



Research Monograph

On

Prevention of child labour in Bangladesh: A study on the basis of Domestic law and international law

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Submitted By:

Papon Chandra Biswash

ID: LLB 2101022024

Batch: 22

Program: LLB

Department of law

Sonargaon University

Submitted To:

Md. Naimul Razzaque

Assistant professor

Department of law

Sonargaon University

Date of Submission: 07/01/2025

Letter of Transmittal

To,

Md. Naimul Razzaque

Assistant professor

Department of law

Sonargaon university

Subject: Submission of LLB Thesis

Dear Sir,

with due respect and humble submission, I am submitting herewith three hard copies and a soft copies of my thesis Titled "**Prevention of child labour in Bangladesh: A study on the basis of Domestic law and international law**" for your kind perusal and consideration.

I would humbly request you to accept and evaluate my thesis hereby submitted. I shall always be obliged thereby to provide any necessary clarification and assistance for the

proper understanding of the thesis.

Sincerely yours,

.....
LLB Examinee
Papon Chandra Biswash
ID: LLB 2101022024
Batch: 22
Program: LLB
Department of law
Sonargaon University

Declaration

I do hereby declared that I have prepared this thesis Titled "**Prevention of child labour in Bangladesh: A study on the basis of Domestic law and international law**" in accordance with the partial requirement for the completion of the degree of LLB and I affirmed that this is my work except the case where I have mentioned. This thesis is not submitted anywhere for publishing or other purposes in the past and I further declare that, this thesis is free from plagiarism.

.....

Papon Chandra Biswash

ID: LLB 2101022024

Batch: 22

Program: LLB

Department of law

Sonargaon University

Certificate of the Thesis Supervisor

The undersigned certify that the research paper entitled "**Prevention of child labour in Bangladesh: A study on the basis of Domestic law and international law**" a study has been carried out by Papon Chandra Biswash, ID : LLB2101022024, Under my constant supervisor as per the rules regulation stipulated by Sonargaon University in the partial fulfilment of the requirement of the degree of LLB.

Signature of the supervisor

.....

Md. Naimul Razzaque

Assistant Professor

Faculty of Arts and Humanities

Sonargaon University

THIS THEASIS IS DADICATED

TO

MY FATHER AND MOTHER

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Abstract

This study intends to raised awareness about the issues related to child labour in the formal and informal industry in Bangladesh. Child labour is now a global concern and as such involved devotion of people in various sectors. It tries to present the socio economic senario of child labour in Bangladesh which has in recent times attracted concerted attention not only in Bangladesh but also all over the world. Child labour problems is a socio economic reality in the country which can not be ignored. Hereafter step to be taken at first to decrease child labour gradually rather removing it completely from the society. This study also focuses on the trend, impact and legislation of child labour in Bangladesh and this study an attempted to search out the ways by which child labour can be decreased gradually and at the end of the articles these ways have been presented as recommendations.

Keyword Child labour, Bangladesh national law, international law

Chapter 1

Introduction and Background of the study

In Bangladesh, the majority of the people are poor and uneducated, because of scarcity of land. Lack of food and political unrest. In the situation people tend to ignore about child care. The large number of families and economic problems has created this miserable situation. About 44% of population among the total 160 million are under age of 18. This is really a great problem for mushrooming child labour in Bangladesh. According to the general sense, street children earn their living and stay at street their most of time. Child empowerment rates increased chronological order with age. Some of them as well as jurist defined the children into two groups. One group spend their lion share of time at street but never go to their home. On the other hand some children play, eat, sleep, make friend in the street but return home at night. Surprisingly there is similarity between two groups that they don't go to study. It is quite noticeable part in all over the Bangladesh. There are a lot of tea stall located besides the road specially, in rural area conducted by child worker. The other portion is completely hidden from view like domestic work. On average children are working around 28 hours in a week and earn 222 taka (3 USD). The UN committee on the right of the child give up their opinion concerning the child labour in Bangladesh, that the children working minimum five worst form of work like wedding, workshops, road transport, battery researching above all tobacco factories. To enrich millennium development goal child labour is the main and principle obstacle in Bangladesh

. Statement of the problem

When we hear the term “child labour” we think perhaps of children working long hours under harsh conditions for little pay in the gemstone or textile industry in Asia or perhaps of children in European factories 200 years ago Europe has improved since those days and we want the lives of children to improve in a similar way elsewhere. There were opponents of factory reforms in Europe, but such there is opposition has long been discredited. Now there is a growing global movement to stop child labour. Superficially it seems that we must support such a movement wholeheartedly. This afternoon I am raising my concerns about this kind of discouragement. While sweatshops for children in Africa are relatively rare, there are

many working children on the continent, The international labour organization estimates that there are 48 million children in sub-saharan africa who are economically active in the 10-14 age group, represently 20-30% of children a higher percentage than anywhere else in the world (admassie 2002,255), Economic work of children often correlates with poverty(admassion 2002, 267), and poverty is widespread in africa. Besides, the large number of orphans, created principally by the AIDS epidemic, means that many children have to be economically active for themselves and their siblings to survive. So I am dealing with a global issue that is very relevant to many african countries, and mainly from african experians, Apart from economic activities, there are occasionally traditional institutions, sometimes religious, in which children become vital slaves. Demands can be made on children to work in the house hold , espically when time consuming work is necessary such as fetching firewood or water. This work can become extremely burdensome when children are compelled to care for sick or elderly relatives. Even when work does not prevent school attendance, it can have an adverse affect on school performance. So working children deserve our attention. When there are many children doing much work in a society, this is a symptom that there is something wrong that the children are not able fully to develop their potential, The question remain as to weather it is useful to focus attention on preventing them from working in a campalgn to stop child labour, or weather we could more usefully focus our attention elsewhere.

Significant of the study

Child labour in Bangladesh is significant with 4.7 million children aged 5 to 14 in the work force in 2002-2003. Out of the child labourers engaged in the work force, 83% are employed in rural areas and 17% are employed in urban areas. Child labour can be found in agriculture, poultry breeding, fish processing, the garment sector and the leather industry, as well as in shoe , production. Children are involved in jute processing, the production of candles, soap and furniture. They work in the salt industry, the production of asbestos, bitumen, tiles and ship employment as 14. Nevertheless, the enforcement of such labour laws is virtually impossible in Bangladesh because 93% of child labourer are employed in the informal sector such as small factories and workshops, on the street, in home based businesses and domestic employment.

Research question

How effective is the legal framework in reducing child labour in Bangladesh?

Objectives of the study

Objectives of this thesis is to address the lacking which is remain on the existing legal frameworks by analyzed the national legal framework on protection against child labour. Also, it will try to find out the causation behind the lack of implication of these legal frame works on reducing child labour from the society. However it will also try to fulfill the gap of others authors works in this fields, Further, it will set mechanism in terms of protecting child labour with the compliance of international standard for child labour. Moreover, this thesis may help the policy maker to find out their loopholes on the existing legal framework in compliance with the international standard. Also this thesis may pay attention to the policy makers to address this issue by reforming the existing ambiguity on the legislation for child labour. In addition, this thesis will contribute to the society in terms of curtail the child labour gradually from the society. Finally, it will create a way forward towards the reducing of child labour from the society of Bangladesh.

Methodology

The Methodology outlined in model presents an objective approach, at least quantitatively, to estimate child labour from the GS16 data set. However, there are many qualitative issues that determine how child labour is defined today. To arrive at the overall picture of child labour in the district, qualitative approach must be used to complement the quantitative research, of which GS16 is part. This is particularly true for the worst form of child labour that are targeted for immediate elimination, such as child exploitation through child prostitution, child use in armed conflict, and child use in illicit trafficking, such as drug trafficking. It is therefore possible to find a child who is classified as being engaged in child labour, who does not meet the minimum conditions of child labour ie 11 hour per week. Dangerous work is dangerous to the life, learning and development of the child often it doesnot matter how long or how short the engagement period can be. Estimating light work was not necessary because it was belived that the long hours cut offs take the concept of light work into account. The quality of the reasult on the progession of education will depend largely on the quality of the

data given on the questions used in the weather there is a case of conditional worst from of child labour in relation to the total number of hours worked. As set out in sectoral determination 8 for farm workers. The basic guide to child labour for children working in agriculture sets an upper cut off limit of 35 hours per week. This has been incorporated into the equation whenever agriculture is the activity under consideration.

Literature Review

Linn Holmstrom¹ discussed in her thesis about the child labour of garment industry in Bangladesh². What are the causes of child labour creation, international and national legislation are effective or not and what are the lacuna of national legislation for partly ineffective. She also identifies how national legislation is strongly effective on the government industry, highlighting the importance of international responsibilities and pressure. It emphasized the need for harmonising national initiatives with global benchmarks and promoting cooperation between government and civil society. Also provides valuable knowledge for policy decisions and advocacy initiatives. However, author did not discuss about any other industry other than garments industries child labour situation. Firstly author gives a general statistic of child labour in Bangladesh then she highlights the statistics of garments industry. After that, in the part of garments industry author need to do data analysis on other industry also. I agree with author that the international legislation is appropriate for the reduction of child labour but also this things need to properly apply in the national legislation. Because of small lacuna in nation legislation many industry took the advantage of this lacuna. After a time this things turn into a great problems and the purposes of this legislation are failed. Examination the factors that impact the child labour free status of Bangladesh textile industry, highlighting the importance of worldwide initiatives to eradicate child labour are important. Emadul islam, khaled Mahmud and Naziza Rahman writr a Article about the situation of domestic child labour in Bangladesh. The authors examined the present status of domestic child labour and the view of child specialists on the subject in light of the new ILO standards for decent work for domestic worker. Fifteen child specialist from five separate groups and one hundred twenty child domestic worker from five different area of Dhaka city were also included in the analysis. The writers have used qualitative and quantitative approaches. Since 79.2% of these children do not have the opportunity for formal

¹Emdadul islam, Khaled Mahmud, situation of child demostic workers in Bangladeshby situation of child demostic worker in Bangladesh(january1, 2013)

instruction education, it is clear that their level of education is very low. Research shows that a significant majority of child domestic workers (75.83 %) are motivated to further their education. While 21.7% of CDWs had rest periods of 3-4 hours, 73.3% of people did not receive a full day off during the week. Unsettlingly, 19.2% did not have the opportunity to take breaks during the day. However authors discussed only the domestic child labour in Bangladesh. Also author do fieldwork on the Dhaka city only which does not cover the actual scenario because the numbers of child labour are large in rural areas. Also authors focus on the international framework through rather than national framework. On the other hand on this thesis I will discuss about the causes on child labour in entire Bangladesh not only some region only. Also discussed about the national and international framework which is related with child labour in Bangladesh.

Conclusion

Bangladesh has achieved some progress in combating child labour, there are still significant obstacles to overcome. For change to stick, it needs a multipronged strategy that incorporates new laws, better economics, better education, stricter enforcement, and more international cooperation. Achieving long-term protection against child labour in Bangladesh would require constant assessment and strategy adaptation in response to changing socioeconomic conditions. Child labour in Bangladesh not only has immediate physical and psychological consequences for children but also hinders their long-term development and perpetuates cycles of poverty and exploitation. Addressing child labour requires comprehensive interventions that prioritize children's rights, provide access to quality education and safe working conditions, and promote sustainable economic opportunities for families.

² Seema Roy vs State (Govt Of Nct Delhi) & Anr on 4 September, 2015.

Chapter 2

Concept and definition

Definition of child

A child can be defined as a human being who is in the stage of life between birth and adolescence. In legal terms, a child typically refers to an individual who is considered a minor or someone who is younger than the age of majority. According to Oxford dictionaries, a child is a juvenile human who has not yet reached full adulthood. According to the Cambridge dictionary, a child is described as a human being from birth until they reach the age of legal adulthood. According to the Cambridge dictionary, a child is described as a human being from birth until they reach the age of legal adulthood. Any person who does not yet attain the age of majority as established by applicable domestic law is considered to be 18 years. Anyone under the age of 14 is considered a child under the Bangladesh Labour Act 2006³. Section 2 (63). Furthermore, according to the Children's Act of 2013. Section 4 defines a child as anyone who is under the age of 18 years. According to the constitutions of Bangladesh, a child is defined as any girl or boy who is below the age of sixteen years. In summary, a child can be defined as an individual, whose age falls between 14 to 18., excluding those who have reached majority. A table given below which demonstrates the differentiation in minimum ages in various legislative enactments

Acts/ ordinances child

Age below which a person is deemed a

. The Majority Acts, 1875	18 years
. The Mines Act, 1923	15 years
. The children (pledging of labour) Act, 1933	15 years
. The employment of children Act, 1938	12 to 15 years
. The tea plantations labour ordinance, 1962	15 years
. The factories Act, 1965	14 years
. The shops and Establishment Act, 1965	12 years

Meaning of child labour

The international labour organization defines child labour as any kind of employment that abuses children in spite of their youth, degrades their human dignity, and hampers their physical and mental growth. Child labour as defined by UNICEF refers to employment that violates the minimal number of hours allowed taking into account the child age and the nature of the work. A minimum of one hour of economic labour or twenty four hours domestic labour per week is required of children between the ages of five and eleven. On the other hand, children and teenagers between the ages of 12 and 14 must labour at least 14 hours per week in economic activities or 28 hours per week in household activities. The terms “child labour” describes a situation in which a minor works at least 43 hours a week on economic or household duties. In order to resolve the problems of inconsistent regulations and the absence of a unified age system, the Bangladesh labour Act, 2006 consolidated and repealed all prior labour laws. A person is defined as a child if they are under the age of 14. Anyone between the ages of 14 and 18 is considered an adolescent under the Bangladesh labour Act, 2006. In order for a teenager to be employed in a factory, they must possess a certificate while working. Section 44 provides that a 12 years old child can be employed so long as his health and education are not negatively affected by the job.

Causes of child labour

Child labour in Bangladesh is primarily driven by several interconnected issues that originate with the country's socioeconomic context, including widespread poverty, fast population increase, especially among disadvantaged kids, and limited availability of high quality basic education. A significant number of parents residing in rural regions still hold the belief that providing females with a general education is unsuitable. Due to employers' inadequate compliance with labour rules and their desire to maximise profits, there is a lack of understanding regarding the potential long term consequences of child labour and unrestricted access to the job market.

Poverty

The general consensus is that poverty is the predominant factor contributing to child labour. Children from economically disadvantaged backgrounds frequently depend on child labour as a means to enhance their prospects of obtaining necessities for themselves and their family,

³ The children (pledging of labour) Act, 1933

based on data collection by the United Nations in 2005, almost 25% of the global population resides in circumstances categorized as extreme poverty.

Over population

Child labour is prevalent in the country for a wide range of socio-economic reasons, including overpopulation which in turn creates a complex web of a situation that forces youngsters into the work force. Overpopulation increases these problems by imposing pressure on resources and opportunities, resulting in increased competition for employment and economic difficulties for families. Consequently, children from disadvantaged households may feel obliged to engage in labour in order to augment their family income or sustain themselves, although overpopulation plays a role in the occurrence of child labour in Bangladesh, it is crucial to acknowledge the independence of several socio-economic elements that contribute to this issue.

Lack of education

An important consequence of child labour is the absence of a formal education. According to a research by the United Nations, the annual cost of ensuring adequate education for all children worldwide is estimated to be between \$10 and \$30 billion. This amount represents between 0.7% and 2.0% of the current global military expenditures. Children who are prohibited from attending school due to their parents' occupation are less inclined to achieve academic success. According to a 2010 evaluation conducted by UNICEF, more than 50% of the child labour forces in Bangladesh were not attending any educational institutions. In addition, 6.8% of school-age children between the ages of 7 and 14 were employed outside of their homes. When youngsters participate in the labour force, it detrimentally impacts their academic performance in school. Although many children would be eager to occasionally exploit the fact that education is provided at no cost, they are simply unable to do so.

Absence of compulsory education

The lack of mandatory education in Bangladesh greatly adds to the high incidence of child labour in the country. In the absence of a strong and effective system that requires and guarantees equal access to high-quality education, numerous youngsters are left without an opportunity for work. The lack of sufficient educational opportunities contributes to the

continuation of a poverty cycle, as youngsters from underprivileged homes are frequently compelled to engage in labour to assist their families or supplement household earnings. Moreover, the absence of education possibilities denies children the crucial skills and knowledge necessary to escape the cycle of poverty and participate in more significant and enduring forms of employment in the future. Mandatory schooling serves as a safeguard against child labour by equipping the future. The lack of it not only threatens the rights of children but also impedes the long-term socio-economic development of Bangladesh.

Illiteracy

According to UNESCO, the literacy rate among adults in Bangladesh is 72.76% despite having a higher literacy rate among men (75.7% vs 70.09%). Bangladesh⁴ still has the world's lowest illiteracy rate of 56.7%. In comparison to its neighboring countries, Bangladesh also has a much higher literacy rate of 116.1. Consequently, a greater proportion of the population is able to read and write. Some parents who lack literacy skills may not fully grasp the significance of nurturing a child's intellect, physical well-being, and spiritual growth. Due to their own lack of education, they fail to comprehend the importance of providing their own children with an education.

1. ⁴ M.C Mehta vs State Of Tamil Nadu and Other on 10 December, 1996.

2.

Chapter 3

Cases

Cases of violation

1. State vs. Samsuddin on 5 december 2020
2. Hayat khan S/o Mahaboob khan shivalli The deputy Labour commissioner on 22 June 2007.
3. Shahid @ Mechanic Babu vs State of Karnataka 21 February 2014.
4. Sartaj khan vs state of Uttrakhand On 07 December 2017.
5. A Shraf @ Mohammed Ashraf Ali vs State Karnataka on 10 April, 2015.
6. D.B Civil Writ Petition... vs State Of Rajasthan &Other On 17 September, 2015.
7. M.C Mehta vs State Of tamil Nadu and Other on 10 December,1996.
8. Bachpan Bachao Andolan vs Union Of India & Ore on 18 April, 2011.
9. Rajangam, Secretary, District Beedi.....vs State of Tamil Nadu And Ors on 19 November, 1992.
- 10.Bhagwandas Harprasad vs State Of M.P And Anr. On 9 July, 1998.
- 11.Bachpan Bachao & Ors. Vs Union Of India & Other on 24 December,2010.
12. Anil Kumar Agarwal vs Assistant Labour Commissioner...on 2 September, 1998.
13. P. Sooryanarayana Shetty And Another vs State Of Karnataka And Other on 10 September, 1999.
14. Chhota Bhai Munnu Bhai & Co. And Ors. Vs State Of U.P And Anr on 11 November, 1998.

15. Date Of Decision: April 09 vs State Of Punjab on 9 April, 2013.
16. Court On Its Own Motion vs Govt Of Nct Of Delhi on 15 July, 2009.
17. Mahesh Kumar Garg And Ors. Vs state Of U.P And Ors. On 11 April, 2000.
18. Raj Homes Pvt. Limited vs State Of M.P And Anr. On 4 December, 2002.
19. Jayakumar Nat & Anr vs State Of Nct Of Deihl & Anr on 4 September, 2015.
20. Hemendra Bhai vs State Of Chhattisgarh on 6 January, 2003.
21. Seema Roy vs State (Govt Of Nct Delhi) & Anr on 4 September, 2015.

CHAPTER 4

Protection

Child labour is a challenging and worthy task and requires financial, moral and political support from all the levels of the society. In reality, child labor can't be virtually removed from a country such as Bangladesh just now because the problem of child labor is indissolubly rooted in our society so attempts have to be made in the first place to decrease it. Poverty is the core reason behind child labor as it drives children to involve in employment in order to fight against starvation as well as to supplement the family income, So effective solutions to child labor must be based on the reduction of chronic poverty through broad based economic and social development, with a strong emphasis on human resource development. As such, my contention is that with a view to elimination or decreasing child labor, along with poverty eradication, child centered educative sensitivity and awareness at political, community and family level essential. Take the case of child-centered educative sensitivity at first. To create such kind of sensitivity educated parents educated family members and 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 sociology process should be in mind. Schooling process has to be change and upgrade curriculum to be introduced inclusive of basic idea regarding child labour. Beside that to make education effective, assessment should be made in the excepted modified curriculum around vocational training that would enable student to achieve an employment quickly and easily after finishing schooling period. Then take the case of awareness rising. Education makes a person more conscious than in any other ways. Including 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 organization may make people aware through distribution lifted among the common mass showing advertisement move and short films on the television. Income generation and employment creation adults help to reduce poverty which leads to besides poverty elimination child centered educative sensitivity and awareness raising effective solution of child labour problem in the rural areas employment opportunity in various sectors has to be created so that the villagers are not inclined to go to urban areas for seeking employment which virtually many and case land them into insecurity established and poverty actual this urbanization and migration land migrated people to send their children

to work in order to free themselves from the unavoidable of the urban life. Some issues and regards child legislation are necessary to be pointed out. Policy and legal instruments dealing with other issues such as gender-based violence and child labor are often narrow in focus and do not address the best interests of children experiencing violence. Laws against child labor are applicable only to the formal economic sectors. But most children who work in the informal sector, such as small factories, workshops, motor garage, shops, agriculture or domestic work, are not regulated by law nor are these establishments monitored by any government agency. Again, legislation concerning child labor 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 social 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 forum. Based on its constitutional obligation and its commitment to international standards on children (CRC and the worst Forms of child labor ILO Convention No.182), it is obvious that the government will need to take the lead pursuing child labor elimination goals, in order to meet its long-term development needs. The most important recommendations are establishment of an inter-ministerial National Taskforce on Child labor and Education, a review and effective implementation of the Labor Act (2006) and the urgent need to increase the capacity of the recently established Child Labor Unit and to ensure that the unit can bear its responsibility and function effectively. Bangladesh is obliged under both national and international law to protect and promote the rights and interest of children. The constitution of Bangladesh and the childrens 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 conclusion, we earnestly hope that as Bangladesh is one of the earliest signatories of the convention on the rights of the child, therefore 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.

Chapter 5

Child right in Bangladesh

Constitutional prevention for child right in Bangladesh

The constitution of Bangladesh includes provisions safeguarding the rights of children, including the right to education, healthcare and protection from exploitation.

Law and legislation

Bangladesh has enacted several laws specifically focuses on protecting children, such as :

The children Act (2013): This comprehensive law addresses various aspects of childrens rights and protection including child labor, trafficking and abuse.

The domestic violence (prevention and protection) Act(2010):

provides protection to children against domestic violence.

The penal code(1860):

Includes provisions related to offences against children, such as abduction, kidnapping and sexual abuse.

The prevention of child marriage Act(2017):

Aims to prevent child marriages and protect the rights of children, particularly girls.

The suppression of immoral traffic Act(1933)⁵:

Addresses trafficking of children for sexual exploitation.

⁵ The suppression of immoral traffic Act(1933)

National policies and programs:

Bangladesh has formulated national policies programs focusing on child welfare and development. These policies often address issues such as education, healthcare, nutrition and protection from exploitation.

Government institutions and agencies

Several government agencies are responsible for implementing and enforcing laws related to child protection. These include the ministry of women and children affairs ministry of education and the department of labour.

International commitments

Bangladesh is a signatory to various international conventions and treaties related to children's rights, including the convention on the rights of the children. The government is obliged to uphold the principles outlined in these convention and integrate them into domestic laws and policies.

Civil society and NGOs

Non governmental organizations and civil society groups play a significant role in complementing government efforts to protect children. They often provide services such as education, healthcare, shelter and legal assistance to vulnerable children. Despite these efforts, challenges remain, including poverty, inadequate access to education, healthcare, child labour, child marriage and trafficking, continuous efforts from both the government and civil society are essential to address these challenges and ensure the effective protection of children's rights in Bangladesh.

In Bangladesh the protection of children is a paramount concern, reflecting the nation's commitments to ensuring the well being and rights of its youngest citizens. While the country lacks a singular "child protection Act" a comprehensive framework of laws, policies and initiatives collectively addresses various aspects of child welfare.

The children Act, 2013

The children Act 2013 stands as a cornerstone in Bangladesh's efforts to protect its children. Enacted to safeguard children's rights and well beings, this legislation addresses a wide array of issues, including child labor, trafficking and abuse. It emphasized the establishment of special courts for expeditious trial of offences against children, highlighting the government's dedication to swift justice for juvenile victims.

Moreover, another critical piece of legislation is The prevention of child marriage Act, 2017 designed to curb the practice of child marriage, particularly prevalent in rural areas, this Act set the legal age of marriage at 18 for females and 21 for males. By criminalizing child marriages and imposing penalties on offenders, the law aims to shield vulnerable children, especially girls, from the adverse consequences of early marriage, such as limited education opportunities and increased health risks.

On top of that, addressing the scourge of domestic violence, The domestic violence (prevention and protection) Act 2010 play a crucial role in safeguarding children within the family unit. While primarily focuses on protecting women this Act extends protection to children shielding them from physical emotional and psychological harm perpetrated within the household. By recognizing the interconnectedness of familiar violence and its impact on children, the law underscores the need for comprehensive protection mechanisms.

Furthermore, The suppression of immoral Traffic Act, 1933 and penal code, 1860 contain provisions pertinent to child protection. These laws combat the heinous crimes of child trafficking, abduction and sexual abuse, ensuring perpetrators face severe penalties for exploiting innocent children. Despite the legislative strides, challenges persist in translating legal provisions into tangible protection on the ground. Socio economic disparities, inadequate resources and cultural practices continue to pose hurdles in effectively safeguarding children's rights.

Additionally, the fragmented nature of the legal framework necessitates cohesive coordination among government agencies, civil society organizations and communities to ensure efforts to address the comprehensive protection for all children.

In conclusion, Bangladesh commitment to child protection is reflected in its commitment to child protection is reflected in its robust legal framework and concerted efforts to address the multifaceted challenges facing legal framework and concerted challenges facing its youth. While legislative measures provide a solid foundation, sustained action, collaboration and resource allocation are imperative to translate legal provisions into meaningful protection, nurturing a future where every child can thrive and realize their full potential.

Convention on the right of child and Bangladesh senario

In 1989, world leaders made a historic commitments to the worlds children by adopting the united nations convention on the rights of child an international agreement on childhood. Its become the most widely ratified human rights treaty in history and has helped transform childrens lives around yhe world. But still not every children gets to enjoy a full childhood. Still, too many childhoods are cut short. It is up to our generation to demand that leaders from government, business and communityes fulfil their commitments and take action for rights now, once and for all. They must commit to making sure every child, has every right. Bangladesh which ratified the international convention on the rights of child in August 1990, has comitted itself to respect, defend, and promote the rights of Bangladeshi children. Yet, despite its promise, the country faces serious problems that are currently hindering children from accessing the full enjoyment of their rights. More than 60 Million children live in Bangladesh half of them grow up in the most object proverty.

Proverty, which affects a large majority of young Bangladeshi and the result of a high unemployment rate, has severe repercussions on childrens access to: A health services, an education, sufficient financial resources to overcome this proverty etc.

Health

The children malnutrition rate remains troubling in Bangladesh. Its mainly affects poor families who don't have the means to easily feed themselves. Additionally, severe weather (floods, natural disasters, etc) of which some families in rural areas are victims, has compromised their food security. Waterborne diseases also remain serious. In fact, because drinkable water is rare and sanitation systems are inadequate, Bangladeshi children often suffer from diarrhoea. Whats more, a large number of parents forgetto wash their hands leading to the spread of bacteria.

Regarding vaccinations, a large majority of children between ages 1 and 2 have been vaccinated. On the other hand, due to a lack of support from medical services in remote regions of the country, families stop having their children vaccinated.

Infant mortality

Although the mortality rate for those less than 5 years old has considerably diminished, it still remains troubling. For lack of means, mothers don't know where to turn when they need assistance. In fact, the country seriously lacks paediatric services and qualified personnel. Additionally, information about birth given to young women is almost non-existent. Very often, they don't know, for example, that their baby needs to be breastfed immediately or that they need to keep them warm. This problem can be easily solved if local authorities develop health services and train more hospital personnel.

Right to identity

Bangladesh parents rarely report the birth of their child to authorities. Yet, without a birth certificate, a child's right to identity is not respected. In fact, they are not recognized as full-fledged members of society and can't exercise their rights. From then on they appear invisible in the eye of the community. Also, unregistered children are not protected from abuse, such as forced labour, prostitution, early marriage, smuggling and trafficking etc.

Therefore, it is essential that the Bangladeshi government undertake to automate the birth registration system and the delivery of birth certificates.

Right to education

In Bangladesh education is free, and it is mandatory for children between 6 and 10 to attend school. However, child labourers, handicapped children, native children, etc. Only rarely have access to education. Their right to education is not respected. This is also true for children from poor communities (especially boys) who must often abandon their education to be able to help their family financially. The quality of education is not very good because a third of professors teach without a diploma. Additionally, infrastructures are outdated: the lack of separate sanitary facilities for girls, the lack of ventilation and lighting etc.

Also, the abuse some children face in the school setting remains widespread. In fact, studies have shown that children were physically abused by their teacher and that girls were often sexually harassed at school or on their way to school.

Child abuse

Bangladeshi children, in public and private establishments as well as in their families, undergo different forms of violence and negligence. In school, for example, teachers often mistreat their students. The police are also known for their use of force, even towards juvenile offenders. In Bangladesh, corporal punishment and degrading treatments are the norm because they are allowed by law and society.

Child marriage

Although illegal, child marriage remains a widespread practice in Bangladesh. In fact a third of young Bangladeshi girls are married before the age of 15.

Custom requires that the family of the bride pay a sum of money to the family of the groom. Sometimes instalments are paid after the marriage. The danger is that in case of non payment, the young girl risks being abused.

Child marriages have negative repercussions on their health, development, and the full exercise of their rights. Married at an early age, young girls have limited social interaction because they have abandoned their education. What's more, they risk early pregnancy, which can have dangerous consequences on their health and the health of the child.

Legislative measures and information campaigns must be implemented so that Bangladesh can, on one hand, forbid these traditional damaging practices, and on the other hand, inform communities about the dangers that these customs generate.

Child labour

Because of extreme poverty, families are often forced to make their children work. They are generally employed in construction, battery recycling, road transport, car repair shops, tobacco factories. Uneducated, these children grow up in miserable conditions: long work hours, low salary, no food, etc. Additionally, they face risks associated with prostitution,

discrimination, abus, etc.

Bangladesh is also confronted with the situation of young boy jockeys⁶. They are sent to the middle east where they are employed in camel races as jockeys. Their diet is often restricted so that they don't gain weight. Additionally, they are often subject sentenced by an ordinary courted to physical and sexual abuse.

Juvenile justice

In Bangladesh, juvenile offenders are frequently mistreated while in custody. Whats more, there are juvenile courts, but often children are sentenced by an ordinary court. Likewise, detention centers for juvenile offenders have been developed, but children are usually imprisoned with adults.

Cases study

- 1.State vs. Samsuddin on 5 december 2020
- 2.Hayat khan S/o Mahaboob khan shivalli The deputy Labour commissioner on 22 June 2007.
- 3.Shahid @ Mechanic Babu vs State of Karnataka 21 February 2014.
- 4.Sartaj khan vs state of Utrakhand On 07 December 2017.
- 5.A Shraf @ Mohammed Ashraf Ali vs State Karnataka on 10 April, 2015.
6. D.B Civil Writ Petition... vs State Of Rajasthan &Other On 17 September, 2015.
- 7.M.C Mehta vs State Of tamil Nadu and Other on 10 December,1996.
- 8.Bachpan Bachao Andolan vs Union Of India & Ore on 18 April, 2011.
10. Rajangam, Secretary, District Beedi.....vs State of Tamil Nadu And Ors on 19 November, 1992.
- 10.Bhagwandas Harprasad vs State Of M.P And Anr. On 9 July, 1998.

⁶ State vs. Samsuddin on 5 december 2020

Chapter 6

Concluding remarks

Recommendation

Based on the analysis of the study findings, following recommendations are being made for consideration:

1. Initiative needs to be taken to undertake new national child labour survey in order to get updated data on child labour. The survey methodology should be designed in such a way so that location and sector wise gender segregated data are made available.
2. Strong effort is required by the for making sure that adequate amount of budget is allocated in the eight five years plan following by national fiscal budget 2020-2021 for smooth implementation of the revised NAP on child labour.
3. Strong effort is required by the concerned ministries/ departments to enforce child labour related laws at all levels⁷.
4. Efforts are required to make necessary arrangements to ensure child labour monitoring in the major informal hazardous sectors.
5. Strong effort will be required to ensure child labour monitoring at divisional, district and upazila level by the designated committees. The committees should be equipped with adequate human and logistic support.
6. List of hazardous work for children needs to be revised incorporating child domestic work and other commonly known hazardous sectors.

⁷ M.C Mehta vs State Of tamil Nadu and Other on 10 December,1996.

Conclusion

Child labour remains to be a widespread problem in developing nations, and Bangladesh is not an exception. The efficacy of legislative measures and international accords aimed at addressing child labour is still a subject of debate, despite their extensive implementation. This thesis has examined the efficacy of the legal framework in Bangladesh regarding child labour, using empirical investigations, focused field research, and an assessment of recommendations from Stakeholders in this field.

Bangladesh has formally approved several international agreements that are intended to eliminate child labour, such as the ILO minimum age convention 1973(no.138) and the worst form of child labour convention 1999(no.182) within the country, the main laws are the labour Act of 2006 and the children Act of 2013. These laws establish the lowest age at which someone can work and completely forbid any kind of dangerous work for individuals under 18 years old.

However, the problem of child work is there and has become deeply ingrained in the dynamics of the economy, society, and education. The legal enforcement mechanisms suffer from severe underfunding and inadequate staffing. For example, the quantity of labour inspectors and resources assigned to police child labour rules in various industries, especially in formal sectors like agriculture and domestic work, is severely insufficient. As a result, the enforcement of these regulations is mostly ineffectual, with a significant lack of adherence.

Empirical evidence suggests that there is a discrepancy between the legislative frameworks and the actual execution in practice, research and surveys undertaken in both urban and rural areas of Bangladesh indicate that a substantial proportion of children between the age of 5 and 14 are involved in labour that is frequently dangerous. Law enforcement is inconsistent and frequently impacted by regional socio economic circumstances. Furthermore, the presence of corruption and a dearth of political determination impede the implementation of child labour legislation.

Furthermore, social conventions and economic imperatives compel youngsters to enter the labour force. Numerous families depend on the earnings produced by their children in order to fulfill essential survival requirements, therefore giving more importance to immediate

economic advantages rather than long term educational benefits. According to the findings, there are numerous specific recommendations that are crucial for improving the efficiency of the legal system in reducing child labour in Bangladesh⁸. To begin with augment the quantity of labour inspectors and bolster their proficiency through consistent training and sufficient financial resources. Priority should be placed on high risk sectors, including agriculture, shipbreaking, and home based industries. In addition, establish community monitoring systems in which local stakeholders, such as community leaders and non governmental organizations and local government units activity engage in monitoring and reporting instances of child

⁸ Dr. Khan Borhan uddin, Hoque Quazi Mahfuzul Supan, compendium of the laws os Bangladesh; Dhaka, June 2002,pp

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