

A Critical Legal Analysis of Child Labor in Bangladesh with Special Recommendation of ILO, UNICEF and UNESCO

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ABSTRACT

A significant proportion of child laborers are compelled to work in exploitative environments, and experience both deteriorating health and financial loss. The present study sought to determine the factors affecting child labor and the characteristics of their working environment. A questionnaire survey was conducted with 80 child laborers aged 5 to 17 years. Alongside descriptive statistics, a newly devised technique known as the Influencing Causes Index (ICI) was administered and tested. The demographic findings reveal that most child laborers are young children (12–14 years) and 32.5% of child laborers have never attended school. The thorough assessment of determinants reflects that not only poverty but schooling expenses and a lack of access to opportunities in primary schools are also the top-ranked push factors to trigger children towards labor. Around 72.5% of children work for over 8 hours a day. A significant proportion of participants received no leave, training, or access to hygiene facilities. The existing pattern of employment and working conditions resulted in musculoskeletal pain and dermatological infections among child laborers. This research suggests that income measures for households and an education program for both children and parents would expedite the abolition of child labor.

Keywords: Child labor; working conditions; poverty; schooling; Bangladesh

INTRODUCTION

Child Labor is one of the major problems in a developing country such as Bangladesh. It is engineers the demolition of future generations. If a child is made to work from an early age, with no scope of going to school, we are gradually narrowing the nation's potential to a few privileged people of the country [1]. Thus, it is more practical to work at a firm policy to gradually reduce it, and set up safe homes for working children. In this regard, the Bangladesh government has made a policy, commitment to the issue of child rights. This includes a number of steps taken in recent years as ratification of the convention on the rights of child (CRC) in 1991, formulation of the national policy on children in 1994 and the national plan of action for children 1997-2000. Child labor is now a global concern and as such attracted attention of people in various sectors. In fact, it is the product of an unequal society. Indeed, light work that does not interfere with education is permitted from the age of 12 years under the International Labor Organization (ILO) convention no.138. Bangladesh is the home to more than five percent of world's working child population (The New Nation, 2004). Besides, South Asia, which includes Afghanistan, India, Pakistan, Bangladesh and Srilanka remains a child labor hotspot (World Bank, 2004)

Objective of the study

This study primarily aims to protect the Child Labor in Bangladesh. This study tries to present the socio-economic scenario of child labor in Bangladesh which has in recent times attracted concerted attention not only in Bangladesh but also all over the globe. This study focuses on the trend, impact and legislation of child labor in Bangladesh, taking into consideration. The major objectives of this study are as follows:

- To examine the current scenario and the trends of child labor in Bangladesh.
- To explore the causes of it around the country.
- To identify legislation governing child labor and to assess positive and negative impacts of it.
- To find out as to whether the domestic legislations concerning child labor inside the country is in consonance with the international instruments.
- To make policy recommendations.
- Explore the prevailing laws of Bangladesh relating to child labor
- Identify flaws in the legislative, administrative and judicial initiative in Bangladesh and to assess their impact on Child Labor

REVIEW OF RELEVANT LITERATURE

I have fun interest to find out the problems and also to given the suitable solution of its, topic. Already I read many type of Books, Bangle newspaper, English newspaper, Journals, Articles by the fellow, others international journals and papers, I was not feel happy to read it and I was very shocked to read it. Every day I see the Television news when I see the news on the matter sexual of child labor then I am very shocked, I have so much interest to search the problem and make the suitable solution of the child labor in our country. I have experience to attend many seminars in this related topic, and already I completed many closes in this related topic. So I have experience to search a problems and to make suitable solutions of its. Now I get the chance to fulfill my dream and I am really lucky to do this research with the advice to my respectable Supervisor Professor M. Ahsan Kabir (chairman, Department Of Law), Dr. Abdul Alim Sir, Associate Professor, Dr. Rahana Siddique (Dept. of Law), Asa University of Bangladesh), and already I discussed with that person's already they are completed the research in this related topic. Then I dreamed that I will make a research about the child labor in Bangladesh. This is my first research that's why I am really excited about it and I hope it will be successful.

SCOPE AND LIMITATION OF THE STUDY

Around my knowledge I did not found any clear documents or text or any observation or anything else related to the controversial provisions of Bangladesh Constitution which can help me to complete my work or from where I can gather enough information as I need.

1. Though there is a problem of sources, it is not a barrier to my wish. I get two perfect supervisors who will provide me the appropriate guidance and advice to do right work. Although there is the possibility of disconnect with the people I hoped to interview because they might be unavailable or unwilling to participate and it will be necessary to select other interviewees but I must be try to complete my work as much as perfectly.
2. And also there is a major problem of time. For this subject I have chosen, two month is really a very short time to complete this work perfectly. On the other hand the other problem is word limitation; it is really heard to make a research within 10,000 words I think if it is the constitutional matter.

METHODOLOGY OF THE STUDY

This study draws on published primary and secondary materials. In order to give complete shape to the study, a range of research methods are used:

1. Collect and review the relevant primary and secondary literature on Child Labor;
2. Examination of constitutional guarantees regarding Child Labour in Bangladesh;
3. Analysis of statutory laws and international instruments specially ILO, UNICEF and

UNESCO relating to Child Labour:

1. Internet searching/browsing has profusely been made in collecting data regarding the law, legal aspects of child labor. The information and evaluation of this research is qualitative in nature.
2. The articles, newspapers, statutes, information from the internet have been as the primary source, books and existing research report have been used as the secondary source.

Rationale of the Study

There is no doubt that the research is not the fully solution for the child against their labor but I hope that, this research try to help the gap fulfill of the child labor condition in Bangladesh which problems is created in our society. I hope if I do this research than in future Research must get information when they are want to complete a research in this related topic. After the compilation of the research, it will make some question and note related. Answer from the child specialists which bring together a powerful position of its own concept. So I think the research itself will make a new perspective for the critics to think about it. As a result of the growing research evidence to the inconsistency of legal obligations we gather some surprising information about the situation where the helpless.

Justification of the Study

It is hoped that this study will make a significant contribution to the development of the rights of children in Bangladesh. It will help the policy makers, legislators and researchers to develop the child labor situation of Bangladesh. The findings of this study are intended to help the government to improve the existing laws relating to the children in Bangladesh. It is expected that this burning issue can be treated as an important and valuable source for the workers on this subject especially the findings of the research will be helpful for the people. Moreover, it will open wide opportunities for other researchers concerned with this arena. This research work may be helpful for the students of law to enrich their knowledge. Besides, many institutions, agencies and organizations will benefit from this type of new research work.

Definition of child

The 1989 United Nations Convention on the Rights of the Child (CRC) and the 1999 International Labor Organization Convention on the Worst Forms of Child Labor define a child as an individual under the age of 18 years, unless under the law applicable to the child majority is attained at an earlier age. Historically speaking, Bangladeshi laws have proven to be inconsistent in their determination of an age regime as some Acts were promulgated during the British period, others during the Pakistan period and a handful have been promulgated since the independence of Bangladesh in 1971. For example, the Child Marriage Restraint Act 1929 imposes a gender distinction by setting the age of majority in order to contract a valid marriage at 21 years for men and 18 for women. In addition, under contract law, a minor cannot enter into agreement until attaining the age of 18 [2]. Muslim personal laws on marriage, however, determine that a child becomes an adult on attaining the age of puberty. In response to these varying laws and the lack of a uniform age regime, the highly-anticipated 2006 Bangladesh Labor Act both consolidates and abrogates all of the existing labor laws and determines that a child is an individual under the age of 14. The Bangladesh Labor Act, 2006 defines an adolescent as an individual between the ages of 14 and 18. An adolescent can work in a factory if a certificate of fitness is granted to him or her, if he or she carries a token while at work which gives reference to the certificate. An exception is provided for, as per section 44, a child who is 12 years of

age may be employed if the work does not endanger his or her health or interfere with his or her education.

Definition of child Labor

Child labor is defined as work that deprives children of their childhood, their potential and dignity and that is harmful to physical and mental development. UNICEF, the United Nations Children's Fund, defines child labor 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 labor occurs when a child works at least 43 hours of economic or domestic work per week. Besides, the International Labor Organization (ILO) asserts that the term child labor 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[3].

Child Labor Situation in Bangladesh

Child labor is also prevalent in Bangladesh. In childhood days when children are supposed to go to schools with books, papers, pencils and play with their friends, many children have to work for their family livelihood. When a poor father becomes victim to the scourge of persistent poverty, it is impossible for him to keep his children safe, cuddled and bonded with family by parental care. In this juncture once dislodged from the family, children become one of the mass of the society. Some of them start selling their labor as workers in hotel-restaurant, factory-workshop, and as domestic workers. Beside these, children also are engaged in load carrying at the market, job of a porter, begging, rickshaw pulling, pulling of hand carts, bid stacking etc[4]. Some turn into street children being unable to manage a job. Despite possessing all the childlike attributes, a significant number of them become rootless and ruthless being because they have been disintegrated from their families and nobody owns them as pleasing human beings. Eventually they are deprived from all opportunities of proving themselves as good citizens. Another depressing side of child labor in Bangladesh is that some children are lured from their villages into towns and cities and often trafficked abroad where girls are compelled to engage in prostitution and pornography while boys get involved in many anti-social and illicit activities.

Data Base and Sampling Design:

The study in this paper is grounded on primary data collected from Bagatipara Upazila of Natore. The applicable information is inspired from 50 child laborers, their parents and employers with the help of a structured questionnaire designed for the purpose. The questionnaire is pretested and suitably modified before administering them to the sample repliers. The information pertaining to the socio- profitable conditions, income, employment position etc. have been collected from the child labor. Some information have been collected from the parents, educated persons of the sample area and employers of child labor on certain issues like family income, occupation and employers' station towards child labor etc. The study is grounded on two- stage slice. In the first stage on the base of high vacuity of child labor five places have been named and in the alternate stage aimlessly samples were taken from the named areas. The areas of Bagatipara Upazila, where the attention of shops and marketable establishments are veritably high and are centrally located, have been named for drawing some sample. From these areas, the sample comprise of children working in tea booths, eating shops, cycle repairing shops, garages, shoe polishing/ repairing shops etc. I've included a small group of children from these areas in our sample either, Bagatipara Upazila is also girdled by slums then and there. The children of slums like Miaripara and Bilpara are substantially engaged in colorful types of conditioning, similar as domestic retainers, peddlers, merchandisers, tone employed children, etc. My sample also included these types of children from the slum areas of Bagatipara. And the

advanced area like Waliya Bazar which substantiation some child laborers in hospices, garages and other workshop therefore it's also included in the sample check. Total samples of 300 children have been named for the purpose of field check, 60 child laborers are named from five locales as given in table 1.

Table-1 Distribution of sample child laborers

| Localities | Samples |
|------------------|---------|
| Dayarampur Bazar | 60 |
| Misripara | 60 |
| Bilpara | 60 |
| Vatkuja | 60 |
| Waliya Bazar | 60 |
| Total | 300 |

According to the Survey over 300 of the total child laborers in Bagatipara Upazila, Natore district it is found that 230 or 76.6 percent are males and 70 or 23.4 percent are females. This data is given in Table-2.

Table-2: Gender of the Respondents

| Gender | Number of respondents | Percent | Cumulative Percent |
|--------|-----------------------|---------|--------------------|
| Male | 230 | 76.6 | 76.6 |
| Female | 70 | 23.4 | 100.0 |
| Total | 300 | 100.0 | |

Source: Primary Data

Total number of child labors in age group 9-10 is 33; in age group 11-12 is 60 and in age group 13-14 is 207. Thus the child labors are more in age group of 13-14 than the age group of 9-10 and 10-11. This data is given in Table-3.

Table-3: Age of the Respondents

| Age | Number of respondents | Percent | Cumulative Percent |
|-------|-----------------------|---------|--------------------|
| 9-10 | 33 | 11.0 | 11.0 |
| 11-12 | 60 | 20.0 | 31.0 |
| 13-14 | 207 | 69.0 | 100.0 |
| Total | 300 | 100.0 | |

Source: Primary Data

CAUSES OF CHILD LABOUR IN BANGLADESH

Causes of child labor can be discussed from different aspects and it is agreed and seen that the problem of child labor is substantially located in the developing countries. Accordingly in Bangladesh also child labor is very high and its causes are varied some of which are as follows:

Poverty and Family Income

“Child labor is defined as an activity with negative impact on the children who is involved in it. Although

child labor is hazardous to the children, it has some beneficial sides for the children and their families (Zaman, 2014:26)

Culture and Tradition

The culture of a country sometimes supports the child labor. Because support this type of labor that society also accept.

Poor Enforcement of Labor Laws

Law and order situation is liable for poor enforcement of labor laws. Labor laws have been enacted to combat child labor but cannot be operated side due to different reasons. Due to corruption and bribery law enforcing agency do not act according to the existing laws. The employers are offering bribery not to hamper working place.

Corruption and Improper Protection

Guidelines Improper protection guideline for children in a society like Bangladesh weaken the application of labor laws.

Maximum Output by Minimum Input

“Children are attractive to employers as workers motivated by profit because children are easier to control, more compliant and are less likely to claim wage increase or improved working conditions” (Zaman, 2014:26). Social Effects of Chi

CHILD LABOUR IN VARIOUS SECTORS

Child labor in Bangladesh is alarming in various. At present, in Bangladesh 7.9 million children ages 5-17 work, children represent 16.6% of the total workforce., 62% of all working children are employed in agriculture, 149,000 children are engaged in the worst forms of child labor and 1.4 million children do hazardous work.

(i) Industries Sectors

(ii) Tanneries Sectors

(iii) Agricultural Sectors

(iv) Fishing Sectors

(v) Workshops Sectors

(vi) Domestic Sectors

The following table-4 indicates the present statistics on child labor in Bangladesh at a glance, for example working children aged between (5-17) comprises about 7.4 million while children between (5-14) include million. Child laborers according to definition comprises 3.2 million. According to following table-1, child domestic workers constitutes 421,000 while the percentage of children (aged 5-14) engaged in child labor (2006) National-12.8; Slum-19.1; Tribal-17.6 respectively.

Table-4: Key Statistics of Child labor in Bangladesh

| | |
|--|--|
| Working children, aged 5-17 | 7.4 million |
| Working children, aged 5-14 | 4.7 million |
| Child laborers (according to definition), aged 5-17 | 3.2 million |
| Children engaged in hazardous labor, aged 5-17 | 1.3 million |
| Child domestic workers | 421,000 |
| Percentage of children (aged 5-14) engaged in child labor (2006) | [National-12.8],[Slum-9.1] and [Tribal-17.6] |

Source: Child Labour :UNICEF Bangladesh

FINDINGS OF THE STUDY

The preceding analysis of the study has led to offer the following findings.

1. Regarding the statement Age of the sample respondents, it is found that majority of sample respondents are in the age group of 13-14. Majority of sample respondents are belongs to Scheduled caste; Majority of sample respondents are belongs to Hindu religion; Majority of respondents are male.
2. With regard to the aspect of the Poverty, 21 percent of respondents stated that a strong reason for child labor is living below Poverty line.
3. With regard to the aspect of low income group 19.3 percent of the respondents are felt that their families are under low income level group.
4. With regard to the aspect of the Un-employment of the parent, 15.7 percent of the child labor parents are in the Un-employment.
5. Regarding aspect of illiteracy, 15.3 percent of respondents opined that their family members are Illiterates.
6. Regarding aspect of large family, 14.7 percent of the respondents are living with the large family.
7. With regard to the aspect of ignorance, 8 percent of the respondents felt that one of the reasons for child labor Bangladesh.

RECOMMENDATIONS

The following suggestions are made based on the findings of the study.

1. Compulsory primary education should be imparted to all the children below 14 years. This activity reduces the incidents of the child labor.
2. The government should promote the employment opportunities to the adult members of the child labor families. This in turn increases the child labour families and there by prevent children from entering into dangerous social practice of child labor.
3. The Government and other law enforcing authorities should strive for better governance and supervision of the regulations those helps in eradicating the social practice of child labor and the authorities under the act should be given autonomous powers to act accordingly on the ongoing circumstances and existing challenges.
4. The law making bodies should amended the prevailing diluted provisions under the child labor (Prohibition and Regulation) Act 1986. With strong and deterrent punishment for the law breaking persons there by safeguarding the fundamental notions of the Act.
5. There should be a strong campaign from the government side and also NGOs side with regard to the

creation of awareness among adults and children's on the evil of the child labor and the negative factors associated with the prevalence of child labor.

RECOMMENDATIONS FROM ILO, UNICEF & UNESCO

Children in child labor are at risk of physical and mental harm. Child labor compromises children's education, restricting their rights and limiting their future opportunities, and leads to vicious inter-generational cycles of poverty and child labor. To reverse the upward trend in child labor, the ILO, UNICEF & UNESCO are calling for:

1. Minimum Age Convention, 1973 (No. 138) sets the general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational facilities are insufficiently developed.
2. Worst Forms of Child Labor Convention, 1999 (No. 182) defines as a "child" a person under 18 years of age. It requires ratifying states to eliminate the worst forms of child labor, including all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; child prostitution and pornography; using children for illicit activities, in particular for the production and trafficking of drugs; and work which is likely to harm the health, safety or morals of children.
3. Adequate social protection for all, including universal child benefits.
4. Increased spending on quality education and getting all children back into school – including children who were out of school before COVID-19.
5. Promotion of decent work for adults, so families don't have to resort to children helping to generate family income.
6. An end to harmful gender norms and discrimination that influence child labor.
7. Investment in child protection systems, agricultural development, rural public services, infrastructure and livelihoods.

CONCLUSION

There is an old saying that goes 'The child is the father of the man' it simply translates that childhood is the formative period when a man's character is shaped, traits are built and values inculcated. Quality of life at this stage assumes great importance in the light that today's children are tomorrow's adults and would soon be key players or movers and shakers as we call them in the great new world all of us dream of. Unfortunately children as a segment remain a rather neglected and deprived lot in a fast and adult centric world which views everything from its own misconceived perception. Deprivation takes the form of lack of quality time with family, absence of personalized love and a sympathetic ear in the affluent countries while in the third world it is symbolized more starkly in terms of being denied basics like food, clothing, shelter, medical care and education. What is worse is that in the under developed countries children are not just neglected but actively exploited as a means of cheap labor. Child labor is a crime against humanity, it is an inhuman practice that stunts the physical and mental growth and stifles the free roaming spirit of the child and simply goes against nature. Worse still the victims are too young to even comprehend that they are being exploited. It is among the most serious social issues facing the world today and also among the most complicated. As a practice child labor has existed since time immemorial, in a typical agricultural economy like India a man's worth in the olden days was measured in terms of the number of children he had as more children meant more hands to work in the farm and more produce to be reaped. While this was not certainly desirable, one should also consider that the children could have done little else if they were not working in

their father's farm as there were no schools to attend during these times, besides they were not overly burdened with work and fairly well cared for in terms of basic necessities like nutrition and security [5].

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FOOT NOTES

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[3] Ibid

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