

Child Rights in Bangladesh: Issues and Obstacles

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Abstract: As human being, children are entitled to enjoy all human rights that protect individuals and groups against actions and omissions that affect their freedom and dignity. But human rights norms have proven inadequate to meet children's special needs of survival, protection, development and participation in shaping their future. Children's are a valuable property for any nation. So, children rights are one of the most important matters for a country. Next day which child should become a fulfill person, he or she must be need security and rights.

Keywords: Children, Rights, Protection, Violation, Freedom and dignity.

Introduction

The noted Noble Laureate Gabriel Mistral long ago observed "We are guilty of many errors and many faults, but our worst crime is that of abandoning the children, neglecting the foundation of life. For many of the things needed, we may wait but for the child it cannot be. In case of the children, 'right now' is the time as his bones are being formed, his blood is being made and his senses are being developed. To him, we cannot answer 'tomorrow'. His name is 'Today' (N.V. Paranjape, 10th ed., 1999, p, 355). Thus children being an important asset, every effort should be made to provide them equal opportunities for development so that they become robust citizens physically fit, mentally alert and morally healthy endowed with the skills and motivations needed by society. Everyone should participate in the efforts to bring up the children as worthy citizens of the country. Children are the future leaders of the nation. To lead the nation towards prosperity comprehensive enforcement of children rights is needed on a priority basis (National Children Policy, 1994, p 9). As human being, children are entitled to enjoy all human rights that protect individuals and groups against actions and omissions that affect their freedom and dignity. But human rights norms have proven inadequate to meet children's special needs of survival, protection, development and participation in shaping their future. Children's are a valuable property for any nation. So, children rights are one of the most important matters for a country. Next day which child should become a fulfill person, he or she must be need security and rights. Those who are minor are not allowed to do all types of work. They may be helpless but not worthless. Under Penal Code children under seven cannot do any wrong, it can only be treated as wrong when he is 12 but in this time children does not attain sufficient maturity to judge the nature and consequence of his or her action. Laws in Bangladesh ensure the rights of children. Muslim Law as well as Hindu law also ensures about children's right. Islam includes the rights of children in Islam, children's duties towards their parents, and parent's rights over their children, both males and females, biological and foster children. Hazrat Muhammad (Sm) established laws and examples (sunnah) in respect of which is obligatory for the Muslim

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community to follow. His behavior towards children was demonstrably kind. In Islam Children have the right to be fed, clothed, and protected until they reach adulthood? Children must have the respect, to enjoy love and affection from their parents. Children have the right to be treated equally.

In Bangladesh there are laws relating to children. Their rights are protected by the law. But this law is not always implemented to ensure the children's right. Our law states that the parents are responsible for this. But where the parents are not capable enough how can they ensure these things to their children. Children have right to live with their parents, and it is parent's duty to fulfill it. Parents are to ensure education, good health etc. for their children. Parents are their legal guardian until and unless they attain majority. Children and minors need guardian to do something legally like right to sue or to make a contract. He cannot do it because he is minor (www.google.com, Children's rights).

Conceptual Framework of Child Rights in Bangladesh

Definition of Child

The definition of a Child under the United Nations convention of the Right of the Child (CRC) covers all human beings under the age of 18 under the relevant national law recognize an earlier age of majority.

There are no definitions of other terms used to describe young people such as adolescent's teenagers or youth in international law to facilitate their programmatic work. The world health organization (WHO) has adopted the following working definitions adolescent refers to any individual aged between 10-19 years young person refers to any individual between 10-24 years and youth to persons between the ages of 15-24years. In every country the word children means small children specially those under 10 years of age. A child is a human being below the age of 18 years, under the law applicable to the child.

According to Cornell University, "A child is a person not a sub person and the parent has absolute interest and possession of the child the terms child does not necessarily mean minor but can include adult children as well as adult non dependent children.

A child is human being who is under age of eight years, who is incapable of take care of himself and is not has that majority of mind that he or she can take decisions by his own.

According to oxford dictionary of law, "Child means a young person. But there is no definitive definition & of a child, the term has been used for 16, and sometimes under the age of 18 each case depends on its context and the wording of the statute governing it".

Historic Definitions of Children's Rights

Consensus on defining children's rights has become clearer in the last fifty years. A 1973 publication by Hillary Clinton (then an attorney) stated that children's rights were a "slogan in need of a definition". According to some researchers, the notion of children's rights is still not well defined, with at least one proposing that there is no singularly accepted definition or theory of the rights held by children. Children's rights law is defined as the point where the law intersects with a child's life. That includes juvenile delinquency, due process for children

involved in the criminal justice system, appropriate representation, and effective rehabilitative services; care and protection for children in state care; ensuring education for all children regardless of their origin, race, gender, disabilities, or abilities, and; health care and advocacy (www.google.com.Children's rights).

Types of Rights

Children's rights are defined in numerous ways, including a wide spectrum of civil, cultural, economic, social and political rights. Rights tend to be of two general types: those advocating for children as autonomous persons under the law and those placing a claim on society for protection from harms perpetrated on children because of their Children's rights dependency. These have been labeled as the right of empowerment and as the right to protection One Canada organization categorizes children's rights into three categories:

Provision: Children have the right to an adequate standard of living, health care, education and services, and to play. These include a balanced diet, a warm bed to sleep in, and access to schooling.

Protection: Children have the right to protection from abuse, neglect, exploitation and discrimination. This includes the right to safe places for children to play; constructive child rearing behavior, and acknowledgment of the evolving capacities of children. Participation: Children have the right to participate in communities and have programs and services for themselves. This includes children's involvement in libraries and community programs, youth voice activities, and involving children as decision-makers. In a similar fashion, the Child Rights Information Network, or CRIN for short, categorizes rights into two groups: Economic, social and cultural rights, related to the conditions necessary to meet basic human needs such as food, shelter, education, health care, and gainful employment. Included are rights to education, adequate housing, food, water, the highest attainable standard of health, the right to work and rights at work, as well as the cultural rights of minorities and indigenous peoples (www.google.com, Children's rights).

Environmental, cultural and developmental rights, which are sometimes called "third generation rights," and including the right to live in safe and healthy environments and that groups of people have the right to cultural, political, and economic development. Amnesty International openly advocates four particular children's rights, including the end to juvenile incarceration without parole, an end to the recruitment of military use of children, ending the death penalty for people under 21, and raising awareness of human rights in the classroom. Human Rights Watch, an international advocacy organization, includes child labor, juvenile justice, orphans and abandoned children, refugees, street children and corporal punishment. Scholarly study generally focuses children's rights by identifying individual rights. The following rights "allow children to grow up healthy and free": Freedom of speech Freedom of thought Freedom from fear Freedom of choice and the right to make decisions Ownership over one's body Other issues affecting children's rights include the sale of children, child prostitution and child pornography (<http://www.globalfootprints.org/issues/local/children/childrights.htm>).

Difference between Children Right and Youth Right

In the majority of jurisdictions, for instance, children are not allowed to vote, to marry, to buy alcohol, to have sex, or to engage in paid employment. Within the youth rights movement, it is believed that the key difference between children's rights and youth rights is that children's rights supporters generally advocate the establishment and enforcement of protection for children and youths, while youth rights (a far smaller movement) generally advocates the expansion of freedom for children and/or youths and of rights such as suffrage. A child's rights to a relationship with both their parents are increasingly recognized as an important factor for determining the best interests of the child in divorce and child custody proceedings. Some governments have enacted laws creating a rebuttable presumption that shared parenting is in the best interests of children (<http://www.globalfootprints.org/issues/local/children/childrights.htm>).

The set of rights is for children and young people (up to 18 years old). It is called the 'United Nations Convention on the Rights of the Child'. On the 20th November 1989, the United Nations (UN) approved the Convention on the Rights of the Child. It is now an international agreement that countries sign up to obey. Once countries ratify (agree to uphold) the convention they are legally bound to what it says.

A conclusive definition of violence seems almost as elusive as gathering the solid statistics and data required to analyze this phenomenon in any depth. Some forms of violence and abuse against children seem obvious and are easy to identify; others are hidden; still other forms may be less direct and are not often identified as violence. Categories of violence and abuse can range from political, structural and economic to physical, psychological and emotional. Violence against children takes place on the street, in institutions, in homes and in the workplace. Different forms of violence and abuse are performed by different violators, including the state, parents and even children themselves (N.V Paranjape, 1999, p. 355). In Bangladesh a large number of children are deprived of their basic human rights due to unacceptable health, nutrition and education as well as social conditions. In addition, children are exposed to severe forms of physical and mental violence at home, in the work place, in institutions and other public places. The nature and extent of violence against children irrespective of age, sex and class has been increasing day by day. On the whole, our children are not safe despite efforts made by government and non-government organizations in ensuring the rights of the children. Broadly, violence against children can be defined to include physical, emotional or psychological violence or threat of violence against children perpetuated by individuals, as well as by institutions or society at large. Depriving children of basic necessities of life, health care and education, so much widespread in a developing country like Bangladesh, are encompassed by this holistic definition. In order to discuss the situation of children in jail in Bangladesh, it is first necessary to understand the position of children in society and the violence many faces, both within the home and outside. A lot of this violence and abuse ultimately causes them to end up in prisons or correction homes. A lot of violence also occurs within these institutions as well.

The Main Causes of Violation of Children's Rights

Child Labor

Bangladesh is an economically poor country. Most of the people live in below poverty line and in case of high density all kinds of basic need are not able to meet anybody. The following reason is very much important (www.google.com, Children's rights).

Poverty and Family Size

In Bangladesh the average family size is six persons. In families where children work, the father often works as either a rickshaw puller or day laborer and the mother as a domestic help. Poverty leads to quarrels; tension and can ultimately result in cruel treatment of children. The mother, being over burdened with work, can lose interest in her children and neglect them. 56% per cent of people of Bangladesh are landless. They either work on the land of others on a contract basis, or become floating labor moving from place to place. Without a stable income the children become a burden to parents and must find work for their own survival.

Victims of Migration

In general, neglected children migrate to big cities with their families or alone. Often they must beg or drift on the streets in order to earn a living and will consider any work that helps them survive

Illiteracy and Ignorance

Many parents of working children are illiterate and unskilled with little prospect of being able to improve their situation. There is a lack of faith in the existing education system as it does not necessarily lead to employment. Many poor parents feel that it is better for their children to learn by working rather than sending them to school.

Child Labour Law and Rights

In practice, child labor laws in Bangladesh do not protect working children. Employers prefer children as they are cheap, productive and obedient. Children working in the industrial sector have no contract of employment and so find it difficult to stand up for themselves and fight for their rights. The demand by factories for child laborers is increasing all the time (www.google.com, Children's rights).

Family breakdown

Migration of families, broken families, parental abuse and abandonment, all lead to child labor.

Natural Calamities

Floods, land erosion, cyclones etc., have a devastating effect on many area of Bangladesh every year. This further increases the pressures on poor families and leads to many new children entering the labor force.

Status of Living Place

The children with disabilities engaged and at risk to be engaged with child labor interviewed are living in different places in different situations including on the street.

Earlier Marriage

The earlier marriage is well known to everyone. The most victim of earlier marriage is female. The below chart express this situation, here the percentage of girls marriage is 51 and that why many victim belongs to girl (<http://www.globalfootprints.org/issues/local/children/childrights>).

Children's Rights are violated in Works Places

Child as Domestic Workers

Child Domestic service is a widespread practice in Bangladesh. The majority of child domestics tend to be 12 and 17 years old. But children as young as 5 or 6 years old can also be found working. A survey of child domestic workers found that 38 percent were 11 to 13 years old and nearly 24 percent were 5 to 10 years old.

Child Domestics Works

Long hours, getting up well before their employers and going to bed long after them. On 50 percent domestic workers work 12- 14 hours a day. Irrespective of their gender, Child domestic carry out all sorts of household work. Boys often perform tasks like going to the grocery, cleaning the drain, taking the garbage to roadside bins, washing the car and sell nuts etc. On the other hand, girls have to iron the cloths, attend phone calls and serve the guests. The child domestic workers are often the least paid in the society, their remuneration ranging from 80 taka to 400 taka per month. In most of the cases, they hand over all their earnings to their parents, leaving nothing for themselves.

Working Hours and Earnings

Many children work long hours every day of the week. For example, some survey results show that half of the working children are toiling for nine hours or more per day. Sometimes, they also work in holidays, especially in the rural communities. A large majority of youngster toil as unpaid family workers, in the rural areas where working girls outnumber working boys. More than four in every five children work without pay. Also, the younger working children the lower the wage payment. In average girls are working more than boys and they get low money more than boys. Sometimes, many children work during the evenings or night as well. Children do not get overtime money. In one major survey, close to two-thirds of the child labor force in the agriculture are found to be working during these periods-three quarters of the boys and more than two-fifths of the girls. A large number of the girls working as housemaid are often obliged to spend the night in their employer's household there by also exposing themselves to various abuses. For girls and boys the payment for domestic help ranges from taka 200-1300 per month in Dhaka area. But in other district, they get low money from Dhaka (<http://www.globalfootprints.org/issues/local/children/childrights>).

Hazardous Works

What the children considered to be hazardous varied. Some activities like wiping floor, fetching water, hawking. For most it meant where they could hurt themselves such as working near a fire, working with sharp objects, grating spices, breaking bricks etc. There are also hard works like carrying weights, pulling carts and welding. Generally children feel that, it is up to them to avoid getting hurt or injured. The protection measures that they mentioned were mainly being more careful and attentive, so as not get hurt.

Some of the children seemed to have knowledge about protective measures such as gloves or protective goggles. Girls who are brick chipping, they feel this work is hazardous for their health and well-being. They were exposed to people on the street and mastans. This type of girls said, they do not talk when they are working (Article 28(4) allows the state to make "Special provision in favour of Women on Children or for the advancement of any backward section of citizens).

Child Sexual Abuse

Child sexual abuse permeates all levels of Bangladeshi society. Children are at risk of abuse or harassment in their own homes, from relatives and family “friends”. It is found in schools, communities and the workplace. While disadvantaged and disabled children are more vulnerable to abuse, it is not limited to them. Most children know their abuser, who is usually someone close to them.

Commercial Child Sexual Exploitation

Child sexual exploitation can start when children are as young as 10 in Bangladesh’s Registered brothels, its hotels and its parks, streets and stations. Children of women who work in a brothel often end up working there too. In brothels, many children have to work as bonded sex workers. They must pay all their earnings to the brothel’s madam for their first few years in return for food, clothes and essentials. Child victims of commercial sexual exploitation can also end up in brothels or on the streets through trafficking, family break-downs or poverty. On the streets, many children are beaten and robbed. Many boys are drawn into crime through their pimps. Men having sex with men (MSM) is a growing and hidden issue but often not acknowledged due to the stigma or shame attached to it.

Industrial Works

Many children work in industry that is most risky but they are bound to do that. Children are compelled to work for long working hours with inadequate or no rest period. Moreover, they are paid with minimum wages and enjoy no job security. Many people prefer to employ young boys to maximize services for those minimum wages. In Dhaka city in 2006, 17.5 percent of children in the aged 5 are engaged in economic activities. Many of these children are engaged in various hazardous occupations in manufacturing factories (The Constitution of the People’s Republic of Bangladesh).

Garments Sector Tailoring

Child work is a crime. But for poverty and different reasons, children are working in garments. They are not allowed to working in garments. But some of few garments owner give those works to do, because they are hard worker. Many workers are woman. When foreign buyers enter the factory, many small ages child are scared and hidden under the table, been locked up in the toilet for few hours. Also, in garments sector they have physical, social, job safety, not clear in self-identity, not access information, life option and planning. They are hopeless. I talked one of children workers. She said, she works for her family. They are so poor. She stays with her aunt’s house. She earns money 2500 taka in a month. After taking her salary, at first she give some money to the aunty for the house rent and food cost. Then, she saved few for her and sends very few money to her family. Then she said, it’s not sufficient money for her living. But she works for her living. In garments sector minimum wages is fixed around 950 taka. Sometimes, many garments owner give not their salary on time. For this reasons they faces money problem. In garments, many people of ages and uneducated people works. They use many bad languages. After hearing this, many children learned and sometimes they do crime. Also, in garments sector many girls are not comfort for their work. Because many bad people tease them.

Invisible yet Everywhere

There are hundreds of millions of children and young people in the world imprisoned not in remind home but in physical labor more permanents than steel bars and iron locks alone could create. These are children and young people. These activities harm their bodies, minds, spirits and above all a good and prosperous future. Working children have become an integral part of Bangladeshi society. A child worker considered another cheap and easily controlled worker in the labor force. Poverty, illiteracy and Child labor go hand in hand. Child earnings have become a necessity for those families which are struggling to make ends up. The child has no alternative. The lack of quality education and the pitiable conditions of available schools is no incentive for a child to quit work and join school. In addition, children become the victim's violence, exploiting and abuse they can result in physical and physiological disabilities. Also children become a prisoner twice. The child is caught in the conflict between right to life and the fight to earn versus the acceptable norms of survival (Article 27 of The Constitution of The People's Republic of Bangladesh).

Ship Breaking Child Rights

Ship breaking carries a very real risk to life. It is a dirty and dangerous occupation. It is a very hard and difficult works for every kind of age's people. Children also work in this occupation. The children work mainly as gas cutters assistants and move small iron pieces from one place to another. They also do the night shift. On average they got 50-60 taka per day for their efforts. There are no educational facilities. In 20 years about 400 workers have been killed and seriously injured 6000 people according to Bangladeshi media. On average, one workers dies in the yards a week and everyday a worker is injured. It is a replaceable works. If anyone lost his job in this site, six is waiting to replace him due to the lack of work. Ship breaking is in two categories. One is intoxication by dangerous substances and accidents on the plots. Explosions of leftover and fumes in the tanks are the prime cause of accidents of the yards. Another accident is falling from the ship. Other accidents are crushed by falling steel beams and plates and electric shocks. In this job workers do not get money properly, use of child labor, less than minimum wages, lack of job security etc. (Article 28, of The Constitution of The People's Republic of Bangladesh).

Street Child Beggar

Child labor is a crime. But in Bangladesh, peoples are so poor. They cannot live easily. For this reason, poor people's children do begging on the street. These children work on the streets every day and their number is increasing. They collect money from the people. Also, they sell stuff like books, flowers, newspaper, water etc. Sometimes, the adult beggar rent for begging like infant or different kind of diseases children .Also, they searches food from door to door. They think, it's better for their to beg .Now, children beggars are found in villages, towns and cities. Some children's starts begging, when their member go to work outside. Street children cannot get food properly. They earn money 50 taka in a day. Actually the little street children struggle to live being a child.

Child Beggar

Now days, child baggers are doing different kind of crime. In some area street beggars are proved cheaters. Some able bodies are found pretending lame, dump or blind. Some, of these children do crime in a day or night. They stealing different things or hijacking to the people.

Some are addicted in drugs like heroine, ciggarte, gaja etc. In the picture, one child is inhaling from the plastic bag. it is one kind of drugs. They are doing crime only for their poverty.

Tokai

Bangladesh, we see different kind of boys and girls, who are collects different kinds of garbage in their sack and they sell it vagary shop (shop that buy any kind of waste product).They are so poor and are called “Tokai”. It is a one kind of child labor. Majority of the tokai’s belong to the age group 7-15 years but aged tokai also found. Basically tokai’s workplace is mainly public places, bus, train launch terminals, shopping area, streets, residential areas, dustbin etc. They work daily 8-10 hours and also average income per day less 70 taka. They have no skills. Sometimes, they work under a group or independently. NGOs have taken different programmes for the welfare of the Tokai. They are hopeless. They have no identity, some are houseless (Article 31, of The Constitution of the People’s Republic of Bangladesh).

Hotel and Restaurant

Maximum waiter of the hotel and restaurant are below 14 aged. They gave their service with low money which violets their genuine right.

Major Lacking of Law to Protect Children’s Right

- Lack of awareness of general people.
- Lack of protection of government, non-governmental organization.
- Lack of family income.
- Lack of education for children.
- Lack of law relating to protection of child rights.
- Lack of intimation of laws.
- Less programmers for protection of child rights.
- In sufficient means of protection of child rights in Upazila level
- Lack of conscious less of media about protection of child right.
- Lack of training programmers for the officers of various organizations, NGOs.
- In sufficient court.
- Non-binding ness International laws.
- Less scope of providing information about violation of child rights.
- No monitoring mechanism.
- The NGOs and organizations are not able to perform their duties properly.
- No restriction to engage child in work.
- Non equal treatment towards male and female child.
- Children no understand about their rights, so that they cannot take steps to protect their rights (Article 31, Ibid).

Protection of Child Rights in Bangladesh

Bangladesh is one of the world’s most over populated country. It has very limited card and all other kinds of resources. Most of the families in Bangladesh live below the line of poverty. So that, their children have to work for long time but their wages are very little. Most of them are not going to school (Article 32, Ibid.). Bangladesh is obligated to protect children’s rights under

national law and under several international human rights instruments. The constitution guarantees judicially enforceable fundamental rights to all citizens including children and ensures affirmative action for children. Bangladesh has both constitutional provisions and other legal enactments that seek to ensure and protect children's rights and welfare.

Law Related to Child Rights Protection in Bangladesh

The Constitution of The People's Republic of Bangladesh The Constitution of Bangladesh has provisions relevant to children's rights in its directive principles of state policy [Articles 15, 17 and 25(1), the fundamental rights [Article-27, 28(1), (2), (3), (4), 31, 32, and 39 (1), (2), and the power of judicial review [Articles 26(1), (2)]. Articles 27, 28 and 31 of the constitution lay down the general principles regarding the protection of children from all forms of discrimination. The constitution in these articles provide that all citizens being equal before the law and being entitled to equal protection, must be treated in accordance with law without any discrimination.

Article 27 (Equity before Law)

All citizens are equal before law and are entitled to equal protection of law.

Article 28 (Discrimination on Grounds of Religion etc.)

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.
- (2) Women shall have equal rights with men in all spheres of the State and of public life.
- (3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction of condition with regard to access to any place of public entertainment or resort, of admission to any educational institution.
- (4) Nothing in this article shall prevent the State from making special provision in favour of women of children of for the advancement of any backward section of citizens.

Article 31 (Right to Protection of Law)

To enjoy the protection of the law, and to be treated in accordance with law, and only in accordance with law, is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Bangladesh, and in particular no action detrimental to the life, liberty, body, reputation of property of any person shall be taken except in accordance with law (Article 31 of The Constitution of the People's Republic of Bangladesh).

Article 32 (Protection of Right to Life and Personal Liberty)

No person shall be deprived of life or personal liberty saves in accordance with law. (Article 32 of The Constitution of the People's Republic of Bangladesh).

Municipal Laws

The other laws relating to the protection and welfare of children in Bangladesh are not contained in a single statute; rather they can be found scattered over numerous laws and statutes, such as: The Penal Code of 1860 states in sections 82 and 83 that full criminal responsibility only commences after the age of 12, as it is construed that any person below that age has not attained sufficient maturity to understand the nature and consequences of his/her conduct. Section 90 provides that consent given by a person under the age of 12, shall not be regarded as consent in the strict sense of the term. However, in case of marital intercourse the offence of rape will not

be held to have been committed if the wife is above 13 years of age. The kidnapping of a male under 14 years and a female of less than 16 years from lawful guardianship is an offence under section 361. The kidnapping or abduction of a person below the age of 10 is also an offence under section 364A.

The Divorce Act of 1869 which applies to Christians in Bangladesh deals with the custody, maintenance and education of minor children while their parents are engaged in law suits for separation, divorce or nullity.

The Contract Act of 1872 regards a minor as incompetent to enter into contracts. A minor's contract is void under section 11 of the Act. However the guardian of a minor can enter into a contract of sale on behalf of the minor either out of legal necessity or for the benefit of the estate.

The Guardians and Wards Act of 1890 empowers a designated court to appoint a guardian of the minor's person, property or both. The court, however, has to be satisfied that it is for the welfare of the minor, and in the circumstances cannot appoint anyone as guardian against the will of the minor.

The Criminal Procedure Code (Amendment 2007) directs, through a designated court, a person having sufficient means, who is neglecting or refusing to maintain his wife or child (whether legitimate or illegitimate), to provide a monthly allowance for their maintenance. Section 562 of the Code empowers the court to release certain first convicted offenders under the age of 21 on probation for good conduct instead of sentencing them to imprisonment.

The Child Marriage Restraint Act 1929 (amended in 1984) prohibits the marriage between a male under 21 and female less than 18 years of age, and imposes punishment of parents and guardians involved in child marriages.

The Partnership Act 1932 under section 30 provides that a minor cannot be a partner in a firm, but s/he may, with the consent of all partners for the time being, be admitted to the benefits of partnership.

The Children (Pledging of Rights) Act 1933 penalizes the parent, or the guardian in the event of their entering into an agreement to pledge the Rights of a child or employing a child whose Rights has been pledged.

The Dissolution of Muslim Marriages Act of 1939 gives certain rights to a minor girl given in marriage to repudiate the marriage before attaining the age of eighteen years, provided that the marriage has not been consummated (Wahida Banu, Md. Kafil Uddin, & Mainuddin Ahmed, 2007, p. 33-34).

The Children's Act, 1974 and Children's Rules 1976 are intended to protect the child's best interests during all kinds of legal processes. They require the court to have regard for the age and character of the child and other related factors before passing any order under the Act. The Act provides for separate juvenile courts and forbids the joint trial of an adult and a child offender even where the offence has been jointly committed. The Act lays down measures for the care and

protection of destitute and neglected children, including children under the care of parents/guardians who habitually neglect, abuse or ill-treat them.

The Repression against Women and Children (Special Provision) Act 1995 imposes severe punishments, including capital punishment, for various crimes committed against women and children. These include rape, trafficking, kidnapping, dowry deaths and so on. Apart from the aforesaid formal laws the personal and religious laws regulating marriage, divorce, custody, guardianship, adoption and inheritance contain specific provisions on children. In this regard, the Muslim Family Laws Ordinance, 1961 and the Family Court Act, 1964 are special legislations, which provide enhanced rights to women and children. The Bangladesh Rights Act, 2006 an Act to consolidate and amend the laws relating to employment of workers, relations between workers and employers, determination of minimum wages, payment of wages, compensation for injuries arising out of and in the course of employment, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions of workers, and apprenticeship and matters ancillary thereto.

WHEREAS it is expedient to amend and consolidate the laws relating to employment of workers, relations between workers and employers, determination of minimum wages, payment of wages, compensation for injuries arising out of and in the course of employment, formation of trade unions, raising and settlement of industrial disputes, health, safety, welfare and working conditions of workers and apprenticeship and matters connected therewith (Wahida Banu, Md. Kafil Uddin, & Mainuddin Ahmed, 2007, p 33-34).

Non-government Organizations initiative to Protect Child Rights Bangladesh Shishu Adhikar Forum (BSAF)

Bangladesh Shishu Adhikar (Child Rights) Forum is an apex body of 235 NGOs of Bangladesh working in the child rights sector. Its representative and national status gives it a greater reach to draw attention to issues concerning the rights and well-being of children at national, regional and international levels and fora. Bangladesh Shishu Adhikar Forum advocates a Child-Friendly world. It works as a networking entity. It brings together and assists child rights organizations to pursue common goals. It helps synthesize the viewpoints of member organizations and works to mobilize material and human resources to take child rights programs to scale. It provides collective leadership in program matter to member organizations but does not engage itself in service delivery. It works with lawmakers and decision-makers to bring positive changes in national laws and policies relating to children. It runs a vigorous campaign at macro level to make the civil society aware of the provisions of CRC and play a proactive role in promoting and upholding these rights. It also provides guidelines and assistance to member organizations to empowerment carry out awareness creating and community activities at their respective levels (Wahida Banu, Md. Kafil Uddin, & Mainuddin Ahmed, 2007, p 33-34).

Bangladesh Shishu Adhikar Forum has engaged in networking and social mobilization at home and Southeast Asia Region, and established linkages with relevant government organizations.

Bangladesh Shishu Adhikar Forum is currently working on improving the networking and advocacy mechanism and establishing a Child Rights Information Resource Center to create and maintain an updated database on child Rights and related information. The center will provide

periodical updates to member organization and be accessible to Researchers, academics, donors, UN Agencies and others.

Bangladesh Shishu Academy (BSA)

Bangladesh Shishu Academy was established in 1976. It has branches in all the 64 districts and in one sub-district under each of six Divisions of Bangladesh. The main activity of the Shishu Academy revolves around developing creativity and potentials of the children. In 1994 the Government of Bangladesh declared the National Children Policy to preserve the rights, interests and welfare of the children. The National Council for Children which is headed by the Minister of the Ministry of Women and Children Affairs is responsible for providing guidance in formulation of overall policies and implementing the National Children Policy.

Centre for Women and Children Studies (CWCS)

CWCS introduced a pilot project in 1998 aimed at sensitizing the police and other members of the community on women's and children's rights as human rights, advocating "pro-women and child-friendly policing" at the community level. CWCS has organized several training programmes on women's and children's rights as well as interactive workshops (Wahida Banu, Md. Kafil Uddin, & Mainuddin Ahmed, 2007, p 33-34).

It has also organized awareness-raising workshops on women's and children's rights for officers from different police departments and stations throughout Bangladesh. WCS has organized orientation sessions on child rights at 389 police stations of 54 districts from May 2003 to March 2004 by giving a set of five posters to the police containing messages on child rights issues namely security of children, child Rights, violence against children, child trafficking and youth offenders. These efforts of CWCS were mentioned as an important development in the interim report prepared by Ofelia Calcetas-Santos, Special Reporter of the Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography.

Bangladesh National Women Lawyers Association (BNWLA)

BNWLA has a program for ensuring the rights of children. Under this program there is a social protection group for the community children for protection them from any kind of violence. In every target area there is a social protection center where a lawyer regularly sits for instant help.

The objective of such interventions is to develop a child-centered community. Moreover, BNWLA has been rescuing children from different police stations of the country. Thereafter, it tries to trace out their parents and place them back to parental care. If any child is found traceless, BNWLA provides them necessary training for rehabilitation. As a part of combating violence against women and children, BNWLA established in 1993 a shelter home named 'Proshanti' for specifically providing safe custody to rescued women and children. The shelter home is also a part of the objective of BNWLA on improving the state of children rights in Bangladesh (Wahida Banu, Md. Kafil Uddin, & Mainuddin Ahmed, 2007, p 33-34).

Moreover, the Legal Aid Cell of BNWLA addresses free of cost the legal problems of the abused and violated, destitute and vulnerable women and children, and provides support to help them to establish their legal rights in society either by defending their cases in different courts in the country or in other ways. The Training Cell of BNWLA organizes training programmes for law

enforcing agencies, government functionaries and NGOs dealing with issues relating to violence against women and children.²¹

BLAST is working since 1994 for the distressed people who do not have access to justice in our country context. To provide appropriate legal support for these people, BLAST has different cells and activities. Juvenile cell of BLAST is one such cell working for those children who are below 18 years. The juvenile cell of BLAST is working all over Bangladesh through 19 unit offices of BLAST and the local partner NGOs.

Preventive Measure to Reduce Violation of Child Rights Children's Protection and Civil Rights

Children not only have rights to health, nutrition and education, they have rights to protection, freedom from violence and exploitation, and to “a safe and supportive environment.” The seventh major goal of the World Summit for Children called for the protection of children in especially difficult circumstances, particularly in situations of armed conflict, but this goal was not well defined at the time. According to the Plan of Action, children in especially difficult circumstances included orphans and street children, refugee or displaced children, child workers, children trapped in prostitution or sexual abuse, disabled children and delinquent children. In the decade since, a much clearer understanding has developed of the issues central to protecting children and guaranteeing their civil rights (Abdul Halim & Masum Saifur Rahman, 2009, p 4).

Both government and non-government agencies, during the recent years, have clearly demonstrated firm commitment to abuse the child rights. The momentum created to date should be translated into sustainable and systemic changes to the children justice system of the country. The question is no longer if the rights of the children in conflict with the law can or should be achieved, but how they are to be achieved. In this chapter, efforts are put to suggest some way-outs to realize the rights of the children in the justice system.

Role of the Family

A child's first line of protection should be the family. As the World Summit Plan of Action states, for the full and harmonious development of their personality, children should grow up in a family environment, in an atmosphere of happiness, love and understanding. Accordingly, all institutions of society should respect and support the efforts of parents and other care-givers to nurture and care for children in a family environment (Abdul Halim & Masum Saifur Rahman, 2009, p 4). Many countries, even those with economic difficulties, provide some financial assistance to at least the neediest families. Day care is an important form of support, for example, especially for families in which one or both parents are employed. In many countries, safety nets ensure the right of all children to medical services, education and adequate nutrition when the family is unable to pay. Parent education and counseling programmes also help parents provide their children with a safe and nurturing environment and meet the challenges of raising children in a rapidly changing world. But in Bangladesh, families receive little or no support. A critical situation exists, for example, in countries where the shock of structural adjustment or economic transition has stoked poverty and unemployment while leaving the government with less money to provide an effective safety net. Children are also at greater risk in countries where, in the absence of effective public programmes, informal community-based mechanisms are the only available sources of support.

Priority Actions for the Future on the Family

- Strengthen programmes to support families in their child-rearing responsibilities, including through parent education and counseling.
- Ensure the development of comprehensive national programmes for the prevention, detection and treatment of neglect and physical or sexual abuse of children (Abdul Halim & Masum Saifur Rahman, 2009, p 4).
- Ensure that all children deprived of a family environment have access to appropriate forms of alternative care where their rights are fully safeguarded.

Legal Protection of Child Rights

Proper and adequate legislative framework is essential for protection of children in conflict with the law. It is a matter of pride that domestic legal framework for children justice existed in Bangladesh even before the emergence of international standards. The *Children Act, 1974* preceded the CRC by 15 years and to a great extent the provisions of this *Act* are compatible with the international standards. However, this *Act*, even after 33 years, is maiden in the sense that no amendment has been made to this legislation. It is high time we should pay due attention to this *Act* and other laws to remove whatever inadequacies or inconsistencies they contain in relation to international standards. Accordingly the following legal reforms are suggested. There need to enforce some new legal steps:

- Laws to protect children from discrimination, especially in access to education and in the acquisition of citizenship and nationality;
- Increased legislative focus on the protection of children from violence, including within the family, and the prohibition of corporal punishment;
- Legislative measures for the care of children separated from their parents, often focused on reducing reliance on institutional care, establishing adoption procedures and fostering systems, and regulating inter country adoption;
- Actions to counter harmful traditional practices, including laws prohibiting female genital mutilation (FGM) and early and non-consensual marriages;
- Laws raising to 18 years the minimum age for recruitment into military forces;
- New laws to prohibit child prostitution, child trafficking and child pornography;
- Rights laws setting minimum ages for employment, prohibiting the worst forms of child Rights, recognizing the role of education as a key preventive measure and regulating working conditions;
- Specialized juvenile-justice systems, setting minimum ages for criminal responsibility, requiring due process, viewing the deprivation of liberty
- Increasingly as a last resort and ensuring the separation of juveniles from adults in detention centers.
- Several areas of national law reform increasingly have involved international cooperation, as reflected in extraterritorial legislation on sexual exploitation and trafficking, and in bilateral and regional agreements to combat the sale of children (Abdul Halim and Masum Saifur Rahman, 2009, p 4).

Protecting Children's Rights through Birth Registration in Bangladesh

During the 1990s, there was growing awareness of the importance of prompt birth registration as an essential means of protecting a child's right to identity, as well as respect for other child

rights. Failure to register births promptly has been linked to the trafficking of babies. The lack of a birth certificate may prevent a child from receiving health care, nutritional supplements and social assistance, and from being enrolled in school. Later in childhood, identity documents help protect children against early marriage, child labor, premature enlistment in the armed forces or, if accused of a crime, prosecution as an adult. With everything pointing to a successful campaign in 2001, UNICEF Australia plans to extend the project to other districts in future years. Through birth registration, Aus AID and UNICEF Australia are combining to create a better life for Bangladeshi children. Rights of the Child – has been key to promoting children’s participation. Their participation has been greatly enhanced by the spread of new technologies, most notably the Internet.

Priority Actions for the Future on Civil Rights and Freedoms

- Ensure that all children are registered at birth, and that other necessary measures are taken to protect every child’s right to identity.
- Strengthen strategies and mechanisms to ensure children’s participation in decisions affecting their lives within the family, the school or the community, and to ensure they are heard in legal and administrative proceedings concerning them.
- Promote awareness of child rights among children and adults, and foster changes in attitudes and values that undermine respect for the rights of children, especially those that result in violence against children.

Role of Media

Media should play a pro-child role in defending and protecting the rights of the children in conflict with the law. The establishment of appropriate child justice mechanisms can be difficult if public opinion favours tougher responses and harsher sentences. Unfortunately, in Bangladesh, most people regard the children in conflict with the law as ‘Junior criminals’. To change this popular attitude, media should improve the image of these of these children through reporting. Media should also teach children about their rights and how to fight for them. Media can also expose any irregularity in dealing with a child in the justice system and thereby accelerate prompt correction. To encourage the media to play these roles, the government as well as the non-government organizations can introduce media award for reporting on children in conflict with the law. At the same time, attention should be given to ensure that children in conflict with the law are not prejudiced or adversely affected by any media reporting. The Sri Lanka Press Councils Code of Ethics for journalists even establishes standards for reporting on juvenile justice cases. In Pakistan, media agencies recognized the problem of negative reporting on children, and independently and voluntarily developed a media code of ethics on children issues. This code is seen as having an important impact for promoting children’s rights awareness, particularly in the print and electronic media. Development of similar ethical code is recommended (Borhan Uddin Khan & Muhammad Mahbubur Rahman, 2008, p.51). For all of these positive developments, the process of reshaping national laws for the full protection of children’s rights has only begun. There is a continuing need to ensure that new laws reflect the provisions and principles of the Convention, especially those of non-discrimination, participation and the best interests of the child. Law enforcement officials, the judiciary, teachers, child welfare professionals and others who work with children need to be trained and supported to fully understand the con-tent and significance of new laws and regulations, to develop

commitment to the changes involved and to apply them. Children and adults alike need to be made aware of new laws and the remedies and procedures made available through them.

Recommendations

Child labor is a long-term development problem that will not be resolved with short-term activities. A great deal of work remains to be done to respond in an effective manner to the child labor problem and its root causes. Alleviating child labor in Bangladesh and will continue to seek ways to do so over time. last of all I want to say that child of today are the future of tomorrow, so we should take proper care of them and try to maintain and protect their rights. For this we should take proper steps, and also aware of their rights (Mahfuzur Rahman, 2004, p. 103). So that we should take these steps:

- Adopt a definition of trafficking for use in legislation.
- An information collecting centre should be established.
- Developed public and political awareness and commitment.
- Change of attitude towards prostitutes and victims.
- Social movement against trafficking in children.
- Social and legal support to the victims of trafficking.
- Including in the school curriculum different aspects of child rights to make the children aware about that.
- UN convention on child rights 1949 must be implemented.
- More Government and NGO initiative is needed.
- Inter-ministerial cooperation and coordination.
- Employment of family members of disabled children.
- Food for Education programme initiation..
- Population control to reduce poverty.
- Increasing social security.
- Increase rate of Disability allowance.
- Reformation of law and implement strictly.
- Regular monitoring of child Rights and rights situation of disabled children.
- Initiating food for education programme.
- Awareness programmer should be increased by Government, non-Government organizations, NGOs, specialized agencies.
- Family incomes shall be increased.
- Primary, secondary and higher secondary education should be provided for all children's.
- Laws relating to child right should be well defined.
- The laws relating to protection of child right should be more focused on that field.
- Government should take programmers for protection of child rights.
- Child right issue should be incorporated in our primary and secondary text book curriculum.

Conclusion

Bangladesh is one of the world's most densely populated countries, placing presume on land and other renounces many families in Bangladesh like in extreme poverty and consequently their children have to work long hour to long hours for very low wages instead of going of school. For this reason, the Government takes various policies to bring these children to school. Like if a

child goes to school then he or she will get crops from the Government (Mahfuzur Rahman, 2004, p 103). The Government was generally responsive to children's right and welfare. Many of these efforts were supplemented by local and foreign NGOs, and these joint efforts allowed the country to make significant progress in improving health munitions and education. However, slightly more than one half of all children were chronically malnourished there are laws in Bangladesh that children between 6 and 10 years of age must attend to school through the tenth grade. Primary education is free and compulsory. According to Education Ministry statistics 97% of school age children were enrolled in primary schools during the year. The Government expended incentives for female education by making education free for girls up to grade 12 and using a stipend system from grades 6 to 12. boys received free education up to tenth grade. As a member state of CRC Bangladesh has to maintain all the laws relating to child rights. And should take proper steps to candy the provision of CRC. Child rights protection efforts in Bangladesh should address and remedy conditions that make children vulnerable to recruitment by armed remedy conditions that make children vulnerable to recruitment by armed groups, including poverty, discrimination the use of child Rights, exposure to abuse, including sexual abuse, child trafficking, etc. particular attention should programmers for protection of child rights. Children are probably the most neglected members of society and hardly have any voice, even within the home. As a result, they are consistently becoming easy victims of all sorts of violence. 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. Violence against children must stop and the judiciary, law enforcing agents and the parents and guardians of children themselves, must be sensitized to the provisions of the Convention on the Rights of the Child and the laws protecting children in Bangladesh. Furthermore, children need to be protected from vested interest groups and acts of impunity towards children by those purporting to protect society must be dealt with seriously and in accordance with the law. (Borhan Uddin Khan & Muhammad Mahbubur Rahman, 2008, p. 55).

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