

CHILD LABOUR PROTECTION IN BANGLADESH: A CRITICAL ANALYSIS OF ITS LEGAL AND INSTITUTIONAL INTERVENTIONS

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***Abstract:** Child labour in Bangladesh has been recognized as a substantial part of the existing national labour market. It is basically a product of an unequal society that has attracted due attention of different people not only in Bangladesh but also all over the world. Hence, it has become a global concern, the problem of which is a socio-economic reality that should not be ignored. Consequently, several steps have been taken in Bangladesh to reduce and protect child labour gradually from the society. The main aim of this paper is to critically analyze the present state of child labour, especially its legal and institutional framework in Bangladesh. For the purpose of the study a list of secondary materials from various national and international sources were collected, reviewed and analyzed critically. This study shows that children in Bangladesh continue to engage in the worst forms of child labor, particularly in dangerous activities in agriculture, manufacturing and domestic services. However, Bangladesh has made a moderate advancement in eliminating the worst forms of child labor. The Government has passed several acts and has formulated National Child Labour Elimination Policy 2010. Bangladesh has also 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). Several institutions have been trying to reduce and protect child labor in Bangladesh, since its independence. Recently, government has begun a new initiative to eliminate child labor from urban slums as well as in rural areas following the existing laws and regulations. However, the very achievement towards protection of child labour, developing the children and making them worthy for a modern and independent nation is not satisfactory. This paper shows that legal protections regarding child*

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labor are limited, and the capacity to enforce child labor laws remains weak. Based on the findings this article attempts to give some policy recommendation at the end.

INTRODUCTION

The problem of child labour is a global concern. It is basically the product of an unequal society. Poverty is one of the main reasons of child labour that emerges from unequal distribution of wealth in an unequal society. South Asian region is considered a child labour hotspot in the world and Bangladesh is the home to more than five percent of the world's child labour (Aktar and Abdullah 2013). Child labour normally weakens health, physical development and education of children. But, children's participation in the economic activity which does not negatively affect their health and development or interfere with education can be positive. Indeed, light work that does not interfere with education is permitted from the age of 12 years under the International Labour Organization (ILO) Convention 138. Consequently, several steps have been taken in Bangladesh to reduce and protect child labour gradually from the society.

OBJECTIVE OF THE STUDY

The general goal of this study is to analyze the child labour situation of Bangladesh. Specifically this paper tries critically to analyze the present state of child labour as well as the legal and institutional framework to protect child labour in Bangladesh. It also investigates the causes of child labour in Bangladesh and finally suggests some policy recommendations. For the purpose of the study a list of secondary materials from various national and international sources were collected, reviewed and analyzed qualitatively.

DEFINING CHILD AND CHILD LABOR

The UN Convention on the Rights of the Child (CRC) 1989 and the ILO Convention on the Worst Forms of Child Labour 1999 define a child as an individual under the age of 18 years, unless under the law applicable to the child majority is attained at an earlier age. The laws in determining the age of child in Bangladesh are inconsistent.

Some of the Acts were promulgated during the British period, others during the Pakistan period and some have been promulgated after the independence of Bangladesh in 1971. The following table shows the inconsistency regarding the age of a child:

Table
The age of a Child in various Laws in Bangladesh

<i>Name of the Existing Laws and Acts</i>	<i>Age</i>
Child Marriage Restraint Act 1929	Below 21 years for men and Below 18 years for women
Children (Pledging of Labour) Act 1933	15
Employment of Children Act 1938	12
Factories Act 1965	14
Children Act 1974	16

Source: Akhtar and Abdullah 2013

The above table shows that the Child Marriage Restraint Act 1929 imposes a gender distinction by setting the age of majority in order to contract a valid marriage at 21 years for men and 18 for women. However, the Children (Pledging of Labour) Act 1933 and the Employment of Children Act 1938 determine that the minimum age for children is 15 and 12, respectively. To further complicate things, the Factories Act 1965 states that individuals under 14 years of age are children whereas the Children Act 1974 states that a child is an individual under 16 years of age. In addition, under contract law, a minor cannot enter into agreement until attaining the age of 18. Muslim personal laws on marriage, however, determine that a child becomes an adult on attaining the age of puberty.

In response to these varying laws and the lack of a uniform age regime, the highly anticipated Bangladesh Labour Act 2006 consolidates and abrogates all of the existing labour laws and determines that a child is an individual under the age of 14. The Bangladesh Labour Act, 2006 defines an adolescent as an individual between the ages of 14 and 18. An adolescent can work in a factory if a certificate of fitness is granted to him or her, if he or she carries a token while at work which gives reference to the certificate. An exception is provided for, as per section 44, a child who is 12 years

of age may be employed if the work does not endanger his or her health or interfere with his or her education (Bangladesh Labour Act 2006).

CHILD LABOUR

Child labour is defined as work that deprives children of their childhood, their potential and dignity and that is harmful to physical and mental development. UNICEF defines child labour as work that exceeds a minimum number of hours, depending on the age of a child and on the type of work. For children aged 5 to 11, this would include at least one hour of economic work or 28 hours of domestic work per week. For the 12 to 14 age group, this would include at least 14 hours of economic work or 28 hours of domestic work per week and for children aged 15 to 17, child labour occurs when a child works at least 43 hours of economic or domestic work per week.

The ILO asserts that the term child labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work.

The majority of child domestics tend to be 12 to 17 years old. But children as young as 5 or 6 years old can also be found working and a survey of child domestic workers in Bangladesh found that 38% were 11 to 13 years old and nearly 24% were 5 to 10 years old. Child domestics work long hours, getting up well before their employers and going to bed long after them and 50% domestic workers work 12 to 14 hours a day (Rahman, 1994).

CAUSES OF CHILD LABOUR IN BANGLADESH

The problem of child labour is substantially located in the developing countries. The causes of child labour are various in types. In Bangladesh the child labour is very high and the causes are varied. Some of the causes are discussed below:

Poverty

The principal cause behind child labour is poverty. The National Child Labour Elimination Policy, 2010 identified poverty as the first and chief reason behind working children in Bangladesh. There are two dominant worldviews of poverty: 'absolute' and 'relative'. Absolute poverty indicates absolute deprivation or starvation that illustrates a people or family who simply do not have enough to eat and sustain. It is common in the poorer third world countries. On the other hand, relative poverty means low standard of living compared to the average standard that is essentially a measure of inequality in the industrial countries (Islam 2005). In Bangladesh absolute poverty exists where around 55 million people are considered to live below the poverty line (The Daily Star 2006). They have no surety of food and this compels many of the parents to send their children to work. Truly, for many, forcing their children to work is the only way to survive. In Bangladesh 67% children work due to financial hardship, either to contribute labour for wages to supplement household incomes or to work at home so that adults can work outside (The New Nation 2004).

Lack of Awareness and Tradition

Lack of awareness and the firmly established tradition also play an important role to prolong child labour. Most of the parents are unaware about the notion of "child labour", who know neither what is meant by child labour nor the harmful effects of it, or put any attention upon their children's needs pertaining to education. They neither understand nor try to realize that if their children enter into work without acquiring education, the lack of basic schooling won't give them any opportunity to find good jobs when they attain majority. Again because of the embedded tradition in Bangladesh society majority of the parents think that their children will earn from early ages and will contribute to the family, though there may be no compelling necessity. This also happens due to the ignorance, unawareness of the parents. Moreover, a considerable number of children enter into jobs by observing their friends who are devoting their labour in the market, whatever the nature of work.

Fear of Insecurity about the Children

Many parents in our society fear that if their children spend their time idly, they may get involved in anti-social activities. For this reason they try to find an occupation for their children and keep them away from idleness and vagrancy.

Parents Illiteracy

Because of lack of education the parents neither understand what child labour is nor what are its effects, as such they very often encourage children and in some cases put pressure on them to work instead of going to school, though they are not in need of work.

Financial Hardship

Many children engage in work in order to supplement the family income and the parents do not even restrict them. They see nothing abnormal in working at an early age. Further, due to the internal migration that takes place from one place to another within the country, many parents fall into hard financial crisis which also lead children to go to work for survival.

Absence of Recreational Facilities

Inadequate recreational infrastructure also engages many children in work. Furthermore, insufficiency of schools, poor curriculum, absence of proper nursing and care of pupils by the teachers, lack of usefulness of education for their survival and profession and the long time needed for education also lead some children to begin work at an early age.

Absence of Child Friendly Values

Usually child labour is high in the poor developing countries but several industries of rich countries also pay for the products made with child labour. If the rich countries would boycott the products made with child labour, then the owners of the industries of poor countries like ours would be aware of not using the child labour. Both foreign and our owners know about the harmful effects of child labour but they use them for their own interest. So this lack of child friendly values keeps child labour alive in our society.

Non-Implementation of Labour Laws

Many people in our country employ children and violating the labour laws, but there is no punishment for such violation. Government has so many laws but implementation is missing. Though this is not a good cause of child labour, but this non-implementation is encouraging the employers to use child labour in making their products or in performing their businesses.

THE STATE OF CHILD LABOUR IN BANGLADESH

Child labour in Bangladesh is not a new issue as children remain here as one of the most vulnerable, exploited, underprivileged, dominated and subservient groups. Indeed, child labour in Bangladesh is alarming in various sectors which can be observed in a survey of 2002-2003 conducted by the Bangladesh Bureau of Statistics. At present, in Bangladesh 7.9 million children ages 5-17 work, children represent 16.6% of the total workforce., 62% of all working children are employed in agriculture, 149,000 children are engaged in the worst forms of child labour and 1.4 million children do hazardous work. The state of child labor in Bangladesh is briefly discussed below:

Sectoral Distribution of Child Labour

Based on the occupations Child labour is divided in two sectors in Bangladesh: Formal and Informal. The following table shows the sectors.

Table
Sectoral Distribution of Child Labourer in Bangladesh

<i>Formal Sector</i>	<i>Informal Sector</i>
Factories and Industries,	Agriculture
Commercial Organizations,	Livestock
Communication and Transportation,	Fishery
Ship Breaking Yard	Household work
Tanneries etc.	Construction work
	Brick breaking
	Pulling of rickshaw/van
	Restaurants and tea-stalls
	Day labouring etc.

Source: Author

As per existing legal provisions in Bangladesh children are found usually engaged in the above different establishment and occupations under six broad categories: Trainee; Substitute; Casual; Apprentice; Temporary; and Permanent workers. The following table shows the percentage of child labor in the two sectors as of BBS.

Table
Percentage of child labor in Different Sectors

<i>Sector</i>	<i>%</i>
Formal Sector	51.5
Informal Sector	49.5

Source: BBS 2002-2003

The above table shows that the highest proportion of working children, 51.5% was found in formal sector while some 49.5%, was found involved with informal sector that means, unpaid economic activities in family farms or business (Bangladesh Bureau of Statistics, 2002-2003). It was also found that among the informal sector 28.6% were employed as paid day labourers, 14% were sales workers while transport sector engaged 25.4% of them (BBS, 2002-2003).

URBAN AND RURAL WORKING CHILDREN

A clear-cut distinction between urban and rural working children is found in Bangladesh. Rural working children are mainly engaged in agricultural activities and urban working children are mostly involved with formal working sector. According to the BBS survey in 2002-2003, 2.5 million urban working children are labouring in the formal sector.

A large number of children predominantly girls, whether in the urban and rural areas, are employed as domestic helps. In total contrast, boys in the rural areas, look after the domestic animals and in the urban areas are engaged in marketing, taking children of the householder from schools etc. Such works are not hazardous. A large number of children are engaged in garments factories as well in urban areas.

STATE OF CHILD LABOR IN BANGLADESH: THEIR WORKING CONDITIONS AND ENVIRONMENT

Children in Bangladesh are engaged in the worst forms of child labor, primarily in dangerous activities in both in formal and informal sector (US Embassy 2011; ITUC 2012). They are engaged in some of the hazardous jobs where the rate of labour is high, working atmosphere is unhygienic and age is abnormally low but wage is unfixed (The New Nation, 2004). Both in urban and rural working sectors they always face with miserable, deplorable and abject working conditions, unfixed wages, health hazards, lack of recreation and they are exposed to mental, physical and sexual harassment.

Children working in the formal sector have no contract of employment and this ultimately makes it difficult for them to stand up and fight for their rights. Children involved in factories and industries including in salt mining; recycling; dismantling and remanufacturing of metal structures; and the production of soap, matches, bricks, cigarettes, footwear, furniture, glass, jute, leather, and textiles face dangers that may include work with hazardous chemicals and sharp objects, cramped conditions with low lighting, long hours, poor hygiene conditions, operating heavy machinery, and carrying heavy loads (IRWC 2010; ITUC 2012).

Children working in agriculture normally use dangerous tools, carry heavy loads, and apply harmful pesticides. In Bangladesh, they frequently work long hours, are exposed to extreme temperatures, and suffer high rates of injury from sharp tools (US Embassy 2013).

Children working in poultry farming and in drying fish exposes them to harmful chemicals, dangerous machines, and long hours of work in the hot sun (Bhuyian 2008).

Children working in the ship breaking sector, are applying gas torches to cut iron into pieces and carrying dismantled ship parts into shipyards. They lack the physical strength necessary for ship breaking and risk cuts, burns, and exposure to hazardous chemicals (Alam 2011; YPSA 2010).

Children working on the streets, garbage picking, vending, begging, and pottering. These children are vulnerable to exploitation, such as selling or smuggling drugs (US Embassy 2013; ITUC 2012). Children, mostly girls, working as domestic servants in private households in Bangladesh work long hours and are subject to discrimination and harassment, in addition to emotional, physical, and sexual abuse (ILO 2011).

Children working in hotels and restaurants face long working hours; extreme temperatures, sharp tools, and dust. Bangladeshi children are also exploited in the commercial sex industry; some children are trafficked internally and others across borders for sexual exploitation (BBS 2009). Children are also trafficked internally for domestic servitude and forced and bonded labor. Boys and girls are exploited in illicit activities including smuggling and trading arms and drugs (HRW 2010).

Needles to say, working children are used and exploited for the benefit of the betterment of a special class of Bangladesh society. This is not really deliberate exploitation of children by the wealthy rather reflects the attitude of the society. That means, employers prefer children as they are cheap, productive and obedient (The Daily Star 2006).

In a recent survey in 2013, UNESCO Institute of Statistics found that 45% to total working children in Bangladesh are engaged in agricultural sector. The following table shows the result under various occupations (UNESCO 2013).

Table: Working Children by Sector

<i>Sector</i>	<i>Children, Ages 5-14</i>
Services	36.0%
Manufacturing	16.2%
Agriculture	45.5%
Other	2.3%

Sources: UNESCO Institute for Statistics, 2013

CHILD LABOUR PROTECTION IN BANGLADESH: LEGAL AND INSTITUTIONAL INTERVENTIONS

In protecting child labor in Bangladesh various legal and institutional interventions have been taken. The following section discusses elaborately the different legal and institutional interventions.

NATIONAL LEGAL INSTRUMENTS ON CHILD LABOUR PROTECTION

The problem of child labour is widely discussed in the country but effective initiatives to eliminate or decrease child labour is hardly seen. Though there is a lacking in adopting measures to solve the problem, our constitution covers the issue perfectly. Since independence, protection of the children has been declared to be one of the fundamentals of the state policy of Bangladesh.

Bangladesh Constitution and Child Labor

Articles-14 and 15 of the Bangladesh constitution protect the rights of children and the right of social security. Article-17 imposes an obligation upon the state to take effective measures for free and compulsory education for all children to such stage as may be determined by law and under Article-18, the state is empowered to make special provisions for the benefit of children. Besides, by Articles 27, 28, 29, 31, 34, 37, 38, 39, 40 and 41 fundamental rights of all citizens are ensured. Specially, all forms of forced labour are declared as forbidden and in case of violation of such rights legal scopes to seek remedy are available. It is, however, necessary to mention here that the constitution of Bangladesh does not prohibit child labour. It only contains certain articles affecting children. The existing laws of the country regarding child labour also does so. These do not prohibit child labour rather provide certain standards for the employment of children. Again the present domestic laws do not cover children who are engaged in household services, such as, in agricultural sector, or domestic help. As a result, it is hard to count the actual rate of child labour and almost impossible to protect them from exploitation through legal procedures.

However, the following are the domestic laws which are working for the protection of the rights of the child.

National Child Labour Elimination Policy 2010

The policy advocates a friendly world for the children engaged in work and provides a standard framework concerning education, health, working environment, specific working conditions, recreation, treatment, and security, social awareness building for managing and reducing risks of child abuse by employers.

Child concerned matters are regulated by the Ministry of Women and Children Affairs and labour related issues are by the Ministry of Labour and Employment. But no ministry is wholly authorised to administer the child labour issues. That is why the policy articulates recommendation for giving the entire responsibility of supervising every issues concerning child labour to the Ministry of Labour and Employment as a focal Ministry. A Child Labour Unit is also suggested to be made for coordinating all the activities that are mentioned in the Policy of 2010.

Moreover, the policy points out to establish a National Child Labour Welfare Council by the experts in child labour studies whose duty will be to observe the circumstances of child labour at national and international level with a view of suggesting to the government.

Bangladesh Labour Act, 2006

The most remarkable legislation in the country for regulating child labour is the Bangladesh Labour Act, 2006. In the earlier laws, the term 'child' was used to mean a person who had not completed 16 years of age and the term 'young person' was used to mean and include both the child and adolescent. Under the earlier law, even a 'child' could have obtained a fitness certificate to get a job in a factory. But in the new law, 'child' means a person who has completed his or her fourteen years of age and 'adolescent' means the person who has completed sixteen years and has not completed eighteen years of age. This Act specifically prohibits employment of children and makes a provision for fitness certificates for the adolescent only. But a child, who has completed twelve years of age, may be employed in such light work as not to endanger his health and

development or interfere with his education. Provided that the hours of work of such child, where he is school going, shall be so arranged that they do not interfere with his school attendance (as per section 44). However, the Act does not provide a strong enforcement mechanism for the child labour provisions. Additionally, the vast majority of children work in the informal sector which makes enforcement of the relevant legislation challenging.

The Children Act, 1974

This Act principally applies to children who commit anti-social activities but various aspects of child exploitation ranging from begging, exposure to drugs and liquor, brothels and seduction are dealt with in sections-34 to 43 of the Act. This Act also imposes penalties on those who exploit child employees. It provides that whosoever secures a child ostensibly for the purpose of menial employment or for labour in a factory or establishment, but exploits the child for his own ends, withholds his earnings or lives on it, shall be punishable with fine or imprisonment or with both. The Act further provides that whosoever secures a child ostensibly for any of the purposes mentioned above but exposes the child to the risk of seduction, sodomy, prostitution or other immoral purposes shall be similarly punishable with fine or imprisonment or with both.

The Tea Plantation Ordinance, 1962

The Act does not define a child but provides that children under the age of 12 years are not allowed to work in any tea plantation. Moreover, children above the age of 12 years and adolescents between the ages of 15 and 17 years may be permitted to work in tea plantations provided that they are granted a certificate attesting to their physical fitness. But children are not allowed to work other than between 6 am and 7 pm. This Act also contains provisions for violation of the Act.

The Employment of Children Act, 1938

This Act applies only to those occupations that relate to transport of passengers, handling of goods and processing work. A child is

defined in this Act as a person under the age of 15 years and this Act prevents them from working in the transport of passengers and handling of goods by road, railway or any sea port. This Act makes concessions with regard to children up to the age of 17 years employing in the aforesaid activities but in this case one condition is that the periods of work have to be fixed in such a way as to allow intervals for rest of at least 12 consecutive hours including at least seven consecutive hours between 7 pm and 7 am. Again this Act astonishingly permits children below the age of 12 years to engage in processing activities and for this purpose identifies the workshops where children of this age group may work. Furthermore, children over the age of 15 years and under the age of 18 years are allowed to work under the fixed working hours which the Act specifies.

The Children (Pledging of Labour) Act, 1933

Under this Act, a person under the age of 15 years is treated as a child. This Act prohibits the making of an agreement to pledge the labour of children in return of consideration and if the conditions under which the agreement is made are such as to be detrimental to the child, the Act makes the agreement void. But this Act is ambiguous with regard to children who are employed without such agreements. In fact, this Act forbids parents or any person from compelling children to work.

The Mines Act, 1923

The Act restricts the employment of children in a mine or any part thereof which is underground. A child is defined in this Act as a person who has not completed his fifteenth year. But a person of 17 years or above may be employed in a mine provided that they are granted a certificate attesting to their fitness. Besides, the hours of work for such persons must be so fixed as to allow an interval of rest of at least 12 consecutive hours including at least seven consecutive hours between 7 pm and 7 am.

The above provisions of different Acts do not prohibit child labour rather inserts provisions for the employment of children. The reason behind this may be that if child labour is absolutely

forbidden, that will severely affect children and their families who depend on the income of children and children may be involved with more exploitative informal activities, which do not come under the purview of the above Acts than now. So child labour cannot be eliminated from the society totally just now. That's why steps should be taken at first to decrease it gradually. In this case the laws regarding child labour should be more child-friendly (Alam 2010; Aktar and Abdullah 2013).

INTERNATIONAL LEGAL INSTRUMENTS ON CHILD LABOUR PROTECTION

Legislative measures for the protection of children and the eradication of child labour have been adopted at the international level which Bangladesh ratified. Among the various international policies on child labour, the most extensive standards are those adopted by the following:

ILO Worst Forms Convention 182, 1999

Under this Convention Child applies to all persons under the age of 18. The Convention Calls for immediate and effective measures to prohibit and eliminate the worst forms of child labour: all forms of slavery and slavery-like practices, such as child trafficking, debt bondage, and forced labour, including forced recruitment of children into armed conflict; using a child for prostitution or the production of pornography; using a child for illicit activities, in particular drug production and trafficking; and hazardous work.

UN Convention on the Rights of the Child (CRC), 1990

This is the most valuable treaty in the armory of human rights law with which to protect and defend the rights of children the world over. Notwithstanding the fact that the Convention is more comprehensive than any other human rights treaty, it has attracted the greatest number of ratifications. This Convention defines a child as below the age of 18 years. It calls states to respect and ensure the given rights to each child within their jurisdiction without discrimination of any kind. By this Convention a child is to be

protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development under Article 32. To achieve a child's right to education, states are to make in accordance with Article 28 primary education compulsory and freely available to all. Every child also has a right to play, rest and leisure under Article 31.

ILO Minimum Age Convention 138, 1973

The Convention Concerning Minimum Age for Admission to Employment is a Convention adopted in 1973 by the International Labour Organization (ILO). It requires ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work. This Convention replaces several similar ILO conventions in specific fields of labour. However, the minimum age for entry into work should not be less than 15 years and not less than the age of completing compulsory schooling under Article 2 (3) of the Convention or 14 under Article 2(4) for countries "whose economic and educational facilities are insufficiently developed". By Article 7(4) of the Convention "light work" is allowed for children from the age of 12 in a developing country. The minimum age for hazardous work that is likely to jeopardize the health, safety or morals of young person shall not be less than 18 years under Article 3 (1) of the Convention.

CHILD LABOUR PROTECTION IN BANGLADESH: NATIONAL AND INTERNATIONAL INSTITUTIONAL INTERVENTIONS

To protect child labor Bangladesh has few national and international institutional interventions. They are discussed briefly below:

NATIONAL INSTITUTIONAL INTERVENTIONS

In Bangladesh to protect child labor the following are few national institutional interventions.

Child Labor Unit (CLU)

The Government of Bangladesh operates a Child Labor Unit (CLU) under the Ministry of Labor and Employment (MOLE) to coordinate and supervise programs to counter child labor. In collaboration with partner ministries and stakeholders, the CLU also monitors child labor elimination program activities and oversees the collection and storage of data in the Child Labor Monitoring Information System (MoLE 2011).

Department of Inspection for Factories and Establishments (DIFE)

The Office of the Chief Inspector of the Department of Inspection for Factories and Establishments under the MOLE is responsible for enforcing labor laws, including child labor provisions. The MOLE employed 183 labor inspectors nationwide during the reporting period Working from one of 31 offices located across the country, each inspector conducts between five and 100 inspections monthly. There are five inspection teams dedicated to monitoring labor violations in the shrimp sector, and specialized monitoring teams that regularly inspect ready-made garment factories (GoB 2013).

National Child Labor Welfare Council (NCLWC)

Under the MOLE's the National Child Labor Welfare Council is charged with monitoring child labor at the district and *upazilla* (sub-district) levels. In December 2012, the Government approved Child Protection Networks at the district and *upazilla* level. These networks are mandated to respond to a broad spectrum of violations against children, including child labor, and to monitor interventions and develop referral mechanisms (GoB 2013; and US Embassy 2013).

Ministry of Home Affairs (MoHA)

The MoHA is the lead agency designated to enforce the country's forced labor and anti-trafficking laws, including child trafficking. It operates an anti-trafficking police unit in Dhaka comprised of 12 police officers charged with investigating all forms of trafficking and provides anti-trafficking training to police officers and other public officials. MoHA also chairs an inter-ministerial anti-

trafficking committee that oversees and monitors national and district level efforts to combat human trafficking (US Embassy 2013). The total number of inspections carried out is unknown. The Government reported 36 new cases of child trafficking over the reporting period involving 95 traffickers, 24 of whom were arrested by the police and handed over to the judicial system. However, only two of these cases ended in convictions (GoB 2013).

INTERNATIONAL INSTITUTIONAL INTERVENTIONS

In Bangladesh to protect child labor the following are few international institutional interventions:

International Program on the Elimination of Child Labour (IPEC)

IPEC was launched in 1992 to progressively eliminate child labour through strengthening national capacities to address child labour problems and promoting a worldwide movement to combat child labour. While IPEC's goal remains the prevention and elimination of all forms of child labour, the priority targets for IPEC's action are the worst forms of child labour, which are defined in Convention No. 182. IPEC also calls for the provision of alternatives for children and families to ensure that children truly benefit from child labour interventions.

Time Bound Program

The Time-Bound Program is one of the means established by IPEC to help countries fulfill their obligations under ILO Convention No. 182 to take immediate and effective time-bound measures to prohibit and eliminate the worst forms of child labour as a matter of urgency, including: prevent the engagement of children in the worst forms of child labour; provide direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration; ensure access to free basic education and appropriate vocational training for all children removed from the worst forms of child labour; identify and reach out to children at special risk; and take account of the special situation of girls.

Bangladesh has ratified the 1989 United Nations Convention on the Rights of the Child (CRC) and the 1999 International Labour Organization Convention on the Worst Forms of Child Labour but not ratified the Minimum Age Convention of 1973. Though Bangladesh has not ratified this Convention, her domestic legislation prohibits the employment of children in factories below a certain age. It has also begun the process of time bound program.

SOCIAL PROGRAMS TO PROTECT CHILD LABOR IN BANGLADESH

Bangladesh has participated in various social programs to protect and eliminate child labor. The Ministry of Women and Children's Affairs and the Ministry of Social Welfare collaborated with UNICEF on a new initiative to eliminate child labor from urban slums and in rural areas. The program's child-focused social protection approach includes the provision of conditional cash transfers and empowerment training; outreach and referral; and social protection services for targeted beneficiaries. The program will reach 500,000 children and 30,000 adolescents between 2012 and 2016 (GoB 2013). The following are few of those:

Global Action Program on Child Labor

Bangladesh participated in the USDOL funded four years Global Action Program on Child Labor Issues in 2012, which is active in approximately 40 countries. In Bangladesh the project aims to improve the evidence base on child labor and forced labor through data collection and research (ILO-IPEC 2012).

Eradication of Hazardous Child Labor Project

Bangladesh continued to implement Phase III of the Eradication of Hazardous Child Labor project (2011-2013), which targets 50,000 children between the ages of 10 and 14 for withdrawal from hazardous labor through non-formal education and skills development training (ILO 2012). Phases I and II succeeded in withdrawing 50,000 children from child labor. The Ministry of

Primary and Mass Education continued to implement the Basic Education for Hard-to-Reach Urban Working Children project. Between 2004 and 2012, the project provided an average of 3.4 years of non-formal education to 166,000 out-of-school children between the ages of 10 and 14 in urban areas (GoB 2013).

Capacity Building Projects for the Police

The Government continued to participate in a USAID-funded project that builds capacity of the police to identify and prosecute traffickers, expand public awareness on trafficking, and provide services to trafficking victims. Additionally, the Government supported nine shelters for women and children who have experienced violence, including trafficking, and is participating in a child helpline service funded by the Danish International Development Agency (GoB 2013; Child Helpline International 2009).

Community Based Working Child Protection Project and Actions for Combating Trafficking-in-Persons

Government continued to manage two anti-trafficking projects, namely the Community Based Working Child Protection Project and the Actions for Combating Trafficking-in-Persons. These programs aim to combat human trafficking, enhance preventive and protective measures, improve victim care, and strengthen the Government's capacity to prosecute trafficking-related crimes (MoLE 2011, Banglawire 2011).

Employment Generation and Vulnerable Group Development Program

The Employment Generation Program for the Poorest, Bangladesh's largest social safety net program, provides short term employment for the rural poor (Banglawire 2011). The Vulnerable Group Development Program is Bangladesh's other large social safety net initiative. It provides vulnerable families with food assistance and training in alternative income-generating opportunities (GoB 2013 and HEED 2013).

CONCLUDING REMARKS

Ways of reducing child labour is a challenging and worthy task and require financial, moral and political support from all the tiers of the society. Truly, child labour cannot be virtually removed from a country such as Bangladesh just now, because the problem of child labour is indissolubly rooted in our society, so attempts have to be made in the first place to decrease it. As poverty is the core reason behind child labour and as it drives children to involve in employment in order to fight against starvation as well as to supplement the family income, effective solutions to child labour must be based on the reduction of chronic poverty through broad based economic and social development, with a strong emphasis on human resource development (Alam 2011; Aktar and Abdullah 2013).

Nonetheless, child labour is not in all cases a consequence of poverty or even child labour won't be driven out as soon as poverty disappears as there is a huge population of girls and also boys, working in domestic labour that are not necessarily linked with economical facts but with patriarchal roles. As such, to eliminate or decrease child labour, along with poverty eradication, child centred educative sensitivity and awareness at political, community and family level is essential (Aktar and Abdullah 2013).

Child Centred Educative Sensitivity Programme

Government should take the case of child-centred educative sensitivity at first. To create such kind of sensitivity educated parents, educated family members and an educated community has to be made and they will actually play an important role in the progressive elimination of child labour. In this regard existing schooling process should be borne in mind. Schooling process has to be changed and an upgraded curriculum to be introduced inclusive of basic idea regarding child labour. Moreover, to make education effective, arrangement should be made in the expected modified curriculum around vocational training that would enable students to achieve an employment quickly and easily after finishing their schooling period.

Awareness Raising Programme

Then take the case of awareness raising programme. Education makes a person more conscious than in any other ways. Inclusion of knowledge about child labour in school curriculum may also be used as a method of awareness building. At the same time government and other non government organizations may make people aware through distributing leaflet among the common mass; showing advertisement, movie and short films on the television.

Proper Implementation of Existing Laws and Capacity Building of Institutional Efforts

Legislation concerning child labour is proper from the context of prohibiting it but is improper for not implementing the concerned laws. For this reason enforcement procedures has to be strengthened and law enforcement agencies have to be free from any influence. The old archaic laws have to be excluded and according to the changing socio-economic circumstances new laws covering the informal sectors not embraced in the Act at the present time have to be passed. In case of changing the domestic laws government may follow the standards set by the international forum. Based on its constitutional obligation and its commitment to international standards on children, it is obvious that the government will need to take the lead in pursuing child labour elimination goals, in order to meets it long term development needs. Most important is that the adoption of the establishment of an inter-ministerial National Taskforce on Child Labour and Education, a review and effective implementation of the Labour Act (2006) and the urgent need to increase the capacity of the recently established Child Labour Unit and to ensure that the Unit can bear its responsibilities and function effectively.

Involvement of NGOs

The causes of child labour are very complex. They can't be driven out through removing poverty or enacting new laws, as such all the above mentioned ways should be taken into account and has to be advanced accordingly. It is also necessary to bear in mind that only

the government can play an effective role in the progressive elimination of child labour but in case of awareness raising education programmes, rehabilitation etc. the humanitarian and non government organizations (NGOs) and in terms of financial assistance the donor countries have to come forward as it is impossible on the part of government to tackle all the matters single handed.

Moreover, to improve the conditions of the working environments of the children in Bangladesh, an employer in consultation with the working children and his or her guardian should consider the following:

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.

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.

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.

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.

Future Security Provision

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.

CONCLUSION

Children are the future hope of a nation. Therefore, if they are exploited at a very early age, they would not be able to contribute to the country and would hamper progress. Moreover, children consistently expressed their concerns about the absence of a safe environment, which leads to violence, abuse and exploitation within the family, community, street, work place, and school, in state and non-state institutions and also in the justice system. The current governance deficit in Bangladesh has further aggravated the situation because the duty bearers such as lawmakers, executives, police, probation officers, and even judges remain insensitive to children's rights and fail to provide protection, special care and treatment. In recent years, however, child rights have featured increasingly in policy debates and discussions amongst government

officials, civil society and NGOs. News reports on violence and torture against children in the print media and in the satellite TV channels have increased. Many organizations are also working to sensitize the public so that there is increased awareness of child rights (Alam 2011; Aktar and Abdullah 2013).

Mentionably, the government is committed to protect the child but it lacks depth of understanding and consistent planning. That's why action at the national level is needed now, as timely taken steps can only bring positive impact on decreasing or elimination of child labour from all tiers of the society. But in case of taking action in full conformity with reality, all the factors such as, economic, social, political, cultural have to be taken into consideration. Further, it is not appropriate in the context of existing social system to refrain children from work which only breeds poverty, rather initiatives should be taken at first to keep them away from exploitative and dangerous works and to provide appointment letter, identity card to ensure the payment of their due wages and other rights as workers, which other adult workers enjoy, has to be ascertained. In this case we have to pay serious attention to the working children so that they could finish the basic schooling beside light work (Alam 2011; Aktar and Abdullah 2013).

Moreover, child sensitivity approach has to be strong along with adopting multiplier measures. But, a matter of hope is that child labour problem has attracted due attention in recent times and the government, NGOs and some private organizations are, though less than needed, working with a view to solving the problem and consequently the rate of child labour has decreased in a little. Further, Bangladesh is a signatory to, and has ratified, most of the major international conventions related to children, except for the ILO Minimum Age Convention (No.138). Again, it has introduced a number of policies and programmes over the years intended to reduce or eliminate child labour. Bangladesh is obliged under both national and international law to protect and promote the rights and interests of children. The Constitution of Bangladesh and the Children's Act 1974 guarantees basic and fundamental human rights and ensures affirmative action for children. These rights are the

guiding principles for formulating policies and laws relating to child development. In fine it is hoped that as Bangladesh is one of the earliest signatories of the Convention on the Rights of the Child (CRC) these initiatives will be widespread and the affluent, elite countries and international organizations will come forward to help our government and NGOs not only in case of financial assistance but also in the actual performance of the field level work (Rahman 2010; Aktar and Abdullah 2013).

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