



Brighter Future of Child Domestic Workers in Bangladesh: Government Initiatives and Challenges

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ABSTRACT

This paper explores the features of the domestic child workers in Bangladesh and then addresses the responses of the governmental initiatives. It aims at analyzing the situation of domestic child workers and then discussing the current initiatives of the government with its limitations, and finally provides some suggestions for way out. The paper argues that the government responses are very inadequate in the light of the Convention on the Rights of the Child (CRC) in Bangladesh. This way, the paper contributes a dynamic and multi-dimensional understanding of how the government combating domestic child workers' issue for securing their bright future.

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Introduction

Child domestic work is a common phenomenon in Bangladesh. Employing children as domestic workers is socially and culturally accepted in Bangladeshi society. However, many of these children live and work under conditions that are so extreme, exploitative and abusive that no adults would accept. As child domestic workers belong to the informal labour sector, they are excluded from legal protection, which makes them even more vulnerable. This paper analyses the government initiatives such as constitutional rights, policies, legislations, international conventions and initiatives of different ministries taken for the welfare of the child domestic workers; and then finds the gaps, which may have challenges for achieving brighter future for the children. Finally, the paper outlines some suggestions to overcome these challenges.

Child domestic workers: Bangladesh situation

There is no single universally accepted way to define 'child labour' (UNICEF, 2007). Concepts and definitions are varied and sometimes vague. Some authors argue that child labour is such a complex phenomenon that a single definition that captures all its facets is simply not possible. Child labour is regarded as a social construct which differs by actors, history, context and purpose (Weston, 2005). The UNICEF (2004 & 2007) reports that defining child labour is an exercise as much rooted in a culture or political discipline as in an economic or scientific analysis. As a result, researchers find it difficult to provide a justification for any comprehensive definition of child labour or to prove that one definition is better than another.

In general, child domestic labour refers to "situation where children are engaged to perform domestic tasks in the home of a third party or employer that are exploitive. Where such exploitation is extreme and includes trafficking, slavery or practices similar to slavery, or work which by its nature or the circumstances in which it is carried out is hazardous and likely to harm the health, safety or morals of children, then this

constitutes a *worst form of child domestic labour*, and it needs to be tackled as a matter of urgency (Kane, 2004:5). Domestic work is a predominately female-dominated sector that is poorly regulated and often unprotected by labour law. It is also often embedded within socio-cultural structures, which may make it difficult for employers to see themselves as such. Child domestic workers themselves often work long hours; have poor remuneration, and little access to social protection. Their isolation and vulnerability as workers is made more complex by their invisibility in private homes and their dependence on the good will of their employers. Many, though not all, come from poor households, often in rural communities, where limited access to education and skills development, leave them with few employment opportunities and choices. Others, especially those migrating abroad, may be skilled, yet unable to find employment commensurate with their levels of education (D'Souza, 2010). Child domestic work is widespread in Bangladesh. The baseline surveys of BBS and UNICEF (2006) have showed that there are approximately 400,000 child domestic workers aged 6-17 years. Child labour is a multi-dimensional and complex issue: it is symptomatic of economic vulnerability, an inadequate legislative framework and labour laws, institutional barriers, cultural and social inequities and an inaccessible, low-quality educational system, including inadequate provision of technical and vocational education (TVE) (ILO, UNICEF & UNESCO, 2008 & BSAF, 2011). In Bangladesh, growing landlessness, economic impoverishment and inequitable resource distribution has resulted in the increasing disintegration of the traditional joint family structure. The gradual disintegration of this system among the poorer sections of the population has left women and children particularly vulnerable since they are the least able to find alternative means of security (Kabeer, 1985:100). Khair (2004:3) argues that conditions of acute poverty make social constraints less binding and compel women and children to seek work outside the household. Zaman & Blanchet (2003) provide

the following summary about the situation of child domestic workers.

Children in domestic work

- Domestic work has never been perceived as, or given the status of, a profession in our society.
- Children domestic workers are denied the right to education, recreation and normal childhood.
- They are physically confined, often locked in.
- Considering their age and the need to grow, they are often deprived of adequate food and sleep.
- Domestic child workers must always be prepared to undertake any chore, light or heavy at any time of the day or night.
- They have responsibilities without rights.
- Their work can be hazardous.
- Employers have work expectations from these children which are not commensurate with their age.
- Society sees domestic children as the property of their employers.
- Child domestic worker's human rights have been violated at every step of their life. Many children themselves perceive the purpose of their life to be servitude. These children have low self-esteem.
- Their time is never their own; employers have total power over the domestic worker's time.
- Many have no salary, low salary and no fixed salary. The salary, if any, is not given to the child but to her parents.
- Child domestic workers are vulnerable to beatings, maltreatment, and sexual abuse.
- Child domestic workers have little or no contact with their own parents and family.

Source: Zaman & Blanchet (2003)

Many child domestic workers are exploited by the employers. The hidden nature of domestic work means it often escapes the reach of the law and heightens the risk of abuse for workers at the hands of their employers. Even where legal protections do exist, they are often little known and poorly implemented. Domestic workers tend to be unrecognized, underpaid and unable to access complaints procedures. The Save the Children (2010) shows that 92% children are engaged in work as domestic workers due to poverty as poor parents are unable to bear their family expenditure because of big family size, no land for cultivation and sickness of main earning members. It is indicated that parents influenced 50% of the children to work as domestic in the bigger cities whereas the other half were engaged through a middleman. It shows that 36% of child domestic workers work in average 9-12 hours a day. 30% work 13-15 hours and as many as 16% works 16-18 hours. 18% works 1-8 hours in a day and less than 1% works 19 hours and above. These figures prove the hazardousness of their jobs. According to ILO convention 182, long working hours is one of the major indicators for worst form of child labour. Due to long working hours, they are deprived from physical and mental development (Save the Children, 2010).

Research questions and methodology

The main objective of this paper is to explore the responses of the government of the domestic child workers in Bangladesh. To attain this objective this paper addresses three main questions-

i) What is the situation of the domestic child workers in Bangladesh?

ii) What are the government initiatives/responses of the domestic child workers in Bangladesh?

iii) What are the suggestions to be considered for their brighter future?

The paper is based on content analysis used existing available literature. We followed the similar type of paper written by Joffres et al., (2008). Some practical experience also shared with the entire paper. Content analysis is the systematic description of behaviour asking who, what, where, and how questions within formulated systematic rules to limit the effects of analyst bias. The search for relevant literature was completed in two stages. First, we examined peer reviewed articles that we found in electronic databases using keyword searches including domestic child workers, domestic child workers in Bangladesh, and government initiatives. We used a number of search toolbars such as Academic Search Premier, Academic Common, Aseline, Informit, Ingenaconnect, Science Direct, Scopus, Social Science Citation Index and SSRN, and Psyc ARTICLES. In the second stage, we used the "snowball" method by searching for journal articles and reports, as well as articles presented in peer reviewed conferences that are cited in some of the articles that we had read. Altogether, as at 21 March 2013, we read 48 reports and articles. The 28 were discarded because they were opinion papers, conceptual articles, non-empirical descriptions of programme implementations, and literature reviews. Finally, we considered 20 articles and reports, which we found more relevant for this paper. We also reviewed relevant published and unpublished national and international reports and documents including the reports published by ILO and UNICEF. Some of the significant articles and reports are listed in the reference section. We did not do simple summaries of findings of previous research rather we critical analyzed those.

The basic unit of analysis was the individual empirical articles and reports. During the course of our analysis, we also allowed for new categories (if any) to emerge inductively. We employed the constant-comparative or grounded approach espoused by Lincoln & Guba (1985). This approach is similar to the iterative pattern coding method (Miles & Huberman, 1994). Specifically, the various categories of research methods, data collection methods, as well as research topics were not predetermined prior to our analysis but emerged inductively and were continually refined through our interaction with the data

Government initiatives toward Child Domestic Workers in Bangladesh

The Government of Bangladesh has acknowledged the importance of child labour for long and has already adopted a National Children Policy in 1994 as a commitment to the promotion and protection of children's right. Bangladesh is one of the first countries to ratify the United Nations Convention on the Rights of the Child (UNCRC) in 1990 and ILO Convention 182 in 2001. But still there is lack of political will in policy/law formulation and policy implementation and enforcement, especially in case of the informal sector, for successful realization of the Conventions on Child Rights and that of children working in hazardous work (Save the Children, 2010).

Bangladesh constitution

The fundamental rights of the citizens including the children are spelled out in the Constitution of the People's Republic of Bangladesh. Articles 11, 14, 15, 16, 17, 18, 19 and 20, constituting the fundamental principles of state policy of the Constitution have laid emphasis on ensuring compulsory primary education for the children as well as adopting special

measures for the children who are physically and mentally challenged. The Constitution has guaranteed the fundamental rights of citizens in Articles 27, 28, 29, 31, 34, 37, 38, 39, 40 and 41. Particularly, forced labour is completely prohibited and access to legal remedy is assured in case of violation of fundamental rights. Of special interest is Article 17 referring to the provision of free and compulsory education to all children, and Article 24 that prohibits all forms of forced labour (Taher, 2006). Compulsory labour is also an offence under the Penal Code 1860 (ILO & IPEC 2004).

Policy based initiatives

The Peoples' Republic of Bangladesh is very much aware about its children's rights. In 1990, Bangladesh became a signatory to the UN Convention on the Rights of the Child and the ensuing Summit Declaration and Plan of Action. In Bangladesh, child rights have been firmly put on the national agenda with adaptation of the National Children Policy in 1994. In the same year, Bangladesh passed the Primary Education Act and, in 1993, it established the compulsory primary education system for children aged 6 years and above. At the same time, the Government adopted the National Children Policy and formulated the first National Plan of Action for Children (1991-96). The child labour problem was however, first identified in the second National Plan of Action for Children (1997 - 2002). In collaboration with the World Food Programme (WFP), the Government started the Food for Education Programme in 1993 with the aim to attract poor children and their families to primary education. With the setting-up of the Primary and Mass Education Division in 1992 and the Directorate of Non-Formal Education in 1996, the Government introduced another initiative to tackle the high drop out and low attendance rates in the formal school system.

The National Child Labour Elimination Policy 2010 defines child age; classification of working children; wages and working hours; education, health (physical and mental) and nutrition; working environment; special action plan for the physically challenged, specially disadvantaged, street children, backward and ethnic children; formulation of pragmatic strategy; focal Ministry and Unit; National Child Labour Welfare Council; and participation of NGOs. The National Labour Policy 2010 includes a number activities to eliminate child labour such as classification of child labour, working hours, child's physical and mental health and nutrition, working environment, provisions for disabled children, involvement of NGOs, establish child labour unit and national child welfare council,

The Domestic Worker Protection and Welfare Policy -2010 covers definition of child domestic workers (including employers, registration and providers), implementing ministries, working contract, children' ID card, wage, working hours and leaves and break, maternity leave, education and training, medical care, accidental care, and government responsibilities against child exploitation.

Social Legislations

In Bangladesh, 35 laws which relate to children have been identified. Most of the laws are connected to children in contact with the law and children engaged in formal sector work. There is no comprehensive law in favour of 93% children out of 7.4 million who are working in the informal sector that include the children engaged in domestic work. After independence, Bangladesh enacted the Children Act 1974 (Act XXXIX of 1974) for the protection of the children and their rights. It appears from the title of the Act that it focuses mainly on the

children. The Act clearly delineates the definition of a child, his or her age, scope of the child's rights, childhood, guardianship, protection of child's property, provision of protection for children in civil and criminal proceedings and legal custody. Section 34 of the Children Act 1974 states that "if any person over the age of sixteen years, who has the charge or care of any child assaults, ill-treats, neglects, abandons or expose such child or causes such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or injury to his/her health including loss of sight or hearing or injury to limb or organ of the body and any mental derangement, - such person shall be punishable with imprisonment for a term which may extend to taka one thousand or with both". This act is a remarkable milestone to establish the rights of children.

The definition of child and the adolescent is further elaborated in the Labour Act 2006 (Act XLII of 2006). Sections 34-44 in Chapter 3 of the Act have dealt with employment of children and adolescents as worker. The Act prohibits appointment of any children in formal sector. These two laws are not being practiced. The Act also envisages that government from time to time through gazette notification would publish the list of hazardous occupations and the list would come within the ambit of the prohibitory clause. However, it provides provision for engaging a child or an adolescent in light work under special circumstances for specific working hours subject to the certification by a physician.

Birth and Death Registration Act 2004 (Act XXIX of 2004) is a major safeguard for the protection of rights of children. This Act has made it compulsory to register the birth of a child which would resolve the future complexity relating to the determination of the age of a child. The Domestic Servant Registration Ordinance of 1961 requires self-registration of the domestic servants with the local police station within fifteen days from employment. This law neither contains any rights for the domestic workers nor defines the obligation of the employers.

Other laws that define the rights and protections due to children are:

- The Children Rules (1976);
- The Bonded Labour Act, 2006;
- The Suppression of Violence against Women and Children Act (2000); and
- The Compulsory Primary Education Act, 1990.

International conventions

Article 32 (1) of the UN Convention on the Rights of the Child (CRC) provides that "state parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical mental, spiritual, moral or social development". Bangladesh also ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in respect of economical and social protection and the ILO Convention on the worst forms of child labour. ILO and UN Conventions consist of 54 articles, most of which describe children's rights to enjoy defined benefits and to be protected against defined ill. The article of the convention can be organized into groups or clusters related rights, namely, rights of survival, development, protection, participation and mobilization (UNICEF, 1997:8-9)

Bangladesh has ratified:

- UN Convention on the Rights of the Child;
- ILO Convention on the Worst Forms of Child Labour (No. 182);
- 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).

Initiatives taken by different Ministries

Two National Plans of Action from 1992 and 1997 were also adopted by the Government. The formulation of Third National Plan of Action for Children (2005-2010) by the Ministry of Women and Children Affairs is in progress. But still there is lack of political will for policy/law formulation and policy implementation and enforcement for successful realization of the Conventions on Child Rights including the rights of children working in hazardous work. A few national labour laws deal with the issue of child labour. They refer to minimum ages required for employment in specific sectors. According to these laws children below 14 years old are not allowed to work in factories, and adolescents' work is regulated. Generally, the laws require that work by adolescents in factories is carried out during day hours and for a limited amount of hours (ILO & IPEC 2004; Taher 2006).

Several programmes have been carried out to combat the problem of child labour, often in combination with the promotion of education. In the 1990s, the Primary and Mass Education Division and the Directorate of Non-Formal Education were set up. In 1993, the government and the World Food Program (WFP) initiated the Food for Education programme, to make primary education more attractive for poor children. These developments had, according to ILO/IPEC, a positive impact on education and child labour (ILO & IPEC 2004).

In 2000, the IPEC started its four year project "Preventing and Eliminating the Worst Forms of Child Labour in Selected Formal and Informal Sectors". The project focussed on hazardous forms of child labour in five different informal sectors. Subsequently, in March 2001, ILO-IPEC started working on "Worst Forms of Child Labour in the Urban Informal Economy of Dhaka City", a project resulting in a baseline survey on the topic. The preparatory phase of the National Time Bound Project was launched in 2004 and the actual project started in 2006. It is directed at technical support to the Government of Bangladesh in order to generate a framework for policy and direct action on child labour. The second phase of the project on the Informal Economy will be included as a component, focussing on regulation, monitoring and direct action.

The Ministry of Labour and Employment with technically supported by ILO started the project- "Eradication of Hazardous Child Labour in Bangladesh" in 2004, which is now in its second phase. The project covers Dhaka and Chittagong Municipal Corporations and focuses on non-formal education and skills training for working children (ILO & IPEC, 2004). Similarly, the Ministry of Primary and Mass Education with support of UNICEF implemented the project- "Basic Education for Hard To Reach Urban Working Children", which was

finished in 2011. The project's main interventions included non-formal education and skills training for working children.

Challenges for securing brighter future

The constitutional obligation regarding child's human rights issue in Bangladesh is still too far to achieve. According to the Constitution, the forced labour is completely prohibited and access to legal remedy is assured in case of violation of fundamental rights. But in practice, this fundamental right for the children is violated massively. Of special interest is Article 24 that prohibits all forms of forced labour. Compulsory labour is also an offence under the Penal Code 1860 (ILO & IPEC 2004). But, these issues have become great challenges to the Government due to the inappropriate links with supportive laws and programmes.

Although the existence of the laws demonstrates a concern, they have some limitations that need to be addressed. In the first place, there is confusion about the exact meaning of the concept "child". Several laws define children as persons under 12, 14, 15 or 16 years old. In general though, the government of Bangladesh and its relevant agencies define working children between 5 and 14 years old as child labourers. Secondly, the laws don't cover all sectors of employment, especially not the informal sectors, although a vast majority of the child labourers are engaged in these sectors, even in hazardous working conditions (Taher, 2006). There is no single code or law dealing with this informal area (ILO & IPEC, 2004). Thirdly, age restrictions are not sufficiently adhered to due to a lack of a well-functioning birth registration system in the country (Taher, 2006). Finally, the law requires children to attend school only up to age 10, leaving a gap between the end of compulsory schooling and the minimum working age that may result in children entering employment illegally (ILO & IPEC, 2004).

In the light of the Child Labour Policy 2010 and the National Child Labour Elimination Policy 2010, both have recognized domestic work as 'informal sector jobs'. Labour Inspectors are not allowed to monitor the work condition in private households. The Domestic Worker Protection and Welfare Policy -2010 has cleared this issue, but the domestic workers, especially the child domestic workers often face mental, physical, verbal, and sexual abuses and economic exploitation, which do not appear in the media. The challenges come in terms to maintain some rules such as they have no specific working hours and get no holiday and in most cases, they are not allowed to meet their parents. In this situation they cannot address their problems as domestic work is not recognized as work in the formal sector (Islam, 2010).

There are a number of UN conventions, child laws, and child labour laws active in Bangladesh, but all of those are not up to dated. Many issues and aspects of do not cover these laws. As a result, the law enforcement bodies could not take necessary action in favour of the children's rights, if any allegation comes with. On the other hand, due to power relation, the domestic child workers can not claim about their many issues due to the lack of congenial atmosphere, and privacy and confidentiality. The Government can put through a hot-line telephone numbers, where the children, their parents and observers can express their opinions with free, fare and with confidentiality.

In the light of ILO conventions, the reality is that children involved in domestic work often become victims of both economic exploitation and maltreatment. Unfortunately the state has failed to take proper steps to protect the large number of domestic workers. In order to counter this situation, it is

essential to include the informal sector within legal protection and to develop code of conduct for the employers of child domestic workers that can work as a soft legal binding for them. The objective of the code of conduct is to bring the acceptable minimum standard of behavioural patterns among the employers of informal sectors to ensure the best interest of the children.

Most of the laws and government policies identified the causes of child domestic workers and provided possible remedies there. But in many cases, the government fails to achieve those due to some practical challenges such as shortages of resources (both financial and human), lack of commitment, lack of proper monitoring and supervision, lack of target based mission-driven goals, and above all insufficient community based awareness about the existing policies and legislations (Islam, 2010). If we look the crucial causes of the child domestic workers, it is seen that in Bangladesh, most of the cases one child is involving domestic work either by their parents' pressure or the child him/herself decides to go work due to his/her family financial crisis. On the other hand, the financial gain attracts the child/child's parents to involve such kind of work. Child labour is a product of market forces – supply and demand, taking in the behaviour of employers, as well as of individual households. Wide scale poverty is among the most reasons why children work (Marcus, 1998). On the other hand, parents' low education is one of the major factors to send their children to the income generation activities. BSAF (2011) finds that the educational status both the domestic child workers and their parents are very low- seventy four per cent parents and 45 per cent child workers are illiterate. In addition, there is a strong link between gender discrimination and child labour. Children most vulnerable to child labour are often those who are also subject to discrimination and exclusion, including girls, ethnic minorities and indigenous and tribal people, those of low class or caste, people with disabilities, displaced persons and those living in remote areas (ILO, 2006). However, it is confirmed that the overall initiatives of the government are not functioning well which are designed in the government policies, laws and are from international child conventions.

Conclusions and suggestions

The child domestic work is a multifaceted and complicated component in the context of the socio-economical, political and cultural conditions in Bangladesh. We have seen from the above discussion that there are a number of government initiatives such as policies, laws, international conventions and inter-ministerial activates are there. But there still exists huge challenges. However, it would be needed a long-term initiative to overcome these challenges. Some important suggestions are mentioned here-

- At first, it is more important to formulate an up –date - version of handbook about child work including child domestic work, which will include all sorts of provisions of child worker and reduce all sorts of confusions.
- The mass people of Bangladesh are not well known about the specific government initiatives about the child labour including domestic child work. The people want to know how the government will deal the problem i.e. whether they will eliminate the child work or gradually eradicate the child labour and what will be the processes of this initiative. Otherwise, the people's participation will not be successful.
- The government should take a concrete decision how the child domestic work should be eliminated. The first and important task is to encourage the engaged child domestic worker to the

informal sector through providing skills development training so that the numbers of child domestic workers can reduce gradually.

- The government needs to identify the major root causes of the child domestic work and then take some curative as well as preventive measures. The community and local level planning is most significant in this regard. The government should links up this issue with the local level planning so that the problems can be solved locally.
- It is very common suggestion but still mostly dominated remedy that the Government should create access for income generating activities or job opportunities for parents in the rural areas to avoid sending children to the cities for work. Concentrate all development activities and strategies at village level to create employment opportunities for parents and children. These employment opportunities may reduce unsafe rural urban migration.
- Again, implement compulsory primary education properly to encourage poor parents to engage their children into the education system. For ensuring primary education, government could increase social protection scheme like: VGD, scholarship for poor children and widow's honorarium.
- To protect children from unsafe migration a detailed registration system should be introduced at local government level to keep record when children migrate and when they arrive in cities.

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