizens including the children are spelled out in the Constitution of the People's Republic of Bangladesh.

Articles 11, 14, 15, 16, 17, 18, 19 and 20, constituting the fundamental principles of state policy of the Constitution have laid emphasis on ensuring compulsory primary education for the children as well as adopting special measures for the children who are physically and mentally challenged. The Constitution has guaranteed the fundamental rights of citizens in Articles 27, 28, 29, 31, 34, 37, 38, 39, 40 and 41. Particularly, forced labour is completely prohibited and access to legal remedy is assured in case of violation of fundamental rights.

(b) After independence, Bangladesh enacted the Children Act 1974 (Act XXXIX of 1974) for the protection of the children and their rights. It appears from the title of the Act that it focuses mainly on the children. The Act clearly delineates the definition of a child, his or her age, scope of the child's rights, childhood, guardianship, protection of child's property, provision of protection for children in civil and criminal proceedings and legal custody. This act is a remarkable milestone to establish the rights of children.

(c) The definition of child and the adolescent is further elaborated in the Labour Act 2006 (Act XLII of 2006). Sections 34-44 in Chapter 3 of the Act have dealt with employment of children and adolescents as worker. The Act prohibits appointment of any children in formal sector. The Act also envisages that government from time to time through gazette notification would publish the list of hazardous occupations and the list would come within the

ambit of the prohibitory clause. However, it provides provision for engaging a child or an adolescent in light work under special circumstances for specific working hours subject to the certification by a physician.

(d) Birth and Death Registration Act 2004 (Act XXIX of 2004) is a major safeguard for the protection of rights of children. This Act has made it compulsory to register the birth of a child which would resolve the future complexity relating to the determination of the age of a child.

(e) The National Children Policy 1994 focuses on the attainment and protection of rights of children, definition of child, age of the child, the extent of his or her rights, childhood, guardianship, protection of the child's property, provision of protection for children in civil and criminal proceedings and in legal custody.

The initiatives and efforts towards the elimination of child labour of Bangladesh have also been acknowledged and appreciated by the international communities. The Government of Bangladesh has ratified 33 Conventions related to labour issues including the United Nations Convention on the Rights of the Child (UNCRC) and ILO Convention No. 182(Worst forms of Child Labour).

Along with the mentioned legal provisions it is important that these Acts be appropriately and systematically enforced.

## **5. The Objectives of National Child Labour Elimination Policy 2010**

The main objective of this policy is to make meaningful changes in the lives of the children by withdrawing them from all forms of

child labour including the hazardous work and worst forms of child labour. The main objectives of the policy are as follows:

- i. Withdrawing working children from different forms of occupations including the hazardous work and the worst forms of child labour;
- ii. Involving parents of working children in income generating activities with a view of getting children out of the vicious circle of poverty;
- iii. Offering stipend and grant in order to bring the working children back to school;
- iv. Extending special attention for the children who are affected by floods, cyclones, tidal bores, riverbank erosions, drought and desertification, etc;
- v. Providing special emphasis for indigenous and physically challenged children to bring them back to congenial environment;
- vi. Ensuring coordination amongst the concerned stakeholders and sectors functioning for the welfare of working children;
- vii. Enacting pragmatic laws and strengthening institutional capacity for their enforcement;
- viii. Raising awareness amongst parents, mass people and civil societies about the harmful consequences of child labour;
- ix. Planning and implementing different short, medium and long term strategies and programs to eliminate various forms of child labour from Bangladesh by 2015.

## 6. Definition and Age of Working Children

The terms „child“ and „adolescent“ have been defined differently, in different national and international documents, even in the legal instruments of Bangladesh. As age is the decisive factor in determining the definition of a child, it would have been better if a uniform age of a child-adolescent could have been fixed. Indeed so has been the demand from different level of the society. The variations in the age of our children under different legal instruments are due to their distinct

physical and psychological development than those of the developed countries. The variations also exist due to ensuring of the multidimensional rights of a child or an adolescent.

The Bangladesh Labour Act 2006 (Act XLII of 2006) also defines the “child” and the “adolescent” on the basis of age. As per section 2(8) of the Act, a person who has attained the age of 14 but below the age of 18 is considered to be an „adolescent“ and as per section 2(63), a person not attaining the age of 14 is defined as a „child“. Except that the definition of „child labour“ or „child labourer“ cannot be traced from any public or private document. Therefore the term „child“ and „adolescent“ as defined by the Labour Act 2006 (Act XLII of 2006) shall be referred to in all discussion of child labour. According to this definition, the labour provided by a child would be known as „child labour“. In that case, it is not desirable to use the term “Child Labourer” to indicate „any person in labour“ rather the term „child engaged in labour“ (srome nijito shishu) or „working child“ (sromojibi shishu) should be used in this regard.

## **7. Classification of Working Children and Child Labour**

- a.** Child labour is commonly found in two sectors in Bangladesh;
  - 1. Formal Sector: namely factories and industries, commercial organizations, communication and transportation, ship breaking, etc.
  - 2. Informal Sector: namely agriculture, livestock, fishery, household work, construction work, brick breaking, pulling of rickshaw/van, day labouring, chhinnomul shishu (street child) etc.
- b.** As per existing legal provisions, children are usually engaged in different establishment and occupations or work under six broad categories:
  - i. Trainee
  - ii. Substitute
  - iii. Casual
  - iv. Apprentice
  - v. Temporary and
  - vi. Permanent workers

## **8. Wages for Child Labour and Working Hours**

Although child labour is prohibited in Bangladesh like many other countries in the world, the employers are still interested to employ children as they can be engaged longer hours in exchange of pittance in the name of wages. In most cases, working children have to be satisfied either with only subsistence or the minimal wages. Until the child labour is entirely eliminated from Bangladesh, an interim arrangement can be made of fixing national minimum wages for children and the adolescents engaged both in the formal and informal sectors.

## **9. Education, Health (Physical and Mental) and Nutrition of Working Children**

Programmes or initiatives undertaken by government relating to education, health and nutrition of working children have to be fully implemented. Inter-agency cooperation and coordination have to be strengthened to ensure effective and efficient implementation of all programmes and project related to education, healthcare and nutrition which are being implemented by the government and non-government organizations including various UN agencies like UNICEF and International Labour Organization (ILO). Besides, urgent measures have to be taken for the formulation of long-term programmes and projects targeting education, healthcare and nutrition of working children incorporated with their implementation strategies.

## **10. Working Environment of Working Children**

Despite prohibition of child labour by various Acts, children are being engaged in various occupations due to circumstances and surroundings. In this connection, there should be constant vigilance over the working environment of the children to make it congenial. If a child engaged in labour:

- works for more than 5 hours per day;
- performs such work that creates undue pressure on his/her
- 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;
- carries 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;

then the very working conditions or environment would be regarded as hazardous and demeaning for his or her physical and mental health i.e. threatening to life. All necessary steps and efforts should be taken to rescue the children from such working condition or environment.

With a view to improve the working conditions or environment in favour of the children, an employer in consultation with the working children and his or her guardian will adhere to the following policies and principles:

***a. Non-hazardous Work According to Child's Capability***

- Employing children according to the age determined by the Acts and not to employ children below 14 years as a regular employee;
- Ensuring the children at domestic work not to perform any hazardous work and providing them with proper food and accommodation, education, recreation since they work full time; and
- Refraining from subjecting child workers to physical, mental and sexual persecution and abuse.

***b. Conditions of Employment***

Prior to engage a child in any work, an employer or owner in

consultation with the children and their guardians would fix clear stipulations of the job following the provision of relevant rules. In these stipulations, the following matters are to be included, which would be applicable on a sectoral basis:

- Refraining from engaging children in hazardous work;
- Maintaining a daily work list;
- Specifying daily working hours;
- Ensuring at least one weekly holiday;
- Providing opportunity for education or skills development training
- for the child;
- Paying wages regularly at rates mutually agreed upon; and
- Notifying at least one month ahead of terminating from work etc.

### ***c. Working Environment***

- The working environment must be conducive to the working children's physical and mental health and wellbeing;
- The working environment must not be degrading so as it would encourage or compel the child to be involved in anti-social activities; and
- A child must not be engaged in any work that would hamper his or her dignity or reputation.

### ***d. Education and Recreation***

- As education and recreation is fundamental right of children, the employer or owner must provide opportunity for a break of at least 30 minutes to one hour after the stipulated working hour, i.e. five hours;
- Irrespective of the nature of work performed by a child,



the employer or owner must ensure adequate educational and recreational facilities after the stipulated working hour

- The employer or owner must ensure the participation of working children in all national and international festivities, in particular the Child Rights Week, National Children Day, International Children Day, International Labour Day (May Day) etc.

#### ***e. Healthcare Services***

- If a child falls sick or faces any accident while working, the employer or owner should bear all expenses of his or her medical treatment and rehabilitation required; and
- The family member should have the opportunity to meet the child during his or her illness.

#### ***f. Opportunity of Meeting with the Family Members***

- Children working as domestic workers must have opportunities to meet with their parents, family members and relatives regularly; and
- Children engaged in other types of work should also be given the opportunity to meet their parents, families and relatives at least once a month.

#### ***g. Future Security Provision of the Child***

- Welfare initiatives like insurance policy, savings policy etc. should be undertaken for the future financial security of a child who has continued working in a specific workplace for at least six months and more;
- Children can forge in understanding technical matters easily. Therefore, In the light of existing legal provisions, working children have to be offered opportunities of training

for advanced technological skills, so that they can equip themselves as productive workforce in future competitive global market; and

- Providing gratuity at the end of contract.

## **11. Special Action Plan for the Physically Challenged, Specially Disadvantaged, Street Children, Backward and Ethnic Children**

The Government is to take special measures for the physically and mentally challenged children, street children, deserted and orphan children and children from different ethnic communities. If necessary, separate laws may be enacted and action plans may be formulated for them. If children are engaged either in formal or informal labour due to adverse situation, the Government will take effective measures to pursue the concerned employer or owner to relax their service conditions and to create relatively more conducive environment.

## **12. Elimination of Child Labour: Formulation of Pragmatic Strategy**

The Government of the People's Republic of Bangladesh has already taken various steps to eliminate all forms of child labour, particularly all types of hazardous work. The Ministry of Labour and Employment (MOLE), Department of Labour, Department of Inspection for Factories and Establishments, other government organizations and field level agencies are implementing these initiatives. Government should take measures for efficient implementation of the projects that have been initiated in collaboration with different international and non-government organizations. The Government may make more efforts by adopting

the following working strategies of action:

- Identifying scope of strategy of action in order to implement the policy
- Determining goals and objectives
- Setting up programmes
- Determining the time frame
- Selecting organizations with vested responsibility for policy implementation
- Selecting the associate/collaborative organizations

In order to translate the above six working strategies of actions into reality, the following measures and steps can be taken into consideration:

### ***a. Policy Implementation and Institutional Development***

#### **1. Key Objectives:**

Formulating proper action plan and ensuring institutional development by maintaining transparency and accountability in implementing programmes or activities with a view to eliminate child labour entirely.

#### **2. Target Activities:**

Formulating effective strategic plan and ensuring implementation of it for the elimination of the worst forms of child labour within the stipulated time frame.

#### **3. Duration: 2010-2015**

#### **4. Main Coordinating/Implementing Body:**

- Ministry of Labour and Employment

## **5. Associate/Collaborative Bodies:**

- Department of Labour;
- Department of Inspection for Factories and Establishments;
- Minimum wage Board;
- Division, District and Upazila Offices under the Ministry of Labour and Employment;
- Employer's Associations, Trade Unions;
- Cabinet Division;
- Prime Minister's Office
- Ministry of Law, Justice and Parliamentary Affairs;
- Ministry of Women and Children Affairs;
- Ministry of Social Welfare; and
- Various Non-Government Organizations and International Development Agencies.

### ***b. Education***

#### **1. Key Objectives:**

Ensuring compulsory and free pre-primary or primary education for the children who are likely to be engaged as child worker, and creating opportunities of practical education along with non-formal education up to secondary level.

#### **2. Target Activities:**

Ensuring free, compulsory and quality education for working children within the stipulated time frame.

#### **3. Duration: 2010-2015**

#### **4. Main Coordinating/ Implementing Body:**

- Ministry of Labour and Employment

#### **5. Associate/Collaborative Bodies:**

- Ministry of Primary and Mass Education;
- Ministry of Education;
- Ministry of Women and Children Affairs;
- Ministry of Local Government, Rural Development and Cooperatives;
- Owner's or employers' associations, trade unions, private organizations; and
- Various national and international development agencies.

### ***c. Health and Nutrition***

#### **1. Key Objectives:**

Formulating separate action plan both for work place and home within the purview of the National Health and Nutrition Policy and ensuring its implementation to provide sufficient physical and mental healthcare facilities and adequate nutrition for working children.

#### **2. Target Activities:**

Undertaking and implementing comprehensive health and nutrition programmes and projects for working children in line with the National Health and Nutrition Policy.

#### **3. Duration: 2010-2015**

#### **4. Main Coordinating/Implementing Body:**

- Ministry of Labour and Employment

#### **5. Associate/ Collaborative Bodies:**

- Ministry of Health and Family Welfare;
- Ministry of Women and Children Affairs;
- Ministry of Primary and Mass Education;
- Ministry of Local Government, Rural Development and Cooperatives;
- Other concerned subordinate offices at Division, District and Upazila level;
- Employers' Association; and
- Various Non government and International Development Agencies.

#### ***d. Social Awareness Raising and Motivation***

##### **1. Key Objectives:**

Creating social awareness on elimination of child labour; motivating people against child labour and changing attitude and behavioral pattern towards Child Labour.

##### **2. Target Activities:**

Creating social awareness amongst mass people including children and their parents or guardians, employers' or owners' associations, trade union, professional associations, and media; raising awareness regarding family planning, preventing economic exploitation and child labour at all levels of the society.

##### **3. Duration:** 2010-2015 and beyond.

#### **4. Main Coordinating / Implementing Body:**

- Ministry of Labour and Employment

#### **5. Associate/ Collaborative Bodies:**

- Ministry of Information;
- Ministry of Women and Children Affairs;
- Ministry of Social Welfare;
- Ministry of Agriculture (Department of Agricultural Extension. Agriculture Information Service);
- Ministry of Local Government, Rural Development and Cooperatives;
- Ministry of Religious Affairs;
- Divisional District and Upazila Administration; Print and Electronic Media;
- Professional Bodies/Trade Unions;
- Child and Juvenile Organizations; and
- Various Non-Government and International Development Agencies.

#### ***e. Legislation Enforcement***

##### **1. Key Objectives:**

Amending the existing acts; formulating obligatory rules to effect the acts; and eliminating child labour including ensuring safety of working children by appropriate application of these acts and rules;

##### **2. Target Activities:**

Recognizing informal sectors of child labour within the framework of existing laws, rules and regulations and to include

separate schedules for formal, informal, hazardous, safe, light and heavy work by amending the existing laws.

**3. Duration:** 2010-2015

**4. Main Coordinating /implementing Body:**

- Cabinet Division;
- Ministry of Labour and Employment
- Ministry of Law, Justice and Parliamentary Affairs

**5. Associate/ Collaborative Bodies:**

- Bangladesh Parliament / Parliament Secretariat;
- Office of the Attorney General For Bangladesh; and
- Bangladesh Law Commission.

***f. Employment / Labour Market***

**1. Key Objective:** Creating adequate employment opportunities and access to competitive labour market for the children who has availed trade based training and attained eligibility for work as per legal provisions.

**2. Target Activities:** Arranging appropriate and adequate employment in local/foreign market by providing necessary technical and vocational training in related field and to ensure congenial environment with a view to ensure sustainability in the competitive market for the children engaged in both formal and informal sectors who have acquired necessary skills in specific trades. Moreover, involve the families of these children in income generating activities.

**3. Duration:** 2010-2015 and beyond.



#### **4. Main Coordinating/ Implementing Body:**

- Ministry of Labour and Employment

#### **5. Associate/ Collaborative Bodies:**

- Ministry of Expatriates' Welfare and Overseas Employment;
- Ministry of Foreign Affairs;
- Ministry of Youth and Sports;
- Ministry of Agriculture;
- Ministry of Industries;
- Ministry of Home Affairs;
- Employers/Employers Associations BGMEA/BKMEA/  
FBCCI/ BAIRA, etc ; and
- Various National and International Development Agencies.

### ***g. Prevention of Child Labour and Safety of Children Engaged in Labour***

#### **1. Key Objectives:**

Preventing children from engaging into child labour protecting the working children from the possible harms to their lives; preventing unsafe migration of children from rural to urban areas; and to reduce the life risks of working children by improving the working environment.

#### **2. Target Activities:**

Making necessary arrangement for fulfilling the basic needs of children at the grass root level i.e. at village level with a view to discourage the migration from rural to urban areas after being the victim of poverty, river erosion, broken family, etc and arranging rehabilitation for them. Creating employment/

alternative employment opportunities for the capable family members of these children; Protecting working children from hazardous work and ensure lawful rights, including working hours and wages; and Preventing trafficking of children.

**3. Duration:** Now and beyond.

**4. Main Coordinating/Implementing Body:**

- Ministry of Labour and Employment

**5. Associate/ Collaborative Bodies:**

- Ministry of Local Government, Rural Development and Cooperatives
- Ministry of Home Affairs;
- Ministry of Religious Affairs;
- Ministry of Social Welfare;
- Divisional, District and Upazila Administration;
- Local Influential Persons or Groups, Religious Leaders. Teachers Relatives; and
- Local Non Government Organizations.

## ***h. Social and Family Reintegration***

**1. Key Objectives:**

Taking necessary measures for social and family reintegration by withdrawal of working children from hazardous and worst forms of work.

**2. Target Activities:**

Bringing the working children in the mainstream of society through gradual withdrawal from the hazardous occupations both

in formal and informal sectors; Arranging reintegration with their family, if possible; Establishing reformatory, rehabilitation centres, drop-in centres, helpline and arranging psycho-social counseling and providing necessary treatment, food and entertainment at division, district, upazila and even at the union level for the physically and psychologically distorted children.

**3. Duration:** 2010-2015 and beyond.

**4. Main Coordinating/Implementing Body:**

- Ministry of Labour and Employment

**5. Associate/ Collaborative Bodies:**

- Ministry of Social Welfare;
- Ministry of Women and Children Affairs;
- Ministry of Home Affairs;
- Ministry of Local Government, Rural Development and Cooperatives
- Ministry of Health and Family welfare;
- Employers /Employers’ Association; and
- Different Non Government and International Organizations.

***i. Research and Training***

**1. Key Objectives:**

Identifying underlying causes of child labour and determining possible measures for elimination of child labour and conduct research and training in this connection.

## **2. Target Activities:**

Creating a panel of researchers to identify the child labour situation in national and international levels, identifying causes behind child labour, suggesting measures for rectification and determining appropriate scope for rectification of acts and rules and to arrange training to perform the activities efficiently at field level. Besides, conduct the formal and informal area of child labour scientifically to the extent possible. Moreover, collecting information, preservation, evaluation and establishing a dependable database system through conducting scientifically coordinated survey on child labour both in formal and informal sectors.

**3. Duration:** Now and beyond.

## **4. Main Coordinating/ Implementing Body:**

- Ministry of Labour and Employment

## **5. Associate/ Collaborative Bodies:**

- Ministry of Women and Children Affairs;
- Different Non-Government Organizations and International Development Agencies;
- Non-Government Organizations, International Organizations; and
- Regional Associations, such as: SAARC, ASEAN, etc.

## ***j. Monitoring and Evaluation***

### **1. Key Objectives:**

To monitor, evaluate and recommend actions regarding the policy implementation and institutional development, assessing the

level of success in achieving objectives related to education, health and nutrition, social awareness, motivation, formulation of legislation and enforcement, creation of employment/labour market, prevention of child labour and to oversee the policy implementation and institutional development related to safety of children engaged in labour and reintegration of children with families. To monitor, evaluate and recommend the progress of research and training programmes and performance of implementing bodies and support organizations in carrying out duties in their respective fields.

## **2. Target Activities:**

To monitor and evaluate the timely and effective efforts of the assigned/responsible bodies and support organizations in achieving the core objectives of the specified plan of action under the leadership of coordinating bodies and provide directions to the assigned/responsible bodies and support organizations towards the elimination of child labour.

## **3. Duration:** Now and beyond.

## **4. Main Coordinating Body:**

- Ministry of Labour and Employment

## **5. Associate/ Collaborative Bodies:**

- Ministry of Women and Children Affairs;
- Ministry of Primary and Mass Education;
- Ministry of Education;
- Ministry of Social Welfare;
- Ministry of Health and Family Welfare;

- Ministry of Home Affairs;
- Ministry of Local Government, Rural Development and Cooperatives
- Ministry of Agriculture;
- Ministry of Fisheries and Livestock;
- Implementation Monitoring and Evaluation Division
- Ministry of Law, Justice and Parliamentary Affairs
- The Concerned Others Subordinate Offices at Division, District and Upazila Level
- Employers' Associations and Trade Unions; and
- Different Private and International Development Agencies.

### **13. Focal Ministry/Focal Point**

The responsibility to monitor the child labour related issues should be vested on a specific ministry of the Government. Currently, the Ministry of Women and Children Affairs deals with issues related to children while the Ministry of Labour and Employment deals with the issues related to labour. But the overall responsibility for overseeing child labour related matters has not yet been assigned to any specific ministry. Considering the different aspect of child labour issue, the Ministry of Labour and Employment can be selected as the focal ministry for dealing with child labour related matters. Likewise, the Labour wing of the Ministry of Labour and Employment should be the focal point to oversee child labour issues.

### **14. Child Labour Unit**

Due to ever-increasing importance of child labour at national and international level, many programmes and projects are being developed and implemented towards the elimination of child labour in Bangladesh by different ministries, divisions, directorates and

departments, international development agencies, NGOs as well as local level institutions. Given that there is substantive number of children engaged in hazardous occupations in Bangladesh and with a view that Bangladesh is working towards the ratification of ILO Convention 138 (minimum age convention), it is hoped that there would be expansion of related activities in bringing positive change in the child labour situation. Moreover, for the sake of effective coordination of the activities mentioned in this National Child Labour Elimination Policy 2010, a Child Labour Unit can be established under the leadership of Labour Wing of the Ministry of Labour and Employment.

### **15. National Child Labour Welfare Council**

A National Council may be constituted at the national level to oversee and supervise the child labour situation comprising representatives from government and non-government organizations, employers' and worker's association and experts on child labour issues. The Council will act as a "Think-Tank", which will observe and analyze the national and international child labour context and situation, and advise the Government accordingly. The functions of the Council would be lobbying at the highest Govt policy level on implementation of the National Child Labour Elimination Policy, 2010 and dealing with other relevant issues like conducting hearing, investigation and suggest remedies on any adverse situations related to child labour.

### **16. Participation of Non-Government Organizations**

Elimination of child labour is a continuous process which includes different efforts and activities. In parallel with the Government, many national and international organizations are implementing their

own programmes and projects towards the elimination of child labour. The concerned Government and non-government organizations should take initiative to redesign their respective child labour related programmes and projects according to the spirit of this Policy. The national and international organizations and donor agencies that are willing to work towards the elimination of child labour in Bangladesh should undertake and implement their respective programmes and projects in line with the policy.

## **17. Conclusion**

Every child preserves the right to enjoy a healthy and natural childhood. Yet many children in our country are deprived of enjoying this universal right. Children from poverty stricken families are compelled to take on hazardous work for the purpose of raising their livelihoods which in turn drives them towards an uncertain future. In order to get rid of this situation, it is necessary to invest all our efforts and resources in implementing the Child Labour Elimination Policy 2010 at family, community, Govt-non Govt, national and international levels which in turn will ensure the withdrawal of children from all types of child labour including worst forms of child labour and hazardous work. In the light of this document, if the existing Acts, rules and regulations are reorganized and the plan of action is adopted and implemented, our children would obviously grow up as “enlightened human beings”.

*N.B: The Child Labour Elimination Policy 2010 has been prepared as per the approval in the Cabinet Meeting held on 1 March 2010*