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Research Monograph

On

"Prevention of Child Labor in Bangladesh: A Study on the basis of domestic law and international law."

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Supervised By

Naimul Razzaque

Lecturer

Department of Law

Sonargaon University

Submitted By

Samia Akter

Program: LL.B (Hon's)

ID: LLB2101022021

Batch: 22

DEPARTMENT OF LAW

SONARGAON UNIVERSITY (SU)

Date of Submission: 7th January 2025

Dedication

Dedicated to my Parent’s

LETTER OF TRANSMITTAL

To

Naimul Razzaque

Lecturer

Department of Law

Sonargaon University

Subject: Submission of Thesis Paper.

Dear Sir,

It is a great pleasure to submit my thesis on **"Prevention of Child Labor In Bangladesh."** which is a requirement of LL.B (Hon's) program. I tried my best to complete this thesis properly and submitting this for your our kind consideration. I have given best efforts to finish the thesis with relevant information that I have collected from various sources. I am confident that this thesis has increased both of my practical experience and theoretical knowledge to a great extent. I requesting and hope that you would be kind enough to accept my thesis and oblige thereby.

Yours Sincerely

_____

Samia Akter

Program: LL.B (Hon's)

ID: LLB2101022021

Batch: 22

Sonargaon University

Certification

This to certify that the thesis on "**Prevention of child labour in Bangladesh: A study on the basis of domestic law and international law**'' is done by **Samia Akter** in the partial fulfillment of the requirement for the the degree of LL.B(Final) from Sonargaon University of Bangladesh.

_____

Naimul Razzaque

Lecturer

Department of Law

Sonargaon University

DECLARATION

I do solemnly declare that the work presented in this thesis has been carried out by me and has not been previously submitted to any other institution. The work I have presented does not breach any copyright. I further undertake to indemnify the University against any loss or damage arising from breach of the foregoing obligations.

Samia Akter

Program: LL.B (Hon's)
ID: LLB2101022021
Batch: 22
Sonargaon University

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Samia Akter

Program: LL.B (Hon's)
ID: LLB2101022021
Batch: 22
Sonargaon University

Abstract

This research aims to identify ***"*Prevention of child labour in Bangladesh: A study on the basis of domestic law and international law*"*** as a social evil. Child labor is gradually being recognized as a multidimensional social problem in our country. Socio-cultural realities culminate in attempts to identify children's needs or what is considered best for them. Therefore, children often have 'no voice' to express their own needs. The purpose of the present study is to find out the reasons behind child Labor as well as to recommend to protect "the future of the nation" from the oppression of the present money-oriented world.

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Chapter One

1.1 INTRODUCTION

In the year 2000, the International Labor Organization (ILO) estimated that there were over 200 million child Laborers worldwide. Of these 200 million, 180 million are suspected to be engaged in the worst forms of child Labor, which can be summarized as, 'those activities . . . [that are] inexcusable under any circumstance and must be eliminated without delay" (ILO, 2002: 1). That is to say, approximately 90 percent of working children are engaged in Labor that is, by nature, detrimental to their psychological and physical well-being. These include,

• Labor that is performed by a child who is under the specified minimum age for that type of work,

• Hazardous work and,

• Children engaged in types of child Labor to be abolished.[1]

The elimination of the worst forms of child Labor has come to be recognized as crucial for sustainable social and economic development. By 1 February 2002, 115 countries had ratified the Worst Forms of Child Labor Convention No. 182. The convention recognizes that those forms of child work defined as hazardous to a child's well-being or unconditionally at odds with a child's basic human rights should be absolutely prohibited by any person under the age of 18 (ILO, 2002: 11).

Children remain economically active in virtually all economic sectors: in industry, agriculture, the informal sector and in the household. The term

[1]United Nations, Economic and Social Survey of Asia and the Pacific, 1990. P. l15.

'economic activity' refers to the broad nature of children's work. It includes all productive activities, household or market-oriented, undertaken by a child in a paid or unpaid capacity. In this study, these general forms of economic activity will be referred to as child Labor, to be distinguished from the unconditional worst forms for abolition defined as slavery, trafficking, bondage, forced recruitment in armed conflict, other forms of forced Labor as well as various illicit activities (ILO, 2002: 9). The data suggest that child Labor and poverty are inextricably linked.

At the aggregate level, countries with per capita GDP below US$1000 (adjusted for purchasing power) have child Labor force participation rates as high as 40 to 60 per cent, compared to less than 10 per cent for countries with significantly higher per capita GDP (World Development Report, 1989-2001; Yearbook of Labor Statistics, 1989-1999). However, current data on the decline in child Labor force participation over time is less marked.

In many low income countries, as national incomes have increased over time, we have observed a substantial decline in child Labor. Although, a significant number of lesser developed countries have experienced virtually no change, and in several cases an increase in its incidence between 1989 and 1999.

Since Basu and Van (1998), the theoretical literature on this subject has grown substantially. Most of the research has concentrated on the role of economic growth in reducing the economic dependence of households and firms on children. At the household level, parents send their children to work out of economic necessity. The supply of children to the Labor market, in turn, perpetuates a cycle of poverty in two ways,

1. By interfering with the accumulation of human capital, child Labor reduces the adulthood Labor market productivity of child workers, thereby discouraging economic growth and development.

2. By depressing adult wages, child Labor results in households becoming more reliant on children as income earning assets.

Our objective is to explain how, at a low level of development, the initial phase of economic development may result in a decline or a rise in the incidence of child Labor. We recognize the positive correlation between poverty and child Labor. Theoretically, the rate of child economic activity should decline with income. The empirical evidence supporting this is substantial.3

The implication is such that policies aimed at stabilizing current and future household income will help to reduce the need for parents to send their children to work. However, in poor settings, we may observe a positive relationship between child Labor and income. This may be an indicator of the significance of physical child Labor and/or child Labor earnings to the survival of households. As the variance in expected household income increases, the number of gainfully employed children could increase as well. Further, we suggest that child Labor is not necessarily a facet of poverty but rather a means by which households can improve their standard of living by taking advantage of the Labor market opportunities resulting from a greater demand for all Labor. Poverty simply ensures a continuous supply of children to the Labor market. As household incomes grow and become more stable, families can more easily satisfy their basic consumption needs and are less dependent on the Labor (earnings) of their children. They will find that they are better able to invest in the education of their children.

It is well documented that in the long run, economic growth will reduce the need for child Labor. It is also possible that these very forces are responsible for the initial increase in the incidence of child Labor in development. We recognize the importance of long run economic forces in curtailing the phenomenon; our concern is with how the nature and the scope of child employment changes at different stages of development.

The historical experience of advanced, industrial countries suggests that in the early stages of development, child Labor may rise with national income. Thus, the effect of economic development on child employment is indefinite. The question is of an empirical nature.

The primary objective of this study is to estimate the effect of economic growth and development, as measured by per capita gross domestic product, on the incidence of child Labor. We hypothesize that at the aggregate level, there may exist an inverted-U shaped, Kuznets-like relationship between a country's child Labor force participation rate and its per capita income. Using panel data methodology, econometric analyses are carried out on data from 75 developing countries for which child Labor is well documented, over the period 1989-1999. The objective is to determine the validity of the hypothesis by examining the empirical evidence. Projections are made regarding future child Labor levels. More specifically, we predict the number of years required to reach 10 per cent child Labor, as defined by the child Labor force participation rate; we also determine the growth rate required to reach 10 per cent child Labor by the target date, 2029. Forecasts for future primary school enrollment ratios are also made in an attempt to evaluate the effectiveness of current policies or lack thereof.

In Bangladesh, there are 3.2 million children, aged five to seventeen, who do not attend school. They are working to earn money for their families, collecting coal to fire kilns and earning $4 per week…

It's a hazardous job for young children due to the dust. Still there are many who work these jobs near the capital of Dhaka and elsewhere around the country. Child labor is a horrendous problem in that part of the world according to UNICEF,

About half of all child Laborers do not go to school at all – many others miss out on big chunks of their education because they do not have time to attend classes or study at home. "Families struggle to survive every day and need to find resources for one or two meals a day," child rights activist Marist Brother Cesar Henriquez told UCANews. "Any kind of work, no matter how low the pay, is needed to cover their basic needs."

Bangladesh had originally hoped to end child labor by 2015, but it is now aiming for 2019. The secretary to the Labor Ministry says, "We are accepting the fact that we have failed to fulfil our promise to remove child Labor – but we are hopeful to achieve the target within 2019." Another report discovered that child Labor is mostly a problem in five areas–*transport; warehousing, wholesale and retail business; vehicle repairing; construction; and mineral.*

Many families can not afford to send their children to school. The ministry of education says, "We are conducting various activities to bring back children to school," he added. "We have arranged financial benefits alongside food at school for children from poor families. We have also made arrangements for educating street children."

Participationof children in work either outside or within the family is not anything new to this age of our modern civilization. History reveals that childlabor has been hi existence in one form or another from the early time of human history. In support of this contention there has been an opinion as saying "To agreateror lesser extent part and still do take part in those economic activities which are necessary if the group to which they belong is to survive".[1] Further, a labor similar observation has been made in a Report on Child Labor as saying "ChildLabor is not a new phenomenon to our age. It has existed in one form or another in all historical times".

"Child Labor' refers to an economic practice as well as to the consistent social evil. As an economic practice child Labor signifies employment of a child in gainful occupation or a material contribution to the income of a family. Child Labor as a social evil can be understood in the context of the nature of the job in which the child is engaged, the danger to which he is exposed in his work and the desirable opportunities of which he is deprived by virtue of his untimely employment.[2] There are two main arguments about policy concerning child Labor. One group of people advocates the immediate abolition of child Labor. Another group of people favors evolutionary approach. They argue child Labor cannot be abolished as long as mass poverty exists. So, the best that can be done is to legitimize child employment and to ensure that child workers are provided with adequate protection.lt is found that developing countries with high rates of population growth have higher incidence of child

[1]E. Mendelievich, Child Labor "International Labor Review", (Geneva, September-October, 1979).

[2]United Nations, Economic and Social Survey of Asia and the Pacific, 1990. P. l15.

work. Child Labor in developing countries stems from poverty of the families. Parents in poor families

Try to reducethe cost of children by engaging them in various types of work.Children become employed for their own survival and to support their families.

1.2 Methodology

Although the above discussion answers all the research questions the chapter aimed to address, there are some regression analyses that are performed to have a greater insight of the issue. For example, the results discussed above do not show significant effect of credit market imperfection on child Labor incidence. Before generalizing any conclusion based on insignificant effect, this study has taken into account Dehejia and Gatti‘s (2005) model [DG in short hereafter]. Dehejia and Gatti (2005) explain that credit affects child Labor significantly. Their result shows significant and negative effect of credit on child Labor while a positive and significant effect of income volatility. As the DG model shows a significant effect of credit, the present study attempted to re-estimate the DG model.

1.3 Objectives of the Research

There is an extensive literature available on the subject and the growth in the literature in the last decade is enormous. The large part of the literature is only theoretical, focusing on modelling the demand and supply of child Labor and determining its welfare implications.

The part that is empirical mainly consists of country specific empirical studies that estimate household choice models using household data. Their findings indicate that child Labor is associated with large family size, low levels of parental education, low income levels, higher costs of schooling, geographic distance from school, parent‘s employment status, the child's gender (boys are more likely to work, while girls usually stay at home to care for younger siblings and conduct household chores), child birth order (younger children are less likely to work if their older siblings are currently working), country's industrial distribution, with greater demand in the agriculture sector, and with the country's income distribution.

Although the literature provides many insights on the determinants of child Labor, but still there are some major issues that need to be addressed. For example, the recent literature on globalization and child Labor incidence has ignored the effects of exports on child Labor incidence. If the trade sanction theories have to be linked with child Labor incidence then it is necessary to look for the effect through export rather than simply trade openness.

While, at meso or micro level, in case of Pakistan, studies have ignored the effect of Labor market conditions and mothers bargaining power on child Labor. For example, to explore how the demand for child Labor arises in an economy; the role of segmentation of the economy into formal and informal sectors, the degree of substitution between adult and child Labor and wage structure prevailing in the economy, are in need of examination with respect to regions and time. Furthermore, literature in Pakistan exploring the supply side determinant of child Labor does not address the intra-household decision-making process affecting child Labor supply decision. Based on the conceptual framework, theories of demand and supply (see section 2.1 for a detailed

review) and the gap present at macro, meso and micro level, this study tries to fill the gaps that are evident in the literature. At the macro level, this study has conducted a cross country analysis comprising of four decades, from 1970 to 2010, and at the meso and micro level the estimation is based on Labor Force Survey and Social and Living Standard Measurement Survey (PSLM) of Pakistan.

Firstly, chapter 3, at the macro level, explores the effects of income, trade openness and credit market imperfections on the incidence of child Labor in a cross country setting. The following questions are specifically addressed;

1. Does income remain a significant determinant of the child Labor participation rate Is the effect sensitive to different measures of the income?

2. Do credit markets or financial development matter for the child Labor incidence rate with particular reference to trade sanctions?

3. What role does globalization (captured via trade volume and penetration of FDI in the economy) play? Does it lead to more child employment? – Is the effect channelled through income? Does the effect of trade differ from the effect of exports?

Secondly, chapter 4, at the meso level, explores the effect of Labor market conditions on the incidence of child Labor by evaluating the following key points;

1. Higher adult wage rate will either reduce child Labor incidence by increasing income of the household or it would attract more children to work if employers substitute adult Labor with cheap child Labor.

2. Adult unemployment rate may have two types of effects; the higher the adult unemployed proportion in a division/district/city, the lower will be the probability for a child to find employment. While the higher the adult unemployed proportion in a house the lower will be the income of the household and the higher will be supply of child Labor.

3. Informal sector being disorganized in nature with low skilled requirement accommodates most of the child Labor in an economy. Therefore, the higher the degree of in-formalization the higher will be the demand for child Labor.

4. In relation to above, in Pakistan, like in other developing countries, to remain cost competitive, employers in exporting industries often rely on child Labor. Although due to world pressure on the exports, employers have started substituting children with adult unskilled Labor but still, in order to remain competitive, employers are now using a contract system approach. Children work for the exporting sector through contract system by engaging themselves in the informal sector or in the subsidiary sectors which provides raw material to the exporting sectors.

This increases the demand for child Labor in the informal sector. Finally, to analyse the effect of intrahousehold distribution of power on child‘s Labor and schooling, chapter 5 explores the role of the mother‘s decision making power. More specifically, the following questions are analysed;

1. What is an appropriate way to measure decision making power?

2. How does this decision making power of mothers in the household affects child welfare?

3. Is the effect of the mother‘s power on her child‘s Labor and schooling non-linear and non-monotonic as predicted by all the recent literature?

1.4 Scope and Limitations

1.4.1 Scope

In order to make the data comparable across countries and time, several adjustments had been made by ILO. The adjustments were made because the individual country survey data vary in terms of definition of economically active population followed, geographical areas covered, type of survey available, age groups considered etc.

1.4.2 Limitation:

There are some fundamental limitations imposed on desk-based research studies that rely exclusively on existing literature and available datasets. This study also faces certain limitations. The first limitation that this study faced is the limited availability of data on economically active children aged 10-14. In chapter 4 the data on economically active population age 10-14 is taken from the ILO database of EAPEP [Economically Active Population, Estimates and Projections – 4th Editions (1996)]. The ILO has computed the activity rates by using the household survey data of individual countries.

1.5 Abstract of the Chapter:

To summarize the organization of the study: chapter 2 provides the review of theoretical models, empirical literature worldwide and a separate section for literature on Pakistan;

chapter 3 assesses the effects of Globalization and Credit Market Imperfections on the incidence of child Labor; chapter 4 assesses the effect of Labor market conditions on the incidence of child Labor in case of Pakistan, chapter 5 assesses the effect of Mother‘s Bargaining Power on her child‘s Labor and schooling; chapter 6 concludes and provides policy implications. It also identifies some limitations and future scope of the study as well.

Lastly, the three issues addressed in the dissertation (globalization under imperfect credit market, Labor market conditions and intrahousehold decision making process) are interlinked. However, the individual empirical chapters may stand unrelated. The reasonbehind this is the non-availability of comprehensive data set at cross country level. Each issue is therefore addressed by employing separate datasets and thus provide comprehensive assessment of that issue only. Nevertheless the individual chapters are helpful in understanding the issues that are not yet addressed, especially in case of Pakistan.

Each empirical chapter, as said earlier, differs from others in terms of data sets employed and the methodology followed. Chapter 3 is based on cross country data of 129 developing countries for five periods, chapter 4 focuses on Labor Force Survey (LFS) data of Pakistan form 1990-91 onwards, while chapter 5 takes into consideration the Pakistan Living Standard Measurement (PSLM) Survey data for the period 2007-8. Compilation of the data for cross-country analysis and formation of pseudo panel to analyses the Labor market conditions of Pakistan is the most difficult task of the study.

As chapter 3 is based on the secondary data, the data set is compiled across 129 developing countries using different sources. Most of the data is from World

Bank Development Indicator (WDI) and Penn World Table (PWT) version 6.3. Compiling data using WDI and PWT is relatively easy, but these datasets do not contain information on the economically active children aged 10-14. Although earlier versions of WDI does contain some information on child Labor but it has missing values. The main source as indicated by WDI is International Labor Organization (ILO) for child Labor data. However, data set compiled by ILO reports percentage of economically active children aged 10-14 with 10-year gaps. The data is downloaded by using UN common database. The two data sets (one from the World Bank and the other from the ILO) are merged by using the 3 digit country code (known as ISO code). Furthermore in chapter 3, in order to come up with the instrument for trade openness, gravity model approach is used. For this purpose bilateral trade data and gravity model indicators such as distance between the two countries, common languages, population between the two, common borders between the two etc. are compiled from different sources. The main data source to estimate the gravity model is from Direction of Trade Statistics UN Comtrade, CPII and Rose 2004. The data set is once again merged using the 3-digit country code. Getting the information on Gini coefficient and income share held by bottom quintile population (Q1) to compute the income of the bottom quintile population is another major difficulty that this study has faced. Information on Gini coefficient and Q1 is compiled by using UN-Wider database. Although this is the major database that has cross country information on Gini coefficients and Q1, but it still has missing information. Some of the missing information is then taken from EHII (Estimated Household Income Inequality Dataset). Overall for chapter 3 we acknowledge that the major task is compilation of the dataset. Once the dataset is compiled the methodology followed is

straightforward; instrumental variable regression based on time and country fixed effect.

As far as chapter 4 is concerned, the major difficulty this study faced is that Labor Force Survey (LFS) data is only cross-sectional. These datasets do not follow the same individuals every year. Hence, true panel does not exist. In the absence of the true panel, a pseudo panel is formed. The main objective of making the pseudo panel is to evaluate the effects of Labor market conditions from 1990-91 to 2007-08 (last available LFS with the author). However, due to the unavailability of the division/district/city codes (used as cohorts to merge the datasets) and changes in the sampling methodology after 1995-96, all the available datasets cannot be merged together. Therefore, two different pseudo panels are formed; one for the period before 1995-96, and the other for the period after 1995-96.

Chapter – Two

Historical Background and Development on Prevention of Child Labor in Bangladesh

2.1 History

Protection of the child has been declared to be one of the fundamentals of the state policy of Bangladesh since the very inception of the Republic. Articles 14 and 15 of the Bangladesh Constitution[5] protect the rights of children and ensure the right of social security. Article 17 obliges the state to adopt effective measures for free and compulsory education for all children to such stage as may be determined by law and article 18 empowers the state to make special provisions for the benefit of children. All human rights are equally applicable to children. Universal Declaration of Human Rights[6] as a nature of fact entitle children to 'preferential treatment' as regards enjoyment of human rights. Article 25.2 of the Universal

Declaration Reiterates:

"Motherhood and childhood are entitled to special care and assistance. All children whether born in or out of wedlock shall enjoy the same socialprotection.[7]

For purposes of control of child Labor special mention should be made of the UN Convention on the Rights of the Child, 1989. Bangladesh was one of the

[5]The Constitution of the People's Republic of Bangladesh.

[6]Universal Declaration of Human Rights [(adopted 10 December 1948 UNGA RES 217A (III) UDHR)].

[7]MizanurRahman, Child Labor & Human Rights, Dhaka University Studies Part- F, Vol. V (1) 75-86, (June, 1994).

first 22 countries to clarify this convention. Article 32 of the Convention is of pertinent interest. It states "1. State parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interface with the child's education, or to be harmful to the child's wealth or physical, mental, spiritual, moral or social development. Article 32 makes it incumbent upon the state parties to take "legislative, administrative and educational measures to ensure the implementation of the article." It further directs the state parties to 'provide for a minimum age for admission to employment and provide for appropriate regulation of the hours and conditions of employment and provide for appropriate or other sanctions to ensure the effective enforcement of the article."[8]

2.2 Who is a Child?

According to The Children Act, 1974, section 2(f) defines that 'child' means a person under the age of sixteen years, and when used with reference to a child sent to a certified institute or approved home or committed by a court to the custody of a relative or other fit person means that child during the whole period of his detention notwithstanding that he may have attained the age of sixteen years during that period.[3]

According to The Children (Pledging of Labor) Act, 1933 (Act No. II of 1933) prohibits the making of agreements to pledge the Labor of children under the age of 15 years and the employment of such children whose Labor has been

[8]MizanurRahman, Child Labor & Human Rights, Dhaka University Studies Part- F, Vol. V (1) 75-86, (June, 1994).

[3]The Children Act, 1974.

pledged. Any agreement, other than the agreement made without detriment to a child, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him undertakes to cause the services of the child to be utilized in any employment is void. This Act provides for penalty for parent or guardian making agreement to pledge the Labor of child and for penalty for the persons for making with a parent or guardian an agreement to pledge the Labor of a child and also for penalty employing a child whose Labor has been pledge.

According to The Employment of Children Act, 1938 (Act No. XXXVI of 1938) it regulates the employment of children in certain industrial employments. Section 3 of the Act provides that no child who has not completed his 15th year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway or involving the handling of goods within the limits of any port, and that no child who has completed his 17 years shall be employed or permitted to work in the aforesaid occupations unless the periods of work of such child for any day are so fixed as to allow an interval of rest at least 12 consecutive hours which shall include at least 7 consecutive hours between 10 p.m. and 7 a.m. section 3 of the Act provides further that no child who lot completed his 12th year shall be employed to work in any shop.[4]

2.3 What is Child Labor?

Any child under the age specified by law worldwide works full time, mentally or physically to earn for own survival or adding to family income, that interrupts child's social development and education is called "child Labor".

[4]The Employment of Children Act, 1938.

Any child under the age of 15 engaged in activity to feed family or self is "child Labor"."Child Labor" defines an extremely complex set of phenomena. In many countries, part-time work is a fact of life for many children and is neither exploitative nor detrimental to the child's development. In combating child Labor, it is necessary, feciefott, to consider carefully its various forms.

In a word child Labor means the following:

a) Absence or inadequacy of remuneration in money or kind,

b) Long hours and few or no periods of rest or holidays,

c) Unhealthy working conditions,

d) Abuse treatment by the employer,

e) Physically dangerous work,

f) Insufficient access to healthcare or education,

g) Lack of representation and legal protection.

"Child Labor" only when child weaves carpet or works in a factory or fully involved in employment; earns money for own survival or to support family \\ithout schooling, social development. On the other hand if child works for 3-4 hours to learn or earn for self or parents after schooling, would not be known as child Labor as is additional education and practical skill that a child learns from books and notebooks Each child would be encouraged to involve in practical education that gives skill to survive in competitive world. So, defining "education" becomes important to define "child Labor". "Child Labor"

accounts when child is forced to work under slavery, poverty, parentless or social or parent's boycott.

2.4 Types of Child Labor

There are two categories of child Labor:

(a) Self employed

Street sellers, rag or scrap pickers, street entertainers, child prostitution or pornography (but mostly they are hired by notorious gangs), begging, and other odd jobs. These types of children are mainly street children and rural migrants. Most these children are parentless, abandoned by parents, riot or war misery. The situation changes; in poor countries they are helping hand to the parents.

(b) Employed by others

Factory or mine workers, domestic servants, child prostitution or pornography. Conducting work in other's premises or in other's custody. Such children work with parents consent or are parentless. Some are sold or some work to help parents to meetlivelihood.

Chapter –Three

REASONS BEHIND CHILD LABOR

Recourse to child Labor, sometimes in violation of the protective legislation, can be attributed to a variety of causes. In a country like Bangladesh, where child Labor is very widespread, its causes are many and varied ; it is one of a number of socio economic and cultural phenomena whose effects are mutually reinforcing.

In an apart view, in respect of the causes of child Labor, the problem of poverty appears to the surface of our thinking first. But a deeper thinking of poverty or destitution, in respect of deprivation, takes our thinking to the fact that the sources of the existing pattern of child Labor lie too far beneath the surface and embedded in the historical evolution of every society. That is why, we see the present day capitalism has all kinds of mechanism at its disposal to control and maneuver the entire process in the Labor field with unequivocal support from the state. Even, under the system of agrarian feudalism, the rural rich or the feudal lords were at the command to harness those control mechanism.

3.1 Poverty

The principal cause of child Labor is poverty, which drives even young children to seek some extra income, however small, to supplement the family budget. The other side of the coin, of course is that in order to satisfy immediate vital needs, it is necessary to forgo satisfying some or all of the children's needs in respect of education, recreation and even, in a great many cases, health.

Poverty stands out to be the single most important cause, though not the only one, that forces the children to go out for work. In Bangladesh, an

overwhelming majority of the population live below the poverty line. Inadequate income of adult bread winners or unemployment sometimes forces the poverty stricken family either to starve or to find out any way out for their survival. This being the compelling circumstances, the employment of children is resorted to as the only surviving means. In such circumstances, the question of consequences ofchild Labor gets little or no consideration in the perspective of the proverb 'Necessity knows no law.'

3.2Illiteracy

Bangladesh is a country where illiteracy is still a curse. Only 32.4% of the population are literate.[9] It is illiteracy which is at the root of all misfortunes. It is illiteracy which is at the root of all population steeped in ignorance and hide bound by tradition and customs. To them only present is valuable and their sole concern and worry of life are always centering the present. It is again illiteracy that makes their horizon of outlook limited and consequently, they cannot even think of their future. Illiteracy and ignorance, as influencing variables, have made them blind to the future of their children. So, due to impact of illiteracy and ignorance, the parents of the working children find extreme pleasure and satisfaction with the earning of their children. It is not only poverty, rather due to ignorance in rural areas, children of rich and land holding families are also found to start work earlier than those of poor and land less families.[10]

3.3Attitude of the Parents

Parents preference is for children to acquire skills over receiving education which in their opinion holds few promising prospects for gainful employment.

[9]Bangladesh Bureau of Educational Information and Statistics, (BANBEIS), Publication No. 170,

[10]Dhaka, 1992.Ali Ahmed and Quasem, ibid, p. 13.

Many poorly educated parents remain unclear about the long-term significance and value of education over the short-term economic gain of child work. Adult perceptions influence children's school attendance and Labor force participation. For example, the family's dependence on girls' Labor at home and in the field, denies her access to educational and other opportunities. There are some people who believe that children should work instead of going to schools. Cobblers are found to use children in their profession. Farmers like their children to carry food forthem. Mothers like to use their children in household activities. Thus, they become trapped in the world of work.

3.4Urbanization as an Illusory Attraction

The destitute in rural areas after their failure to secure employment in and around their hearth and home and finally, having exhausted the last resort, proceed towards urban areas in streams on the hopes and assumption of securing some sorts of employment in the newer environment. But the urban life is very busy and fast, regardless of social classes. Obviously, in many points of adjustment with new situation, the newcomers get stumbled and stunned. Moreover, the little skills whatever they have are not easily marketable in urban trades. In these circumstances, these destitute find themselves in a state of extreme uncertainty and helplessness and take recourse to any opportunity they find available for marginal keeping of their existence. In such unfavorable situation, the poor parents never hesitant to get their children employed in any job without any question of adverse effects whatsoever.

3.5 Lack of Enforcement of Laws

There are laws prohibiting child Labor. As those laws are not enforced, employers take advantage and employ child Labor. Children's families also

push their children for work due to their ignorance about Labor laws. Absence of action against violators of Labor laws also contributes to the prevalence of child Labor.

People sometimes are rendered homeless and helpless due to natural disasters such as: flood, cyclone, tidal bore, river bank erosion etc. They lose everything in those circumstances. The victims of those disasters have to move from one place to another in search of jobs. In the face of meager income, lack of good jobs. Families are compelled to put a child to work.[11]

3.5. 1Activities of Ministry of Labor

i. According to Chapter III of BANGLADESH LABOR ACT, 2006 no child shall be employed or permitted to work in any occupation or establishment unless-

(a) a certificate of fitness in the prescribed form and granted to him by a registered medical practitioner is in the custody of the employer; and

(b) he carries, while at work, a token giving a reference to such certificate.

ii. If any question arises as to whether any person is a child or an adolescent, the question shall, in the absence of a certificate as to the age of such person granted by a registered medical practitioner, be referred by the Inspector for decision to a registered medical practitioner,

In all cases the Inspector's (appointed by Ministry of Labor) duty to investigate the garments and finds problem and duty to take proper action, but if the Inspector neglect his duty or not aware about his duties then the "child labor" can't be prevent.

[11]Child Labor in Bangladesh, (A Report Published By: IPEC, ILO, Dhaka, January, 1997).

3.5.2Activities of Ministry of Social Welfare and Development

Impact on Poverty Reduction: Allowances are provided by different Government institutions for rearing, training and education of distressed and orphan children. An allowance of Tk. 5,000 is provided per resident above 18 years of age when they leave ShishuParbar (Children Family)/orphanage for the purpose of their rehabilitation in the society. A capitation grant at the rate of Tk. 700 per head is provided for residents of private orphanages. Endangered children are provided assistance through the operation of drop-in centers. As a result, accommodation, nutrition, education and medical treatment are ensured for 70,000 abandoned orphans and distressed children. As a consequence, they are rehabilitated into society as trained human resource through self-employment or jobs. If the officers of Ministry of Social Welfare and Development do not aware about their duties then the "child labor" can't be stopped.

3.6 Cheap Labor

Market demand for child Labor determines children's employment in the economic. Children are demanded because they are docile, obedient, hired at cheap rates than adults and dispensed off early if Labor demand should fluctuate. The child workers are paid less than their adult counterparts. They involve no long-term investment in terms of insurance, social security and other benefits. Recruitment of child Labor is commensurate with the principle of profit generation. The industries which can utilize unskilled Labor, the move may be towards the employment of child workers. It may not be a likely scenario with adult employees organized in trade unions. Children are unprotected, powerless and silent as far as their rights as workers are concerned. Children are often preferred in industries that are Labor intensive,

function with rudimentary technology, and require laborious/repetitive work for long hours.

3.7 Absence of Program for Social Security

Absence of any provision for social security measure is a serious threat to the existence of the destitute. In the context of Bangladesh economy, provision for social security measures is not something that can be thought of as an achievable reality. In the absence of social security measures or support system from any quarter when the poverty stricken people face adversity beyond their ability to manage, they hardly hesitate to dispose of what they have including their children. Thus, under compelling circumstances, the children of poverty stricken families come to join Labor market ignoring and keeping behind their future possibilities.

3.8 Income and Family Size Disequilibrium

A family is found happy only when its size is limited to the extent of expectation. In other words, it can be said that for a happy family there should not be any disequilibrium between size of family and level of income. A big family with inadequate income cannot provide sheltered childhood to their younger ones. Consequently, a big family with less income can think of future of the children in a planned way. The impoverished and illiterate parents never think of the size ofthe family, rather they are of the opinion that the coming of a child in a family is the will of God and the newborn baby will be provided with every necessary thing by God. But all hopes disappear when welcome children turn into a breeding by swelling their number one after another and live in inhuman condition without food and clothes and finally, confronting starvation get job market to supplier the family income. Thus, large family of impoverished parents turns into breeding centre of child labor. Depicting the

situation of child labor in Bangladesh one author with long experience of working with child labors writes;

"Every child upon attaining the age of 7 years becomes a potential bread earner in order to fight for sustenance and survival. A Bangladeshi child born outside the minor affluent class learns to stand on his/her feet from the age of' Work varies according to sex, place and environment. A village girl of 7, or as matter of fact, even an urban girl of 7, takes care of the younger children of the family, runs the households, looks after livestock, poultry and sustenance farming whilst the mother goes out to work in other households to earn their rice or money, Even in the event of the mother staying at home, the little girl cannot enjoy her childhood, but has to share the chars with her mother. Whilst the young girl is either assisting in or running the household, the young boy of 7 does not sit idly by. He has to assist in the fields or go out as help to work on others agricultural lands, or as domestic help or as a cow or goat herder. A similar situation prevails in the urban areas also. Most minor children flock to the cities, and towns to look for work and earn their livelihood since either they are orphans deserted children or their cannot afford to sustain them.[12]

Victims of oppression and the present money-oriented world is throwing them to the pits from where they never come up.[13]

[12]Sigma Huda, The Working Child Labor in Bangladesh, in: CJP, Children's Rights and Chile Labor, Dhaka, 1989, p. 83.

[13]Rosaline Costa, Situation of Child Workers in Bangladesh, in: CJP, op. cit, p. 21.

Chapter – Four

CHILD LABOR IN BANGLADESH

Child labor in Bangladesh is, like other parts of the world, a common phenomenon. It is a common hypothesis in Bangladesh that child labor is mainly an outcome of extreme poverty aggravated by the prevalent ignorance of the tradition bound society. Poverty, in its actual form in many families, forces parents to send their children to work instead of sending them to school. In regard to employment of children in both urban and rural areas, some pull factors, such as employers' preference to employ child worker, attractive commitment of employers and apparent income guarantee also play as a vital role in this regard.

Available information suggest that child labor constitutes about 15% of total Labor force of Bangladesh. In 1990, it amounted to approximately 33 million. Increasing poverty favors the children into child Labor. They become child laborers to supplement the family income. They are bereft of education. The children of Bangladesh are left uncared for and restricted.

A 1990 study on child Labor in Dhaka city indicated that 70 percent of the working children came to Dhaka with their families as refugees. Of these child Labors, about 85 percent are boys. Their average age is 12 and they work for 10 hours every day. Their average monthly income is 572 taka. Of these child Laborers 50 percent have never gone to school.

Children are engaged in different fields like porters, cleaning and repairing cars, motor cycles, tempos, selling water to waiting passengers, making brick-chips, hawking, selling newspapers and magazines, working in the tea-stalls,

restaurants, selling flowers on the city streets, collecting and selling waste paper, plastic scraps, metal work, prostitution etc.

4.1 Rural Labor Market in Bangladesh

The complexity of the Labor market is evidenced from the heterogeneity of jobs, different types of contract, modes of payment which vary with age and sex of the workers, season and the region. Even though agriculture in Bangladesh isdominated by small family farms, there is an active Labor market with a high proportion of households participating either as a seller or a buyer of Labor. On the demand side, the proportion of households that hire Labor may vary between 40 and 5 percent. On the supply side, the proportion of households that depend purely on wage Labor is around 25 to 30 percent. In addition to the pure wage-Labor households, small farmers also sell Labor outside to supplement the income from their own farms. In spite of general under employment, there is a shortage of Labor during certain periods.

There are different types of contracts, of which four major types have been identified- casual, contract, permanent and exchange Labor, which arise because large farmers try to ensure a timely supply of Labor at a reasonable cost while the landless basis is by far the most important form of Labor hired or sold. During the peak seasons, when hiring of causal Labor becomes difficult and expensive, Laborers are hired on a contract to carry out a given piece of work, such as harvesting some crops or preparing the land for cultivation.

In rural sectors of employment in Bangladesh, children are assigned with works of multiple varieties which can broadly be divided into three major categories. The first one comprises daily household works or domestic chores. This sort of activities are generally found to be participated by children even well ahead of their school going age. In this domain of household activities the main tasks of

children are to help their parents in all their works. These activities relating to the maintenance of household may also be termed as indirectly productive activities that include looking after young children, preparing and carrying food for the adults working in farmland and gathering fire-wood, grinding, fetching water from tube-well and ponds, cleaning and sweeping of homestead, help in shopping items from market for family consumption and washing utensils and clothes. By and large, it is important to have a closer look at the activities generally performed by children in rural settings of employment to understand whether involvement in works interferes with school attendance, physical and mental growth and development of children. It is a common scenario in rural Bangladesh that the poor households need participation of children inhouseholds works or in wage earning which, in many a case, is a must for the survival of the family. In such circumstances, participation in work by children takes precedence over everything and consequently, they are forced to take up jobs even for longer period of time by the pressure of jobs on their growth and development. Thus participation in work by children for long hours on regular basis, hinders them from going to school. This is equally true for both the sexes of rural children born in poor families.

4.2 Child Labor in Urban Area

Child labor is not only a phenomenon in rural sector of employment in Bangladesh. It is also a phenomenon of great concern in urban sector of employment. There are significant differences between urban and rural sectors of employment. But in respect of use and exploitation of children, almost an identical situation prevails in both the sectors.

The common factor that has compelled the children to come to Labor market is the extreme poverty and its concomitant variables, like hunger and precarious

conditions of living. In urban sector, both male and female children are employed in a variety of activities which can broadly be categorized as unorganized, semi-organized and organized sectors of employment. In the urban-rural contrast of the occupational pattern of children, a distinctively discernible dissimilarity is found. This difference in occupational pattern may be viewed as the logical outcome of the characteristics of urban-rural dichotomy of the economy. The urban sector is characterized by the modern diversified economy while the rural economy is lacking in diversity and is based on traditional agriculture featured by little scope of variation in employment opportunities.

Given the level of poverty and the extreme financial stringency that the poor urban communities experience, it is only rational that the households would tend to use child Labor for performing various kinds of work both within and outside the household either to save expenditure or for cash earnings with a view to raising the existing extremely low level of income. In case, the parents or otheradult members are invalid, sick or jobless, the sole responsibility of earning an income for the family falls on the children.The female children are in great demand for performing housekeeping work such as cooking, care of the child and so on. The entire responsibility of looking after the house lies on these young female children while the working mother is away from home for long hours.

4.3 Child Labor in Garments Industry

A large number of children is engaged in the garments factories. According to a statistics, in different garments factories of Bangladesh, 30 percent of the workersare children.[14] They work till late at night or overnight while they are

[14]The Daily BhorerKagoj, 12 January, 1992.

not provided with transportation of food. Employers take advantage of their situation and recruit them with very low wages. Most of them have no weekly holidays or medical leave. If a child is absent from work for a day he will either have that day's salary deducted or lose his job. Girl workers under 15 are preferred in these factories, as they work for less, are unmarried and cause no Labor problem. It is reported that in many factories the child workers are appointed as 'apprentices' or 'helpers' for months and are not issued appointment letters even after completing the apprenticeship period.

Although child labor is illegal in Bangladesh, for years the powerful garment industry employed between 50,000 and 75,000 children under 14, mainly girls. Bangladesh is one of the world's leading garment exporters, but the situation captured little international attention until 1992, when the US introduced legislation to ban the importation of goods made using child Labor. As a result, garment employers dismissed about three-quarters of all children employed in the industry. With no access to education and few skills, the children had few alternatives to escape their crushing poverty. Many went looking for new jobs in stone-crushing, street hustling and prostitution - all more hazardous and exploitative than garment making. Recognizing the need for action, (UNICEF)and the (IPEC) program of the International Labor Organization (ILO) began talks with industry leaders in 1993 to find a solution.

Child laborers were mostly employed as sewing helpers and finishing helpers which were the lowest paid jobs in the garment factories. The average monthly wage was Taka 500[15] for sewing helpers and Taka 585 for finishing helpers. Supervisors were paid Taka 2231 per month followed by quality controllers i.e. Taka 1592 per month on an average. On an average, a worker in the garment factories had to work 11-12 hours a day. Of the total 671 workers, 10 per cent

[15]Child Labor in Bangladesh, (A Report Published By: IPEC, ILO, Dhaka, January, 1997).

worked 8 hours a day, 20 per cent worked 2 hours of overtime, 35 per cent worked 4 hours of overtime and 30 per cent worked 6 hours of overtime. In fact, the garment industry in Bangladesh and access of its products to export markets is a phenomenon of recent past. Legislative measures for creating conducive investment atmosphere for foreign investors in 1980 ushered in a new era for the garment industries in Bangladesh. The work hour also varied according to job category. Supervisors and finishing helpers worked about 13 hours a day; cutting master, cutting helper, iron man, folding and quality controller worked for 12 hours a day; while operators and sewing helpers worked for 11 hours a day on the average. Supervisors and finishing helpers had to work long hours. Sometimes, the workers in finishing section had to work whole night- especially when there was backlog and goods had to be delivered on time. Peak season, a worker had to work even during weekly holidays.

Of the 671 workers interviewed, only 13 (1.9 per cent) reported that there was no regularly in wage payment. The rest said that they received their wages on due date. Data revealed that 22 per cent of the factories paid wages by the first week of the month, while another 68 per cent paid by the second week. Only in about 10 per cent of the factories, wages were paid irregularly. Wages generally were paid on monthly basis. Only in two factories, wages were paid on weekly basis. Benefits provided by the garment industry were: attendance bonus,efficiency bonus, production bonus, Bid bonus, picnic etc. For being present all days, operates were paid Taka 100 per head and helpers were paid Taka 50 per head. Efficiency bonus was given on the basis of achieving the production target. If the target was achieved by 4.30 p.m. a bonus was given. The sampled male workers and 43 per cent of female workers had received Bid bonus.

4.4 Laws in Bangladesh Encouraging Child Labor

The Bangladeshi labor laws preventing the child labor also encourages the child labor. It has strong rules against child labor but in the mean time it also encourages the child labor. This laws forbid to appoint child labor but this laws also said the way of appointing the child labor. So, we can say the Bangladeshi child labor laws encourages the child labor.

4.4.1 Certain Cases of Employment of Children

In section 44 of the Bangladesh Labor 2006 it is provided: (1) Notwithstanding anything contained in this chapter, 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 and shall be so arranged that they do not interfere with his school attendance.[16]

[16]Labor & Industrial Laws of Bangladesh.NirmalenduDhar

Chapter – Five

PREVENTIVE MEASURES AND CASE STUDIES

There are many laws available in our country against child labor. There also have many organs, NGO and national policies to save the children. Though sometimes we see, that organs or NGO are doing their activities but here child labor is available. The national policies and the organs are enough to protect the child labor. But they are not aware about their duties, for this child labor is available here. Recently, in the year 2013 the laws are amended for prevent child labor. The ministry of labor and ministry of child and women affairs have also the provision to control the child labor in the country. The Bangladeshi labor act provides:

5.1The Employment of Children Act 1938

This act allowed for children aged 15 or up to work in the railway industry and in transporting goods in port jobs. It also allowed for children aged 15-17 to work night shifts that may last until the morning under certain stipulations such as resting for 13 consecutive hours, working under someone that is 18 years or older, or serving an apprenticeship. It prohibited children under 12 from working in hazardous industries but did not mention protection for children between the ages 12-18.

We should follow the laws and when we employ any employee in any institution we should bear in mind that we should flow the rules.

5.2The Factories and shops establishment Act 1965

This act prohibited children under 14 to work in or be present in factories. Factories was defined as any place with more than 10 people employed. It also

listed various protections for children from hazardous machines and operations. It prohibited any work duration of longer than 5 hours between 7pm to 7am. It also states the weight lifting limits for types of workers (male, female, child).

5.3 The Constitution Of People's Republic of Bangladesh

The Constitution of Bangladesh while guaranteeing the fundamental rights for the people prohibits all forms of forced labor under Article 34. Article 34 lays down that 'all forms of forced labor are prohibited and any contravention of thisprovision shall be an offense punishable in accordance with law.[18]

5.4The Children Act 2013

The Children Act 2013 repealed the previous Children Act 1974 which was inconsistent with international standards particularly with the UN Convention on the Rights of the Child 1989. Section 4 of this Act provides that notwithstanding anything contained in any other law for the time being in force every person shall be deemed to be a child who is below the age of 18 years. Though there is no specific provision prohibiting child labor it proscribes and punishes some serious offenses against children including exploitation of children(section 80).

5.5The Child Labor Deterrence Act 1993 (Harkin's Bill)

Main article: Child Labor Deterrence Act

Originating from U.S. Senator Tom Harkin, this bill banned imports of items that were associated with child Labor at various stages of production, whether it was direct involvement in the product or indirect involvement such as

[18][https://en.-wikipedia.org/wiki/Child_LaborJn_Bangladesh accused on 10 January 2016]

packaging. This law affected the Labor situation in Bangladesh because garment industries, fearing a loss of business, fired many child Laborers.

5.6 Human Trafficking Deterrence and Suppression Act 2012

According to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) United States Department of Labor:

In 2011, Bangladesh made a moderate advancement in efforts to eliminate the worst forms of child labor. Bangladesh passed the Human Trafficking Deterrence and Suppression Act 2012 which makes humantrafficking (including labortrafficking) a capitaloffense, developed and fully funded a Child Labor Monitoring Information System to manage child labor related data and began implementation of a $9 million child labor project. However, legal protections regarding child labor are limited and the capacity to enforce child labor laws remains weak. Bangladesh maintains a low compulsory education age. Children in Bangladesh are engaged in the worst forms of child labor, primarily in dangerous activities in agriculture and domestic service.

5.7 Initiatives against child Labor

5.7.1The Memorandum of Understanding (MOV) 1995

Signed by the Bangladesh Garment Manufacturers and Exporters Association (BGMEA), ILO, and UNICEF this initiative allowed children displaced and fired from the garment industry to receive education, vocational training, and skills training. It also provided families with income to make up for their child's lack of work. This program is also called "The Placement of Children Workers in School Programs and the Elimination of Child Labor." The MOU has made an impact in reducing child Labor in the garment industry in Bangladesh. Because of this program, more than 8,200 children received non-formal

education after losing their jobs. Additionally, 680 children received vocational training.[19]

5.7.2 The Bangladesh Rehabilitation Assistance Committee (BRAC)

The Bangladesh Rehabilitation Assistance Committee is a non-profit organization founded in the mid-1970s in Bangladesh. BRAC, along with Grameen Bank, are the two largest lenders of microcredit in Bangladesh. Together they cover 59% of borrowers in the country. Microcredit has been shown to alleviate poverty but in small amounts. The effects of microcredit are not large enough to change the lives of an entire population. However, it has been shown to allow families in poverty to find a way out. BRAC has also been responsible for running schools for non-formal education that were put in place to teach children fired from jobs. These non-formal schools also gave children another option besides schooling. Along with the schooling program, families also received health care services and monthly cash stipends to make up for the wages their children were not bringing in by participating in the schooling program.[20]

5.7.3 Other Strategies

In addition to the work of the government, BRAC, and ILO, there have been a number of contributions from international organizations and donors to help start strategies against child Labor. These strategies include: taking children out of hazardous work environments and placing them in schooling or training programs, giving families stipends to compensate for loss in wages from a decrease in child Labor, and raising awareness of the harmful effects of child Labor.

[19]https://en.wikipedia.org/\viki/ChildLabor in Bangladesh last on 17 January 2016

[20]https://www.ilo.org/.../ Bangladesh/ other last on 16 January 2016

5.8 Case reference:

5.8.1 Case-1: Bangladesh National Woman Lawyers Association (BNWLA)- V. The Cabinet Division (Writ Petition No.3598 of 2010), 31 BID 265 This was an application under Article 102 of the Constitution brought by BNWLA regarding the plight of child domestic workers. An incident of physical violence against a child domestic worker was highlighted as reported in the daily national newspaper Amar Desh on 03.05.2010.A Rule Nisi was issued on 04.05.2010 calling upon the respondents No.l to 6 in connection with their inaction to take appropriate steps against respondent No.7 (the employer of the domestic child worker) regarding the incident reported in the daily newspaper "Amar Desh" dated 03.05.2010 and to report to the Court within 24 hours with regard to their actions and measures taken in connection with the incident and as to why direction should not be given to respondents No.4 to 6 to send the victim Shuma (10) for immediate treatment in the nearest. One Stop Crisis Centre at Dhaka Medical College Hospital and why the respondents shall not be directed to monitor theemployment of children as domestic workers, and/or such other or further order or orders passed as to this Court may seem fit and proper.

Judgment: The Court expressed the view that the work done in the domestic sector should be recognized as such and the rights of these workers should be ensured by incorporating the workers of the domestic sector within the Labor Act. So far as the work of children is concerned, the Court noted that the new Children Policy of 2011 defines a child as anyone up to the age of 18. The Labor Act, 2006 defines a child in section 2 sub-section (63) as anyone below the age of 14 and defines anyone between the ages of 14 to 18 as an adolescent. The Court pointed out that for the sake of uniformity a child should be defined in all laws as anyone below the age of 18, and, necessary, the restriction or

concession to allow children of a certain age to work may be defined in the Labor Act as has been done.[21]

5.8.2 Case-2: "Rajon Murder Case".

A 13 years old boy named SamiulAlamRajon was beaten to death by four criminal psychology possessing people in Sylhet on July 8,2015. Even the murderers filmed the attack on a mobile phone and posted it on face book on July 12, 2015. After the video footage of the murder got viral, the main accused Kamrul had managed to escape to Saudi Arabia. But after four days he was caught. With the help of Saudi Police, Interpol and Bangladeshi police the legal process for bringing Kamrul back was completed. On the October 15 2015 he was brought back to Bangladesh. The whole case was conducted in Sylhet court. After several trials, the verdict has been announced on November 8, 2015. Judgment:

On the November 8 2015 The Court of Session Judge, Sylhet given death sentence to the main convicted Kamrul slam including three other convicted SadiqAhamedMonia, TajuddinAhamedBadal, Md. JakirHossainPavel. Out of them Pavel is remained escaped. The another convicted NurAhamed who recorded thevideo footage was sentenced for 20 years imprisonment.Except these, MuhitAlom (2nd brother of Kamrul Islam), Haider Ali (1st brother of Kamrul Islam) and ShamimAlam (younger brother of Kamrul Islam) were sentenced for 7 years imprisonment with a penalty amounting 10 thousand taka. Firoz Ali, AzmatUllah, and Ruhul Amin were released from the charge.

This case was solved within a very short time which is a success of our judiciary and an important precedent that there is no consideration in fever of

[21]https://www. crin.org/.. ./justice for children in Bangladesh analysis of accused on 17 January 2016

accused persons. The public and media support also played an important role here. But, at the end it is an example that we are willing to confirm the protection of our children. If we follows the laws related child affairs and properly take care children then we will be able to save the children.[22]

5.8.3 Case-3: Cricketer ShahadatHossain case.

CrickterShahadatHossain is also a noticeable case in our country. On September 7, the Dhaka police registered a case under the Women and Children Repression Prevention Act against Shahadat and his wife on charges of assaulting their housemaid. Less than a week later, the BCB temporarily suspended him.

A Dhaka court, while accepting the case, on Monday directed the police to submit its report on the charges on October 12. Shahadat had, on Sunday afternoon, filed a complaint with Mirpur police saying that the couple's housemaid had gone missing. He has been untraceable through Monday and has not been reachable on his phone.

The victim, aged 11, had been found on Sunday night by a local journalist, KhandakarMozzamelHaque, who took her to the Mirpur police station, under whose jurisdiction the alleged abuse took place. A case was filed there and the victim was sent to the Dhaka Medical College Hospital for treatment.

[22]www. abc. net. au/... Bangladesh child

Chapter – Six

RECOMENDATIONS AND CONCLUSION

6.1 Recommendations

An overall view of the children's employment in Bangladesh clearly and unmistakably indicates that child Labors which involve exploitation exists in an extensive from in all the sectors of our economy. A critical review of the incidence of child Labor in the socio-economic perspective of Bangladesh, may glare up both positive and negative impact. An additional income earned by a working child for a poor family in which immediate needs take precedence over everything, may be looked at with high priority from the micro-level consideration of the family. In such circumstances, the incidence of child Labor seems too bear positive connotation. But from macro level consideration, particularly in terms of deprivation of knowledge and skill acquisition, the incidence of child Labor appears to be just like getting lost in the present ignoring the future of a nation and also denotes economic gains of employers at the cost of physical, psychological, intellectual and moral development of children who comprise the posterity of the nation.

The main objective of our long term planned efforts should be to bring about appropriate structural changes in the socio-economic arena which would increase economic well-being of the population and establish distributive justice in the society. The efforts, if met with success, can ultimately remove poverty and pave the way for gradual abolition of child Labor. Short term measures should aim at improving the existing conditions of work and living of these young working groups as well as devising some ways so that these unfortunate tiny workers may have access to educational and other facilities.

6.1.1 Long Term Measures

Removal of poverty which is a pre-condition for the abolition of child Labor involves planned and sustained development efforts by the whole nation which can result in favorable structural changes for the achievement of the goal, namely a qualitative change in the pattern of life and living of our people. It is an established fact that a mere increase in the Gross Domestic product (GDP) does not automatically benefit the underprivileged sections of the population. Economic policies should aim at "growth for justice" which is a relatively new concept. This kind of development has the socially just income distribution as its main objective and the growth pattern is designed to achieve this goal.

For the removal of poverty, development plans should aim at full employment, and accelerated rate of growth making provision for basic needs for all. The fight against child Labor is just one aspect of the overall fight against poverty. The long term objective of our efforts, therefore, should be to launch an all-out attack on poverty itself, the removal of which will automatically eliminate the phenomenon called "child Labor". Universal compulsory education should be one of the permanent factors our national life. Attendance at school should not be an unattainable goal for the children of the poorer classes.[23]

6.1.2 Short Term Measures

As extreme poverty compels children to go to work, policy measures to reduce pressure of poverty on the poor households should be adopted. Paying allowances to needy families which could be granted on condition that the

[23]www.ilo.org >... > What is child Labor

children will not perform any paid, self- employed or family "work" but attend school instead, may be envisaged as one such step in the right direction.[24]

As economic distress leads to strained family life and other related problems, some form of social assistance could perhaps be provided by professional socialworkers, voluntary organizations, or even religious bodies. The educated unemployed youths may be organized both in the rural and urban areas render such services. As short term measures, special type of educational training institutions should be set up for working children, where some kinds of skill can also be learnt. The school hour should be such as it does not Callide with the working hours of the children. Books, equipment's and refreshments should also be provided free of cost to these children.

6.1.3 Legal and Other Measures

It is said that when child Labor is prohibited by law, it is hard to introduce legal measures to protect child workers, since in the eye of law they do not exist. But non- existence of child Labor is a myth, and all concerned should face up to the reality and introduce effective measures which can reduce the evil effects of premature work on health, growth and future of the children. Introduction of measures providing tax reduction, subsidies and other concessions to those employers who can show enough evidence that they are improving the working conditions of their child employees should also be considered.[25]

In the informal agricultural sector, where most children work, the services of various social welfare organizations should be utilized. They can oversee that flagrant cases of exploitation of child workers do not occur. The trade unions

[24]www. destiny rescue. org

[25]https://www. Ho. org/.. ./national, htm

can also play an important role in protecting the interests of children by insisting on the application of the minimum age for employment. They should do it for the following three reasons:

i) Mental and physical havoc is caused by child Labor.

ii) Child workers are employed in place of adult workers.

iii) Child Labor not only reduces the employment opportunities of the adults, but also the amount of their earnings.

The adoption of these measures will imply awareness of the problem, facing up to reality and recognition of the fact child Labor (though illegal) does exist. Oncethis is accomplished, various suggestions for gradual elimination of child Labor which will be forth coming can be evaluated and sifted, so that an effective set of policy prescriptions can be adopted to launch an all out attack on this menace.

6.1.4 Motivational and Publicity Campaign

Since ignorance is one of the factors that help perpetuate child Labor, the child workers themselves, their parents, their employers, the government, in fact all sections of the people should be made fully aware of the harm that 'work' can cause to children and the society. All concerned should also be made aware of the distinction between light educative work and the harmful exploitative jobs that most of the working children are made to perform. Regular educational and information campaign should be launched using posters, leaflets, etc.

Radio, Television and other mass media can be pressed into services to run similar campaigns.[26]

6.2 Concluding Remarks

Child Labor discouraged both for its own sake and for its negative impact on the education of children. It is generally recognized that poverty is the main reason for child Labor in poor countries like Bangladesh. Because of their on child work, poor families cannot keep their children at school for a minimum of five years in order to attain basic literacy. It is evident that the number of working children is increasing alarmingly in Bangladesh. It is only to be expected, because child Labor is a phenomenon that exists and flourishes in almost all of those human societies which have to satisfy their immediate basic needs within a modernization program.

Awareness of the nature of child work and the specific circumstances under which it occurs is essential if child Labor is to be reduced and the education of children organized to suit their environments.The overall impression of the scenario of child Labor simply indicates that the situation of child Labor inBangladesh is precarious and it can neither be solved overnight by prohibiting employment of children nor would it be possible to keep it under control by any other means within our reach. But the extent, needs and problems of child workers, as evident from different studies, are so widespread and deleterious that no authority in the civilized world can afford to get itself relegated to a mute spectator in this regard. The prevailing circumstances, therefore, carries the imperative urge that, in a country like Bangladesh, the situation of child Labor should be pondered over with pointed attention to find out the best possible and justified solution of the problem keeping in view the

[26]childrightsbd.blogspot.com/.../how to en child labor in bangladesh.ht..

constraints of available resources. And towards that ends, all efforts should be directed to establish a social order in which economic and social injustice and similar other unjust flow of pressures, influences or maneuverings would have no chance for a sinister play to create any hindrance to the normal growth and development of children in general and working ones in particular. If such healthy and clean conditions of living can be made possible for all of our would be citizens, they will in return, no doubt, bring into full play of their initiative by kindling the potential spark of their creativity. The sooner we can establish such social order, the better for all of us and the society at large.

In concrete terms, our planners should set as their objective the structural changes that seem essential to achieve the goal of total abolition of child Labor in the long run. As short term measures, steps should be taken to improve the working conditions of the children and create congenial atmosphere appropriate for those young workers who are involved. Abolition of child Labor is a gigantic task. But a beginning has to be made immediately, so that the future citizens of Bangladesh can be saved from a total disaster.

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