



International
Labour
Organization

A Report on Trend and Country Responses to the Child Labour: Reflections on Achievements, Challenges, Gaps & Way Forward

**International
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on the
Elimination of
Child Labour
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EXECUTIVE SUMMARY

Incidence and Trends: Since independence, Bangladesh has been incrementally engaged in raising awareness and initiating protective measures against the use of child labor. Its positive outcomes have to some extent been reflected in the last two BBS conducted national child labour surveys i.e. of 1995-96 and 2002-2003. In absence of recent national estimate, we have to rely on these backdated data sets of two child labour surveys, which suggest that Bangladesh has experienced drop of child labor incidence both in terms of the aggregate volume and in percentage points as the child labor has reduced in the span of two child labour surveys of 1995-96 and 2002-2003. From the level of 18.3 percentage points of the respective age group (5 to 14 years) with a corresponding aggregate of roughly 6 million, it has come down to 14.2 percentage points with an aggregate difference of 5 million.

However, Child labour 5-17 years of age has registered a significant increase due to an increase in population, a persistently impoverishing situation in rural areas, and migration from rural to urban areas due to poverty, erosion of land by rivers, inheritance laws and break-up of families. The number of child labour rose from 4.11 million in 1989 to 6.4 million in 1991 and 6.6 million in 1996 (Child labour survey of 1995-96, BBS). There were 2.44 million boys and 1.67 million girls child labourers in 1989. The number increased to 3.6 and 3.9 million for boys in 1991 and 1996 and correspondingly 2.8 and 2.7 million respectively for girl. The BBS 2002-2003 report shows that among 42.39 million Bangladeshi children aged between 5-17 years, 7.42 million were economically active of which 3.18 million were considered child labourers representing 7.5 percent of the of the entire child population. Only 8.1 percent of households expressed that it would be hard for them to survive if their children were not at work. Hence, it can be loosely concluded that poverty may not be the only primary reason for child labour in this country.

The BBS 2005 survey on hazardous child labour captured the incidence of the worst forms of child labour, defined by the survey as children who work 43 hours or more per week. It revealed that there are 1.3 million children involved in hazardous work, out of which 91 percent of them are boys.

Results from the 2003 survey also indicate that 13.4 per cent (4.7 million) of all children ages 5-14 work; this is 18.5 per cent (3.4 million) of boys and 7.8 per cent (1.3 million) of girls in this age group. About 7.3 per cent (2.6 million) of children in the above age group participate in the labour force and do not attend school. The percentage is nearly twice as high for boys (9.8 per cent) than for girls (4.6 per cent). Children in rural areas are more likely to work without attending school than those in urban areas (7.4 vs. 6.8 per cent). The gender gap between working children who do not attend school is slightly higher in urban areas (5.5 percentage points, i.e. boys: 9.4 vs. girls: 3.9 per cent) than in rural areas (5.1 percentage points, i.e. boys: 9.9 vs. girls: 4.8 per cent).

A recent national CSEC survey conducted by BBS, estimates that there are 18902 children sex workers of whom 83% are girls 9% eunuchs, 8% boys. Street girls account for 46%, residence girls for 22% hotel girls for 13% and brother girls for 2%.

Political Commitment and Policy Responses: Being one of the countries of high prevalence of child labor, Bangladesh ever since its independence, remains politically committed and incrementally engaged with rigorous policies and programs/projects to reduce it for its eventual elimination. Bangladesh has already crossed the milestones of ratifying UNCRC and Convention 182 on prohibiting worst form of child, and on move towards ratification of ILO C138 in the backdrop of adoption of National Child Labor Elimination Policy of 2010. Particularly in terms of adopting necessary policy measures the country has already restricted the employment of child labor long before by virtue of its articles 34 to 44, although those who are less than 14 years old have been defined as children in the above, a bit different from the one enunciated in UNCRC. Bangladesh has ratified eight critical UN and ILO conventions that constitute the Core Labour Standard-CLS, which are; C-29, C-87, C-98, C-100, C-105, C-111, V182 and UNCRC. It also has ratified C-81-C14 and C144.

National Policies and Action Plans: National Accelerated Strategy for Poverty Reduction (NASPR)-II (2009-2011) is the overarching national policy that encompasses all national policy concerns by dividing them into different clusters or sector priorities. The NASPR-II maintained elaborate focus on the child labour related issues and identified a set of ministries and government agencies in relation to implementation of activities to achieve these strategic objectives impacting child labourers.

The recent adoption of National Child Labor Policy of 2010 and the 3rd National Plan of Action (NPA) for Children (2005-10) also stand as testimonies of Bangladesh's commitment to the issues of child labour and child rights. The recently finalized National Child Labor Elimination Policy 2010 has the prime objective of withdrawing children from every sort of hazardous and worst category task and brings in a meaningful change in the lives of Bangladeshi children.

UN and Other International Conventions Signed/Ratified: The UN CRC together with the Universal Declaration of Human Rights are the basic reference documents defining the measures for child labour and protection the ILO Convention 182 ratified by Bangladesh in 2001 prohibits WFCL. Bangladesh ratified the UN Convention on the Rights of the Child (UNCRC) on 02 September 1989 and the ILO Convention on the Worst Forms of Child Labour, 1999 (C 182) on 12 March 2001, but is yet to ratify the Minimum Age Convention, 1973 (C 138). Moreover, Bangladesh signed the Rawalpindi Declaration of SAARC on Eradication of Child Labour that result of the resolution of the 1996. The SAARC Convention 2002 on Prevention and Combating Trafficking in Women and Children for Prostitution also provide instrumental child protection guidelines. Bangladesh has ratified eight critical UN and ILO conventions that constitute the Core Labour Standard-CLS

National legislation and Enforcement Mechanism: The Labour Law enacted in October 2006 is child protective to the extent that it restricts economic exploitation and recruitment of any child below 18 for any hazardous work and is now the law in force that overrules or nullifies other relevant previous laws. The Labour act 2006 was a great leap and a kind of consolidation of 26 different acts, 14 different ordinances and 35 different rulings of the past. Modeling the enforcement mechanisms after the implied standards of UNCRC, Convention 182 and even the National child Labor Elimination Policy of 2010 is still a long way to go, while many committed efforts are underway. The enforcement mechanism for the child labour

legislation for the general labour laws is weak. The labour inspectorate which is primarily responsible for the enforcement is defector ineffective mainly due to the inadequate resources both financial and human resources. The number of inspectors is few in comparison to the number of factories and establishment the inspectorate is supposed to monitor. For informal sectors there is in fact no mechanism to monitor the child labour situation.

The benefit of violating the law, in most of the cases, outweighs the fear of being penalized. It is therefore necessary that the law provides sanctions that are sufficiently deterrent and diversified among criminal, civil, administrative sanctions.

Institutional Mechanism and Monitoring: An inter-ministerial and multi-stakeholder policy level mechanism has been put in place in Bangladesh for the implementation process of the National Child labour Eradication Policy (NCLEP) and implementation of ILO led consortium supported TBP. Ministry of Labour and Employment being the focal point or lead ministry, coordinates and entrusted with the lead roles for implementing all the activities concerning child labour. The NCLEP observes the need of having a specific ministry on child labour issue, to inspect from government's side. Usually, Ministry of Women and Children's Affairs deals with child issues and Ministry of Labour and Employment deals with labour related issue. But still there is no specific ministry to deal with child labour issue with mandated lead roles. As strategized in the major policy documents of the country e.g. NASPR-II and as it is practically ongoing, different ministries are engaged in various child labour or children welfare related projects and programs. In terms of monitoring and enforcement mechanism, even though the Department of Inspection for Factories and Establishments is under the Ministry of Labour and Employment the capacity to monitor the child labour situation in the factories is inadequate and ineffective. Moreover, local government bodies like City Corporations and Municipalities are the mandated bodies to issue legal registrations i.e licences to the employers and to monitor them. There are many other factors that require addressing either through labour laws or other general legislation for effective enforcement through the ministry of law and justice.

Multifarious activities in compliance with these national and international policy frameworks and legal bindings involve various GoB Ministries and agencies, UN bodies, multilateral and bi-lateral funding agencies, INGOs, NGOs and CBOs. Among the GoB ministries, the MoLE is at the helm of affairs with major involvements of the MoWCA and MoSW, implementing and coordinating activities under the National Action Plans for Children. The MoWCA is currently heading the national committee for monitoring and reporting to UN CRC Commission on CRC compliance. The MoLE is in a process of establishing a Child Labour Monitoring (CLM) system; while the Police Monitoring Cell under the MoHA has a network of committees at the thana and district levels to follow up crimes and violence against children. The MLJ&PA has a system in place to ensure justice to children in conflict with law. The UN and different funding agencies, INGOs, NGOs working in the line are also preparing and publishing reports on their activities. But there is a lack of national level coordination among all the actors and a CP focused central database is apparently absent.

Major Programmes and Projects: The ongoing child labour oriented programmes and projects with scopes and possibilities of sharing resources and operational responsibilities are the following:

- The Bangladesh National Time Bound Programme (TBP)
- Prevention and Elimination of the Worst Forms of Child Labour in the Urban Informal Economy (UIE) project
- Technical and Vocational Education and Training Reform (TVET) project
- Primary Education Development Programme-II+
- The Reaching Out-of-School Children (ROSC) project
- Protection of Children At Risk (PCAR) Project
- Eradication of Hazardous Child Labour in Bangladesh
- Female Secondary School Assistance Project-II
- Basic Education for Hard to Reach Urban Working Children (BEHTRUWC)
- Poverty and Working Children Project
- Improving Development Opportunity for Street Children Project
- Empowerment & Protection of Children (EPC) Project
- Community Based Working Child Protection Project (CBWCP)
- Actions for Combating Trafficking-in-Persons (ACT)
- Birth and Death Registration Project 2009

Lacking and Gaps in the Plans and Enforcement Mechanisms: A recent review conducted by UNICEF suggests, although National Child Labour Elimination Policy (2010) is on one hand shows a great potentiality of progress while on the other hand reflects a slow process of addressing the urgent need of comprehensive policy reform on child labour. The reform is required to ensure: clear policy recognition, bringing child labour governance closer to international norms and ensuring that the constitutional obligations of Bangladesh are met. It also concluded that although there are good range of child and child labour specific plans, there is lack of implementation of those. The institutional structures and procedures prescribed in most of these policies are not in-placed. The review highlights the need for greater policy cohesion between child labour and related policies and sectoral programmes as well as the crucial need to strengthen coordination between line ministries and civil society/private sector programs. The review further observes that there is no policy guideline to deal with the children involved in the informal sectors of the economy. This has a great impact in shaping the legal tools and planning process in the country – as a result the children employed in the informal sectors remain largely invisible to the policy makers and planners.

Education in relation to child labour: As last census (Bangladesh Census 2001) data suggest, about 10.18 million children aged 6-14 years were not attending any educational institutions) in that year. However, as recent review jointly conducted by ILO, UNICEF & UNESCO suggests that in 2002-03, 33 million children aged 5-17 were attending school (78.7% of children in Bangladesh). About 2.4 million children were attending school and working. Of 9 million children who were not at school, 54% were working. According to the 2007 School Survey Report, the gross enrolment rate (GER) was 98.8% and net enrolment rate (NER) at 91.1%. In 2004, GER was 101.6% and NER was 89.7% for primary schools. labour and education in Bangladesh. The same recent review also suggests a strong and clear relationship between child labour and education; nearly 50% of the students starting Grade 1 drop out of primary education and become potential candidates for the labour market. The impact of child labour is seen in enrolment rates, attendance, school performance, drop out and transitional issues. It also concludes that Child labour and education is inextricably linked. Child labour impacts on the enrolment drop out and transition rates at primary and secondary education levels. Also, an inaccessible and low-quality educational system increases the incidence of child labour and thereby

undermines the life chances for the most vulnerable in society. And that The decline in child labour rates and the increase in gross and net enrolment rates over the last 15 years or so have been promising. Available statistics suggest that there has been a decline of 25% in the number of children aged 5-14 entering the labour force. The decline has been sharper for girls compared to boys.

Advocacy Awareness and Social Mobilization: Over last few years Bangladesh is engaged in raising awareness against the use of child labor and its positive outcome has to some extent been reflected in the fact that both the aggregate volume and in percentage points child labor has reduced as reflected in the span of two child labour surveys of 1995-96 and 2002-2003. From the level of 18.3 percentage points of the respective age group (5 to 14 years) with a corresponding aggregate of roughly 6 million, it has come down to 14.2 percentage points with an aggregate of 5 million less. Moreover, a wide spectrum of social mobilization activities carried out by various public and private sector entities raised the awareness on child labour issues as well as contributed to create a favorable environment for effective implementation of various interventions.

Knowledge based Research and Studies: To understand the situation regarding child labour, in particular its hazardous forms, in Bangladesh a comprehensive range Research and Studies have been undertaken. Most of these studies are conducted Academic research and policy development institutions from the public and private domains, such as the Bangladesh Bureau of Statistics (BBS), the Bangladesh Institute for Development Studies (BIDS), the Bangladesh Institute for Labour Studies (BILS), the Centre for Policy Dialogue (CPD) and various other research firms have been partners of ILO-IPEC and thus, contributed to the enhancement of the knowledge base on child labour in Bangladesh. More importantly, by utilizing this gradually increasing knowledge base, various interventions were carried out to combat child labour through which further experience on workable solutions and important lessons was gained. Highlights from 22 of these studies are profiled in this report. This report entailed over 50 **critical gaps and way-forward** or recommendations for stakeholders' review, discussion and suggestion

A. BACKGROUND

The year 2010 is the 10-year anniversary of ILO Convention No. 182 on the Worst Forms of Child Labour (WFCL) and it is six year ahead of the global target of eliminating WFCL by 2016. While the global movement has achieved much progress in reducing the incidence of child labour, efforts must be steeped up in Bangladesh if the country is to fulfill its commitment to eliminate child labour.

The Government of Bangladesh has shown its commitment to eliminate child labour. The country signed the UNCRC in 1991 and ratified the ILO Convention No. 182 in 2001. The Labour Act 2006 has reflected, somewhat, articles relate to employment of children and adolescents. In March 2010, the government enacted long-awaited National Child Labour Elimination Policy. The Government has also expressed its intention to ratify the ILO Convention No. 138 (Minimum Age for Employment).

Despite efforts are being made by the government and other concerned actors, child labour remains a challenge for the country. Therefore, to accelerate the progress towards the goal of elimination of child labour, joint and complementary actions, and coherent strategies and policies are needed at international and national levels. At International levels, the ILO's Governing Board endorsed a Global Action Plan Against Child Labour in 2006, which calls for concerted efforts of all stakeholders to eliminate all worst forms of child labour by the year 2016. The Global Action Plan also calls for high level global conference on child labour which will give particular attention to integrating child labour elimination into global education, development and human rights frameworks.

In line with the spirit of Global Action Plan, a Global Conference on child labour will be held in the Hague, Netherlands on 10 and 11 May 2010. The Conference will be hosted by the Dutch Ministry of Social Affairs and Employment in close collaboration with the ILO.

To support the global efforts and to step up cooperation and coordination among national stakeholders, the Ministry of Labour and Employment and ILO jointly planned to organize a National Consultation titled 'Country Responses to Child Labour and Way Forward' on 18 April 2010.

This country paper prepared to cater the needs of situational analysis to deliver critical notes on the way forward and recommendation on child labour elimination for stakeholder discussion. It is expected that the discussions on the critical notes on way forward and recommendation on child labour elimination that entail this report will provide a broad basis for the consultation and that would helpful in the preparation for upcoming Global Conference on Child Labour in the Hague and in the development of National Time-Bound Plan of Action on Worst Forms of Child Labour.

B. INCIDENCE OF CHILD LABOUR: SOCIO-ECONOMIC CONTEXT AND TRENDS

Since independence, Bangladesh has been incrementally engaged in raising awareness and initiating protective measures against the use of child labor. Their

positive outcomes have to some extent been reflected in the last two BBS conducted national child labour surveys i.e. of 1995-96 and 2002-2003. In absence of recent national estimate, we have to rely on these backdated data sets of BBS conducted two child labour surveys, which suggest that Bangladesh has experienced drop of child labor incidence both in terms of the aggregate volume and in percentage points as the child labor has reduced in the span of two child labour surveys of 1995-96 and 2002-2003. From the level of 18.3 percentage points of the respective age group (5 to 14 years) with a corresponding aggregate of roughly 6 million, it has come down to 14.2 percentage points with an aggregate difference of 5 million¹.

However, over the years, Child labour of 5-17 years of age has registered a significant increase in terms of absolute numbers due to an increase in population, a persistently impoverishing situation in rural areas, and migration from rural to urban areas due to poverty, erosion of land by rivers, inheritance laws and break-up of families. The number of child labour rose from 4.11 million in 1989 to 6.4 million in 1991 and 6.6 million in 1996 (Child labour survey of 1995-96, BBS). There were 2.44 million boys and 1.67 million girls child labourers in 1989. The number increased to 3.6 and 3.9 million for boys in 1991 and 1996 and correspondingly 2.8 and 2.7 million respectively for girl. The second survey, i.e. the BBS 2002-2003 report shows that among 42.39 million Bangladeshi children aged between 5-17 years, 7.42 million were economically active of which 3.18 million were considered child labourers representing 7.5 percent of the of the entire child population. In this huge range of the 42.39 million children aged 5-17 years, about 5 million of the children (12 percent) were working and not attending school².

Overall, the working children were largely engaged in agriculture and forestry (52.72%), followed by manufacturing (14.58%) and trading (14.21%). Looking at the working conditions of 3.18 million of child labour, 26 percent of them were both attending schools and working of which 63.9 percent of them (about half a million working children) were found working between 5-19 hours a week. Working conditions for children who were not attending schools are striking as 56.2 percent of them are at work for 40 or more hours a week. On gender segregation of child labour, more boy children (77.41 percent) were at work than girl children (22.59). According to the survey, there was, on average, at least one working child in a household, while the number of working children increased as the size of the household became larger. Interestingly, about 69 percent (3.9 million) of 5.7 million households opined that the living standard of the household would fall if their children were to stop working. However, there was no indication that their households would slide into poverty as a result of withdrawing their child from work. Only 8.1 percent of households expressed that it would be hard for them to survive if their children were not at work, Hence, it can be loosely concluded that poverty may not be the only primary reason for child labour in this country³.

The BBS 2005 survey on hazardous child labour captured the incidence of the worst forms of child labour, defined by the survey as children who work 43 hours or more per week. It revealed that there are 1.3 million children involved in hazardous work,

¹ Dr. Monirul Islam Khan, Child Labor Elimination in Bangladesh and the Importance of ILO Convention 138, November 3, 2009

² Md. Farid Uddin, Dr. Sasanka Das Gupta.... The perceptions on WFCL held by leaders and decision makers in Bangladesh and how these may affect policy reform, ILO&SSI- 2006, page-32-33

³ Ibid-page-32-33

out of which 91 percent of them are boys. In addition, the survey discovered that the worst forms of child labour were present largely in manufacturing (27.65%), followed by agriculture (20.91%) and trading (19.36%) sectors. It is clear, however, that the number of children engaged in the worst forms of child labour should be higher, if the survey captured the other three categories of unconditional worst forms of child labour plus various hazardous occupations (yet to be determined by the country) as defined by the ILO Convention NO. 182⁴.

Subsequently five BBS conducted National Child Labour Survey on the worst forms of child labour in five segments (welding, automobiles, street children, battery re-charging, and transport) have summarized the situation as follows⁵:

1. 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 for negative health consequences to income erosion, lack of minimum wages, exploitation of workers i.e mostly low wages, 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;
2. 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 labourers⁶. 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 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;
3. 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 care⁷.

⁴ Ibid- page--33

⁵ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-2009

⁶ Ibid-UNICEF-2009

⁷ Ibid-UNICEF-2009

A recent study suggest, in Bangladesh one in every eight children is working in the age group 5-14 years (UNICEF, 2007). Magnitude of boys as child labour is doubled than that of girls (18% versus 8%). Again nearly one-fifth of children from slum and tribal areas are engaged as child labour to earn livelihood for themselves and their families. A quarter of children engaged in child labour do not attend schools (UNICEF, 2007). Existing studies also found that 149,000 children were engaged in five hazardous industries – welding, auto-workshops, road transport, battery recharging and recycling, and street children. They are also found in bidi (hand-rolled cigarettes) factories, construction industry including brick breaking, leather tanneries, fisheries, agriculture and informal sector and in domestic services (ILO-IPEC, 2004)⁸.

Results from the BBS conducted, IPEC-SIMPOC-supported Bangladesh National Child Labour Survey-2003 indicate that 13.4 per cent (4.7 million) of all children ages 5-14 work; this is 18.5 per cent (3.4 million) of boys and 7.8 per cent (1.3 million) of girls in this age group. About 7.3 per cent (2.6 million) of children in the above age group participate in the labour force and do not attend school. The percentage is nearly twice as high for boys (9.8 per cent) than for girls (4.6 per cent). Children in rural areas are more likely to work without attending school than those in urban areas (7.4 vs. 6.8 per cent). The gender gap between working children who do not attend school is slightly higher in urban areas (5.5 percentage points, i.e. boys: 9.4 vs. girls: 3.9 per cent) than in rural areas (5.1 percentage points, i.e. boys: 9.9 vs. girls: 4.8 per cent)⁹ and that working boys who do not attend school out number the working girls.

The working children are engaged in more than 300 different types of activities, mostly in the informal sector, 47 of these are most hazardous which include working in dangerous environment causing damage to children's physicals and mental development, exposure to physical, sexual or emotional abuse, beating or even rape. Whether working as domestic servants or in the streets, the children are exposed to violence and other abuses. The worst is the exploitation of children, being forced to engage in prostitution. It puts the girls in serious risk of contracting sexually transmitted disease and unwanted pregnancies, in excess to physical abuse, social rejection and psychological trauma. These children are also deprived of education and healthcare, adequate nutrition, safe water and sanitation facilities, and legal protection. Leisure, rest or recreation after work is almost unknown to the working children. They remain outside the pale of services or rights, and hard to reach for either¹⁰.

A recent national CSEC survey¹¹ conducted by BBS, estimates that there are 18902 children sex workers of whom 83% are girls 9% eunuchs, 8% boys. Street girls account for 46%, residence girls for 22% hotel girls for 13% and brother girls for 2%.

Another study conducted in 2006 reveals that by Bangladeshi polices' estimate there are between 15,000 and 20,000 children engaged in street prostitution. About

⁸ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

⁹ Ibid-Page-2-3

¹⁰ National plan of Action: 1997-2002

¹¹ Commercial Sexual Exploitation of Children Pilot Survey-2008, BBS-Published in 2009-Page-xv

10,000 girls are active in prostitution inside the country. Over the last decade, 200,000 Bangladeshi girls were lured under false circumstances and sold into the sex industry in nations including Pakistan, India and the Middle East. About 40,000 children from Bangladesh are involved in prostitution in Pakistan. Bangladeshi girls are also trafficked to India for commercial sex trade. 10,000 Bangladeshi children are in brothels in Bombay and Goa, India. An estimated 35,000-45,000 children are believed to be involved with criminal gangs engaged in arms and drug trading. Research on 16 children involved in different crimes found that all of them carry/use pistols, revolvers, bullets, pipe guns, short guns, cutrifles, A.K-38's, SMG's, hand bombs, knives, swords and razors. Figures for 1999 show that there were 3,374 recruits under the age of 18 in the armed forces. Some 3% of government armed forces are under 18. The minimum legal enlistment age in the Bangladesh Army is 16 years for soldiers and 17 for cadet officers¹².

Of the total child workers, 2.89% are engaged in domestic service. SHOISHOB, an organisation working with child domestic labour in Bangladesh, published the results of a survey which covered more than 10,000 middle-class households in Dhaka. On the basis of the survey, SHOISHOB estimates there are between 250,000 and 300,000 bandhu maids, that is, resident child servants, in Dhaka. In Bangladesh, research in Dhaka concluded that more than 20% of child domestics were between five and 10 years old¹³.

More than 9,000 girls are trafficked each year from Nepal and Bangladesh into bondage in India and Pakistan, often with the acquiescence or co-operation of state officials. Reports from Human Rights Monitors indicate that child kidnapping, and trafficking for labour bondage and prostitution continue to be serious and widespread problems. Children who work in domestic service may work in conditions that resemble servitude and prostitution. It is known that 168 children have been trafficked, 369 children have been missing and 295 children have been kidnapped during the year 2001. Bangladesh is mainly a country of origin for trafficking in women and children. A reported 200,000 Bangladeshi women and children have been taken out of the country in the past 10 years.¹⁴ At least 20,000 Bangladeshi women and children are trafficked to India and Pakistan and to Middle Eastern countries every year.¹⁵ According to another estimate, 50,000 Bangladeshi girls are trafficked to or through India every year. The girls end up in brothels in India or Pakistan or in Middle Eastern or South Asian countries.¹⁶ Positive changes have taken place in recruiting children as camel jockeys those used to work in the United Arab Emirates due to interventions of UNICEF and other activist groups for inspiring sanctions by the Emirates' authority. Increasing trend continue of children found begging have come to Thailand from countries like Cambodia, Burma and Bangladesh. These children are usually between 6-10 years and who have either traveled to Thailand on their own or were brought by beggar gangs and agents. A joint study report prepared by the Ministries of Home and Social Welfare and

¹² Md. Farid Uddin, Shahadat Hossain & others, In-country Research on Forced/Child Labor in the Production of Goods in Bangladesh, SSI & Macro International, USA-Supported by USDOL-2008-Page-8

¹³ Ibid- page--8

¹⁴ "Human Trafficking Is Going Unabated along the Borders," *Business Recorder, Global News Wire*, 4 June 2001.

¹⁵ "20,000 Bangladeshi Women, Children Trafficked Every Year," *Agence France Presse*, 2 June 2003.

¹⁶ "When Victims Become Accused," *Times of India*, 13 October 2003.

Women's Affairs, shows that over the previous five years from 2006, at least 13,220 children have been smuggled out of the country, of whom only 4,700 have been rescued¹⁷.

Trafficking in Bangladesh exists for the purposes of forced labor and forced prostitution. Although exact figures on the scope of the problem vary widely, the consensus is that the trafficking problem is growing. An estimated 90 percent of trafficked women were forced to engage in prostitution.¹⁸ Reportedly, 300,000 Bangladeshi boys have been trafficked to India.¹⁹ According to one report, every day 50 Bangladeshi girls are lured across the Indian border and sold. Bangladeshi girls who are trafficked to India by organized networks usually end up in brothels in Kolkata or Mumbai.²⁰ Many victims are raped by their traffickers or by Bangladeshi and Indian border patrol guards.²¹

An estimated 40,000 female children are exploited in Pakistani brothels. From January 2000 to June 2003, an estimated 2,405 Bangladeshi children disappeared. Of those, 510 boys and 451 girls were confirmed to have been trafficked.²² Street children living in the capital are among the prime targets of organized child-trafficking rings. According to some surveys, Pakistan and oil-rich Arab states are the principal destinations of Bangladeshi children. Boys are mostly taken to the Persian Gulf (particularly the United Arab Emirates) to work as camel jockeys or farm workers, while the girls often end up working in brothels in India and Pakistan.²³

C. IN COUNTRY ACTIONS AGAINST CHILD LABOUR

C.1. Political Commitment and Policy Responses

C.1.i. Overall & Current Scenarios

Being one of the counties of high prevalence of child labor, Bangladesh ever since its independence, remains politically committed and incrementally engaged with rigorous policies and programs/projects to reduce it for its eventual elimination. Bangladesh has already crossed the milestones of ratifying UNCRC and Convention 182 on prohibiting worst form of child, and on move towards ratification of ILO C138 in the backdrop of adoption of National Child Labor Elimination Policy of 2010. Particularly in terms of adopting necessary policy measures the country has already restricted the employment of child labor long before by virtue of its articles 34 to 44,

¹⁷ Md. Farid Uddin, Shahadat Hossain & others, In-country Research on Forced/Child Labor in the Production of Goods in Bangladesh, SSI & Macro International, USA-Supported by USDOL-2008-Page-8

¹⁸ "Bangladesh Most Vulnerable Country for Trafficking," *Independent Bangladesh*, 26 March 2004.

¹⁹ "Battle against the Plague of Women and Child Trafficking," *Independent Bangladesh*, 5 July 2002.

²⁰ Anindita Dasgupta, "Dreams—and Hunger—Drive Trafficking into India," *Inter Press Service*, 9 December 2003.

²¹ "Battle against the Plague of Women and Child Trafficking," *Independent Bangladesh*, 5 July 2002.

²² "Some 1,000 Children Trafficked from Bangladesh in 3 Years," *Xinhua News Agency*, 26 January 2004.

²³ "Seven Foreigners Released after Being Detained on Suspicion of Child Trafficking," *Associated Press Worldstream*, 30 September 2002.

although those who are less than 14 years old have been defined as children in the above, a bit different from the one enunciated in UNCRC²⁴.

Bangladesh has ratified eight critical UN and ILO conventions that constitute the Core Labour Standard-CLS, which are; C-29, C-87, C-98, C-100, C-105, C-111, V182 and UNCRC. It also has ratified C-81-C14 and C144.

Moreover, all national overarching development plans and policies have maintained elaborate focus on the children issues like in NASPR-II for 2009-2011. Additionally Bangladesh has adopted five succeeding National Action Plans for Children (1990-95, 1997-2002, 2004-09, 2005-2010) and the National Children's Policy 1994.

Likewise, in the context of Bangladesh's commitment to above mentioned UN and other international Conventions, a number of existing national laws/acts have been amended and some new laws/acts and supportive policies/strategies/programmes, have been introduced. Some of the National Policies that are still in force or those are amended subsequently are as follows²⁵:

- National Action Plans for Children (1990-95, 1997-2002, 2004-09 and 2005-2010).
- The Child Labour Elimination Policy, 2010
- National Children's Policy 1994,
- Education for All (EFA): National Plan of Action-II-2003-2015, 2003
- The Street Children Policy, -2003
- Non-Formal Education (NFE) Policy Implementation: Strategic Actions, 2009
- The Early Childhood Development Policy , 2006
- The Social Policy for Children on Alternative Care and Protection,
- Strategy and Action Plan for Mainstreaming Vulnerable Children in Primary Education
- The Plan for Action on Juvenile Justice,
- Plan of Actions of World Fit for Children

C.1.ii. Previous Efforts in mainstreaming child labour in national development plans²⁶

UNICEF has been on the forefront to establish the overall rights of the children in Bangladesh within the broad framework of the United Nations Convention on the Rights of the Child (UNCRC) which also contains provisions on child labour in Article-32. Its strategies and activities are geared to protect the children from all forms of economic and social exploitation and to promote child development.

²⁴ Dr. Monirul Islam Khan, Child Labor Elimination in Bangladesh and the Importance of ILO Convention 138, November 3, 2009

²⁵ Md. Farid Uddin.....The Assessment of Feasibility of Management Information System and establishment of Child Protection IMS and M&E under the Department of Social Services (DSS), Ministry of Social Welfare (MSW), UNICEF & SSI, 2010

²⁶ Prodoc-TBP-Part-I-Page-14

There have been positive initiatives from the GOB to integrate child labour concerns into other policies and programmes. Following the ratification of UNCRC in 1990, the GOB adopted the National Children Policy and formulated the first National Plan of Action (NPA) for Children (1991-1996). However, the child labour problem was only identified in the second NPA for Children (1997-2002) for the first time under the heading of "Children in need of special protection". Although child labour has been recognized in this NPA, it was still not addressed as a specific issue. In 1997, the then Ministry of Labour and Manpower, developed a National Plan of Action on child labour, but this plan was never formally endorsed, nor was it used as a working document or mainstreamed in the actual work. Yet, the introduction of child labour component in the compulsory training courses for civil servants could be mentioned as one item that was implemented under this plan. In September 2002, the MOLE formulated the draft National Child Labour Policy which is, however, yet to be approved by the Cabinet of Ministers.

The next important policy initiative undertaken by the GOB was the formulation of the Third National Plan of Action for Children (2004-09). The first draft released in September 2004 clearly spelt out the government commitment, policies and actions towards acknowledging the position of children in society, ensuring their welfare and rights, and creating an enabling environment for blossoming to their full potential. The document adequately addressed the issue of worst forms of child labour and highlighted the planned interventions for the next five-year period. The preparation of this plan was possible through one-year of dedicated work by several ministries, development partners, NGOs, private sector and children, coordinated by the Ministry of Women & Children Affairs. The ILO, particularly the Time Bound Programme- Preparatory Phase, took part in the formulation process by providing inputs to the section under the theme on "Protecting against Abuse, Exploitation and Violence".

The Poverty Reduction Strategy Paper (PRSP) entitled "Unlocking the Potential: National Strategy for Accelerated Poverty Reduction" which was approved by the GOB in October 2005 has also given emphasis on the importance of abolishing the worst forms of child labour. In the policy matrix of PRSP, a strategic goal has been set to take immediate and effective measures to eliminate the worst forms of child labour as defined in the ILO Convention C 182. Furthermore, the PRSP has set a target to increase the knowledgebase on child labour and child rights issues and also set a future priority to amend the country's Labour Code in line with UNCRC and ILO Convention C 182.

The following few sections points out more on the political commitment and policy responses of Bangladesh by briefly reflecting on the key National Policies and Action Plans.

C.2. National Policies and Action Plans

C.2.i. National Accelerated Strategy for Poverty Reduction-II (2009-201 1)

National Accelerated Strategy for Poverty Reduction (NASPR)-II (2009-2011) is the overarching national policy that encompasses all national policy concerns by dividing

them into different clusters or sector priorities. A recently conducted Mapping of Policies and Legislation & Analysis of Child Labour Programs In Bangladesh featured²⁷ that the NASPR-II identified a set of ministries and government agencies in relation to implementation of activities to achieve these strategic objectives impacting child labourers²⁸. It is important to note that the NASPR-II also identified NGOs and Children's organization as actor bearing lead responsibilities. This reflects, opportunities of child and civil society participation within NASPR. However, the scope of children's participation is comparatively less than that of the NGOs. The children's organizations are expected to contribute in achieving the objectives of Increasing livelihood options for children and developing life skills to meet current demands of the local job market.

It may be noted that the policy matrices in NASPR-II holds the concerns of child labour particularly in two themes; namely - Policy Matrix 6: Promoting Decent Employment and Policy Matrix 14: Social Inclusion and Empowerment. An Overview of the Strategic Clusters Relevant for Child Labour related Issues are available under **attachment-1:**

NASPR-II positioned the strategic initiatives that would affect child labour situation of the country under the strategic objective of Children's Advancement and Rights. In this cluster the government maintains that there has been significant progress in the education and training of children as discussed in the section on education. The children who are in distress due to famine, drought, cyclone, tornado and river erosion are provided with food, shelter, health and sanitation facilities, informal education at primary level and primary health care. The vulnerable unaccompanied children and women refugees are given safety and security in the camps. The Government is undertaking different programmes to reduce child labour and several projects to address the issues of hazardous child labour and street children. Furthermore, monitoring the system of activities related to women and child protection issues has been strengthened through developing new mechanisms. The system covers issues concerning sexual exploitation, sale, trafficking and abduction of children and children in conflict with the law. Follow-up actions are taken based on the monitoring reports. Meetings on law and order, particularly with reference to abuse and violence against children, are held regularly and situation is assessed for identifying future actions²⁹.

It may be pointed out that although the NASPR identifies critical actors the mode and modality of coordination between and among these actors are not clearly spelt-out e.g mechanisms for inter-ministerial coordination, and coordination with other non-state actors, etc. Thus, coordination in action remains a challenge.

C.2.ii. National Child Labor Elimination Policy 2010

In persuasion of the underpinnings of Convention 182, UNCRC and on towards its moves for ratifying ILO C138 in the future the recent adoption of National Child

²⁷ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

²⁸ In relation to the problem of child labour list of actors includes; MoI, MoS, DSHE, BITAC, MoE, MoPME, MoWCA, MoCA, MoYS, MoSW, NCTB, PTIs, MoHFW, MoLJPA, MoLE, MoEWOE, BMET, DL, DIFE, BITAC, SCITI, BSCIC, SMEF, TSCs, MF, TTCs, DTE, BTEB BBS, MoPED, IER-DU, MoLGRDC, Mica, MoCHTA, MoH, Madrasha Education Boards, BRDB, MoHFW, MoLJPA.

²⁹ Moving Ahead : *National Strategy for Accelerated Poverty Reduction I*; Chapter-V

Labor Policy of 2010 and the 3rd National Plan of Action (NPA) for Children (2005-10), stands as a testimony of Bangladesh's commitment to the issues of child labour and child rights. The recently finalized National Child Labor Elimination Policy 2010 has the prime objective of withdrawing children from every sort of hazardous and worst category task and brings in a meaningful change in the lives of Bangladeshi children. This policy also identifies that child labour exists both in **formal sector** and **informal sector** and that the working environment of an employed child to be in **hazardous and not respectful for the lives, physical and mental health of children if a child:**³⁰ a) Works more than five hours at maximum; b) Does any work which creates pressure on his physical, mental and social status; c) Lives in a place which is unhealthy and insecure; d) Works for free or low wage, irregular wage; e) Takes the responsibility beyond ability; f) Discontinue of education; g) Compelled to work; h) Compelled to work like slave losing personality; i) Effected by physical and mental punishment and sexual harassment; and k) If they do not get any leisure for rest or entertainment. The policy suggests that every possible step should be taken to save children from such an environment. The policy identifies **the need of ensuring;** a) Risk-free jobs for children on the basis of their ability; b) Conditions of work; c) Working environment (favourable); d) Education and entertainment; e) Treatment/ medical facilities; f) Meeting with family and g) Provision for future security of children. The policy attempts to eradicate child labor through a **strategy involving** A) Policy implementation and organizational development; B) Education; C) Health and nutrition; D) Social awareness; E) To create and implement law F) Employment/ Labour market interventions; G) Preventing Child Labour and the security of employed child labourer; H) Family and societal reunion; I) Research and Training and J) Monitoring and evaluation³¹.

C.2.iii. National Child Policy (1994):

This first comprehensive and exclusively focused National Child Policy (1994) defined a child "by considering the socio-economic context of the Bangladesh as someone who has not completed 14 years". This child policy for the first time explicitly acknowledged and explained the factors of child labour saying that at the face of family hardship many children are compelled to work. The children are engaged in work both in village and towns. The child policy further noted that by government sources estimates around 12 percent of the labour force is comprised of children. However, this estimation includes only the children employed in the formal sector. The figure would increase if the children employed in the unregistered informal sectors are included. In 1990 around 2.9 million children below the age of 15 were in child labour in urban areas.

Within the above indicated context, this child policy for the first time clearly emphasized on ensuring free and universal **child education** – the policy aims to arrange special education for school dropouts; specially the girls through non-formal, formal and traditional education with focus on vocational training. Under provision of assistance for the disadvantaged children the policy calls for effectively stopping child labour, misuse of children, child abuse and child trafficking along with serving the criminals with exemplary punishment.

³⁰ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

³¹ Ibid-Page-

This policy also for the first time called for establishment of a **National Children's Council** as a focal point of implementation of the Convention of Children's Rights, highest body to oversee the wellbeing of the children, effective implementation of laws, framing of appropriate policies and laws as well as reform of the existing policies and laws to ensure children's rights. The Council now exists and consists of ministers and secretaries of relevant ministries along with individuals and representatives of institutions involved with children³². However, it is still a challenge to make this council more effective and proactive.

C.3. UN and Other International Conventions Signed/Ratified

The UN CRC together with the Universal Declaration of Human Rights are the basic reference documents defining the measures for child labour and protection the ILO Convention 182 ratified by Bangladesh in 2001 prohibits WFCL. Bangladesh ratified the UN Convention on the Rights of the Child (UNCRC) on 02 September 1989 and the ILO Convention on the Worst Forms of Child Labour, 1999 (C 182) on 12 March 2001, but is yet to ratify the Minimum Age Convention, 1973 (C 138).

Moreover, Bangladesh signed the Rawalpindi Declaration of South Asian Alliance for Regional Cooperation-SAARC on Eradication of Child Labour that result of the resolution of the 1996 third SAARC Ministerial Conference on Children; which did set the year 2000 as the target date for eliminating child labour, including bonded labour, in hazardous occupations, and 2010 for the elimination of child labour as whole. The SAARC Convention 2002 on Prevention and Combating Trafficking in Women and Children for Prostitution also provide instrumental child protection guidelines³³.

Bangladesh has ratified following eight critical UN and ILO conventions that constitute the Core Labour Standard-CLS³⁴:

- UN Convention on the Rights of the Child; ratified in 1989
- ILO Convention on the Worst Forms of Child Labour (No. 182), ratified in 2001;
- ILO Night Work of Young Persons (Industry) Convention, (No. 6);
- ILO Night Work of Young Persons (Industry Revised) Convention (No. 90);
- ILO Minimum Age (Trimmers and Stockers) Convention (No. 15);
- ILO Minimum Age (Industry Revised) Convention (No. 59);
- ILO Forced Labour Convention (No. 29);
- ILO Abolition of Forced Labour Convention (No. 105);

Among these conventions, **Convention 182** calls for the immediate elimination of the worst forms of child labor and defines a child as anyone under 18. Worst forms include³⁵:

³² Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan,ILO& SSI, 2009

³³ Md. Farid Uddin.....The Assessment of Feasibility of Management Information System and establishment of Child Protection IMS and M&E under the Department of Social Services (DSS), Ministry of Social Welfare (MSW), UNICEF & SSI, 2010

³⁴ National Legislation and Policies Against Child Labour in Bangladesh, ILO, Bangladesh Website; last update July 2009

- 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 labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

C.4. National legislation and Enforcement Mechanism

C.4.i. Legislations

The Labour Law enacted in October 2006 is child protective to the extent that it restricts economic exploitation and recruitment of any child below 18 for any hazardous work and the Mines (Amendment) Act 2004 that prohibits engaging child in any mines.

Labour Act 2006 is now the law in force that overrules or nullifies other relevant previous laws. The Labour act 2006 was a great leap and a kind of consolidation of 26 different acts, 14 different ordinances and 35 different rulings of the past³⁵.

However, to touch upon the history, it may be noted that the following other laws that used to exclusively deal with children's work and child labour in Bangladesh were the following: (1) The Employment of Children Act, 1938; (2) The Employment of Children (Workshop) Rules, 1940; (3) The Employment of Children (Railways) Rules, 1940; (4) The Employment of Children (Major Ports) Rules, 1940; (5) The Employment of Children Rules, 1955; (6) The Children (Pledging of Labour) Act, 1933. The Children Act, 1974 along with Children Rules, 1976, which is considered as the principal legislation for juvenile justice and child protection, cover some of the worst forms of child labour sectors. Beside these laws, general labour laws of the country particularly the Factories Act, 1965 contain specific provisions on the employment of children.

C.4.ii. Children in the Judicial System

The government is trying to improve the juvenile justice system to ensure a better deal of children in conflict with law. Anomalies exist in the laws relating to children and the existing conflicts in the laws relating to children and the penal and correctional system require immediate attention. The followings are in the process:

³⁵ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

³⁶ Draft-The Position & Roles of Labour Issues in the Ongoing Development Initiatives and Policy Framework-USAID-2008

At the moment the government is focusing on harmonizing the Children's Act 1974, read with the Children Rules 1976, law relating to juvenile offenders, and the Bengal Vagrancy Act 1943. They need to be brought into consonance with the Convention on the Rights of the Child (CRC).³⁷

Through a process of consultations with different sections of law and decision makers, the government is also considering numerous, recommendations including raising the age, defining children from the existing 14 to 18 years to conform the CRC definition, and raising the age of criminal liability from 7 years to a reasonable level.³⁸

C.4.iii. The role of legislation

Over the years, much has been done to combat child labour in Bangladesh and many players have become involved in the process of fighting child labour. Along with various socio-economic interventions to eliminate the root causes of child labour, legislation prohibiting child labour and obliging the government to take specific socio-economic measures can play an important role in eliminating child labour from the country. It is legislation that translates the aims and principles of international standard into national law by setting the principles, objectives and priorities for national action to combat child labour and the machinery for carrying out that action. There are however, a number of lacunas, mismatch that stand in the way to fight child labour problem in the country; a number of countries have already indicated that the current legal, regime for child labour is not capable enough to address the problem of WFCL and is in desperate need of reform to fulfill Bangladesh's obligation under convention 182³⁹.

A recently concluded mapping and review in conformity with previous reviews concludes that the legislative regime of Bangladesh is already antiquated and fragmented and deals only with children working in the formal sector. There is no single code or law dealing with this area. The review also notes definitional discrepancies with respect to international laws and norms. The country is yet to ratify ILO convention on minimum age – which makes it difficult for the legislatures to acquire a harmonized definition of children or minimum age of children for entry to work⁴⁰.

The broad conclusions of the above mentioned review and mapping regarding laws and enforcement of laws are presented in below⁴¹:

- National Legislation and Policies against Child Labour in Bangladesh is antiquated and fragmented and deals only with children working in the formal sector. There is no single code or law dealing with this area.

³⁷ Md. Farid Uddin, Dr. Sasanka Das Gupta.... The perceptions on WFCL held by leaders and decision makers in Bangladesh and how these may affect policy reform, ILO&SSI- 2006, page-34

³⁸ Ibid-2006, page-34

³⁹ Ibid-2006, page-35

⁴⁰ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

⁴¹ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

- Presently there are inadequate enforcement measures with slack inspection services. There is little if not no evidence of punishing and penalizing inspection officials and employers for malpractice and corruption and thereby to ensure strict conformity with labour laws and regulations. Presently although laws (with their limitations) are in place but they are not adhered to.
- The existing legislations have clearly ignored the guidelines provided in C138 regarding the minimum age for admission into work. It is pertinent to mention here that the prescribed minimum age for children for admission to work under different existing laws contradict the prescription of the Minimum Age Convention, 1973.
- Some legislation have listed certain sectors as hazardous but essentially failed to cover most of the hazardous forms that are prevailing in the country as per the list of unconditional WFCL defined in C182. For example, the Employment of Children Act, 1938 lists 10 sectors/processes as hazardous where children under 15 years of age cannot be recruited while a recent study identified 47 sectors as hazardous.
- The legal tools dealing with work that is harmful for the health, safety and moral of children (Mines Act, 1923, the Employment of Children Act, 1938, the Tea Plantation Ordinance, 1962, the Factories Act, 1965, the Shops and Establishment Act, etc.) are enacted even before the independence of Bangladesh, fail to address the prevailing new industries and production processes as well as all the worst forms of child labour described in C182.
- Under the law every child must attend school through grade five or the age of 10 years. However, there is no effective legal mechanism to enforce this provision.
- There was little enforcement of child labor legislation outside the export garment sector. The BLA specifies penalties for child labor violations, typically nominal fines of less than \$80 (5,000 taka). Agriculture and other informal sectors where there was no government oversight employed most child labor.
- Though there is the Children Act 1974 purported to dealing with juvenile justice, even that, too is inadequate. Furthermore, the legal system, especially the criminal justice system – and more specifically the law enforcement agency – are indifferent to such laws and more often than not treat children just as they would treat adult criminals.

These laws, however, focus mainly on the employment of children in the factory, shop and establishment sectors ignoring the employment of children in the rural economy. Bangladesh's labour law does not make any reference to the problem of child labour in the agricultural sector, which absorbs almost 65 per cent of the total child labour force.

The legislative setup of Bangladesh is silent in identifying the legal accesses of a child found in child labour. This appears to be a stumbling block when the country already has a large population of children in work-situation

A major mismatch that is readily discernible is that the relevant laws have not followed a consistent pattern of definition of the child. For example, the employment of children Act 1938 has defined child as a person who has not completed 15 years while the children Act of 1974 has defined a child as a person who has not completed 16 years and according to the factories Act 1965 any person below the age of 14 years is a child, which seems recently been overruled by Labour Act 2006 without any change or new definition. The lawmakers in the country seem to have confused the definition of child with the minimum age for admission to work. It is important to develop a uniform definition of child with the minimum age for admission to work. It is important to develop a uniform definition of child in line with the CRC keeping in mind the ILO minimum age convention that will be applicable for all purposes.⁴²

All these various laws relating to age of child were framed for different purposes and specific target group. A summary presentation on the the purpose, effectiveness & nature of these laws are available under **Attachment-2**.

The existing laws do not cover most of the likely worst forms of child labour that are prevailing in the country and required to be eliminated under the provisions of convention 182. The children (pledging of labour) act, 1933 prohibits the pledging of the labour of children by way of agreement and the children Act of 1974 addresses child prostitution to some extent. The children Act 1974 also covers the exposure of children to drug, liquor brothels and seduction. The suppression of the women and children repression Act, 2000 has brought trafficking prostitution, and rape of child under its purview.⁴³

It is pertinent to mention here that the prescribed minimum age for children for admission to work under different existing laws contradict the prescription of the minimum age convention, 1973. Various informal sectors, which account for the majority of the child labourers, are not covered by the legislation. The penalty for violation of whatever provisions the law prescribes to stop child labour is not server enough and therefore lacks the deterrent bite for such offences. The benefit of violating the law in most of the cases out weight the fear of being penalized. Again although the law is existing in the book, they are not implemented due to the weak enforcement mechanism and the lack of capacity in the relevant institutions in terms of both human and financial and structural resources.

The enforcement mechanism for the child labour legislation for the general labour laws is very weak. The labour inspectorate which is primarily responsible for the enforcement is defector ineffective mainly due to the inadequate resources both financial and human resources. The number of inspectors is few in comparison to the number of factories and establishment the inspectorate is supposed to monitor. For informal sectors there is in fact no mechanism to monitor the child labour situation⁴⁴.

C.5. Enforcement Mechanisms

Modeling the enforcement mechanisms after the implied standards of UNCRC, Convention 182 and even the National child Labor Elimination Policy of 2010 is still a

⁴² Md. Farid Uddin, Dr. Sasanka Das Gupta.... The perceptions on WFCL held by leaders and decision makers in Bangladesh and how these may affect policy reform, ILO&SSI- 2006, page-34-35

⁴³ Ibid- page-34-35

⁴⁴ Ibid- page-34-35

long way to go, while many committed efforts are underway. The necessary substantive provisions of the laws are not in place neither the existing enforcement and monitoring mechanisms are also inadequate and ineffective. The penalty for violating the legal provisions to stop child labour is not severe enough and therefore lacks the deterrent bite for such offences. The benefit of violating the law, in most of the cases, outweighs the fear of being penalized. It is therefore necessary that the law provides sanctions that are sufficiently deterrent and diversified among criminal, civil, administrative sanctions⁴⁵.

The Department of Inspection for Factories and Establishments under the Ministry of Labour and Employment is the principal government institution responsible for ensuring compliance and implementation of the labour laws in the country for the formal sectors of its economy. Like other general law and justice institutions, the labour inspection services are weak and lack required resources- both human and financial- to be effective. Although most of the labour laws either proscribe admission of children to work under a specified age (in most cases, below the international standard) or prescribe certain special measures (not adequate) where children are allowed to work, the labour inspectorate lacks the capacity to monitor the child labour situation in the factories.

There are only sixty three inspectors⁴⁶ for an estimated number of 18,622 factories registered back in year 2006-7 in the country with many more new factories came up and operating without registration. The number of inspectors who work through divisional and regional offices in various parts of the country is evidently inadequate and, therefore, proper inspection and follow-up of the laws are not possible. But it is the inspector who alone can initiate legal proceeding for violation of the labour laws unless it is a crime as defined by the penal laws of the country. There is an urgent necessity to either increase the number of inspectors or delegate the authority of the inspection services to other appropriate institutions (e.g. local government).

Given the complexity of the issue and its different facets of causes, the Inspectorate of Labour or any other institutions entrusted with the enforcement of child labour laws may not be able to work in isolation. There are so many other factors, which should also be addressed either through labour laws or other general legislation for effective enforcement. These may include: birth registration system for determining the age, burden of proof of age, in the absence of birth registration establishing alternative procedures for establishing the age, ensuring access to the legal system for the victims of child labour, establishing special complaint mechanism, ensure free legal aid and establishing child friendly inquiry procedures. Involving the trade unions, employers' organizations and civil society organizations in the enforcement process may also be necessary⁴⁷.

C.5.i. Lacking and Gaps in the Plans and Enforcement Mechanisms

A recent review conducted by UNICEF suggests, although the adoption of most progressive policy instrument in Bangladesh i.e. National Child Labour Elimination Policy (2010) is on one hand shows a great potentiality of progress while on the other hand reflects a slow process of addressing the urgent need of comprehensive

⁴⁵ Prodoc-TBP-ILO-Page-

⁴⁶ New recruitment was in active consideration.

⁴⁷ Prodoc-TBP-ILO-Page-

policy reform on child labour. The reform is required to ensure: clear policy recognition, bringing child labour governance closer to international norms and ensuring that the constitutional obligations of Bangladesh are met⁴⁸. Other than the sector specific regular allocations and budgets for relevant projects as per traditional allocation pattern of ADP, no specific financial commitment exists to implement these policies.

A recently conducted Mapping of Policies and Legislation & Analysis of Child Labour Programs in Bangladesh concluded⁴⁹ that although there are good range of child and child labour specific plans, there is lack of implementation of those. The institutional structures and procedures prescribed in most of these policies are not in-place. In absence of an effective policy regime, the Millennium Development Goals (namely the first and second) and National Accelerated Strategy for Poverty Reduction (NASPR) are taken as the key planning tools. NASPR is the major tool that dictates the Medium Term Budget Framework (MTBF) followed by most of the relevant ministries. The review finds that at final budget not all the relevant aspects of strategies towards the child labourers are taken into cognition. NASPR being a broad strategic frame in the absence of a coordination mechanism/body the individual ministries are not able to ensure synergy in their planned interventions.

The review highlights the need for greater policy cohesion between child labour and related policies and sectoral programmes as well as the crucial need to strengthen coordination between line ministries and civil society/private sector programs.

The review further observes that there is no policy guideline to deal with the children involved in the informal sectors of the economy. This has a great impact in shaping the legal tools and planning process in the country – as a result the children employed in the informal sectors remain largely invisible to the policy makers and planners⁵⁰.

A simple assessment of Bangladesh policy and interventions regarding child labour reveals the following: i) The set of policies targeting reduction of family-resource constraints are having limited impact on lowering the relative cost of child education vis-à-vis work. This leads to high rate of school dropouts and early joining of children into workforce; ii) The set of policies targeting to lower the relative cost of children's time is having partial impact in rising school enrollment⁵¹.

C.6. Institutional Mechanism and Monitoring

C.6.i. Policy Level Mechanism

National Steering Committee (NSC) on Child Labour: As a part of the MOU signed by GOB with the ILO in 1994, a National Steering Committee (NSC) was established to provide the national leadership in addressing the problem; set the policy guidelines in response to child labour and other forms of labour exploitation of

⁴⁸ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-2001Page-iii-iv

⁴⁹ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

⁵⁰ Ibid-Page-√

⁵¹ Ibid-Page-√

children; review and endorse the child labour action programme proposals; monitor their implementation; and, from the lessons learned, to work out future strategies for the progressive elimination of child labour. The NSC was comprised of representatives from various Ministries, Employers' and Workers' organisations, ILO, UNICEF and a child-rights NGO forum. With the extension of the IPEC MOU in August 2002 and the expression of GOB's interest to undertake the Time Bound Programme, the NSC continued its role beyond the end of the Country Programme as the key national authority. NSC still is the overseeing authority of the ILO led TBP⁵².

Inter-ministerial and multi-stakeholder mechanism: An inter-ministerial and multi-stakeholder policy level mechanism has also been put in place in Bangladesh for the implementation process of the National Child Labour Eradication Policy (NCLEP) and implementation of ILO led consortium supported TBP. Ministry of Labour and Employment being the focal point or lead ministry, coordinates and entrusted with the lead roles for implementing all the activities concerning child labour. The NCLEP observes the need of having a specific ministry on child labour issue, to inspect from government's side. Usually, Ministry of Women and Children's Affairs deals with child issues and Ministry of Labour and Employment deals with labour related issue. But still there is no specific ministry to deal with child labour issue with mandated lead roles. As strategized in the major policy documents of the country e.g. NASPR-II and as it is practically ongoing, different ministries are engaged in various child labour or children welfare related projects and programs. In terms of monitoring and enforcement mechanism, even though the Department of Inspection for Factories and Establishments is under the Ministry of Labour and Employment the capacity to monitor the child labour situation in the factories is inadequate and ineffective. Moreover, local government bodies like City Corporations and Municipalities are the mandated bodies to issue legal registrations i.e licences to the employers and to monitor them. There are many other factors that require addressing either through labour laws or other general legislation for effective enforcement through the ministry of law and justice.

However, ministry of Labour and Employment de-facto the focal ministry to look after certain issues of child labour as it is more relevant with such issue, particularly as lead ministry for the implementation of some major projects & programs including the ILO led consortium supported TBP.

As touched upon earlier, to fulfill its commitments to protect and uphold the rights of children in line with all these international policy conventions and legal framework, Bangladesh has, other than constitutional bindings, a number of national laws/acts and policies strategies relevant to protection and promotion of child rights. The Children Act 1974, the Children Rules 1976, the Birth and Death Registration Act-2004, Nari-O-Shishu Nirjatan Protirodh Ain, National Plan of Action (NPA) for Children (2005-10), National Children's Policy 1994 are the ready examples .

Multifarious activities in compliance with these national and international policy frameworks and legal bindings involve various GoB Ministries and agencies, UN bodies, multilateral and bi-lateral funding agencies, INGOs, NGOs and CBOs. Among the GoB ministries, the MoLE is at the helm of affairs with major involvements of the MoWCA and MoSW, implementing and coordinating activities under the National Action Plans for Children. The MoWCA is currently heading the national committee for

⁵² Prodoc-TBP-Part-I-Page-15-16

monitoring and reporting to UN CRC Commission on CRC compliance. The MoLE is in a process of establishing a Child Labour Monitoring (CLM) system; while the Police Monitoring Cell under the MoHA has a network of committees at the thana and district levels to follow up crimes and violence against children. The MLJ&PA has a system in place to ensure justice to children in conflict with law. The UN and different funding agencies, INGOs, NGOs working in the line are also preparing and publishing reports on their activities. But there is a lack of national level coordination among all the actors and a CP focused central database is apparently absent⁵³.

C.6.ii. Child labour unit

Under the financial support and technical assistance provisions from the Urban Informal Economy (UIE), one of the components of the ILO-TBP has been providing supports to establishing a Child Labour Unit (CLU) under the Ministry of Labour and Employment (MoLE) of the Government of Bangladesh (GoB). As envisaged by the key stakeholders, this CLU would be the lead national entity for coordinating, monitoring, and supervising implementation of all child labour programs in the country, including the national TBP. The foreseeable roles and functions of CLU will broadly cover policy legislation and enforcement, advocacy and awareness raising, and coordination among the involved stakeholders; prompting for systematic updated information relevant to understand the child labour trends and for the purposes of policy development, enforcement of labour laws, and social planning. Hence, it is an imperative on the part of CLU to have a well designed Child Labour Monitoring (CLM) system in place to gather and analyze updated child labour situations and relevant activities by different actors at various levels – from community to national levels⁵⁴.

C.6.iii. National Child Labour Welfare Council

As envisaged, this council would be mandated to observe and inspect the child labour condition in national level can be formed with people from government, non-government, Owner's and labourer's association and also knowledgeable persons of child labour. This council will play the role of Think Tank, as an adviser to the government, monitoring the condition of child labour in both national and international level. This council will work for implementing the Child Labour Eradication Policy 2008 and also to bring the devastating phases of child labour within the framework of law through lobbying, hearing, investigation with recommendations. The NCLEP suggests involvement of a whole range of government actors along with the focal ministries. The list of supporting organizations includes⁵⁵:

- Ministry of Women and Children Affairs -
- Ministry of Primary and Mass Education -
- Ministry of Education
- Ministry of Social Welfare

⁵³ Md. Farid Uddin.....The Assessment of Feasibility of Management Information System and establishment of Child Protection IMS and M&E under the Department of Social Services (DSS), Ministry of Social Welfare (MSW), UNICEF & SSI, 2010

⁵⁴ Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan, ILO& SSI, 2009

⁵⁵ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019

- Ministry of Health and Family Welfare -
- Ministry of Home Affairs
- Ministry of LGRD
- Ministry of Agriculture
- Ministry of Fisheries and Livestock
- Implementing, Monitoring and Evaluation division. -
- Ministry of Law, Justice and Parliament
- Other subordinate divisional, district and Upazilla based relevant office
- Association of employers and labourers
- Various non-government and international development organizations

In addition, the NCLEP notes that eradicating child labour is an ongoing, huge extension of work. Beside government, different national and international organizations are working accordingly. Government and non-government organizations will take the initiative to redesign these policies. Donor agencies interested to work for child labour issues in Bangladesh, in future will work on the basis of this law⁵⁶.

C.6.iv. National Agencies and Organizations

Ministry of Labour and Employment⁵⁷: As explained earlier, different ministries are playing lead or supplementary roles in dealing various children issues including the child labour. However, generally the Ministry of Labour and Employment (MoLE) may be considered as the lead ministry or national focal point to deal the labour issues including the child labour issues particularly mandated with formulation and enforcement of child labour policies and/or implementation, management, and monitoring of child focused programmes. As mentioned earlier, among the GoB ministries, the MoLE is at the helm of labour and child labour affairs with major involvements of the MoWCA and MoSW, implementing and coordinating activities under the National Action Plans for Children. The MoLE is in a process of establishing a Child Labour Monitoring (CLM) system; and involved in many multi-stakeholders programs including lead roles for a number of components of ILO led National Time-Bound Programme-TBP like; Urban Informal Economy (UIE) and Eradication of Hazardous Child Labour in Bangladesh' project, etc.

Ministry of Social Welfare (MoSW) and DSS⁵⁸: The MoSW is having a Committee for monitoring the implementation of Children Act 1974 involving all concerned Ministries, Departments and organizations, this ministry has been implementing the UNICEF supported 'Protection of Children At Risk Project' (PCAR). The DSS under this Ministry is directly involved in different social welfare programmes and have a number of institutional care facilities under its management for different types of distressed children like orphans or children deprived of parental care, street and vagrant children, children with disabilities, children in conflict with law and so on. As DSS is institutionally structured, it has nation-wide network of offices beginning with Union Parishad (UP) at the bottom level that runs through Upazila, District and

⁵⁶ Ibid-Page-46

⁵⁷ Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan,ILO& SSI, 2009

⁵⁸ Md. Farid Uddin.....The Assessment of Feasibility of Management Information System and establishment of Child Protection IMS and M&E under the Department of Social Services (DSS), Ministry of Social Welfare (MSW), UNICEF & SSI, 2010

Division. This places the Ministry in a better position to own and operate a proposed CP-MIS that to be supported by UNICEF.

Ministry of Women and Children Affairs (MoWCA)⁵⁹: The MoWCA is mandated to deal with matters relating to violence against women and children. Acting as the CRC focal point and heading the Inter-Ministerial CRC Standing Committee, this ministry has been coordinating and tracking progress of activities by 18 Ministries directly or indirectly associated with activities relating to CRC and other regional programmes relating to CP. Under the MoWCA, a Central Cell headed by a Deputy Secretary is responsible for compiling data received from different sources including data from Police Headquarters and DSS and presents them in the Inter-Ministerial Coordination Committee to Prevent Violence Against Women and Children. Data available with them is a good basis for evaluation of how police respond to reports on violence against child and to evaluate and formulate legislation, policies and procedures to respond to violence. Tracking the availability of services, such as shelters or refuges and other support for children who have been subjected to violence is also needed to evaluate a society's response to the problem.

Ministry of Home Affairs (MoHA)⁶⁰: Bestowed with the responsibility of enforcement of laws and acts in general, the MoHA has a pivotal role to play in the process of child protection, as far as prevention of violation of child rights and actions against the violators are concerned. Under the MoHA are working the National Anti-Trafficking Committee headed by the Secretary of MoHA with a network of branches at District, Thana/Upazila and Union/Pourashava levels. The Monitoring Cell at Police Headquarters for Combating Trafficking in Women and Children connects 597 police stations/Thanas in Bangladesh; with at least one station in each of 482 Upazilas under 64 administrative districts. The Thanas send monthly reports of cases filed to the Superintendent of Police (SP) at district level. The SP office compiles the reports and sends monthly reports to the police headquarter; which, in turn, is compiled by Division/Ranges and metropolitan areas and send monthly report to the "Central Cell" of MoWCA as well as to Ministry of Home Affairs for necessary actions.

Ministry of Primary and Mass Education (MoPME): The MoPME along with the Primary and Mass Education Division (PMED), Department of Primary Education, Bureau of Non-Formal Education (BNFE), Bangladesh Bureau of Educational Information and Statistics (BANBEIS), Shishu Kallyan Trust (SKT), the Vocational Training Institutes (VTI) and Technical Training Centres should all be brought under a broad canopy of knowledge management to have relevant information for referring the working children to education and vocational training.

Planning Commission: The 'Poverty Analysis and Monitoring Wing' under the General Economics Division (GED) of the Planning Commission is entrusted with coordinating and tracking progress of national targets as defined in the MDG and PRSP. The IMED is responsible for monitoring all projects and Bangladesh Bureau of Statistics (BBS) under the same ministry is a recognized national level official source of information. Also recently launched BDInfo is functionally located at BBS HQ; with which the CL and CP MIS could have effective linkage.

⁵⁹ Ibid-Page-46

⁶⁰ Md. Farid Uddin.....The Assessment of Feasibility of Management Information System and establishment of Child Protection IMS and M&E under the Department of Social Services (DSS), Ministry of Social Welfare (MSW), UNICEF & SSI, 2010

Some of the other keys national agencies and organizations engaged in various child labour related activities are the following, narratives on which are available under **Attachment-3:**

- Ministry of Law, Justice and Parliamentary Affairs (MoLJ & PA)
- Ministry of Health and Family Welfare (MoHFW):
- Ministry of Religious Affairs
- Ministry of Local Govt. Rural Dev. and Cooperatives (MLG & RDC)
- Implementation Monitoring and Evaluation Division (IMED)
- Judicial Administration Training Institute (JATI)
- Shishu Kallyan Trust (SKT)

More over there are a range of other following important national level Statutory Bodies/Quasi-Governmental Organizations which have been playing various roles in child labour related activities. Narratives on which are available under **Attachment-4:**⁶¹

- Bangladesh Bureau of Statistics (BBS):
- Bureau of Non-Formal Education (BNFE):
- Bangladesh Bureau of Educational Information and Statistics (BANBEIS):
- Implementation Monitoring and Evaluation Division (IMED):
- Directorate of Secondary and Higher Secondary Education:

C.6.v. The UN and International Agencies

The most relevant UN bodies and international agencies currently active in Bangladesh are effectively contributing to the process of achieving various development goals including the elimination of child labour. Including lead roles in designing and implementing the TBP, ILO is directly associated with several child labour oriented programs/projects implementing various activities preventing children from entering the labour market, withdrawing children from hazardous work and finding ways to rehabilitate them. It has been closely working with the MoLE to establish a Child Labour Monitoring (CLM) system under the Child Labour Unit (CLU) of the ministry. UNDP is partnering with MoHA in streamlining the Police Monitoring Cell under the Police Reform Project. UNICEF's child protection strategies in Bangladesh include measures and activities relating to child protection policy and legislation as well as the minimum package of child protection services and advocacy for their inclusion in national social protection strategies and relevant sector development plans in the areas of education, health, nutrition, safety and development. The 'Protection of Children At Risk Project' (PCAR) with MoSW, the Empowerment & Protection of Children (EPC) Project with MoWCA, the Birth and Death Registration Project with MoLG, The Juvenile Justice Project with MoLJ & PA, the Basic Education for Hard to Reach Urban Working Children (BEHTRUWC) with MoPE are the examples of UNICEF's support to Bangladesh in the line. The UNHCR currently working for Rohingya refugees in Bangladesh is providing through selected partner NGOs some child-specific services like birth registration, health care and nutritional support, schooling and special support to disabled children. UNESCO's activities are aimed to achieve the MDGs concerning early childhood care, inclusive

⁶¹ Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan, ILO& SSI, 2009

education, HIV/ADS education, non-formal education and life skills training. UNESCO is currently helping implementation of a national plan of action for Education for All (EFA) and contributing to the Protection of Children At Risk (PCAR) project, as well⁶².

The World Bank's support to the 'Disability and Children-at-Risk Project' (DCRP) is a current example of its attachment to CP activities in Bangladesh; while it is going to launch a project for street children in five cities that are not currently covered by the UNICEF supported PCAR project.

Among the bi-lateral funding agencies, the DFID, CIDA, DANIDA, GtZ, USAID and the Embassy of the Kingdom of Netherlands (EKN) are supporting one or other child protection oriented activities in Bangladesh.

C.6.vii. NGOs/CBOs and Networking Bodies⁶³

The following important NGOs presently working independently or in partnership with different ministries and departments implementing child labour oriented programmes/projects and have potential to contribute to achieve the national child labour elimination goals:

Save the Children (Sweden Denmark, UK, USA) Alliance: Save the Children's work in Bangladesh in health, education, food security and disaster preparedness, its ability to reach children and families in their communities and its partnerships with dozens of government agencies, community groups and nongovernmental organizations to bring programmes to scale has made Save the Children one of the premiere child-assistance organizations in Bangladesh.

Together with Working Children (TWC): It is a network of Child Labour Thematic partner organizations of Save the Children Sweden Denmark to protect working children's right and to reduce their working hazards at workplace. TWC is enjoying the position of a network well recognized by the state and civil society bodies. Knowledge certainly is the backbone of TWC. Partner organizations have developed this platform in 2005 to develop a common advocacy plan, create scope for experience sharing, knowledge building & dissemination. Sharing and management of knowledge, learning from each others' mistakes and successes and bringing knowledge forward to other stakeholders outside the network is one of the finest roles of TWC.

Child Labor Elimination Action Network (CLEAN): DoL in association with 42 NGOs/ CBOs and local government institutions has been monitoring hazardous child labour in 8 north-western districts of Bangladesh.

There are more NGOs presently implementing child labour oriented projects and contributing to achieve the national child labour elimination goals. Narratives on those other active NGOs are available under **Attachment-5:**⁶⁴

⁶² Ibid-2009

⁶³ Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan, ILO& SSI, 2009

⁶⁴ Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan, ILO& SSI, 2009

- Bangladesh Shishu Adhikar (Child Rights) Forum (BSAF)
- Campaign for Popular Education (CAMPE)
- Plan International-Bangladesh
- BRAC
- Bangladesh Legal Aid and Services Trust (BLAST)
- Underprivileged Children's Education Programme (UCEP)
- Dhaka Ahsania Mission (DAM)
- Bangladesh Institute of Labour Studies (BILS)
- National Children's Task Force

C.6.ix. Employers and Workers Organizations⁶⁵

Participation of the employers and workers organizations in the child labour elimination goals is a pre-requisite for its purposes to achieve. In different manner and capacity they are engaged with the workers, employers, development partners and GOB. The most important such organizations include the following:

Bangladesh Employers' Federation (BEF): The Federation is a national body of employers, representing more than 90 percent of the employers in Bangladesh and in international fora. BEF was registered as the national organisation of the employers in 1998.

National Coordination Committee on Workers Education (NCCWE): Sixteen federations have formed a loose group known as the National Coordination Committee on Workers' Education (NCCWE). ILO has been collaborating with the NCCWE in various activities which include training courses, workshops and seminars on collective bargaining, industrial relations, leadership development, and awareness about labour law and trade union rights.

Narratives on the following other important and active Employers and Workers Organizations are available under **Attachment-6:**⁶⁶

- Bangladesh Garment Manufacturers and Exporters Association (BGMEA)
- Bangladesh Knitwear Manufacturers & Exporters Association (BKMEA)
- Bangladesh Trade Union Kendra (Centre) – BTUK

C.6.x. Major Programmes and Projects⁶⁷

The ongoing child labour oriented programmes and projects with scopes and possibilities of sharing resources and operational responsibilities are the following:

The Bangladesh National Time Bound Programme (TBP): A comprehensive package of interventions related to child labour and addresses all relevant issues collectively in the wider context of education, poverty reduction, and MGDs agenda.

⁶⁵ Ibid-2009

⁶⁶ Ibid-2009

⁶⁷ Ibid-2009

It has optimal linkages and complementarities with government ministries, UN agencies, relevant donors, and programmes that have an orientation to children's development, protection, and well being. As an outcome of TBP, the CLU-CLM would be instituted in the MoL&E maintaining a parental relationship with TBP with primarily focusing on monitoring of activities under its different components.

TBP also embody the existing and potential programmes having linkages to the areas of impact within the framework of PRSP and third NPA on Children (2004-09). A host of existing and proposed programmes fell under its umbrella that would be instrumental in creating the anticipated "*WFCL-free society*" in Bangladesh. The National TBP Framework sets the goal of eliminating WFCL from Bangladesh by 2015 and suggests a phase implementation of its programmes/interventions in line with the PRSP cycle. These programmes/interventions are categorized under nine major "Components" within the TBP framework as follows⁶⁸:

- National Capacity Building Component
- Awareness Raising & Advocacy Component
- Policy & Legal Reform Component
- Urban Informal Economy (UIE) Component
- Rural Informal Economy (RIE) Component
- Basic Education Component
- Technical Education Component
- Poverty Reduction Component
- Component Programmes for Unconditional WFCL

Prevention and Elimination of the Worst Forms of Child Labour in the Urban Informal Economy (UIE) project: The project, which is funded by the Netherlands Government, commenced in January 2007 and in the current phase will be completed in December 2011. The major objectives are to: i) strengthen the knowledge base and prepare models that regulate, monitor and address hazardous child labour in an urban informal economy for country-wide replication; ii) develop and implement a multi-disciplinary and multi-tier Child Labour Monitoring (CLM) system; iii) provide viable alternatives for children and their guardians, families and/or households and their employers in the form of non-formal education, skill development training, social and economic empowerment, workplace improvement programs, and other needs-based supplementary service programs. A sophisticated beneficiary tracking and workplace surveillance system, social mobilization and community participation and strengthening the capacity of primary (e.g. Government, Dhaka City Corporation, Employers' and Workers' organizations) and secondary partners (e.g. NGOs and CBOs) are complementary strategies⁶⁹.

Technical and Vocational Education and Training Reform (TVET) project⁷⁰: The TVETP is funded by the European Commission for a period of five years (2007 - 2011). The project aims to assist Bangladesh in reducing poverty through reforms of technical and vocational education and training policies and systems so that more people can acquire employable skills and thus generate income through wage-earning jobs or self-employment. The rationale for the project stems from the

⁶⁸ Program Doc-TBP-ILO

⁶⁹ Child Labour and Education in Bangladesh: Current Practices and Policy Recommendations, ILO, UNICEF & UNESCO, 2009, Page-47

⁷⁰ Ibid- Page-51

national poverty reduction strategy. The project is intended to contribute to the improvement of productivity in industry and services through better responding to their skills needs; to ensure rapid formation of the national human capital and improved employability of vocational education and training graduates; to enhance labour market participation, social inclusion and empowerment of disadvantaged groups –low literate youth, child labourers, women, and rural communities. The project objectives expected to be achieved through following corresponding components in the project:

- TVET policy, management and systems
- Quality and relevance of TVET
- Management of TVET institutions and teacher training
- Workplace skills development
- Access to TVET by underprivileged groups including working children

Primary Education Development Programme-II: PEDP-II officially ends in 2009 but in a transitional period. Built upon the lessons from General Education Project (GEP) 1990–95 and the PEDP-I ended in 2004, PEDP-II is a six-year project from 2004 to 2009. There are 11 donor partners (DP) involved in PEDP-II, led by the Asian Development Bank (ADB) and including the Government of Bangladesh. The other partners include the World Bank, CIDA, DFID, EC, IDA, Norway, The Netherlands, UNICEF/Australia, and JICA.

There are five components in the PEDP-II structure. Of them, the fourth one is for improving and supporting equitable access to quality schooling with some special provisions for promoting equal access of indigenous and children with special needs. The fifth component is about management and monitoring.

The Reaching Out-of-School Children (ROSC) project: The ROSC aims to address children in Bangladesh who do not have access to formal education mainly due to poverty. The project is co-financed by the GoB, the World Bank, and the Swiss Agency for Development and Cooperation (SDC). The Directorate of Primary Education (DPE) under the Ministry of Primary and Mass Education is responsible for the project. As it facilitates non-formal education to disadvantaged children, the CP MIS at DSS can find it as a referral for education of vulnerable children.

Protection of Children At Risk (PCAR) Project: A follow-on project of the former ARISE (Appropriate Resources for Improvement of Children's Environment) under the MoSW supported by UNICEF, the PCAR targets the children without parental care and living in streets in 6 Divisional Cities Bangladesh.

Eradication of Hazardous Child Labour in Bangladesh: The Government of Bangladesh under the Ministry of Labor and Employment has undertaken this national programme funded by the Swedish and Canadian governments. It is being implemented by some 76 NGOs and targets 21 sectors in which child labor occurs. The goal is to provide working children additional skills to allow them to transition out of hazardous occupations. The programme, set to expire in June 2009, is currently in its second phase, and the Government has allocated USD 4.2 million for 3 years. The programme aims at withdrawing 30,000 child labourers from hazardous jobs through two-year, non-formal education, and six-month skills development programmes. It is also providing micro-credit to 20,000 parents of child labourers.

Female Secondary School Assistance Project-II: The Second Female Secondary School Assistance Project, funded by the World Bank, aims to improve the quality of, and girls' access to, secondary education in rural areas of Bangladesh.

Basic Education for Hard to Reach Urban Working Children (BEHTRUWC): Basic Education for the Hard-To-Reach Urban Working Children (BEHTRUWC) Project, 2nd Phase, a USD 20 Million project, has been planned to achieve quality life-skills based basic education, livelihood education, and advocacy for improved environment for working children in six divisional cities in Bangladesh over a period of five years. The project targets 200,000 working children of ages between 10-14 years for basic education through establishing 8,000 learning centres (LC) for a period of 40 months each and targets 20,000 children of age 13+ for livelihood education. Besides, activities is also planned to advocate for and build the capacity of the families of the children and stakeholders of the project.

Poverty and Working Children Project: Save the Children Sweden Denmark – Bangladesh is responsible for the Project. The overall objective of the Project is to help the poor children in Bangladesh who are involved in work that is harmful to their physical, mental and moral development. The specific objective of the Project is to help the communities and poor households in the target areas making them better able to protect children from harmful work.

Improving Development Opportunity for Street Children Project: This project is the successor of two separate Plan Bangladesh project for street children; joint initiatives with ASD and PSTC. The objective of the project is to improve development opportunity for street children of Dhaka City.

Empowerment & Protection of Children (EPC) Project: Implemented by the Ministry of Women and Children Affairs (MoWCA) through NGOs, this project is targeting the orphans and otherwise marginalized children – such as, street children, drug users, victims of sex exploitation, acid survivors, disaster affected children and adolescent boys and girls (Kishori Avizan).

Community Based Working Child Protection Project (CBWCP): Executed by MoHA, this project has been initiated to combat human trafficking in Bangladesh by enhancing preventive and protective measures, improving victim care and strengthening the GOB's capacity to prosecute traffickers and trafficking related crimes.

Actions for Combating Trafficking-in-Persons (ACT): Funded by USAID through IOM, this program has been initiated as an effort to assist the GOB to combat human trafficking in Bangladesh through the prevention of trafficking-in-persons, enhancing the protection of the victims and improving victim care, and strengthening the GOB's capacity to prosecute traffickers and trafficking related crimes to help ensure that the rule of law and human security are improved.

Birth and Death Registration Project 2009: This project is implemented by the Local Government Division under the Ministry of Local Government (MLG) and funded by UNICEF.

C.7. The Gaps and Shortcomings of Interventions on Child Labour⁷¹

The recent sector mapping supported by UNICEF concluded⁷² that although the NASPR-II identified a set of ministries and government agencies⁷³ in relation to implementation of activities with respect to the problem of child labour not all of them take up initiatives or address the strategic goals set as their priority while developing their own budgetary framework (specifically the MTBF).

The dominant national policies like NASPR-II, National Action Plans for Children 2005-2010, The Child Labour Elimination Policy, 2010, National Children's Policy 1994, Education for All (EFA): National Plan of Action-II-2003-2015, do provide broad policy framework, however, being largely dependent on external support, both the government and non-government interventions on child labour lacks adequate consistency.

Relevant national policies like the ones mentioned above and major programs like TBP have placed strong focus on education and vocational training as means of both prevention of children's entry to child labour and of withdrawal of children from child labour or worst form of child labour involving both the government and non-government actors. The vocational training opportunity still awaits complete inclusion within the mainstream education curricula, the non-formal education has yet to receive national and global equivalency and there exists little or no monitoring by any authority to set standards and quality.⁷⁴ The Budget allocation for 2008-09 also showed a downward trend for the education and technology, which was Tk. 12258 crore and 12.26 per cent of the total budget. After 2006-07, the share of education and technology shows a decreasing trend⁷⁵.

Ministry of Primary and Mass Education: An allocation of Tk. 5700 crore has been proposed for the Ministry of Primary and Mass Education. This amount is 8.1% greater than revised allocation in Budget 2007-08 budget. Development expenditure of this ministry increased by 25.54 percent compared to the previous budget and the volume of the allocation is Tk. 2369 crore. The Ministry of Primary and Mass Education received allocation for seven projects related to children in Budget 2008-09. The total sum of the allocation is Tk. 2284.55 crore. Six of these projects are related to primary education and one project is for non-formal education of children. Among the primary education related projects, the major share (78.79%) is for Primary Education Development Programme-2.

⁷¹ A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-20019-Page-vi

⁷² Ibid-Page-vi

⁷³ The list among others includes; MoI, MoS, DSHE, BITAC, MoE, MoPME, MoWCA, MoCA, MoYS, MoSW, NCTB, PTIs, MoHFW, MoLJPA, MoLE, MoEWOE, BMET, DL, DIFE, BITAC, SCITI, BSCIC, SMEF, TSCs, MF, TTCs, DTE, BTEB BBS, MoPED, IER-DU, MoLGRDC, Mica, MoCHTA, MoH, Madrasha Education Boards, BRDB, MoHFW and MoLJPA etc.

⁷⁴ Ibid-Page-vi

⁷⁵ Professor Atiur Rahman, A K Iftekharul Haque,National Budget 2008-2009 Analysis: Children's Perspective, June 2008-Page-18

The coverage of interventions is inadequate in comparison to the span of the problem. The review also finds that there exists little available information on cost-effectivity of different forms of interventions – more so when the social and implicate costs are internalized. Apparently, there exists no standardized cost structure both for government and non-government actors. This is due to varied approach and large deviations in the quality of care and services.⁷⁶

As far as the social safety net programs are considered, they are not covering the poor people according to their needs. Only 13.2 percent people are being benefited by these programs. The review also notes geographical variations such that the localities of the indigenous communities, traditional communities and marginalized geographical communities (e.g. the river island localities etc.) are having less access to government programmed interventions. Even if these communities are having access to NGO interventions, these are either inadequate or mostly in forms of non-formal education activities.

The asset transfer programs consisting both supports in cash or kinds e.g. female stipend or food for work, etc., are not strategically linked with child labour elimination agendas and the social awareness raising campaigns are often target people of a specific locality without having national coverage or linkage (i.e. geographical or program linkages). Lack of information and converge in the informal sector of the economy, specially in the worst form of child labour and hazardous child labour sectors (e.g. the ship-breaking, leather etc.) identifies another aspect of inadequacy of interventions.⁷⁷

Lastly, the dominant national policies like NASPR-II, National Action Plans for Children 2005-2010, The Child Labour Elimination Policy, 2010, Education for All (EFA): National Plan of Action-II-2003-2015, are now providing consistent and coherent guidelines for way forward and incremental programmatic commitment. However, sustainability of the interventions still remains to be a challenge at the face of dwindling external support, lack of institutional coordination along with lack of community participation and ownership etc. Nevertheless, the review finds the presence of incremental political commitment and proactive national civil society organizations. A gradual & incremental progress of situation is observable, which is reflected in various public and private sector initiatives and the strategic goals set in the NASPR-II, national sector plans toward MDGs and MTBF, etc.

C.8. Education in relation to child labour

As last census (Bangladesh Census 2001) data suggest, about 10.18 million children aged 6-14 years were not attending any educational institutions) in that year. However, as recent review jointly conducted by ILO, UNICEF & UNESCO⁷⁸ suggests that in 2002-03, 33 million children aged 5-17 were attending school (78.7% of children in Bangladesh). About 2.4 million children were attending school and working. Of 9 million children who were not at school, 54% were

⁷⁶ Ibid-Page-vi

⁷⁷ Ibid-Page-vi

⁷⁸ Child Labour and Education in Bangladesh: Current Practices and Policy Recommendations, ILO, UNICEF & UNESCO, 2009, Page-51

working. According to the 2007 School Survey Report, the gross enrolment rate (GER) was 98.8% and net enrolment rate (NER) at 91.1%. In 2004, GER was 101.6% and NER was 89.7% for primary schools. The change in GER and NER are positive indications that more children are enrolling and at the correct age. In 2004, about 80% of the primary school-going population studied at government and registered non-government primary schools. Some 1.5 million children attended non-formal primary education programs run by NGOs. Drop-out rates at the primary education level are high at 34.9% (UNESCO, 2008). In 2004, 48% of children dropped out of primary education. Transition rates from primary to secondary level have improved but 17% of children still failed to move on to Grade 6 from Grade 5. Only 2.1% of children in formal primary schools were reported to have acquired all 27 competencies, which could be tested and required by the primary curriculum and one-third of children after five years of school remained non-literate or semi-literate. GER at secondary education level continues to be low, at 65% in 2004. Drop-out rates are extremely high at 83% in 2003; 55.4% dropped out at Grade 10. Enrolment rates are encouraging but high drop out, low transition and low levels of competency raise serious issues of quality of schooling received⁷⁹.

C.8.i. Relationship between child labour and education in Bangladesh

The recent review jointly conducted by ILO, UNICEF & UNESCO⁸⁰ also suggests a strong and clear relationship between child labour and education; nearly 50% of the students starting Grade 1 drop out of primary education and become potential candidates for the labour market. The impact of child labour is seen in enrolment rates, attendance, school performance, drop out and transitional issues. About 837,000 children were involved in child labour and schools simultaneously in 2003, but 72% of working children were not at school. Their main reasons for not going to school are that education is too expensive, that they are engaged with household economic activities or that they are weak in education and are not successful in their exams. Their reason for being weak and not being successful in education could be due to their irregular attendance because they have to work for long hours. Approximately 63% of working children work 15-29 hours a week. Hence, they fall behind on their lessons, do not have the help to catch up and struggle to understand what is happening in the classroom. Furthermore, teachers may not be sensitive to their learning difficulties and, therefore, offer them little support⁸¹.

C.8.ii. National Responses for combating child labour through education

Since independence, the public and private sectors policy and programmatic responses to eliminate child labour and expand basic education opportunities are of highly incremental and are of three major categories: a) general education interventions within the mainstream education system; b) non-formal education; and c) specific time-bound project interventions aimed at addressing the situation of working children.

Of the first category i.e in the category of general education interventions within the mainstream education system and series of educational interventions have

⁷⁹ Ibid-, Page-51

⁸⁰ Ibid-, Page-51

⁸¹ Ibid-, Page-51

taken place at the primary and secondary level to improve and expand access to all, including girls, children in difficult circumstances, ethnic minorities and children with disabilities. The interventions are intended to raise quality at the primary and secondary level, to stem the outflow of dropouts and encourage promotion to the next stage of education. These include : a) the Second Primary Education Development Programme (2004-2009) or PEDP II , b) the Secondary Education Sector Development Program or SESDP, c) Primary Education and Secondary Level Female Stipend Programs and d) BRAC (BEP) and other non-formal education programs at the primary and pre-primary level⁸².

Of the second category i.e in the category of Non-formal education interventions more than 700 NGOs offer one or more types of non-formal education programs in the country for out-of-school children, which include working children (Associate for Development Services Limited, 2006b). There are currently over 1.5 million beneficiary children in non-formal education programs run by international and national NGOs⁸³. A 2004 survey (Cited in Associates for Development Services Ltd, 2006b) showed that of these 700 NGOs only 72 were running large-scale programs. An overview of some of the non-formal education programs is provided below:

Of the second category i.e in the category of specific time-bound project interventions aimed at addressing the situation of working children, the ILO led TBP is the main program which adapted enhancement of childrens' access to the basic education as one of its major strategic objectives which has been elaborated under page 32-33.

The historical profile of the many efforts that have been undertaken by Bangladesh combining GOB and NGO partners are nicely summarized in the prodoc of TBP as follows⁸⁴:

- The GOB committed itself to make efforts towards Universal Primary Education. In 1990, Bangladesh passed a compulsory Primary Education Act;
- Following the World Conference on "Education For All" in 1990, at which the World Declaration on Education For All (EFA) was adopted, the GOB prepared its first EFA National Plan of Action (1991-2000). The NPA was prepared against the backdrop of earlier GOB initiatives towards realizing the enhanced access to primary education and reduced adult illiteracy.
- In line with these GOB policies, the Primary and Mass Education Division was set up in 1992 to ensure compulsory primary education for all children aged 6 years and above.
- In 1993, the government, in collaboration with the World Food Programme (WFP), started "Food for Education" programme in many areas of the country that attracted poor children and their families to primary education. Under this programme, children of selected poor families enrolled in primary school received 15 to 20 kg of wheat per month for attending school regularly. The programme significantly increased enrolment and attendance and reduced dropout.
- The setting up of the Directorate of Non-Formal Education (DNFE) in 1996 further reinforced the Government's efforts to tackle the high drop-out and

⁸² ⁸² Ibid-, Page-42

⁸³ Child Labour and Education in Bangladesh: Current Practices and Policy Recommendations, ILO, UNICEF & UNESCO, 2009

⁸⁴ Prodoc-TBP-ILO-Page-15

low attendance rates in formal education system. This trend at least provided a sustainable solution to the primary education problem and made a substantial impact on solving the child labour issue.

- As Non-formal Education (NFE) programmes are more flexible and child-centred, poor families find these programmes more suitable for their children. Thus, NFE programmes have been accepted as a parallel or complementary approach to formal education, especially for underprivileged, school drop-out and out-of-school children. In this context, the GOB launched a special education programme in October 1997 for the urban working children of Bangladesh. Under this programme, arrangements were made to conduct two years basic literacy courses for 346,500 urban working children through 11,550 centres in six Divisional Headquarters including Dhaka. This project was implemented with technical assistance from UNICEF (Hard to Reach or BEHTRUC - Basic Education Hard to Reach Urban Children Project).
- EFA goals and strategies (as reformulated and operationalized in the Dakar Framework for Action⁸⁵) provided the framework for the development of the second National Plan of Action (2003-2015) through the implementation of which the GOB expects to fully achieve the EFA goals by 2015, also in line with the UN Millennium Development Goals (MDG). The three major areas for action envisaged under the second NPA are early childhood care and education, formal primary education and non-formal education.
- Both National Plans of Action (I and II) have provided the strategic framework for education in Bangladesh. The implementation of this framework has been devolved to the Compulsory Primary Education Programme, Food for Education Programme, Stipend Programme and the Primary Education Development Programmes (PEDP I and II).
- The PEDP I provided a framework for various projects undertaken since 1997, but was not very successful, due to its scattered operation and the lack of sufficient monitoring.
- The PEDP II which was launched in July 2004 with a funding support of a consortium of 11 donors (World Bank, ADB, SIDA, DFID, EC, CIDA, JICA, UNICEF, USAID, the Netherlands, Norway)- aims to improve quality, equitable access, and efficiency in primary education through a sub-sector programme approach. Specifically, the programme will assist the GOB to: (i) improve the quality of teaching and learning, and raise student achievement; (ii) increase access to schooling for the disadvantaged; and (iii) strengthen planning and management of primary education, including establishing a national monitoring and evaluation system. Under this programme, about 35,000 new teachers will be recruited; 30,000 classrooms will be constructed; 90,000 teachers to be trained; and free textbooks to be supplied to students. Rural Stipend Programme for poorest children is one of the most important provisions continued under this programme to address the poverty and gender related factors that impede the school enrolment of children and girls, in particular.
- In 2005, the GOB adopted a policy called "Non Formal Education (NFE) Policy Framework" to bring all NFE stakeholders under a single umbrella to ensure uniformity in providing NFE services. In line with this framework, the GOB created a new institution named "Bureau of Non Formal Education (BNFE)" in 2005 under the Ministry of Primary and Mass Education. This institute is responsible for overseeing the implementation of various NFE programmes in

⁸⁵ The DFA was adopted as the culmination of the World Education Forum in Dakar, Senegal, in April 2000, and embodies a revitalized collective commitment to achieve Education For All by 2015.

- the country including the recently approved second phase of the UNICEF “Basic Education for Hard-to-Reach Urban Working Children” project. This project aims at providing basic education with life skills training to 200,000 working children in six divisional cities.
- In 2005, the Education Commission submitted its report on the draft Education Policy for finalization by the Government.

C8.iii. Budget for Primary and Mass Education⁸⁶

Overall: In the Budget 2008-09, the allocation for education and technology was Tk. 12258 crore, which was 12.26 per cent of the total budget. In previous years, this sector received the highest allocation in the budget. However, this year, education and technology was not the highest allocation recipient. In that budget, the highest allocation went towards interest payments. After 2006-07, the share of education and technology shows a decreasing trend.

Ministry of Primary and Mass Education: An allocation of Tk. 5700 crore has been proposed for the Ministry of Primary and Mass Education. This amount is 8.1% greater than revised allocation in Budget 2007-08 budget. Development expenditure of this ministry increased by 25.54 percent compared to the previous budget and the volume of the allocation is Tk. 2369 crore. The Ministry of Primary and Mass Education received allocation for seven projects related to children in Budget 2008-09. The total sum of the allocation is Tk. 2284.55 crore. Six of these projects are related to primary education and one project is for non-formal education of children. Among the primary education related projects, the major share (78.79%) is for Primary Education Development Programme-2.

C.8.iv. Conclusions of a Recent Review⁸⁷

A recent review supported by ILO, UNICEF and UNESCO, titled “Child Labour and Education in Bangladesh: Current Practices and Policy Recommendations” concludes that Child labour and education is inextricably linked. Child labour impacts on the enrolment drop out and transition rates at primary and secondary education levels. Also, an inaccessible and low-quality educational system increases the incidence of child labour and thereby undermines the life chances for the most vulnerable in society.

The decline in child labour rates and the increase in gross and net enrolment rates over the last 15 years or so have been promising. Available statistics suggest that there has been a decline of 25% in the number of children aged 5-14 entering the labour force. The decline has been sharper for girls compared to boys. However, the precise magnitude of decline, or if a decline has occurred at all, cannot be ascertained definitely because the definitions and methodology of measurement have not been consistent and comparable.⁸⁸

⁸⁶ Professor Atiur Rahman, A K Iftekharul Haque,National Budget 2008-2009 Analysis: Children’s Perspective, June 2008-Page-18

⁸⁷ Child Labour and Education in Bangladesh: Current Practices and Policy Recommendations, ILO, UNICEF & UNESCO, 2009, Page-54

⁸⁸ Ibid-Page-54

The work that has been done by key stakeholders such as the Ministry of Labour and Employment, the Ministry of Primary and Mass Education, ILO-IPEC, UNICEF, UNESCO, NGOs, and the private sector has raised awareness, improved social mobilization and strengthened institutional capacity and commitment to achieve the twin goals of eliminating child labour and achieving education for all. Work in mainstream primary and secondary education under the purview of the Ministry of Primary and Mass Education, the Ministry of Education and NGOs have expanded access to education, especially of girls, and to that extent have contributed to the mitigation of child labour.

Despite the positive developments noted, the absolute and relative numbers of working children including those involved with WFCL persist as a serious problem. This situation is a key factor in high drop out, low transition from the primary school, low competency levels and is a general impediment to the effective participation of children in education. A significant proportion of children (at least 7.5%) aged 5-17 are categorised as child labourers; more than half whom are involved in the worst forms of child labour, therefore subjected to serious violations of their human and child rights. 17.5% of the children categorized as economically active remain vulnerable to a denial of their rights including full participation in education and a lack of protection from harm.

C.9. Advocacy Awareness and Social Mobilization

Over last few years Bangladesh is engaged in raising awareness against the use of child labor and its positive outcome has to some extent been reflected in the fact that both the aggregate volume and in percentage points child labor has reduced as reflected in the span of two child labour surveys of 1995-96 and 2002-2003. From the level of 18.3 percentage points of the respective age group (5 to 14 years) with a corresponding aggregate of roughly 6 million, it has come down to 14.2 percentage points with an aggregate of 5 million less. This declining trend in terms of the proportion of child labour compared to the total child population might have continued beyond the year 2003, which however, is not quantifiable due to the absence of national sample based data. This reduction might have been possible due to different project/program interventions that described before and empowerment of the child labor (eg, providing education, sensitizing employers, parents), sensitizing broader community – parents, employers or community leaders (eg, media and other campaign, observing days, disseminating the knowledge of child rights), etc., and combined and cumulative affects of different policies that framed over last 20-25 years, some of which would include the following⁸⁹:

- National Action Plans for Children (1990-95, 1997-2002, 2004-09 and 2005-2010).
- The Child Labour Elimination Policy, 2010
- National Children's Policy 1994,
- Education for All (EFA): National Plan of Action-II-2003-2015, 2003
- The Street Children Policy, -2003
- Non-Formal Education (NFE) Policy Implementation: Strategic Actions, 2009
- The Early Childhood Development Policy , 2006
- The Social Policy for Children on Alternative Care and Protection,

⁸⁹ Dr. Monirul Islam Khan, Child Labor Elimination in Bangladesh and the Importance of ILO Convention 138, November 3, 2009

- Strategy and Action Plan for Mainstreaming Vulnerable Children in Primary Education
- The Plan for Action on Juvenile Justice,
- Plan of Actions of World Fit for Children

Moreover, a wide spectrum of social mobilization activities carried out by various public and private sector entities raised the awareness on child labour issues as well as contributed to create a favorable environment for effective implementation of various interventions. Those countrywide awareness raising activities included: airing of news related to WFCL through electronic and print media; mass distribution of leaflets, brochures and posters; putting up of banners and billboards; display of wall paintings and rickshaw plates; organizing of rallies; conducting focus group discussions (with parents, workers and employers); performing street dramas; organizing of video shows and cultural events; conducting of periodic media interactions; and, most importantly, direct interpersonal interactions through door-to-door visits to stakeholders' houses and offices. Such mass communication activities created interest on child labour issues in many corners of the society thus prompted them to visit various intervention programmes, gather first-hand information, contribute to the course of action, and more importantly, to assess the suitability of various models for replication. The World Day Against Child Labour on 12 June, World Children's Day in November and the Global Action Week on Education For All in April are the key events that have been utilized to draw public attention to the child labour issue⁹⁰.

C.10. Knowledge based Research and Studies

To understand the situation regarding child labour, in particular its hazardous forms, in Bangladesh a comprehensive range of Research and Studies have been undertaken. Most of these studies are conducted by Academic research and policy development institutions from the public and private domains, such as the Bangladesh Bureau of Statistics (BBS), the Bangladesh Institute for Development Studies (BIDS), the Bangladesh Institute for Labour Studies (BILS), the Centre for Policy Dialogue (CPD) and various other research firms have been partners of ILO-IPEC and thus, contributed to the enhancement of the knowledge base on child labour in Bangladesh. More importantly, by utilizing this gradually increasing knowledge base, various interventions were carried out to combat child labour through which further experience on workable solutions and important lessons was gained⁹¹. Highlights from following 22 studies are available under **Attachment-7**⁹²:

1. **Commercial Sexual Exploitation of Children Pilot Survey-2008**, published in December 2008 by Bangladesh Bureau of Statistics (BBS), Planning Division, Government of the People's Republic of Bangladesh.
2. **Report on National Child Labour Survey (NCLS) 2002-03**, published in December 2003 by Bangladesh Bureau of Statistics (BBS), Planning Division, Government of the People's Republic of Bangladesh.

⁹⁰ Prodoc-TBP-Page19

⁹¹ Prodoc-TBP-Page-13

⁹² Md. Farid Uddin, Shahadat Hussian.....Child Labour Monitoring System: Bangladesh Scenario: A Systematic Situational Assessment and Resource Mapping Toward Building an Operation Plan, ILO& SSI, 2009

3. **Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh 2005**, published in July 2006 by Bangladesh Bureau of Statistics (BBS), Planning Division, Government of the People's Republic of Bangladesh.
4. **Report on the Working Children in Metropolitan Cities of Bangladesh**, Establishment based Child Labour Survey 2002-03, published in December 2003 by BBS funded by US DOL- ILO-IPEC Project.
5. **Report on Labour Force Survey 2005-2006**, published in April 2008 by Bangladesh Bureau of Statistics (BBS).
6. **PROGOTIR PATHEY** (Road to Progress) 2006, Volume I & II: published in October 2006 by Monitoring the Situation of Children and Women Project of BBS and funded by UNICEF.
7. **Empirical Evidences of Mental and Physical Effects on the Children Employed in 29 Hazardous Occupations within the Urban Informal Economic Sectors of Bangladesh**, Services and Solutions International (SSI) on April 17, 2008 to International Labour Organization International Programme on the Elimination of Child Labour (IPEC), National Time Bound Programme Project of Support: Urban Informal Economy (BGD/07/01/NET)
8. **'Multiple Indicator Cluster Survey MICS 2006**, Volume I & II: published in October 2006 by Monitoring the Situation of Children and Women Project of BBS and funded by UNICEF:
9. **The perceptions on WFCL held by Leaders and decision makers in Bangladesh and how they May Effect policy Reform:** Services and Solutions International (SSI) on April 17, 2008 to International Labour Organization International Programme on the Elimination of Child Labour (IPEC).
10. **Report of the Household Income & Expenditure Survey 2005**, published in May 2007 by Bangladesh Bureau of Statistics (BBS).
11. **Agriculture Sample Survey of Bangladesh - 2005**, National Volume-1, published in June 2006 by Bangladesh Bureau of Statistics (BBS).
12. **National Report on Economic Census 2001 & 2003**, published in May 2007 by Bangladesh Bureau of Statistics (BBS).
13. **Bangladesh's Alternative UNCRC Report 2007**, Manusher Jonno Foundation
14. **State of Child Rights in Bangladesh 2007**, May 2008, Bangladesh Shishu Adhikar Forum (BSAF)
15. **Baseline Survey on Prevalence of Child Labour in Harmful Work**, Human Development Research Centre, Save the Children, UK 2005
16. **Report on Measuring Decent Work Indicators Pilot Survey-2005**, published in October 2006 by BBS with assistance from ILO.

Save the children Sweden-Denmark conducted and/or supported a good range of studies on Child Labour thematic areas. Some of them are:⁹³

17. **SLAVES FOR A SEASON-** Bonded Child Labour in the Dry Fish Industry in Bangladesh, Thérèse BLANCHET, Hannan BISWAS and Monzur H. Dabu, ISBN: 984-32-3615-7
18. **Slavery Revisited:** Thérèse BLANCHET, Anisa Zaman and Masuda Aktar Lucki, (Rakhals: Child labour on farms, Kajer Meye: Child domestic servants, Tsukri:
19. **Hazardous Child Labour in Rural areas in Banglades,** Abantee Harun
20. **Study on Hazardous Child Labour in Rural and Urban Bangladesh,** Farzana Islam, Rabeya Rowshan and Taifur Rahman
21. **"Linkage between NFE to Vocational Trainin."** A review on Linkage between NFE and Vocational Training Programs of Save the Children Sweden-Denmark Partner Organizations, Sabbir Bin Shams and Dr. Md. Azharul Islam
22. **Study on the Relevance of Micro-Credit Program in Rights Based Programming Approach in the Context of Child Labor,** Health Society and Environment Group (HSEG)

Some of the other important qualitative and quantitative studies that have been/are being used for formulating various interventions are⁹⁴:

1. "Survey of the child workers (below 14 years) in the Bangladesh garment manufacturing industries", 1995: ILO-IPEC/UNICEF/BGMEA;
2. "National Sample Survey on Child Labour", 1996: BBS/GOB;
3. "Hazardous Child Labour in Bangladesh", 1996: ILO-IPEC/Dept. of Labour/GOB;
4. "Child Labour Situation in Bangladesh: A Rapid Assessment", 1997: ILO/UNICEF;
5. "Situation of Child Trafficking in Bangladesh: An Overview", 1998: ILO-IPEC/BNWLA;
6. ""The Working Children in Metropolitan Cities of Bangladesh", 2003: BBS/GOB;
7. "Baseline Survey on Child Workers in Road Transport Sector, 2002-03", 2004: BBS/GOB;
8. "Baseline Surveys on Child Workers in Battery Recharging/Recycling, 2002-03", 2004: BBS/GOB;
9. "Baseline Survey on Working Children in Automobile Establishment, 2002-03", 2003: BBS/GOB;
10. "Baseline Survey on Child Workers in Welding Establishments, 2002-03", 2003: BBS/GOB;
11. "Baseline Survey on Street Children in Bangladesh, 2002-03", 2003: BBS/GOB;

⁹³ **SOURCE: Publication Catalogue;** Save the Children Sweden-Denmark in Bangladesh. Text written by: Lotte Ladegaard

⁹⁴ Prodoc-TBP-Page-13

12. "Situation Analysis of Child Domestic Workers in Dhaka, 2005", *Unpublished*: UNICEF/ACPR;
13. "Baseline Survey on Child Domestic Labour in Bangladesh, 2006", *Unpublished*: ILO-IPEC/ACPR; and
14. "Baseline Survey for Determining Hazardous Child Labour Sectors in Bangladesh, 2005", *Unpublished*: BBS/GOB.

D. CRITICAL GAPS AND WAY-FORWARD OR RECOMMENDATIONS

This section of this draft country paper for discussion and review in this stakeholder is prepared mainly drawing from the findings, observations on critical gaps & way-forward or recommendations of the following three recent studies and reviews:

- Child Labour and Education in Bangladesh: Current Practices and Policy Recommendations, ILO, UNICEF & UNESCO, 2009,
- Md. Farid Uddin, Dr. Sasanka Das Gupta.... The perceptions on WFCL held by leaders and decision makers in Bangladesh and how these may affect policy reform, ILO&SSI- 2006
- A.K.M. Masud Ali, Mapping Of Policies And Legislation & Analysis Of Child Labour Programs In Bangladesh, UNICEF, Nov-2009

The following key points on the way-forward or recommendations are only primary draft or tentative articulations mainly for group discussion in the workshop

D.1. Visualization of Way-Forward and Recommendations

Milestone-1: Political Awareness, Implementation of policies and institutional development

1. In the future national strategic plans like NASPR-II, Five Years Plan (if GOB is finally reverting to that), ADPs and other sector plans like National Action Plans for Children, The Child Labour Elimination Policy, Education for All (EFA): National Plan of Action, National Health Policy, etc. more specific and target oriented addressing of child labour issues is important.
2. National Steering Committee on Child Labour should be revamped and made more proactive towards playing greater roles to provide the national leadership in addressing the problem; setting the policy guidelines in response to child labour and other forms of labour exploitation of children; reviewing and endorsing the child labour action programme proposals; monitoring their implementation; and, from the lessons learned, to work out future strategies for the progressive elimination of child labour.
3. Massive awareness rising on child rights and overall Children issues is important within all child rights programming and beyond for making the laws more effective by building social consensus. For this, in the ongoing and major future programs, robust advocacy based activities should be included towards building awareness among political leaders & activists, elected officials both in the parliament and

other local government bodies, high ranking officials in the public & private sectors and the other national policy makers and planners.

4. Initiate new set of policies and programs addressing family-resource constraints towards lowering the relative cost of child education e.g. by supplementing family income for reverting working children to the schools.
5. Launch a new set of more inclusive and low cost education policies targeting to lower the relative cost of children's time, needs to deal with the implicit costs of education i.e. compensation and other practical approaches for the hard-reach children are necessary.
6. Accelerate initiatives to institutionalize coordination, Supervision & Monitoring system by making the Child Labour Unit (CLU) fully functional as early as possible. So that it can properly cater the needs of the stakeholders in terms of leading the policy support mechanism and delivering regular updates on changing child labour situation of the country.
7. Enhance the capacity of child friendly labour inspections by increasing the budget allocated to labour inspections significantly in order to increase the number of inspectors along with provision of child and civil society participation and participation of trade unions particularly for identifying children in the relatively invisible or obscure workplaces. .
8. Short-term, output focused project based approach should be transformed into programs while the projects in short-term should be viewed as means of achieving capacity (human and institutional), experience and mechanism of developing and retaining programme-approach e.g projects like UIEP of ILO and BEHTRUC of UNICEF may be expanded in all other City Corporations and Pourashavas by gradually handing them over to the LGBs.
9. The government must lead the process to build a broad based partnership and adopt and implement policies and strategies involving various government agencies, other key stakeholders including schools and communities, NGOs and civil society organisations, the private sector (employers and trade unions), development partners, and the media as it is planned in case of ILO led TBP.
10. The government, with the Ministry of Labour and Employment serving as the focal point, can take critical steps to create policy and inspire political will to address child labour and the denial of children's rights to education and protection from harm by:
 - a. Implementing the National Child Labour Elimination Policy through development coherent and cohesive national time-bound plan of action 2010-2016, including clear objectives, outputs, resource required, implementing mechanisms, timeframe and indicators, and stepping towards implementation of the policy and ratification of the ILO Convention No. 138
 - b. Formation of a National Taskforce on Child Labour and Education including adequate NGO stakeholder representation.
 - c. Effective implementation of The Labour Act 2006 by making the labour

courts more powerful and effective and empowering the department of inspection by greater allocation of financial and human resources, etc.

11. Take expedited measures to make the Child Labour Unit (CLU) fully functional as the lead agency for coordination, supervision and monitoring of all child labour-related programs in Bangladesh.
12. In adherence to the above discussed national policies formulate Plan Actions and programs for monitoring & supervision of Child Labour situation, law enforcement & identification involving local government bodies District & thana administration, NGOs and civil society forums in the awareness building, progress monitoring, law enforcement and identification of child labour.
11. In collaboration with the Ministry of Health and Family Welfare, DG-Health, WHO, UNICEF, UNFPA, NGOs and private sector health facilities, specialized PHC programs may be initiated for the working children.
12. Appropriate interventions towards the elimination of child labour in particular WFCL are necessary at the geographical locations having extreme poverty.
13. Formulate a Long Term Perspective Plan for the Rehabilitation of Child Labourers in WFCL incorporating clear specification of the minimum age and incorporate that in the national policy frameworks as proposed in the National Time-Bound Plan of Action on WFCL 20010-2016.

Milestone-2: Legislation and Enforcement

1. One or more critical review(s) of children policies and legal regimes are necessary to reconcile them with nationally and globally adopted standards and norms e.g to detail out the implications and reconciliatory measures necessary to ensure enforcement of convention 182.
2. Initiate new pro-children policy and laws based on the observations of critical review(s) of children policies and legal regimes involving all stakeholders including DPs, NGOs, specialized research agency, private sector and other CSBOs, etc.
3. Implement of the ratified ILO Conventions particularly the ones related to the child labour by taking specific measures like determining the minimum age, determining list of hazardous sectors/work, etc.
4. Coordinated efforts should be initiated between the MOLE, MoLJ & PA and LGBs for greater enforcement of existing laws alongside widening the scope for alternative employment or income for the child laborers and their families through NGOs various apex bodies and other tailor-made intervention programs.
5. Legal requirements to come into the formal sector should be made simpler to ensure lower transaction cost to secure compliance with the regulation. This should be discouraged as a high transaction cost for both employer and employee push them to remain in informal sector i.e. part of unofficial economy.

Milestone-3: Education

1. Advocate for greater budgetary allocation for education sector and promote more inclusive education by putting in place a multi-stakeholder National Taskforce on Child Labour and Education to review the different development plans, strategies and interventions to mainstream the issue of education of the child labourers.
2. Under the overall policy of more inclusive education and specially for the working children or underprivileged children as a whole one or more tailor-made specialize skills development programs should be undertaken and the ongoing programs should be strengthened.
3. Detail out a comprehensive strategy to address child labour and universal primary education needs to incorporate four key components:
 - a. Actions within mainstream primary and secondary education to make education more inclusive, flexible and adaptive to the needs of different types of learners;
 - b. Expansion of non-formal education adopting lessons learnt from successful equivalency programs such as NFPE and adapting to the needs of child labourers and working children
 - c. Special interventions for children engaged in the worst forms of child labour e.g in the ship-breaking, tannery, Bidi, shrimp sectors, etc., in conformity with their timing, location and other accessibility factors.
 - d. Synergy and partnership between government, NGOs and the private sector initiatives as its now ongoing in case of some good practices like UIEP of ILO, BEHTRUC of UNICEF, etc.
4. The comprehensive strategy for child labour and education, in line with Education for All and MDG goals, should be incorporated into sectoral plans and national development plans. The National Taskforce proposed above can play a role in this coordination.
5. More rigorous initiatives should be taken to enforce compulsory primary education. For this detailed plan of actions and programs should be worked out to establish better coordination between educational institutions, local government agencies, local administration and respective departments.
6. Initiative should be taken to broaden awareness of employers about existing educational and other skill development facilities / provisions created by different development program and educational institutions.
7. A continuous manpower export Programmes should be geared up by the government and liked up in such a way so that after having proper technical skills and crossing adolescent they can avail jobs elsewhere in abroad.

Milestone-4: Advocacy, Networking and Social Mobilization

1. Build effective advocacy approach to ensure adequate political commitment to ensure that the concerns over child labour will not be treated in isolation from the

broader macro-economic and political framework of development adopted by the nation.

2. Promote effective partnerships, collaboration & co-operation among key stakeholders and acquire their commitment to make partnerships work through knowledge sharing, mobilizing technical and financial support and strengthening capacity.
3. Awareness should be created among the mass people about child rights, child abuse and use of children in criminal activities. Mass propagation activities are needed in this regard.
4. Detailed target group focused tailor made and specific agenda focused media action plans should be developed and pursued through regular collaboration with the Ministry of Information, Press, TV, Radio and other media groups.
5. Elaborate coordination, collaboration and information exchange program should be initiated with District and thana level administrations including law enforcement agencies and with all rural and urban local government bodies.
6. Massive awareness raising initiative should be taken up to dispel existing myth or social misperceptions of viewing child labor as a right way of socialization means to introduce children with roles and responsibilities towards family to see child labour as an apprenticeship arrangement to enhance future productivity.

Milestone-5: Knowledge based Child Labour Research and Study

1. Harmonize with the UN mechanisms and International Standards by implementing the recommendations issued by the UN Committee on the Rights of the Child.
2. Submit the State report to the UN Committee on Economic, Social and Cultural Rights, as required under the International Covenant on Economic, Social and Cultural Rights, ratified by Bangladesh.
3. In the consideration of Sustainability of programmes or projects on child-labour, the social gains should be the main measures of success instead of cost recovery.
4. Based on the findings of one or more elaborate assessment studies, detailed action plans should be worked out for following interventions and supports:
 - Alternative employment facilities for parents and children
 - Provisions of appropriate vocational and other skill training both for children and parents
 - Interest free loan for parents
 - Long-term micro credit with IGA supports
 - Sustenance allowance for children
5. Conduct studies for bringing out integrated picture for policy formulation, initiating new programs, implementing strategic recommendations, etc., e.g. emerging employment opportunities in the urban informal sector, adaptability of working children with the existing formal and non-formal education programs, etc.

6. Initiate regular Dialogues, policy analysis, and Negotiations among the Policy Makers, Employers and Trade Union Leaders Regarding the Withdrawal of Child Labourers

Milestone-6: Protection and Prevention

1. Greater enhancement of the capacities of all duty bearers to improve conditions for children's rights generally and specifically to improve protection of children from exploitative labour situation.
2. Speedy & greater expansion of coverage of families with working children under ongoing and new Social Safety Net programs is necessary e.g under the Raural Maintenance Programs, Food for works programs, Monga area focused programs, etc.
3. Coordination with appropriate public sector agencies and NGOs should be enhanced for undertaking post-disaster tailor-made rehabilitation programs for reducing child labour dependency.
4. It is necessary to enlist the working children. Not only the children working in different factories and workshops but also children working as household workers i.e. Children who are working in their own households and children who are working as child domestic workers should be counted and registered.
5. Withdrawal of child labourers who are engaged in WFCL should start from the sectors where they are at serious risk, and afterwards a gradual efforts need to be taken for withdrawing others depending on the nature and age factor of the child labourers.
6. Accelerate efforts should be made to ensure universal Birth Registration e.g. which could be accelerated through local government. Imams and other religious leaders could also take part in raising awareness.
7. Piloting on introducing some informal written agreement or non-state based rules (for informal sector) between children and their employee may be tried to regulate the labour market not necessarily by the organs of the government alone rather by the non-state actors e.g. Code of Conduct for the employer formulated for SBI alliance.
8. Child labour is often caused from natural disaster like cyclone or river erosion. Emergency Employment Programmes could be taken to absorb short-run shocks due to natural disasters or manmade distortions.
9. Special programme on local economic development should be initiated to stop migration from lagging regions e.g monga prone regions.
10. Government should focus on gender based employment programme to increase female participation in the labour market, as different studies on parental occupation and income effects on children's participation in the labour market suggest, children's are less likely to be employed particularly if mothers are employed.

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