

Legislative Blind Spots and the Invisible Workforce: A Critical Analysis of Legal Protection for Child Domestic Workers in Bangladesh

Kamrunnahr

East West University, Bangladesh

DOI: <https://doi.org/10.47772/IJRISS.2026.100801050>

Received: 11 September 2026; Accepted: 16 September 2026; Published: 24 September 2026

ABSTRACT

In Bangladesh, child domestic labour is a rampant, yet largely invisible socio-legal problem involving children mainly young girls who work long hours under nearly identical conditions of deprivation and seclusion. This article examines the child domestic work/child labour divide and argues that, caught between piecemeal constitutional ambitions and broader statutory guarantees are CDWs in a regulatory void: they are largely excluded from most of the well-established principles of protection. This study, employing a qualitative legal methodology, examines the national legal and policy framework in Bangladesh on the issue of child domestic work, juxtaposing national laws and policies not only with other international human rights instruments, but also with regional paradigms. On the one hand, the study identifies concrete gaps that are associated with the particular limitations of potential hazardous work schedules in the case of personal services; on the other hand, it establishes systemic deficiencies as a consequence of the weak implementation capacities of institutions and, more generally, as a result of the ill-defined nature of private households as a workplace. This paper applies critical legal analysis to synthesise primary legal authorities and secondary literature to argue that piecemeal policy measures are inherently insufficient. This is based on the global experience that serious legal reform in this area must offer a firm legal basis for the regulation and supervision of all categories of CDWS (child/domestic workers) to secure their fundamental rights, dignity and welfare, so employment at home should be treated as a separate domain.

Keywords: Child Domestic Labour; Legal Protection; International Standards; Bangladesh Labour Act; Human Rights

INTRODUCTION

In a nation that social progress has brought an end to child domestic labour thankfully, its very nature as a socio-legal problem represents one of the most ingrained and resistant modern human rights challenges in Bangladesh. Children — attributed in based-on-its-working demographics to young female factors — are piecemealed into the domestic private space of opt-out low-wage work free of pay, black market education systemic features of welfare protection guarantees. It acts as a kind of insulation for homes against scrutiny of periodic checks of their labour force vulnerable to both systemic psychological, emotional and physical violence at the end of which child workers are without any form of institutional redress.

Though a party to core international human rights treaties, the domestic legal framework establishing statutory protections, and non-discrimination and equality is extremely weak. This Study is guided by the research question: Are the child domestic workers in Bangladesh systematically absent from the law, and in fact, in such exclusion lies an institutional failure of legal protection.

To address this overarching question, the study specifies clear research objectives: to assess the structural and legal barriers preventing CDWs from obtaining social and legal protections; to determine the effectiveness of enforcement of national laws; to compare domestic standards with international obligations; and to recommend specific legislative reforms. This paper is limited to an analysis of constitutional provisions, primary statutes, subordinate legislation, policy documents and relevant international conventions but does not include data

collected from empirical field work due to structural limits of this paper. Among the limitations of this research are the dependence on available secondary commentaries and data from a government tracking portal that is not always completely current.

LITERATURE REVIEW

Historically, research on child labour in South Asia has placed children doing domestic work in the overarching macroeconomic function of generic child labour, thus masking the specific differences in the vulnerabilities faced by children working as domestic servants. Ramirez-Machado provided evidence that child domestic workers operate outside the scope of labour legislation with generally no wage compensation and working unregulated hours. Later empirical and legal investigation done by Thi et al. by the high rates of both physical trauma and psychological trauma, as well as a lack of access to care, underscore the grave health and safety consequences of this isolation. These findings were augmented by Ashiq and Dar who mapped the lived experiences of CDWs and underscored a climate of fear and institutional abandonment.

Kyegombe et al. who found that institutional shortcomings and the lack of effective enforcement mechanisms were compounded by the provision of support services that were significantly limited and continue to primarily operate reactively. Legal experts also contend that though international instruments like the United Nations Convention on the Rights of the Child (CRC) and International Labour Organization (ILO) Convention No. 189 set high norms, national legislatures could barely convert those standards to by-laws. Such vulnerabilities are exacerbated by gender dimensions; patriarchal social norms often tie females more than males to the domestic sphere, leaving women vulnerable and structurally invisible. This paper builds on that earlier literature by demonstrating that when lofty constitutional guarantees are not translated into targeted statutory enforcement mechanisms in the domestic workplace, they are empty words.

METHODOLOGY

Utilizing a critical legal analysis approach, this study is a qualitative doctrinal study that critically assesses the sufficiency and enforceability of laws regulating child domestic workers. Primary data sources include constitutional provisions, national enactments including the Bangladesh Labour Act 2006 and the Children Act 2013, and binding international conventions e.g. the CRC, ICESCR, ILO conventions working on rights of children. Quantitative, qualitative, and mixed-methods studies contribute to the systematic narrative literature review, with secondary sources used to situate practical implementation failures and approaches to comparative jurisdictions, including peer-reviewed journal articles, institutional reports, and legal literature.

Comparative Analysis with International Standards and Human Rights Frameworks

The international human rights architecture sets clear normative duties on states to protect children against exploitative labour, hazardous working conditions, and educational deprivation. Article 10(3) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) imposes a positive obligation on State Parties to protect children and young persons from economic and social exploitation, while Article 13 requires the realization of free and compulsory primary education. In Bangladesh, the extensive involvement of children in domestic labour contradicts these educational and developmental imperatives. In addition, the ICESCR expressly stipulates the right to physical and mental health at the highest standard possible, an international standard which CDWs have been unable to meet due to malnutrition and overwork.

Ultimately, the Universal Declaration of Human Rights (UDHR) in Article 4 specifies the prohibition against slavery and servitude, which becomes relevant when children employed as domestics are confined within the home of their employer under various degrees of coercion. UDHR Article 25 and Article 26 provides with the right to an adequate standard of living and the right to education for everyone, respectively. The Convention on the Rights of the Child (CRC) is the most important legally binding treaty on child rights based on these principles. For example, Article 32 of the CRC states that states are obliged to protect children from performing work that is dangerous, interferes with their schooling, or is harmful to their health or physical, mental or spiritual development. Not only that, but Art. 19 also protects children from all forms of physical or mental violence,

injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse while cared for by others.

These protections are further elaborated through specific labour standards established by the International Labour Organisation. ILO Convention No. 182 calls for the immediate prohibition and elimination of the worst forms of child labour, including work that by its nature or the circumstances in which it is deployed is likely to harm the health, safety or morals of children. Simultaneously, ILO Convention No. 189 sets decent work standards for domestic workers, including written contracts, a limitation on hours and monitoring mechanisms. Despite Bangladeshi ratification of core instruments such as the CRC and ILO Convention No. 182, its persistent failure to ratify ILO Convention No. 189—and total domestic worker exclusion from mainstream industrial protections—clearly demonstrates a disconnection between international treaty commitments and domestic practice.

Comparative examples from adjoining jurisdictions also indicate alternative types of legislative pathways. Indeed, India's Child Labour (Prohibition and Regulation) Amendment Act 2016 prohibits employment of children below fourteen years for all kinds of jobs, including domestic service, with strict penal sanctions. Concurrently reinforced by India's Right of Children to Free and Compulsory Education Act 2009 that makes it mandatory for parents, guardians, and employers to ensure educational attendance (44), thus connecting the nexus of labour regulation and education rights. In a similar vein, Nepal has rationalised its child protection infrastructure by the Child Rights Act 2018 and the Child Labor (Prohibition and Regulation) Act 2000,² with strengthened and empowered Child Protection Committees at the local level that standardise systematic community-level tracking of vulnerable children. These regional models exemplify that contextual statutory prohibitions together with decentralized community monitoring networks are essential for truly effective protection.

Analysis of the National Legal Framework: Legal Protection of Child Domestic Workers in Bangladesh

Bangladesh has a patchwork of constitutional and statutory measures that aim to protect children; however, these domestic legal frameworks have significant structural shortcomings. Article 17 of the Constitution of the People's Republic of Bangladesh outlines some of the basic principles such as the state must ensure free and uniform, mass-oriented education, whereas Article 34 prohibits every form of forced labour. However, these constitutional safeguards continue to be largely programmatic and non-justiciable in the context of direct civil litigation against private employers, and so CDWs are left without a direct constitutional remedy in private homes.

The main legislative framework for statutory child protection is ostensibly provided by the 2013 Children Act designed to consolidate the law relating to children and young people, and which defines a child as anyone under 18 and proscribes the cruelty, neglect and exploitation of children. But within the Children Act 2013 there are no express clauses regulating domestic employment or conferring state inspectors with statutory powers to enter private residential premises for the purposes of rescue or oversight – a jurisdictional blind spot.

The Bangladesh Labour Act (BLA) 2006 is the main regulatory instrument for employment conditions in formal industrial sectors and provides detailed boundaries for the employment of adolescents and children. The BLA 2006 provides the power to the government to specify a list of hazardous works in Section 39. And although recent labour reforms have increased penalty thresholds, improved online compliance tracking, and broadened industrial inspection powers—culminating in the Labour Reform Amendments of 2025—domestic work continues to be notably missing from the list of potentially hazardous occupations that are prohibited. Since the BLA 2006 fundamentally assumes an organized, registered workplace, complete with on-location managerial structures, its mechanisms of enforcement cannot legally or de facto enter into private households, which meant that statutory wage floors, mandated rest breaks, and limitations on working hours did not apply to CDWs.

Policy level interventions like the National Child Labour Elimination Policy 2010 and the Domestic Workers Protection and Welfare Policy 2015 address these legislative limitations with a call for voluntary registration, social dialogue and skill development. However, due to the nonbinding nature of the 2015 Policy and its lack of

legal enforcement, compliance by employers is purely voluntary. This regulatory failure is accentuated by ongoing institutional fragmentations within the Ministry of Labour and Employment, the Ministry of Women and Children Affairs, and local law enforcement agencies, which leads to weak oversight, implementation with low institutional capacity, and social and cultural acceptance of child domestic servitude.

FINDINGS

The overall critical appraisal of the study generated a number of concrete evidence pertaining to the level of legal protection children domestic workers receive in Bangladesh. On the one hand, the empirical and legal analysis that CDWs are systematically excluded from the substantive protections of the Bangladesh Labour Act 2006, given that domestic service lacks regulation within the private sphere and thus does not appear on statutory hazardous work schedules. Secondly, although Bangladesh is legally obliged under various international instruments to implement strong state action to ensure access to education, health and lack of threat to freedom on individual basis, municipality acts do not translate Bangladesh's international obligations into rights that are justiciable by informal and domestic workers. Third, there are structural barriers that inhibit administrative enforcement: the sanctity of the private home, reliance on complaint-based enforcement (the New Delhi High Court has noted the need to give proactive inspection powers to labour officers) and the fact that the Domestic Workers Protection and Welfare Policy 2015 is not legally binding. In the last place, intersectional vulnerabilities fuelled by severe poverty and entrenched patriarchal precepts continue to marginalize young female domestic workers, subjecting them to unmitigated violence, social seclusion and wholesale denial of education.

RECOMMENDATIONS

To address the systemic inadequacies identified in this research, targeted legislative, institutional, and policy reforms must be urgently enacted.

- **Statutory Inclusion and Amendment:** The Parliament of Bangladesh must amend the Bangladesh Labour Act 2006 and the Children Act 2013 to explicitly recognize domestic service as a regulated and formal category of employment, incorporating strict statutory caps on working hours, mandatory rest periods, and guaranteed access to formal education.
- **Hazardous Work Redefinition:** The Ministry of Labour and Employment must update the schedule of hazardous occupations under Section 39 of the BLA 2006 to incorporate domestic work performed by children under eighteen, given its documented propensity for physical, psychological, and developmental harm.
- **Binding Policy Enforcement:** The Domestic Workers Protection and Welfare Policy 2015 must be elevated into a legally binding enactment complete with penal sanctions for non-compliance, clear grievance redressal mechanisms, and mandatory employment contract registration.
- **Institutional and Community Monitoring:** State enforcement agencies must establish specialized labour inspection units equipped with judicial warrants or legal protocols to monitor residential workplaces, operating in direct coordination with decentralized child-based protection committees and non-governmental organizations.

CONCLUSION

This research sought to assess the sufficiency of legal protection for child domestic workers in Bangladesh within current national and international structures. The investigation finds that child domestic workers continue to be victimized by deep legal exclusion, institutional abandonment, and systemic exploitation. While constitutional declarations and child welfare statutes effectively hold broad rhetorical ground, the absolute exclusion of domestic service from industrial Labour Legislation, as well as the unassailable invisibility of private households, deprives these children of any real legal footholds. The difference between the rights of a billion people and their vision of international law can only be bridged if the legislature immediately passes law addressing this gap in practice as well as normativity, the regulations must be made legally enforceable and there has to be

an attitudinal change in the welcome a domestic worker gets in Bengali homes, they really have to acknowledge them as a legal bearer of rights in Bangladesh to fall in line with international standards

BIBLIOGRAPHY

Legislation

International

1. Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A (III)
2. International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3
3. Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3
4. International Labour Organization Convention No 182 on the Worst Forms of Child Labour (adopted 17 June 1999, entered into force 19 November 2000)
5. International Labour Organization Convention No 189 concerning Decent Work for Domestic Workers (adopted 16 June 2011, entered into force 5 September 2013)

Bangladesh

1. Constitution of the People's Republic of Bangladesh (1972)
2. Children Act (2013)
3. Bangladesh Labour Act (2006)
4. Bangladesh Labour Rules (2015)
5. Ministry of Labour and Employment (Bangladesh), Domestic Workers Protection and Welfare Policy (2015)
6. Ministry of Labour and Employment (Bangladesh), National Child Labour Elimination Policy (2010)
7. Bangladesh Labour Reform (Amendments 2013, 2015, 2025)

Comparative Jurisdictions

1. Child Labour (Prohibition and Regulation) Amendment Act (India 2016)
2. Right of Children to Free and Compulsory Education Act (India 2009)
3. Child Labour (Prohibition and Regulation) Act (Nepal 2000)
4. Child Rights Act (Nepal 2018)

Journal Articles

1. Ashiq A and Dar S, 'Lived Experiences of Child Domestic Workers in South Asia' (2021) 18 Journal of Child Welfare Studies 89
2. Choudhury A, Ahmed S and Jahan S, 'Socioeconomic Effects of Child Labor in Bangladesh' (2013) 15 Bangladesh Development Studies 45
3. Hossain S, 'Implementing International Labour Standards in Bangladesh' (2020) 18 South Asian Labour Review 77
4. Kyegombe N and others, 'Interventions Addressing Child Domestic Workers: A Systematic Review' (2021) 22 Journal of International Child Rights 112
5. Pocock NS and others, 'Measuring Prevalence of Child Domestic Workers: A Systematic Review of Methods and Approaches' (2021) 14 Global Health Research 45
6. Ramirez-Machado J, 'Legal Protection of Child Domestic Workers' (2003) 12 International Journal of Children's Rights 101
7. Rahman M, 'Child Domestic Labour in Bangladesh: Legal Framework and Challenges' (2019) 15 Bangladesh Journal of Law 45

8. Thi T, Pocock NS, Zimmerman C and Kiss L, 'Health and Violence Consequences of Child Domestic Labour' (2022) 29 Journal of Child Welfare 101
9. Thi HT, Pocock NS, Zimmerman C and Kiss L, 'Violence, Health, and Child Domestic Workers: A Rapid Review' (2022) 19 International Journal of Environmental Research and Public Health 427

Reports and Working Papers

1. Choudhury SA, Ahmed F and Jahan R, Socioeconomic Impact of Child Domestic Labour in Bangladesh (BRAC Working Paper No 35, 2013)
2. Ramirez-Machado JM, Domestic Work, Conditions of Work and Employment: A Legal Perspective (ILO Working Paper, 2003)
3. Ministry of Women and Child Development (India), Childline 1098: Annual Report (Government of India 2022)
4. Government of Nepal, Ministry of Women, Children and Senior Citizens, National Child Protection Policy (2019)

Books

1. Karim A, Labour Law in Bangladesh (Bangladesh Law Book House 2021)
2. Siddiqi T, Child Labour in Bangladesh: Policies and Practices (University Press Limited 2018)