

A study on Child Labour in Bangladesh under National and International Law

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Abstract: Bangladesh is highly populated country in the world, density with 1033 people per square kilometer. It is 1, 44,498 square kilometers in total area with a population of more than 140 million. The population of Bangladesh, approximately 47% is under 16 year and 17% of population is under 5 years of age. The population growth rate is only 2.6% and literacy rate on the other hand approx. 70 percent. Bangladesh is land of village. Around 84.8% of the population is living in rural areas in Bangladesh, a mainly rural country. It is a land of agriculture, and more than half of the rural population has land. In contrast more than half of rural population does not have land. They are land less people. 75% of children under the age of 12 are suffering ideal and balance food. Among them, about 85% of the population lives below the poverty line. According to the Urban Research Center, 60% of the population of Dhaka city is living below the poverty line. Shortage food and political unrest, poverty, child labour, lack of awareness and uneducated people. Uneducated parents are making a large family with many members. As a result population is increasing in sharp way and generated a variety of social problems, the generation of child labour frequency increases. Child labour in Bangladesh has increased remarkably in recent years. Traditionally, many children have always engaged in farming in villages, the numbers of child labour has rapidly increased in industrial and commercial sector. Working children are neglected by some of the social groups in Bangladesh. Sometimes they become floating population. Existing law and act in Bangladesh, does not except child labour in any industry and other sector. The children in urban area are living on the streets or in overcrowded slums and squatter settlements. 700,000 people have children under the age of 15 who work in urban areas, which is 17 per cent of the total urban labour force. Industry, transportation, commerce, domestic service, metal and leather factories, construction and garment factories engaged 65% of total labour force. In rural areas, most children and their families - mainly depended on agricultural work. Most of the working children do not have the opportunity to go to school. The children are treated as a cheap labour. They always face various types of problems like feeding, clothing, bad working condition, unfixed salary, lack of recreation, mental physical and sexual harassment as well. In this article I will describe regarding the hindrance behind this miserable situation.

Keyword: Child labour, Bangladesh, National Law, International law.

I. Introduction

In Bangladesh, the majority of the people are poor and uneducated, because of scarcity of land, lack of food and political unrest. In this situation, people intend to ignore about child care. The large number of families and economic problem has created this miserable situation. About 44% of populations among the total 160 million are under age of 18.⁴ This is really great problem for mushrooming child labour in Bangladesh. According to the general sense, street children are earn their living and stay at street their most of time. Child empowerment rates increased chronological order with age.⁵ Some of them do not have legal guardian. Scholar as well as Jurist defines the street children in to two groups. One group spends their lion share of time at street but never go to their home. On the other hand some children's 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 for study. It is quiet noticeable part in all over the Bangladesh. There are a lot of tea stall located besides the road especially, 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).⁶ The UN Committee on the Rights of the Child give up their opinion concerning the child labour in Bangladesh, that the children working minimum five worst form of work like welding, workshops, road transport, battery researching above all

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⁴ United Nation Office For The Coordination Of Humanitarian Affairs Humanitarian News And Analysis Report [Http://www.Irinnews.Org/Report.aspx?Reportid=87306](http://www.Irinnews.Org/Report.aspx?Reportid=87306).

⁵Unicef, ILO, World Bank Group, Understanding Children's Work In Bangladesh June 2009.

⁶Bangladesh Bureau Of Statistics, Report On National Child labour Survey, 2002-2003.

tobacco factories.⁷To enrich millennium development goal; child labour is the main and principle obstacle in Bangladesh. Child labour is encouraged by the poor parents to get some additional money that is harm for individual children and make obstacle before the national poverty reduction and development efforts. The present article conveys an impression of the child labour singularity in Bangladesh, its level and nature, its causes, and its penalties on education. The article also addresses the national response to child labour, and policy options for its elimination. In Bangladesh, municipal waged children either live on the street or in congested slum and squatter settlements. There are 700,000 children under the age of 15, working in urban areas, which is 17 per cent of the total urban labour force. They work in industry, transport, commerce, domestic service, metal & leather factories, and construction and in garment factories. About 65 per cent of the total labour force in Bangladesh of 50.1 million works in agriculture. In rural area, most children work for their families, the boys in agriculture and the girls mainly working at home. Those families, who are landless, work for rural landowners with their children in the fields. Most families, who are better financially, use children in their homes as domestic helpers and for cattle tending and other agriculture work. Children also work in small shops, tea stalls, factories and the fishing industry. Most working children do not have the opportunity to attend school.

Aim of the article

For this article, I interviewed more than thirty child labours through telephoning, as well as their owner, motor garage owner, trade unionists, factory owners, managers, and the different non-government organization in Bangladesh. My purpose is writing to this article to find out the major problem of child labour in Bangladesh. A huge amount of child complain to the NGO regarding their workplace, pay, salary, work condition, rude behavior of owner, rest days, harassment, sexual discrimination, medical care and so on.

To discuss regarding this issue, I divided my article in to three parts. In Chapter II, I tried to mention the current situation of child labour in current Bangladesh. It belongs to the actual circumstance in Bangladesh. I added some example concerning the violation of child rights. Chapter III, National or domestic law and Mechanism to protect child rights in Bangladesh. Chapter IV, Convention and international treaty that has already been signed by the Bangladesh government. In accordance with this convention and international treaty, which rights they can enjoy as a children in Bangladesh. Later on, I mention some constitutional rights ensured by Bangladesh government. To fulfill my desire to write this article I recommend some suggestion in Chapter V.

Question of the article

There are a huge number of questions regarding the protection of child rights under national and international laws in Bangladesh. To write my article on child labour in Bangladesh I have diverse concrete question resulting as an observer. Does child belongs to such an environment what is most hindrance for escalating their childhood? Does state obey their duty and rights in proper way on the subject of this issue? Are national and international law and convention sufficient for the protection of child rights in third world country like Bangladesh? Has any weakness to impose the existing law adopted by the people republic of Bangladesh? Are the parents of Bangladesh aware about their children's future? Has this situation been occurred by the government and the statutory body of Bangladesh? How the people receive these social changes for emancipation of child labour from Bangladesh? Which method or initiative should take by the government to melt this acid test issue? What type of social integration program should be encouraged by the international organization to create pressure upon the government of Bangladesh and NGO? Why Bangladesh did not achieve millennium development goal whereas the world observing 'playing football' against child labour?

II. Methodology

This study has established below the aegis of a Working Group, included of the CLU⁸ of the Ministry of Labour and Employment of the Ministry of Mass and Primary Education. All document based on secondary data and information from different sources. This research also depended on research method. All information are collected from National and international legal text, Judgment of Supreme court of Bangladesh, daily newspaper, Report of international Non-Government Organization, Article concerning child labour in Bangladesh, Ministry of law, academic literature and so on. Legislative body from the Bureau of Statistics, the ILO, and United Nation International Child Emergency fund (UNICEF), World Bank country offices and the UCW Program,⁹ set the broad limits for the report and guided the research process. A background study on policies and legislation with a bearing on child labour was undertaken to feed into the article. The study is totally based on child labour policies and programs, and the extent to which child labour concerns have been

⁷Concluding Observation Of The Committee On The Rights Of The Child: Bangladesh June 2009.

⁸CLU Refers To Child Labour Unit.

⁹UCW Stand On, 'The Understanding Children's Work (UCW) Programme Is An Inter-Agency Research Cooperation Initiative Involving The International Labour Organization (ILO), UNICEF And The World Bank.'

mainstreamed into broader national and sectorial development plans. The study also looked at current legislation on child labour, its consistency with international child labour norms, and the efficacy of implementation, enforcement and monitoring mechanisms. A training workshop on child labour data analysis was also undertaken in support of the research process. The workshop, held in Dhaka in May 2009, covered child labour concepts and terminology as well as the processing and analyzing of child labour survey data. To write this article I cannot get information any rich library concerning child labour in Bangladesh except 'bird's eye' view. This study also focuses on the trend, impact and legislation of child labour in Bangladesh, taking into consideration the international instruments and suggests some policy measures. The major objectives of this study are as follows:

- To inspect the presentsituation and the drifts of child labour in Bangladesh
- To discover the reasons of child labour all over the Bangladesh
- To find out as to whether the domestic legislations concerning child labour inside the country is sufficient enough with the international instruments.
- To make policy recommendations

III. Situation of child labour in Bangladesh

In Bangladesh, There are a huge number of children are facing multi-dimensional forms of violation of human rights. It is not only harm for their natural development but also a great hindrance for national development. Children steadilyarticulated their concerns regarding lack of safe atmosphere. Due to overpopulated country, many people migrating to the city for gaining better opportunity. They as well as their children are living under extreme poverty and maintaining worse condition.¹⁰ The current government deficit in Bangladesh has further aggravated the situation because, the duty bearers such as lawmakers, executives, police, probation officers, and even judges remain insensitive to children's rights and fail to provide protection, special care and treatment. Dhaka international labour office surveyed that 99 percent 'working children' are working seven days in week.¹¹ An individual under the age of 18 years, unless under the law applicable to the child majority is attained at an earlier age.¹² It is well known that, the sources of Bangladeshi laws enrich from British period. Others during the Pakistan period and a handful have been promulgated since the independence of Bangladesh in 1971. The term "child labour" is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children, alsointerferes with their schooling bydepriving them of the opportunity to attend school, obliging them to leave school impulsivelyor requiring them to attempt to combine school attendance with excessively long and heavy work.¹³ Before discussion of this issue please makes a note that, there are huge misperceptions to set up age for defining as a child. To set minimum age to get marry, British government adopted law, 21 and 18 for man and woman respectively.¹⁴ However, the minimum age for children is 15 and 12, respectively by imposing British law.¹⁵ Additional confusing things, individuals less than 14 years of age are children¹⁶ whereas a child is an individual under 16 years of age.¹⁷ In addition, a minor cannot enter into agreement until attaining the age of 18.¹⁸ However, a child becomes an adult on attaining the age of sexual maturity.¹⁹ In response to these changing laws and the lack of age regime, the highly-anticipated 2006 Bangladesh Labour Act considering all laws determines that a child is an individual under the age of 14. On the other hand, child labour is defined as the child who started their work from their childhood and obviously harm for their dignity and physical and mental development. UNICEF, the United Nations Children's Fund, defines child labour as work that exceeds a minimum number of hours, depending on the age of a child and on the type of work. For children aged 5 to 11, this would include at least one hour of economic work or 28 hours of domestic work per week. For the 12 to 14 age group, this would include at least 14 hours of economic work or 28 hours of domestic work per week and for children aged 15 to 17, child labour occurs when a child works at least 43 hours of economic or domestic work per week.²⁰ Besides, the International Labour Organization (ILO) asserts that, the term, 'child

¹⁰[Http://Www.Assignmentpoint.Com/Arts/Law/Violation-Of-Child-Right-Bangladesh-Perspective.Html](http://Www.Assignmentpoint.Com/Arts/Law/Violation-Of-Child-Right-Bangladesh-Perspective.Html) Last Visited, 31-03-2015.

¹¹Avon Global Center For Woman And Justice At Crnel Law School Regarding Exploitation Of Child Domestic Workers In Bangladesh. P8.

¹² The 1989 United Nations Convention On The Rights Of The Child (CRC) And The 1999 International Labour Organization Convention On The Worst Forms Of Child Labour Define A Child.

¹³ [Http://Www.Ilo.Org/lpec/Facts/Lang--En/Index.Htm](http://Www.Ilo.Org/lpec/Facts/Lang--En/Index.Htm).

¹⁴The Child Marriage Restraint Act 1929.

¹⁵Children Act 1933 And The Employment Of Children Act 1938.

¹⁶The Factories Act 1965.

¹⁷The Children Act 1974.

¹⁸Contract Law 1872.

¹⁹Muslim Personal Laws On Marriage.

²⁰[Http://Www.Unicef.Org/Bangladesh/Child_Labour.Pdf](http://Www.Unicef.Org/Bangladesh/Child_Labour.Pdf) Last Visited 31-03-2015.

labour refers to work that is mentally, physically, socially or morally dangerous and harmful to children and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work. A number of children fail to enjoy the rights of education because they are bound to work during their school time. Some research has showed school attendance and working hour also correlated.²¹In recent years, however, child rights have highlighted increasingly discussions amongst government officials and Non-government Organizations. Printed media as well as Daily newspaper is highly concern about the child rights violations like torture against child. Many NGO also involve taking care about child rights. Awareness also increased to ensure child rights. Baseline survey were asked about their rest time of domestic child labour on the basis of affirmative, citing fever, cough headache, injury etc.²²However, Bangladesh Shishu Adhikar Forum (BSAF) has provided a statistics on the violation of child rights. Under help line service has spoken almost 135 (till December 2008) cases who are victims of different violence. Girls are more victimize as a domestic workers.²³

Year	Number(Female)	Number (Male)	Total
2007	41	37	78
2008	40	17	57
Grand Total	81	54	135

The table above provided the information about the level of victims during 2007 and 2008. National Child Labour Elimination Policy 2010 has adopted by the Ministry of Labour and Employment which provides an outline to eliminate all forms of child labour by 2015. UNICEF has been encouraging for the creation of a Children's Code, to ensure harmonizes domestic legislation with the Convention on the Rights of the Child including Art. 32. United Nation's Convention on the Rights of the Child (UNCRC) in 1990 was ratified by Bangladesh. The government of Bangladesh also adopted a number of laws for protection of child rights like, the state power to impose special ordinance for serving the child's interest²⁴to get right to social security,²⁵ to prohibit hard labour.²⁶Unlikely, we observe huge amount of child are working very hard work with bad environment as well.²⁷That is why, actions were suggested to be taken by the companies, which include consult with suppliers and stakeholders, develop policy, establish monitoring and implementation systems, quality assurance staff, form a joint plan of action and agree time frames, budget to fund child labour interventions, encourage and support suppliers to act responsibly, ensure that reporting of progress and problems is transparent, review progress and spread best practice (Save the Children, 2000).

Child labour in industry and urban area in Bangladesh

Child labour in Bangladesh is not a new issue, it exists from long period ago. Children are fall in more dangerous situation day by day. Bangladesh Bureau of Statistics has conducted a survey regarding this vital issue on 2002-2003. At present, in Bangladesh 62% of all working children are working in agriculture, about 149,000 children are involved in the worst forms of child labour and 1.4 million children do hazardous work. Besides, the highest proportion of working children, some 49.5 percent, was found involved with informal sector that means, unpaid economic activities in family farms or business (Bangladesh Bureau of Statistics, 2002-2003). It was also found that 28.6% were employed as paid day labours, 14% were sales workers while transport sector engaged 25.4% of them (BBS, 2002-2003).

Md. Ali, aged 13, He has been working as a server of a restaurant in Dhaka firmgate. He came from rural area of Jenaidah Districts. His father also a farmer and mother is house wife. His family members are 8 including his parents. He has studied up to class seven. In truth, his father is a seasonal employer, as such it was usual for Ali to maintain his family through economic hardship and this economic uncertainty motivates him to come to this job. He was also encouraged by his parents to adopt the profession. Daily, he started his work from 9 am to 10 pm. His average income is Tk. 300 per day. After keeping some of his earnings for himself, he sends the rest to his home. His employer behaves well with him. He wants to be an owner of a restaurant and is not willing to study at a later period if chances come. There is no scope to earn extra money or festival bonuses. A fixed amount of earnings by hard labour all day is to be given to the Mahajan, afterwards the rest of child labour are divided between the conductor, helper and the driver. Children are engaged in tanneries, agricultural, construction sector, beedi factories, ship-breaking yard, industries, transport sector, restaurants and tea-stalls.

²¹Ibid P3 Available At [Http://www.unicef.org/Bangladesh/Child_Labour.Pdf](http://www.unicef.org/Bangladesh/Child_Labour.Pdf) Last Visited 31-03-2015.

²²Ibid P8.

²³ Child Referred Through Help Line Service In 2007 And 2008

²⁴Article 28 Of Bangladesh Constitution.

²⁵Articles 14 And 15 Of The Constitution.

²⁶ Bangladesh Constitution Adopted Article 34.

²⁷The Children Act (1974).

According to the expert near about 8 million of child are working hazardous and risky work.²⁸They also work as maids and domestic servants. In rural area of Bangladesh girls are engaged into domestic work. In contrast rural area boys are working tea stall restaurant and agriculture related work look after domestic animal. Such works are not risky and possibly will be good if they are provided acceptable food, wear, and place to sleep and treated courteously and compassionately when they commit wrong. In 1993, after Harkin Bill²⁹ many children were engaged in the garments factory.³⁰ Surprisingly, around 30% of them are children. They did not get adequate food, leisure time, and remuneration, force to work overtime, no transportation, no holiday, and no medical leaves. It was nothing but a principle of maximum work and minimum wage. Reduce salary for absence and crackdown was very familiar.

Child labour in rural area

Distinction between two level of child worker are mainly rural, are involve with agriculture related work and urban area working children are engaged into household and industrial work. Between the age of 14 to 17 girls are more likely commit and attempt suicide than boys. There is one principle reason is working behind this because, girls are facing more difficulties in their work place. A US agency claim to the Bangladesh government that till now many children are working in readymade garments factory in Bangladesh. They enforce to do their job even over time.³¹ In rural Bangladesh, major cause of child labour is poverty of their parents.³² Poverty is the chief reason of this miserable situation. Many Bangladeshi are living to keep body and soul together. They are maintain their live under the extreme poverty level. At least one third of Bangladeshi populations are living below the poverty level. Noteworthy of them are living under extreme poverty level.³³ Extreme poverty means extreme deficiency or starvation. It illustrates a people or family who simply do not have enough to eat and carry on their lives. When parents do not have any alternative way to earn money for maintains their family, and then they force their son or daughter to engage into work. It doesn't matter their expected work is hard or not. In rural area son engaged agriculture related world and girl for house hold work. It is very easy way to earn money more for their feeding and clothing. Al though this act will bring harm for their children. Due to poverty, parents don't send their child to school for education. They have no certainty of food and this compels many of the parents to send their children to work. About 67% children work due to financial hardship, either to contribute labour for wages to supplement household incomes or to work at home so that adults can work outside.³⁴

Working children, aged 5-17	7.4 million
Working children, aged 5-14	4.7 million
Child labourers (according to definition, below), aged 5-17	3.2 million
Children engaged in hazardous labour, aged 5-17	1.3 million
Child domestic workers	421,000
Percentage of children (aged 5-14) engaged in child labour (2006)	National 12.8, Slum 19.1, Tribal 17.6.

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MdAsmat Ali, aged 11, worker in readymade garments, came from a village Kushtia to Gazipur for livelihood. His father is famer and mother is a housewife. He has 6 brothers and sisters. He is the eldest in his family and that's why he has come to Gazipur to work sothat he would be able to maintain his mother, younger brothers and sisters. Asmat works daily 13 hours and no weekly holiday is provided. As he is new, it has been agreed that he will now be provided only three thousand taka. His employer's behavior is good. He wants to be a good mechanic and has no will to study in future, even if he gets the opportunity. Deficiency of consciousness and the firmly established tradition also play an important role to extend child labour. Certainly, most of the parents are unaware about the notion of "child labour". They know neither what is meant by child labour nor the harmful effects of it, or put any attention upon their children's needs pertaining to education. They neither understand nor try to realize that if their children enter work force without acquiring education, the lack of basic schooling won't give them any opportunity to find good jobs when they attain majority. Again, because of the embedded tradition in our society, majority of the parents think that their children will earn from early ages and will contribute to the family budget, though there may be no compelling necessity. This also happens due to the ignorance, unawareness of the parents who imagine that their children are learning a useful trade. Further, a

²⁸<http://Thedailynewnation.Com/News/46718/Child-Labour-In-Risky-Jobs-On-Rise.Html/> Last Visited 25-03-2015.

²⁹The Child Labour Deterrence Act Was Created By Senator Tom Harkin (Democrat - Iowa), And Was First Proposed In The United States Congress In 1992.

³⁰Ferdous AHAMED 'Child Labour And Bangladesh: To What Extent Can Bangladesh Remove Child Labour Particularly In The Bangladesh Ready-Made Garment (RMG) Sector?' International NGO Journal Vol. 8(2), Pp. 31-37, February 2013 P. 31

³¹<http://Bd.Thedailystar.Net/Child-Labour-Still-There-53111> Last Visited 24-03-2015.

³² It Was Identified By The National Child Labour Elimination Policy, 2010.

³³<http://Www.Ruralpovertyportal.Org/Country/Home/Tags/Bangladesh> Last Visited 21-03-2015.

³⁴The New Nation Online Edition, 2004.

³⁵ Source Of Primary Completion Rate Data From 2011; Publish By The UNESCO Institute For Statistics, 2014.

considerable number of children enter into jobs by observing their friends who are devoting their labour in the labour market, whatever the nature of work. Parents on the other hand in our society thought, that their children spend time worthlessly. They are too much concern about their children. Sometimes they think their children will participate in anti-social activities. For this reason, they are trying to keep out of the reach of idleness and vagrancy find a job for their children. In Bangladesh child labour and corruption are mushrooming in chronological order like hand to hand. After completion higher degree of educating there is no ensuring way that the person will get good job for clothing, feeding as well as to lead a ordinary life in future. In general, the speculation of a lion share of population, that without bribemoney; it is almost impossible for arranging work. Child and adolescence on the basis of age³⁶ according to the laws the person who is under 18 but above to 14 years old will be considered as adolescent.³⁷ And person who is not attaining 14 is child.³⁸

Reason behind the child labour in Bangladesh

There are vibrant transformations between city and countryside of the child labour sector.³⁹ Besides the above reasons, many children engage in to work in order to supplement the family income and the parents do not even restrict them. They see nothing abnormal in working at an early age. Further, due to the internal migration that takes place from one place to another within the country, many parents fall into hard financial crisis which also lead children to go to work for survival. Inadequate recreational infrastructure also engages many children in to work. Furthermore, insufficiency of schools, poor curriculum, absence of proper nursing and care of pupils by the teachers, lack of usefulness of education for their survival profession and the long time needed for education also lead some children to begin work at an early age. Usually, child labour is high in the poor developing countries but several industries of rich countries also pay for the products made with child labour. If the owners of these industries of rich countries would boycott the products made with child labor, then the owners of the industries of poor countries like ours would be aware of not using the child labour. Both foreign and our owners know about the harmful effects of child labour but they use them for their own interest. So this lack of child friendly values keeps child labour alive in our society. Another point is that many people in our country employ children violating the labour laws, but there is no punishment for such violation. Government has so many laws but implementation is missing. Though this is not a cause of child labour, but this non-implementation is encouraging the employers to use child labour in making their products or in performing their businesses. At the end, it can be said that though poverty is the principal cause behind child labour, child labour is also caused by a variety of other reasons.

A UNICEF survey of selected countries in Latin America, the Caribbean, South Asia and Sub-Saharan Africa finds that on average children with uneducated mothers are at least twice as likely to be out of primary school as children whose mothers attended primary school (UNICEF, 2010).

IV. National And International Mechanisms Regarding Child Labour

Now a day child labour is widely discusses issue in Bangladesh. Newspaper and media always looks after these vital issues. However, non-government organization also raises their voice against violation of child rights. Even though there is some deficiency in adopting measures to solve the problem, our constitution protect the issue perfectly. Articles-14 and 15 of the constitution protect the rights of children and the right of social security. Article-17 imposes an obligation upon the state to take effective measures for free and compulsory education for all children to such stage may be determined by law under Article-18, the state is empowered to make special provisions for the benefit of children. Fundamental rights of all citizens are ensured.⁴⁰ Any kind of forbidden work and force labour is strictly prohibited. It is, however, essential to discuss now that the constitution of Bangladesh does not forbid child labour. It only contains certain articles affecting children. The existing laws of the country regarding child labour also do so. These do not prohibit child labour rather provide certain standards for the employment of children. Again, the present domestic laws do not cover children who are engaged in household services, such as, in agricultural sector, or domestic help. As a result, it is hard to count the actual rate of child labour and almost impossible to protect them from exploitation through legal procedures.

National Child Labour Elimination Policy 2010:

According to the definition of National Child Labour Elimination Policy 2010, work performed by a child will be considered as child labour but the term 'child labour' should not be used here rather he may be

³⁶Bangladesh Labour Act 2006 (Act XLII Of 2006).

³⁷Bangladesh Labour Act Section 2 Sub Section 8.

³⁸Ibid, Section 2 (63).

³⁹Sharmin Aktar and Abu Syead Muhammed Abdullah 'Protecting Child Labour In Bangladesh: Domestic Laws Versus International Instruments Bangladesh'. E-Journal Of Sociology. Volume 10 Number 1, January 2013.

⁴⁰Arts.27, 28, 29, 31, 34, 37, 38, 39, 40 And 41 of Bangladesh Constitution.

termed as a child engaged in labour. The policy advocates a friendly world for the children engaged in work and provides a standard framework concerning education, health, working environment, specific working conditions, recreation, treatment, and security, social awareness building for managing and reducing risks of child abuse by employers. Besides, to supervise the child labour related issues a certain ministry is required.⁴¹

Bangladesh Labour Act, 2006

This is the most notable law in Bangladesh for regulating child labour is the Bangladesh Labour Act, 2006. Child labour is specially mentioned there in a separate chapter. The present law exactly prohibits engagement of children and makes a provision for fitness certificates for the adolescent only. But a child, who has completed twelve years of age, may be employed in such light work as not to endanger his health and development or interfere with his education. The hours of work of such child, where he is school going, shall be so arranged that they do not interfere with his school attendance (as per section 44). However, the Act of 2006 does not provide a strong enforcement mechanism for the child labour provisions. Additionally, the vast majority of children work in the informal sector which makes enforcement of the challenge to relevant legislation.⁴²

The Children (Pledging of Labour) Act

According to the children act under the age of fifteen will be treated as child. To make any treaty and agreement will be void due to above mentioned ages. It also prohibits the child labour and force work.⁴³

The Employment of Children Act, 1938

Transport of passengers, handling of goods and processing work, this type of work discussed by this law. Any person will be defined as a child under age 15 years old. Railway, sea port and any kind of transportation is prohibited by The Employment of Children Act, 1938.⁴⁴ This method is in one condition, but the activity, it is a period of days to create a compromise with respect to children under the age of 17 years for use in this case is that it needs to be fixed in such a way as to allow the rest of the interval of at least 12 pm 7:00 pm, at least seven consecutive hours, including a series of time. Children working workshop allows the processing activities. In addition, 15 years, 18 years less than the age of the children can work in fixed working hours specified by law.

The Tea Plantation Ordinance, 1962

The Act defines a child, but a child under the age of 12 years does not offer that, one's cannot work in the tea plantations. In addition, 12 of the 15 young people between the ages of 17 years and older children can be allowed to work in the tea plantations after providing the grants certificates to prove their fitness. But children cannot work outside 6:00 a.m. to 7:00 p.m. Such certificate will be valid 12 month period then there is a provision for renewed.⁴⁵ The Act contains provisions for violations of the Children Act, 1974. The law also imposes penalties for those who exploit subordinates. It provides that anyone menial employment or plant or protect the surface for the purpose of child labour in the workplace, but the abuse of children for their own purposes, living their income or on hold, both shall be punished by a fine or imprisonment. The law protects children from any surface provides additional above-mentioned purposes, but should be punished with fine or imprisonment or both similarly tempted, homosexuality, the risk of prostitution or other immoral purpose expose the child.

The Mines Act, 1923

The Act restricts the employment of children in mines. Childs are defined in law who have not completed their age fifteen years. Mine are 17 years or above, but who is granted a certificate to provide proof of their suitability can be used for any work. This law is discussed the enactment of the law. At this stage, the paper refers to the enforcement of the law. In fact, existing laws of the country is not fully implemented. Although, this provision to keep a separate chapter for working children, most plans do not comply with the rules. Working conditions are not in accordance with the law, medical facilities are not available, and it is common. As regards to the implementation of the national legislation with child labour, law enforcement, and this process should be free from politicization and corruption. Legislative measures for the protection of children and child labour was adopted at the international level.

⁴¹[Http://Bsafchild.Net/Pdf/NCLEP2010.Pdf](http://Bsafchild.Net/Pdf/NCLEP2010.Pdf) Last Visited 31-03-2015.

⁴²Bangladesh Labour Standard Act Was Amended Monday July 2013, Published By The Authority, Bangladesh Gazette Additional Issue.

⁴³The Children Pledging Of Labour Act 1933 (Act No II 1933) Act To Prohibit The Pledging Of The Labour Of Children.

⁴⁴The Employment Of Children Act No XXVI 1938 Modified By Act No LIII Of 1974. This Act Was Regulate And The Employment Of Children In Certain Industrial Employment. According To This Act Some Industrial Job Like Beedi Making, Carpet Weaving, Cloth Printing, Dying Weaving, Shop Manufacture Was Accessible For Child Worker.

⁴⁵DrRehanaSiddiqua 'Laws Relating To Child Labour In Bangladesh And Their Shortcoming P3.

Shops and Establishment Act 1965

The law defined the shop or establishment to the place that employs more than five people. Under the age of 12 years is completely prohibited by this law. It allows the 12 to 18 year olds to work at the facility, but has restricted working hours up to seven hours a day. This law deals with the payment procedure, wage, working hours, salary and other concerning matter related to the shop worker.⁴⁶ According this law it is completely prohibited for factories allowed by the commercial and industrial establishment. In a short view the governments of People's Republic of Bangladesh have taken initiatives to remove child labour as follow

Standard	Yes/No	Age	Correlated Legislation
Minimum age for work	yes	14	The labour Code ⁴⁷
Minimum age for hazardous work	yes	18	The labour code
Prohibited of child trafficking	yes		The human trafficking and deterrence and suppression act of 2012. ⁴⁸
Prohibiting of using children in illicit activities	yes		Panel code suppression of immoral traffic act 1933, suppression of violence against woman and children act (SVWCA). ⁴⁹
Prohibiting of commercial sexual exploitation of children	yes		Article 372 and 373 of the penal code , Suppression of Immoral Traffic Act of 1933, Suppression of Violence Against Women and Children Act ⁵⁰
Minimum age for voluntary military service	yes	16-17	16-17 Air force (16 years plus and 18 to 36 weeks training) Army (17 years plus and 9 month training.) ⁵¹
Compulsory education act	yes	10	Primary education compulsory act 1990. ⁵²
Free public Education	yes		Article 17 of the constitution. ⁵³
Prohibiting of forced labour	yes		Article 370 and 374 of the penal code and article 34 of the constitution. ⁵⁴

Rights of the child labour under International laws

Bangladesh has ratified several treaty and convention adopted by the United Nation Organization.

Ratification of International Conventions on Child Labour
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Convention	Ratification
ILO C. 138, Minimum Age	Yes
ILO C. 182, Worst Forms of Child Labour	Yes
UN CRC	Yes
UN CRC Optional Protocol on Armed Conflict	Yes
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	Yes
Palermo Protocol on Trafficking in Persons	Yes

ILO Minimum Age Convention 138 (C138), 1973

'The Convention Concerning Minimum Age for Admission to Employment' is a Convention adopted in 1973 by the International Labour Organization. It requires ratifying states to pursue a national policy to ensure the effective abolition of child labour and to rise progressively the minimum age for admission to employment or to work. This Convention replaces several similar ILO conventions in specific fields of labour. However, the minimum age for entry into work should not be less than 15 years and not less than the age of completing compulsory schooling⁵⁵ 'light work' is allowed for children from the age of 12 in a developing

⁴⁶Ibid P3.

⁴⁷Government Of Bangladesh, Labour Code Enacted June 02, 2006.

⁴⁸Government Of Bangladesh.The Prevention And Suppression Of Human Trafficking Act, Enacted 2012.

⁴⁹Government Of Bangladesh.Response Of The Government Of Bangladesh To The Questionnaire On Violence Against Women.Dhaka; 2010. www2.ohchr.org/english/bodies/crc/docs/study/responses/Bangladesh.Pdf.

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⁵⁰Government Of Bangladesh.Response Of The Government Of Bangladesh To The Questionnaire On Violence Against Women.Dhaka; 2010. www2.ohchr.org/english/bodies/crc/docs/study/responses/Bangladesh.Pdf.

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⁵¹Child Soldiers International. "Appendix II: Data Summary Table On Recruitment Ages Of National Armies," In Louder Than Words: An Agenda For Action To End State Use Of Child Soldiers. London; 2012;www.Child-Soldiers.Org.

⁵²Government Of Bangladesh.Primary Education (Compulsory) Act, 1990, Enacted 1990.

⁵³Government Of Bangladesh.Constitution, Enacted December 16, 1972.

⁵⁴Government Of Bangladesh.Penal Code, Act No.XLV, Enacted 1860.

Government Of Bangladesh.The Prevention And Suppression Of Human Trafficking Act, Enacted 2012.

⁵⁵ Article 2 (3) Of The ILO Minimum Age Convention.

country.⁵⁶ The minimum age for hazardous work that is likely to jeopardize to the health, safety or morals of young person shall not be less than 18 years.⁵⁷

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

The protection and is the most valuable in the arsenal of human rights treaties in order to defend the rights of children the world over. The Convention more comprehensive than other human rights treaties, it has received the largest number of ratification. The Convention defines a child under the age of 18. It is also without calling the state to respect and ensure the rights given to each child within their jurisdiction over any kind of discrimination. By this Convention a child is to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.⁵⁸ To achieve a child's right to education, states should make in accordance with Article 28 primary education compulsory and freely available to all. Every child also has a right to play, rest and leisure.⁵⁹

ILO Worst Forms Convention 182 (C182), 1999

Child labour are prohibited under this Convention, the Convention applies to the immediate and effective measures called for all people under the age of 18 years to eliminate the worst forms of child labour:

1. All forms of slavery and slavery-like practices, such as child trafficking, debt bondage, and forced labour, including forced recruitment of children into armed conflict,
2. Using a child for prostitution or the production of pornography,
3. Using a child for illicit activities, in particular drug production and trafficking; and
4. Hazardous work.

International Program on the Elimination of Child Labour (IPEC)

IPEC has been gradually strengthening the country's capacity to address child labour issues, was launched in 1992 to eliminate child labour through the promotion the world to combat child labour. While the goal of IPEC is still in the prevention and elimination of all forms of child labour, IPEC priority target for the actions of the worst forms of child labour as defined in the Convention. Time-bound program is one of the means established by the IPEC to take immediate and effective time-bound measures under ILO Convention No. 182. The convention states to eliminate the worst forms of child labour in order to fulfill its purpose. Encourage appropriate training for all children, direct support services for elimination of child labour in the worst forms and their rehabilitation and social integration, free basic education. Identify and reach out to children at special risk; considering the special situation of girls. Bangladesh has ratified United Nations Convention on the Rights of the Child (CRC) in 1989 and International Labour Organization Convention on the Worst Forms of Child Labour in 1999 but not ratified the Minimum Age Convention of 1973. Though Bangladesh has not ratified this Convention, her domestic legislation prohibits the employment of children in factories below a certain age. It has also begun the process of time-bound program.

V. Feature and limitation of child labour rights in Bangladesh.

It is very obvious to fulfill the goal fixed from Doha should take necessary steps from the ends of Government of the People's Republic of Bangladesh. Developing countries have a direct impact on trade and the environment accordance with Doha mandate. Bangladesh has an interest in the almost every single environment-related subject.

Obligatory schooling: The government should have ensured to access in primary education in all level of child. UNICEF has a high concentration of working children through a project called basic education for urban working children in hard to reach (BEHTRUWC) works with the Government of Bangladesh to establish a training center in the urban areas. Child labour is an important issue that can be removed through several strategies like Non-formal education, skills development training. Government should to solve the problem together Equity in education, teacher training, emphasis on vocational training, upgrading the curriculum at all stages of formal and informal sectors. There are 11 types of organization are spreading education among the children.⁶⁰

School attendance:

⁵⁶ Article 7(4) Ibid.

⁵⁷ Under Article 3(1) Of The Convention.

⁵⁸ Article 32 UN Convention On The Rights Of The Child (CRC).

⁵⁹ Article 31. UN Convention On The Rights Of The Child (CRC).

⁶⁰ Manzoor Ahmed, Layli Uddin, Altaf Hossain, 'Child Labour And Education In Bangladesh' Bangladesh Education Journal, P.45

The Government should take reasonable initiative to ensure school attendance in rural as well as urban area. It is badly needed to introduce greediest offer for those children who are active in perilous work in the different level of the society. For disadvantaged people, community Radio can also play a significant role in education, such as to inform the interested parties. This strategy can solve the problem providing sufficient education, health care, etc.

Skill training and life skill:

Skills training can provide a path to decent work. These children may require Skill Development Training. SDT procedure generally, six months duration Depending on the skill level required by the job market in a given trade. Education, took place in a specially equipped training centers (VTCs) and it was supervised by trained instructors. It may include skills training center to have the responsibility for placing the SDT graduates with job placement staff Apprenticeship, such as wage employment, non-hazardous work, Self-employment. Distance education, relax entry ability, allowing learner to learn at their own place, two way communication, use an electronic media may be the best way to decrease this scorching issue.

Student support service:

It is a very significant strategy to eliminate child labour to provide student/youth support service. It works both as a resource center and a pool among the companies, employee, trainees and other young community. The center will provide Information and facilities for professional maintenance services and job placement, tracking as a coach, career advising, vocational health and safety self-help Manual. Government also can introduce non formal education.

To the non government organization

Making awareness among the illiterate parents:

The purpose of this strategy is achieving a specific goal to reduce child labour at all level in Bangladesh. This is the only and most effective path to reduce and bring this problem in a sustainable stage. With this program, Government can make an easy way to communicate with children and Guardians, Employers, stakeholders and partners, and leaders and policy makers as well. Especially advocacy and awareness program focused on three components. Awareness rising for achieving target mass is sensitive to the general people. Advocacy work should be conducted by teachers, employers, NGO staff, government officials, such as a specific target group Politicians. Community mobilization and participation goals highlighting its role in mobilizing the community about child labour. Electronic and print, such as tv, radio, audio, video, documentary, printed posters, leaflets and calendars also can play vital role for shrink child labour in Bangladesh.

Responsibility of Non-Government Organization

Create pressure to government for exercising law in proper way. Find out the appropriate way to get alternative measures and start small loan project for poor people in rural area. Make pressure upon the government for introducing comprehensive scholarship program in rural and urban area in Bangladesh.

To the parents

Encourage the children to complete minimum secondary level of school. Involve with the mass awareness program to the international organization.

To evacuate the child labour from Bangladesh, ILO and COL jointly can take initiative to introduce distance learning program in a wide range. Child labour specialist, Education specialist and Distance education specialist will be involved in this program. Under the time bound program ILO and IPEC (Program of the elimination of child labour) is using education and skill training interventions extensively since 1992. Bangladesh, Pakistan, India and Sree-lanka may be the best place for this time bound program.

VI. Conclusion

All children must have to right to maintain their healthy and natural childhood. However, many children in our country are deprived of enjoying a universal right. Children of poverty-stricken families are forced to take dangerous work for the purpose to fulfill their parents wish and uncertain future as well. In order to remove these circumstances, the family again to ensure the evacuation of children, the community and government non-government should invest efforts and resources to implement national awareness program regarding child labour.

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