

CHAPTER 1

Preface

1.1 Introduction

The adequacy and responsiveness of the legal and enforcement mechanism shall be analyzed on the basis on how much of these measures have been effective In preventing the employment of children for domestic work; and how much protection the country has provided for those who are already engaged in such work.

1.2 Aims and Objectives of the Study

The study examines the situation and problem of child workers from a legal perspective and enforcement mechanisms available in addressing this issue and other problems related to it. The adequacy and responsiveness of the legal and enforcement mechanism shall be analyzed on the basis on how much of these measures have been effective In preventing the employment of children for domestic work; and how much protection the country has provided for those who are already engaged in such work. Thus, the study sets the following objectives:

- a) To analyze the child labour situation in Bangladesh
- b) To take an observation of the various organizations for collection of descriptive information on child labour.
- c) To collect the comprehensive, reliable and descriptive information about different aspect and dynamic of child labour to understand the child labour problems,
- d) To adapt, test and refined the methodology for collecting qualitative Information on child labour situation in Bangladesh quickly and accurately.
- e) To raise awareness on child labour and motivate the community against it,
- f) To identify the taws, policies and programmers in place to address child labour,

- g) To examine their responsiveness and effectiveness as a legal framework for protecting child workers, and
- h) To make recommendations primarily addressed to the law and policy makers to prevent the further Increase in number of children in works and to protect them from the attending abuse and exploitation of such work.

1.3 Importance of the Study

Mere quantitative data on child labour help to understand the problem in a country but help very little to understand the sociological, psychological and economic forces that play a decisive role in shaping the past, present and future of the child workers, * and their families. In order to take an initiative to present regulates and gradually eliminate child labour a clear and holistic I understanding of the problem Is a pre requisite. Without knowing the country wide child labour context we may know about the most visible situation of the child labour. The most important objectives of our present study are to collect comprehensive, reliable and descriptive information regarding the child labour situation in Bangladesh. This study will help us to understand and get real information regarding child labour quickly and accurately. There was plenty of scope to observe directly different institutions situated in this country. Irrespective of the nature of involvement with such institutions it gave us a chance to present and discuss the child labour issue in a way that is likely to have an impact towards the problem. Thus the present study is a systematic step to pave the way for social mobilization. For these reasons the present study has much importance.

1.4 Methodology

To make a quick but comprehensive report of the child labour situation in Bangladesh the present study made uscB of both ordinary observation and survey findings and secondary sources- In the case of direct observation and survey findings an in depth study of three institutions was made: The International Labour Organization (ILO), Mass Line Media

Center and Bangladesh Shishu Adhikar Forum. The study also utilized secondary sources such as former studies conducted on child labour. Additional information on the web was also obtained to supplement the study. I am grateful to Almighty Allah who has created me as a human being and created me as the creature of all other creation. As a human being I am separated from other animals because of having the knowledge, spirit, power and humanity. I am grateful to my course instructor because of his great contribution for preparing this research paper. I want to thank all of my colleagues and all other friends and course mates, who have helped me to complete this research. Without their help, it would be impossible for me to complete this study. I also thank the institutions and its officers who have helped me a lot to prepare this research.

CHAPTER 2

Usual Terms

2.1 Child

According to the UN Conventions, the ILO's Convention no. 138. is the most comprehensive Convention on child labour. The Convention lies down that the minimum age shall not be less than the age of Completion of compulsory schooling and in any case not less than 15 years. In case of a country whose economy and educational facilities are not sufficiently developed, the minimum age may be initially fixed in consultation with the organizations of employers and workers, at 14 years. Convention no. 138 further stipulates that the minimum age of admission to employment or work which is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.

The ILO Convention no. 59 which has been ratified by Bangladesh in 1973, on the other hand fixes the minimum age for admission to industrial employment at the age of 12(In terms of a provision special to certain countries including Bangladesh. The UN Convention on the Rights of the Child defines a child as a person less than 18 years, unless the national law recognizes the age of majority earlier. Insofar as child labour is concerned, the UN Convention requires the state parties to provide for a minimum age or minimum ages for admissions to- employment, having regard to the relevant provisions of other International instruments. A child is denned as an individual under the age of 18 years based on the 1989 United Nations Convention on the Rights of the Child and the ILO Convention on the Worst Forms of Child Labour, 1999 (No.182)¹.

1. Human Rights Practices regarding Bangladesh 2004P-28

2.2 Load of Children

Work is defined in terms of economic activity in the sense of the System of National Accounts (SNA) 1993. It corresponds to the international definition of employment as adopted by the Thirteenth International Conference of Labour Statisticians.

Economic activity covers all market production (paid work) and certain types of non-market production (unpaid work), including production of goods for own use. Therefore, whether paid or unpaid, the activity occupation could be in the formal or informal sector and in urban or rural areas. For example, children engaged in unpaid activities in a market-oriented establishment operated by a relative living in the same household are considered as working in an economically active. In line with the international definition of employment, one hour of work during the reference week is sufficient for classifying a person as at work in economic activity during that week. Included in the classification are also individuals with a job but temporarily absent from work due to illness, vacation and other similar absences.

Work was measured in relation to a reference week during the school year as opposed to a longer reference period such as a year. The reference week is a more convenient reference period. As it permits a sharper measurement of economic activity, and minimizes the ambiguities due to the higher incidence of multiple statuses and changes in economic activity and work intensity that may arise during a longer reference period. Moreover, most sources of data on which the estimations rely have adopted the reference week as the basic reference period. A simple activity status classification can be defined in terms of three categories with a maximum of two levels:

1. At work in economic activity
 - a. At work only
 - b. At work and at school
2. At school, and not at work in economic activity
3. Neither at work nor at schools
 - a. Household chores

b. Other (e.g., sick or disabled, at play or in informal education)¹;

2.3 Labour

Not all work performed by children is equivalent to "child labour" for abolition. Work in the sense of "economic activity" as explained above is a statistical definition. It does not necessarily match the provisions of international labour standards and national legislation. Minimum age conventions, such as the umbrella Minimum Age Convention, 1973, (No. 138), include many optional and flexibility provisions.

The problem is how to draw a (statistical) line between acceptable forms of work by children (which may be regarded as positive) on the one hand, and child labour that needs to be eliminated on the other. In addition another (statistical) line needs to be drawn between various forms of child labour and the worst forms of child labour, which require urgent action for elimination.

Our concept of Child labour is based on the ILO Minimum Age Convention, 1973 (No.138) Which represents the most comprehensive and authoritative international definition of minimum age for admission to employment or work, implying "economic activity". Convention No.138 stipulates that ratifying states fix a minimum age and it define a range of minimum ages below which no child should be allowed to work. Minima vary according to the level of development and according to the type of employment or work².

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2. Bangladesh and the Garment Industry2003.P-47

defines a range of minimum age below which no child should be allowed to work. Minima vary according to the level of development and according to the type of employment or work. The minimum age for employment or work should normally not be less than 15 years, but developing countries may fix it at 14, and a number of countries have fixed it at 16. We used the age of 15 as a cut-off point for all countries in our global estimates

As Table illustrates, The minimum age for employment or work should normally not be less than 15 years, but developing countries may fix it at 14, and a number of countries have fixed it at 16. We the age of 15 as a cut-off point for all countries in our global estimates.

The same Convention exempts children from 12 or 13 years old if engaged in “light work” or the purpose of our estimates, we used 12 years as the global cut-off for light work. Thus all children between 5-11, working in economic activities are considered to be in child labour that requires elimination. Working children aged 12 to 14 are considered in child labour unless they perform light work.

Light work is notoriously difficult to define. ILO Convention No. 138, In Art.7, stipulates that the light work should (a) not be harmful to a child’s health and development and (b) not prejudice attendance at school and participation in vocational training nor “the capacity to benefit from the instruction received. We decided on the following for the purposes of this study: Light work by children aged 12 to 14 is work which is not hazardous in nature (see the definition of hazardous work below) and which does not exceed 14 hours per week. The chosen cut-off point is supported by ILO Convention No. 3315 and findings of research on the impact of child labour on school attendance and performance.³

Children in the age group 15-17 are, in principle, allowed to work, because they have reached and surpassed the general minimum age. However, if they are engaged in hazardous work (due to the work’s nature or conditions), their work becomes a worst

3. *ibid*, p.49

form of child in urgent need of elimination. Therefore, “child labour” as estimated in this document consists of all children under 15 years of age who are economically active excluding -----

- (i) those who are under five years old and
- (ii) those between 12-14 years old who spend less than 14 hours a week on their
unless their activities or occupations are hazardous by nature or
circumstances. Added to this are 15-17 years old children in the worst forms of
child labour. Child labour is more often than not casual labour³.

CHAPTER 3

Necessity of Child Labour

3.1 Necessity of Child Labour

Study on the causes of child labour tend to concentrated on the supply factors, both because of a justifiable preoccupation with the victims, the children, and because of the commonly shared view that poverty is the driving force. But the demand for child labour plays a critical role in determining the involvement of children in work.

There are a number of reasons why employers hire child labour, commonest explanations that are given being the lower cost and the irreplaceable skills afforded by children. Since the children do not have irreplaceable skills and are often not much less costly than adults, a major important explanation for hiring children seems to be non economic. There are many non-pecuniary reasons but the most important seems to be the fact that children are less aware of their rights, less likely troublesome and more willing to take orders and to do monotonous work without complaining, more trustworthy, less likely to steal, and less likely to be absent from work. Children's lower absentee rate is especially valuable for employers in informal sector industries where workers are employed on a daily, casual basis and a full contingent of workers must therefore be found each day.

CHAPTER 4

The ILO & its Role

4.1 The ILO & its Role

The International Labour Organization is the UN specialized agency which seeks the promotion of social justice and internationally recognized human and labour rights. It was founded in 1919 and is the only surviving major creation of the Treaty of Versailles which brought the League of Nations into being and it became the first specialized agency of the UN in 1946⁴.

The ILO formulates international labour standards in the form of Conventions and Recommendations setting minimum standards of basic labour rights: freedom of association, the right to organize collective bargaining, abolition of forced labour, equality of opportunity and treatment, and other standards regulating conditions across the entire spectrum of work related issues.

It provides technical assistance primarily in the fields of:

- Vocational training and vocational rehabilitation;
- Employment policy;
- Labour administration;
- Labour law and industrial relations;
- Working conditions;
- Management development;
- Cooperatives;
- Social security;
- Labour statistics and occupational safety and health.

4. Alston, P *The Best Interests of the Child: Reconciling Culture and Human Rights* 2nd ed. (Oxford: University Press London 1989).P.18

4.2 The Mandate

The ILO was created in 1919 primarily for the purpose of adopting international standards to cope with the problem of labour conditions involving "injustice, hardship and privation", with the incorporation of the Declaration of Philadelphia into its Constitution in 1944. The Organization's standard setting mandate was broadened to include more general, but related, social policy, human and civil rights matters. International labour standards are essentially expression of international tripartite agreement on these matters.

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4.3 The Forms

The ILO's standards take the form of international labour Conventions and Recommendations. The ILO's Conventions are international treaties, subject to ratification by ILO member States. Its Recommendations are non-binding Instruments - typically dealing with the same subjects as Conventions - which set out guidelines which can orient national policy and action. Both forms are intended to have a concrete impact on working conditions and practices in every country of the world.

The annual International Labour Conference as well as other ILO bodies, often agree upon documents less formal than Conventions and Recommendations. These take such forms as codes of conduct, resolutions and declarations. These documents are often intended to have a normative effect but are not referred to as part of the ILO's system of international labour standards. There are a number of important examples of these.

4.4 Their Arrangement

The organization has adopted more than 180 Conventions and 185 Recommendations covering a broad range of subjects. The Governing Body of the office has decided that eight Conventions should be considered fundamental to the rights of human beings at work implemented and ratified by all member States of the organization. These are called “Fundamental ILO Conventions.”⁵

Another four Conventions concerning matters of essential importance to labour institutions and policy have been considered as “Priority Conventions”. The remaining instruments spanning a broad range of subjects have been classified into some 12 categories of Conventions and Recommendations.

4.5 Their Characteristics

In May 1995, following the ILO’s 75th Anniversary and the discussions in the World Summit on Social Development, a campaign for the ratification of these Conventions was launched by the Director- General of the ILO. Since then the ILO has registered over 70 ratifications and confirmations of previous obligations concerning the fundamental Conventions.

4.6 ILO and Child Labour

They are the modal for workplace rights and responsibilities. As such, it is the obligation of ILO member States to realize them as far as possible and the mission of the ILO is the realization. By ratifying ILO Convention No. 182, the countries commit themselves to take immediate action to prohibit and eliminate the worst forms of child labour.

5. *ibid*, p.21

This Convention is enjoying the fastest pace of ratifications in the ILO's history since 1919. In parallel, ILO Convention No. 138 setting forth a larger framework for the longer-term objective of the effective abolition of child labour has also been receiving a surge in ratifications. These increases in ratification of these Conventions clearly demonstrate that support for the movement against child labour is growing very rapidly throughout the world.

CHAPTER 5

Picture of the Manual Child Labourer

5.1 Labourer

Child labour remains a widespread phenomenon throughout the world. For large numbers of children work is an ordeal, a source of suffering and exploitation and a fundamental abuse of human rights. Often child labour results in educational deprivation, social disadvantage and poor health and physical development. Yet child work can be an important element in maturation securing the transition from childhood to adulthood. It can also be essential for family survival Children are incorporated into a range of different employment relations. They may be waged labourers in factories or mines or self-employed workers engaged in street trades. Some are outworkers and others seasonal migrant workers.⁶

At present the number of manual child labours is 24 crore 60 lakh. The number of manual child labourer less than 10 years of age is 7 crore 30 lakh. No county of the world is free from child labour. There are 25 lakh manual child labourers in the developed economic system and there are 25 lakh more manual child labourer in the changed economic system. 22 thousand children die by cause of accident at the time of working. There is the largest portion of child of 14 years of age or less than that in the Asia-Pacific ocean area-The greatest portion of manual child labourer is engaged in sub Sahara Zone in Africa. About one third of the total child (4 crore 80 lakh are engaged in labour who are 14 or less than 14 years of age.

6. Arched, D and Machleod, *The Moral and political Status of children*, 1st ed. (Oxford University press. London 1990). P.65

CHAPTER 6

Presents Situation in Bangladesh

6.1 Extent of Child labour in Bangladesh

If only the children in full time employment are defined as child laborers, the number of child labourers will be relatively low. On the other hand, if the part-time economic activities after school hours, work during holidays, all forms of activities to assist members of the family in their economic activities, etc. are also defined as child labour the size of the child labour problem will be very large, indeed.

In the 1989 labour force survey the BBS found that out of 31 million children between the ages of 5-14 years. 6.13 million were economically active which constituted about 12 percent of the total labour force. According to the BBS, the children who attended school regularly but at the same time also work part-time or during the holidays or assisted the family members beyond the school hours were not considered as child labourers.

However, even if this Factor is controlled the Incidence of child labor is found to be still high in certain urban areas than in rural areas, Indicating either migration of children from villages for the purpose of employment or a larger percentage of children with urban background being engaged in economic activities.

6.2 Cause of Child Labour in Bangladesh

About 60 percent of the population in Bangladesh lives below the poverty line. Most of the child workers come from these extremely poor families. Cyclone, flood, tidal wave, drought and other natural calamities, parental divorce or separation, death of earning member of the family, un-attractive education and drop out from school, and so forth, push the children to work for mere survival. The children perform various types of work

within the family, work as wage labourers outside the household or they are self-employed. The income they gain is an integral part of the household survival strategy. The rural child labourers are found not only in agricultural activities but also in many non-agricultural economic activities.

Chapter 7

The Present Situation of Child Labour and its Elimination in Bangladesh

7.1 Child labour situation in Bangladesh

(A) Bangladesh Bureau of Statistics (BBS)'s Report of 2002/2003

In 2002/03, the Bangladesh Bureau of Statistics (BBS) conducted the second National Child Labour Survey (NCLS)

(1). This survey has been designed and conducted in the context of the commitments made by the Government of Bangladesh, following the ratification of the International Labour Organization (ILO) Worst Forms of Child Labour Convention (No. 182) 1999. According to the survey, there are 4.9 million working children.

(2). 14.2 per cent of the total 35.06 million children in the age group of 5-14 years. The total working child population between 5 and 17 years old is estimated at 7.9 million.

- (i) The proportion of boy and girl child workers, in the age group of 5-17 years, is 73.5 per cent and 26.5 per cent, respectively;
- (ii) The total number of working children aged 5-17 years in rural areas is estimated at 6.4 million as against 1.5 million in urban areas;
- (iii) As many as 93.3 per cent of all working children in the age group of 5-17 years operate in the informal sector. Agriculture engages 4.5 million (56.4 per cent children), while the services sector

engages 2 million (25.9 per cent), and industry, 1.4 million (17.7 per cent);

(iv) A total of 1.3 million children are estimated to be working 43 hours or more per week. More boys than girls are engaged in this form of child labour across all age groups.

(a) Extreme forms of poverty play a crucial role. Child labour is part of a vicious cycle, with poverty as a main cause as well as a main consequence. This implies that child labour cannot be addressed in isolation. Among factors contributing to child labour are rapid population growth, adult unemployment, bad working conditions, lack of minimum wages, exploitation of workers, low standard of living, low quality of education, lack of legal provisions and enforcement, low capacity of institutions, gender discrimination, conceptual thinking about childhood, etc. One or more of the above contribute to the large numbers of children working under exploitative or hazardous conditions;

(b) There is a direct link between child labour and education. Nearly 50 per cent of primary school students drop out before they complete grade 5, and then gravitate towards work, swelling the number of child labourers. The high drop-out rates are correlated with the low quality of public primary education, low adult literacy, low awareness of the importance of education, teacher-student ratio (sometimes this goes up to 1 per 100), non-availability of didactic and learning materials, and the cost of education. Basic primary education is free as far as direct costs and school books are concerned. But many

- (c) indirect costs are involved as well, such as transport, uniforms, pens, pencils, and paper/notebooks. Bangladesh has only limited provision for pre vocational/vocational skills training and there are related constraints such as the quality of the skills training, market and employment linkages and certification. While this could be an attractive option to working/disadvantaged children and their families, neither the Government of Bangladesh nor many of the non-governmental organizations have the institutional capacity and technical expertise required to deliver skills training facilities effectively;
- (d) Finally, the level of awareness on the issue of child labour is still low. Society in general has a rather indifferent attitude towards the problem. In many cases, it is not realised that the children who are employed in, for example, domestic service, often have no access to education or medical care.

(B) UNICEF and NGOs for every child Health, Education, Equality, Protection

In the brick field in the outskirts of Dhaka, Bangladesh, 11-year-old Aleya is chipping bricks together with her mother, elder sister and little brother. Depending on the amount of bricks she breaks, she earns between 20 to 40 Taka a day (US 30 to 60 cents). Two months ago, a small splinter got into her eyes and caused her vision problems for weeks.

(C) A better future for children in poverty

Providing children with a quality education, life and income-generating skills is now seen as a means of increasing the options available to working children and their families. It will enable them to escape poverty and the need to work in hazardous or exploitative occupations. UNICEF Bangladesh also actively advocates for educational, social and

economic policies in favour of working children and their families and supports the progressive elimination of child labour.

7.2 Bangladesh and the garment industry

Although child labor is illegal in Bangladesh, for years the powerful garment industry employed between 50,000 and 75,000 children under 14, mainly girls. Bangladesh is one of the world's leading garment exporters, but the situation captured little international attention until 1992, when the US introduced legislation to ban the importation of goods made using child labour.⁷

As a result, garment employers dismissed about three-quarters of all children employed in the industry. With no access to education and few skills, the children had few alternatives to escape their crushing poverty. Many went looking for new jobs in stone-crushing, street hustling and prostitution - all more hazardous and exploitative than garment making. Recognizing the need for action, UNICEF and the Ipec programme of the International Labour Organisation (ILO) began talks with industry leaders in 1993 to find a solution.

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7. Brennan, S. and Noggle, R, *The Moral Status of Children: Children's Rights, Parent's Rights, and Family Justice, Social Theory and Practice*, 3rd ed. (Oxford University Press 1992). P. 19

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CHAPTER 8

Case Study

8.1 Julekha⁸

Julekha from Mymensingh district lives in a slum with her mother. She is about 13 years old. Julekha worked in garment factory for two years before being sacked due to her young age. She was almost four years old when her father remarried and abandoned them and she never made any attempt to know their whereabouts. Eventually three year ago her mother came to Dhaka with all of them. They managed to trace their father in a slum. Their maternal uncle helped them to raise a hut in that slum. Their father did not help them in any way at any time. One of her younger sisters is still working in a garment factory. More than three months ago his younger brother (8 years old) lost the job he had in a garment factory.

Julekha and her younger sister worked as maids in two families in Dhaka city for about two years. It was alright as far as maid's work goes on. The family she worked for was not bad. Suddenly one day her father came and demanded money from her employer. The employer refused to pay him anything which made her father angry and he and he took Julekha out of the family. When she tried to get her maid's job back with the same family she worked for they refused to take her. In the slum one elderly neighbor helped her to get a job in a garment factory in Tajmahal Road in Mohammedpur. That was eight months ago. She started her work at a monthly salary of TK. 200 for threading the machine. Their owner used to keep one's month salary as security money. They got paid once every two months even then not their full salary. One day a foreigner came to see them and she got very angry seeing all these children work.

“Overtime” payment but never got paid any extra money for her extra hour of work, However, she is determined to keep her job in the garment to keep her two sisters and brother together. All the money Julekha earns she gives it to her mother. They cannot

8. The Star Weekend Magazine 1996. P. 25

same anything. Sometimes she cannot even afford to take any lunch. When she goes back home she is not sure there will be food ready for her or that her mother will be backing home from her work.

8.2 Shilpi⁹

Shilpi was a 15 years old child and was found in prostitution. Shilpi was compelled to take up this profession two years ago because she was a destitute and there was nobody to take care of her. Her father was a driver who used to bat her mother mercilessly. One day her mother fled away leaving her behind. After her mother's departure she began to live with her grandmother. Her father's negligence and carelessness compelled her to stay away from her father. She became detached from her family right from her childhood

At the age of 13 shilpi started working at a garments factory. She found that job herself but could not continue it due to sickness. Shilpi's grandmother was angry because she gave up the job and told her to leave her house. Finding no shelter she moved to the house of one of her friends who was a call-girl. Shilpi was not aware of her friend's profession. Shilpi's friend encouraged her to take up sex trade. She felt that she had no alternative but to join her friend. On the very first day shilpi's friend took her to two persons at Mohakhali. She spent the entire night with those two persons. That was the first experience of intercourse in her life. She was scared and injured. She participated in the intercourse unwillingly. She was paid TK. 300(7.50\$) which she had to spend for her treatment. Those two persons became her regular clients since then.

In the beginning she took the help of the pimps to find clients. Later, she used to appear at the Mohakhali bus stand to find clients. She used to find clients whenever she wanted s she was available particularly at Mohakhali and Gulshan areas of the city. Her clients were mainly drivers, students and police guard. She usually spent night with her clients 10-15 days month. Shilpi used to go to bed with one or two clients every night.

9. *ibid*, P.27

She was paid well by her customers. She was never attacked or harassed by a miscreant. Shilpi

never experienced any unusual sexual behavior. Last year Shilpi met a driver and fell in love with him finally they got married but her husband was not aware of her profession. He came to know it later and told shilpi to give up prostitution and to find a decent job. But at the time job the study she was in sex trade.

Shilpi used to live in a cutcha house in a slum. The rent of the house was TK. 200 per month. They did not have any cot and had to sleep on the floor. She had to bath and wash her utensils in a pond, but fetched water from a tube-well for drinking. She used a cutcha latrine. She spent relatively more money for dresses and cosmetics. She had 4 sarees, 4 sets of trousers and kameez one pair of leather sandals and one pair of sponge sandals. She used to cook food at home and used to have fish and meat once a week. Shilpi usually went to allopathic doctor in case of sickness and her husband paid for the expenses. Shilpi never attended any school. During leisure she used to go to the movies or watched television. From sex trade shilpi was able to earn TK. 1,500-2,000 per month on the average. Shilpi used to give TK. 1,500 to her husband every month so that she could start a small business. She was happy in her marriage and she maintained a very good relationship with her husband. She wanted to forget the past and start a new life with her husband. If her husband fared well in the business she would become a housewife.

8.3 Amirul¹⁰

Amirul's parents came from a village called Ballot of Jamalapur district. He was the only son of his parents. When he was only 2/3 years old his parents came to Dhaka city. His father was the leader of all the porters of the kitchen market near the Kamalapur railway station in Dhaka. Initially his father migrated to Dhaka alone in search of livelihood and subsequently he brought Amirul and his mother to Dhaka.

10. *ibid*,P.29

At the time of the study Amirul was 12 years old and was working as a porter in the Dhaka railway station. His parents did not want him to do it. But he came to do this work along with his class mates and had been doing this work for four years.

Parallel to his work, he was also studying in an NGO school. The name of the NGO was UCEP and it provides non formal education and employable skills training to the poor working children of the urban areas. His school time was only from 9-11 am. This school had no tuition fees and all the educational materials were supplied by the school free of cost. He liked this arrangement because it allowed him to learn as well as to earn at the same time. They were staying in a small room of a tin shed (Sublet) at the staff quarters of the Kamalapur railway station. They used to pay Tk. 700 per month as rent for this room.

CHAPTER 9

Proposal

Work is neither all bad nor all good in its impact on children. While policy, legal and advocacy measures must essential be directed towards ensuring the overall well-being of children, efforts must nevertheless be made to distinguish between what is good and what is not for working children in order to develop a holistic policy framework that actually works⁴. A prerequisite to any policy intervention in the area is the necessity to re-think approaches to child labour involving identification of priority areas for intervention in realistic ways.

9.1 Steps to be taken

The special vulnerability of working children has promoted the formulation of policies and laws designed to protect children from abuse and exploitation. The purpose of legislation is to ensure that children do not work except in defined circumstances and, accordingly, it is illegal for child labour in all sectors. However, most of the existing legal standards are antiquated and in urgent need of reform. Legal measures must be reviewed and brought in line with prevalent socio-economic realities in order to effectively contribute to progressive economic development of the country.¹¹

9.2 Strengthening Institutional Capacity

In order for the government to develop pragmatic approaches to child labour it is essential that the infrastructure and facilities required to respond to the special needs of children are in place. Currently, the service delivery to disadvantaged children is grossly

11. Bangladesh Shishu Odhikar Forum as its main activities -2001P. 35

inadequate, a situation compounded by the lack of support structures at the local levels. While resource limitations are indeed a critical factor in constraining effective operation and inspection of existing structures, there are inherent defects in the structures themselves. There is a need to strengthen the capacities of the state institutions in relevant fields. Allocation of requisite funds is necessary for this, It is seen that budget allocations to the Ministry of Women and Children Affairs, which is primarily responsible for children's development, are nominal. This greatly impedes effective implementation of programmes undertaken by it. However, although there has always been an undeniable gap between the needs and the allocation, made, increased allocation to sectors without first strengthening the structures would be meaningless unless they are effectual in handling large amounts of money allocated to them. Moreover practical ways of monitoring progress and a range of indicators for assessing the impact of policies on children have to be developed in order for efficient management of the projects.

9.3 Effect of Education

The link of education with child labour and poverty is somewhat fragile. The presumption that basic education will somehow help reduce child labour and poverty is not very useful in a context where factors such as gender, religion and culture often act in conjunction with poverty. Rather, it is essential to ensure that marginalised populations are effectively engaged in educational programmes and that these programmes function at an acceptable level of performance. Attempts must be undertaken to identify mechanisms for using education to enhance poor people's capacity to take advantage of economic opportunities and make informed choices in life.

Unless compulsory schooling is accompanied by economic incentives, problems of non compliance will continue. The promotion of universal compulsory education without taking into consideration the economic circumstances that force parents to choose between school and work in the first place would be ineffectual.

CHAPTER 10

Conclusion

Children are employed in a variety of work situations and for a wide range of reasons. There are, however, three especially disturbing aspects of child labour which deserve priority in policy formulation and legislative action. First, a significant number and proportion of children are involved in employment at a very early age. Second, many such as domestic workers and bonded labourers are trapped in highly exploitative and abusive employment relations. Others are employed in such dangerous and hazardous activities as brick making, construction mining and deep-sea fishing, to mention only a few. Finally, many more are known to work for excessively long hours, are seldom provided with adequate nutrition, health care and education, and are often paid very low wages. Children work because they must—because of poverty and the non-availability of schools compounded by the poor quality of education, rapid rural-urban migration and social and cultural attitudes. Employers find child workers especially attractive on account of their innate or perceived characteristics such as docility, speed and visual acuity, because they can be paid low wages, and because they offer flexibility in situations of fluctuating or unstable market conditions. Finally, in some countries the political will required for effective action is lacking, while regulation and enforcement are constrained in many others by the shortage of qualified inspectors and inadequacy of logistical support.

While these are basic and essential concerns that deserve priority there are also other emerging trends which public policy needs to anticipate. Rapid rural-urban migration, urbanization and a shortage of employment opportunities have made the street an increasingly important arena of socialization and a central element in the work experience of many urban children. The street child working and living on the street and exposed to associated social economic and environmental hazards has become and will

continue to be a serious social and labour issue. This therefore deserves increased attention in policies and programmes concerned with children in general and child labour in particular. The vast and complex nature of the child labour problem implies the need for a multi-pronged approach encompassing not only legislation and enforcement but also action in such areas as incomes and employment formal and non-formal education welfare and advocacy of children's rights. The recent evolution of public policy observed in some countries along these lines is to be welcomed and should set an example for others faced with similar problems.

A major conclusion that emerges from these studies is the wide scope that exists for complementary efforts by governments and non-governmental organisations. Each has strengths and weaknesses and the trick is to arrive at a formula obviously suited to national conditions, which can reinforce and build on their respective strengths. Non-governmental organizations can for example be effective in advocacy, organizing communities and implementing small local projects. Governments can focus on the establishment of a conducive legislative and policy climate the provision of universal compulsory education increasing the access of poor households to employment and income and ensuring strict adherence to certain minimum labour standards such as the prohibition of work in hazardous occupations or activities, and work before the completion of primary school. The respective functions and roles of government and non-governmental organizations cannot be viewed statically; these should develop and evolve within the framework of a partnership if they are to have as indeed they must, a sustained impact on the condition of the world's working children.

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