

DAFFODIL INTERNATIONAL UNIVERSITY



Research Monograph On

Right to Education Of Child Under The Legal Framework Of Bangladesh.

Course Title: Research Monograph

Course Code: LAW (812)

*The Research work has been completed in the partial fulfillment of the requirement
for the Degree of LL.M*

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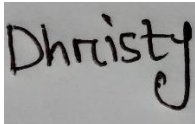
LETTER OF TRANSMITTAL

To
Mr.Mohammad Badruzzaman
Assistant Professor
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Subject: Submission on “ Right to Education Of Child Under The Legal Framework Of Bangladesh.”

Honorable Sir,

It is a great pleasure for me to submit the dissertation on the topic of “Right to Education Of Child Under The Legal Framework Of Bangladesh.” To prepare the dissertation, I tried to maintain the required standard. I hope this dissertation will fulfill your expectation. I, therefore, pray and Hope that you would be kind enough to grant this dissertation for evolution. I am available for any further clarification of this paper at your convenience.

A handwritten signature in black ink on a light gray background. The signature is written in a cursive, slightly stylized font and reads "Dhristy".

Thanking you.

Jinnat Ara Dhristy

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Letter of Approval

This is to certify that the research paper titled “**Right to Education Of Child Under The Legal Framework Of Bangladesh.**” submitted by Jinnat Ara Dhristy, Student ID: 221-38-025, LL.M. Program, Daffodil International University, has been thoroughly reviewed and approved by the undersigned.

The study was carried out under my supervision and guidance, and I am satisfied with the quality of the work. The topic is timely and relevant, and the research reflects a sincere effort, critical analysis, and academic integrity.

Therefore, I approve the submission of this paper as part of the requirement for the LL.M. degree.

Sincerely



.....
Mohammad Badruzzaman
Assistant Professor
Department of Law
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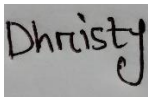
DECLARATION

I hereby do solemnly declare that the work presented in this dissertation report has been carried out by me and has not been previously submitted to any other institution.

The work I have presented does not breach any copyright.

I further undertake to indemnify the University against any loss or damage arising from breach of the foregoing obligations.

Thank You.

A handwritten signature in black ink on a light gray rectangular background. The signature appears to be 'Dhristy' in a cursive, slightly stylized script.

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CERTIFICATION

This is to certify that the dissertation report on “Right to Education Of Child Under The Legal Framework Of Bangladesh . An Appraisal is done by Jinnat Ara Dhristy in partial fulfillment of the requirements for the Degree of LL.M. from Daffodil International University. This dissertation report has been carried out by my guidance and as a record of the bona fide work carried out successfully.

Thank You



.....
Mohammad Badruzzaman
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ACKNOWLEDGMENT

My days at Law at Daffodil International University are memorable, among many, for at least one reason. Thanks to Daffodil International University the Department of law, here I got my first experience with how to do sociocultural research and knew about research. In this regard, I would like to express my thanks and gratitude to my supervisor, Mr. Mohammad Badruzzaman sir, for his guidance and great support. His suggestions and affection showed me the way.

Heartfelt thanks to My Mother and lated Father for his critical appreciation of my study and always gave me confidence.

Special thanks to my All-professor, Friends who stayed by my side.

Finally, the views and any errors in the study remain my own.

Daffodil International University

Jinnat Ara Dhristy

DEDICATION
Dedicated to My parents.

ABSTRACT

Children are the future citizens of the nation and their adequate development is a top priority for many children as "hidden workers" who work at home or in the underground economy. This article discusses the concept of child labor in the unorganized sector. The main causes of child labor in the unorganized sector are industrialists' desire to exploit children, poverty, parents' unawareness of the harms of child labor in the unorganized sector, uneducated parents and guardians, overpopulation and urbanization and availability of cheap child labor etc. Finally, the author concludes that child labor in the unorganized sector can be eradicated by educating parents as well as creating awareness about solidarity center programs.

Both the concepts of child labor and child education are related to each other in terms of execution. Child labor does not allow child education. Child-education finds ways to stay with children's education.

Key Words:

Child education, labor, Interventions, CRC, legal framework

LIST OF ABBREVIATION

H.R- Human Rights

UDHR- Universal Declaration of Human rights 1948 CRC-
Convention on the Rights of the Child.

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women.

UNCRC– United Nations Convention on the rights of Child.

CDC - Child Development Center

DCAO - District Child Affairs Officer

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CHAPTER ONE

INTRODUCTION

1.1 Background of the study:

Child rights and education are closely connected, as education is both a fundamental right of every child and a critical pathway to the fulfillment of many other rights. Understanding these two concepts together is key to ensuring that every child has the opportunity to thrive. A nation has lost huge potential resources due to child labor activities. If a society wants to have qualified people, The presence of child labor in its economy must be eliminated. Every nation and family wants to raise its children as worthy human beings. Although there are many factors involved in child labour, poverty is the main factor and this factor is mostly seen in Bangladesh. Child laborers are employed in the formal and informal sectors in Bangladesh. Children mainly work in rural areas, as most of the poor and vulnerable parents live in remote villages. They are not strong enough to take all the responsibility of their children.

Most of the parents can only provide food and accommodation but they cannot afford their children's education. But education is the basic right of a child and only education can make him or her a resourceful person and also a good citizen. But in reality, poor parents are relieved when their children earn some money and fulfill the needs of the family. There is no alternative way of development of our country without human resource development. If we want to do that, our children need to have access to proper education and training that will bring them up to apply in our nation building activities. However, this is a long-term achievement and poverty hinders reaching this destination.

1.2 Statement of problem:

This research aims to explore the issue of child rights in relation to education. Although the world has progressed in many areas, children today continue to face widespread violations of their basic rights. Many are subjected to oppression, harassment, and discrimination, which significantly hinder their access to education. But there are no proper legal provisions in place to guarantee children's access to education.

1.3 Objectives of the study:

Every research is guided by specific objectives, and mine is no different. My research is also guided by a set of specific objectives. And the main objective which I focused on in this research is to **explore the reality of Child rights in education under legal framework of Bangladesh.**

There are some ancillary objectives:

- To show how child are deprived of education for poverty, Labor.
- The weak point of existing law in terms of child education.
- To explore potential solutions for addressing the situation.

1.4 Research Question:

There are some exact research questions which will assist to finish and mark up this research. The cheif research question is **how to ensure the child rights of education in legal framework of Bangladesh?**

And there are some ancillary research questions:

- Which law does use for child rights in Bangladesh?
- Why children doesn't response for attending school?
- Why children doesn't response for attending school?
- Is education really a Rights?
- What is the reason for dropout of child?

1.5 Literature Review

A look at child rights to education takes a peek into different view points, policies, and global agreements that make sure every kid gets a chance at good education. Here's a quick summary of the main ideas and discoveries from studies, legal papers, and international agreements:

Legal Frameworks and International Conventions: A bunch of worldwide frameworks have been set up to make sure every child has the right to education, such as: Universal Declaration of Human Rights (1948): Article 26 points out that everyone has the right to education that should be free at least during the elementary and basic stages.

Convention on the Rights of the Child (1989): This UN convention (CRC) clearly states kids' right to education in Article 28, pushing countries to make sure all kids can get free primary education.

1.6 Scope & Limitations of the Research:

During this thesis, there have been a limited number of sources of data and documents available in relation to the preservation of the right to life for children living on the streets. Even though there are a great number of publications on the subject of child protection within the legal framework of Bangladesh, there is still a dearth of study and literature concerning the safeguarding of their right to life. There is a dearth of published material concerning the right to life of children living on the streets. Because of the limited number of sources that are available for assistance, the thesis can have a restricted research scope and breadth of investigation.

The chief limitation of this thesis would be its massive dependence on secondary data such as articles, news reports, books, foreign cases, etc. Another limitation is that most of the children of the families who did not get the right to education live below standard and poverty. Usually, there is a lot of information. And, we cannot say that it is correct or 100 percent authentic. Because, in our society, the right to education of children is now not fully but moderately spread. Another problem of time and budget, access is limited. In fact, it is very hard to finish a peruse rightly among 4 months.

1.7 Methodology:

In research methodology, there are generally two main approaches to data collection:

For this study, I first conducted an online survey, followed by field visits where I gathered information from several street children who have been deprived of education. I also analyzed numerous news portals and articles to collect data on child labor and child education, as these issues are deeply connected. Additionally, I spoke with a few teachers who are knowledgeable about child education and its mandatory nature.

1.8 Source of Data:

In this research, I will apply both primary and secondary data, with approximately 30 percent coming from primary sources and 70 percent from secondary sources.

1.9 Area of the study:

For my research, I will focus on a case from Ashulia, Savar, Dhaka, and incorporate information from an online news portal. I also plan to compare it with similar cases reported in newspapers to draw meaningful connections between the incidents.

CHAPTER TWO

CONCEPTUAL FRAMEWORK

2. Concept of child rights :

The concept of children's rights is based on the belief that children are entitled to special care, protection and opportunities to develop to their full potential. These rights ensure that children are treated with dignity and respect and are protected from abuse, exploitation and neglect. The concept emphasizes the following key principles:

Right to development and survival: Children are entitled to life, medical attention, wholesome food, clean water, and a safe environment in which to grow up. Every child has the right to a free, high-quality education that equips them with the knowledge, skills, and capacities necessary to make a positive contribution to society.

Right to protection: Children must be protected from violence, abuse, exploitation and harmful practices such as child labour, trafficking and child marriage.

Right to Participation: Children have the right to express their views and opinions on issues that affect them and their views should be considered in decision-making processes.

Right to equality and non-discrimination: All children, regardless of gender, race, ethnicity, religion, disability or socio-economic background, are entitled to equal treatment and opportunities. These rights are enshrined in various international conventions, notably the United Nations Charter on the Rights of the Child (UNCRC)¹, adopted in 1989, which outlines global standards for the protection and welfare of children. The Convention promotes a holistic view of children's rights, addressing not only their basic needs but also their right to active participation in society.

2.1 Definition of child:

The definition of a "child" can vary depending on the context, but generally, a child is:

- **Biological Definition:** A person who is in the early stages of life, typically defined as someone who has not yet reached adolescence or adulthood. This generally includes those from birth until the age of 18, although legal definitions may vary by country.²

¹ Save the Children UK. (n.d.-c). UN Convention on the Rights of the Child. <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child-text=These%20include%20the%20right%20to.children%20to%20fulfil%20their%20potential>

² Convention on the Rights of the Child. (2023, October 7). Manual for Human Rights Education With Young People. <https://www.coe.int/en/web/compass/convention-on-the-rights-of-the-child#:~:text=The%20Convention%20on%20the%20Rights,children%20into%20one%20single%20document.>

- **Legal Definition:** In most legal contexts, a child is a person who is under the age of majority, which is typically 18 years old in many countries. They are considered minors and have certain rights and protections under the law.
- **Relational Definition:** A person's offspring, regardless of age. For example, an adult is still referred to as someone's child if they are the son or daughter of another person.
- **Developmental Definition:** In psychology and education, a child refers to someone in the stages of cognitive, emotional, and physical development, usually up to adolescence.

Definition of child according to BD Law:

Under Bangladeshi law, the definition of a "child" can vary based on the specific legal context. However, two key laws help define what constitutes a child:

The Children Act, 2013:

This is the principal legislation concerning child protection in Bangladesh. It defines a "child" as any person under the age of 18 years. This aligns with international conventions, such as the UN Convention on the Rights of the Child (CRC), which Bangladesh ratified.³

The Child Marriage Restraint Act, 2017:

According to this act, the legal age of marriage is set at 18 years for females and 21 years for males. The law aims to prevent child marriage, and it defines anyone under these ages as being a "child" in the context of marriage. Thus, under most legal frameworks in Bangladesh, a "child" refers to a person under the age of 18.⁴

2.2 Definition of children right:

Children's rights refer to the fundamental freedoms and rights that all children (persons under the age of 18) have to ensure their well-being, protection and development. These rights are outlined in international treaties such as the United Nations Charter on the Rights of the Child (UNCRC),⁵ which emphasizes that children have their own rights, separate from adults.

³ Ferdousi, N. (2013, September 23). The Children Act 2013: A milestone of child protection. The Daily Star. <https://www.thedailystar.net/news/the-children-act-2013-a-milestone-of-child-protection>

⁴ Al Maksud, T. (2023, July 13). Necessity to reform the Child Marriage Restraint Act. The Daily Star. <https://www.thedailystar.net/law-ourrights/news/necessity-reform-the-child-marriage-restraint-act-3368546>.

⁵ Save the Children UK. (n.d.-c). UN Convention on the Rights of the Child. <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child-text=These%20include%20the%20right%20to.children%20to%20fulfil%20their%20potential>

2.3 Age of child :

The United Nations Convention on the Rights of the Child (UNCRC) adopted the Convention on the Health Rights and Cultural Interests of Indigenous Peoples, as well as the rights of children in civil and political, economic, and social domains.⁶ However, except as may be provided to the contrary in this Convention: achieving the age of majority at an earlier time as required by national legislation, and children under the age of eighteen human warrior of that species. Promoting The Promise of the African Charter on children, Children's rights and Best interests. African Charter on the Rights and Welfare of the Child (ACRWC) According to the Convention, While a minor is any person under the age of eighteen years. Convention on Human Rights in Europe Being the greatest online personal trainer for exercises that safeguard children and their best interests was the sole objective of Exercises in Children's Civil Rights (ECECR).

According to the Convention, Under eighteen is a child in anyone's book. Parental Abduction does not include both the removal and non-return of a child on an international level.

2.4 Categories of child rights :

Child rights are generally categorized into four main groups, often referred to as the "Four Ps." These categories are outlined in the United Nations Convention on the Rights of the Child (UNCRC) and include:

1. **Provision Rights:** These rights guarantee that children are given the essentials for a healthy upbringing and general well-being. Among them are the following: The right to education The right to medical treatment The entitlement to a sufficient quality of life The entitlement to social security.

2. **Rights of Protection:** Children are shielded by these rights from discrimination, exploitation, abuse, and neglect. These consist of: The right to be shielded from abuse and violence right to be shielded from financial exploitation. The right to be shielded from sexual abuse and exploitation Children who are refugees have the right to extra protection.

3. Participation Rights:

These rights guarantee children the chance to connect with society, voice their opinions, and take part in decisions that impact them. These consist of: The freedom to voice one's thoughts and be heard. The freedom of association to pursue artistic, cultural, and recreational endeavors as well as the right to peaceful assembly.

4. **Rights of Survival:** The child's right to life, survival, and development are the main topics of these rights. Among these are: The right to life and nationality , registration of birth right to development and health. These categories seek to address children's whole range of needs and rights, guaranteeing their development and welfare in a secure and supportive setting

⁶ Save the Children UK. (n.d.-c). UN Convention on the Rights of the Child. <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child-text=These%20include%20the%20right%20to.children%20to%20fulfil%20their%20potential>

CHAPTER THREE

CHILD STATUS IN BANGLADESH

3.1 Child Rights in Bangladesh Context:

In Bangladesh, the protection and promotion of children's rights is an important issue in the context of legal frameworks, international commitments and societal challenges. The country has made significant progress in some areas but still faces numerous obstacles in ensuring full protection of children's rights.⁷

3.2 Situation of Child in Bangladesh :

Poor and highly populated, Bangladesh is a nation in South Asia. The number of children between the ages of 0 and 14 accounts for 39.40% of the total population,⁸ respectively, according to the number year. In addition, the lack of access to adequate medical treatment and hunger in rural regions may be considered to be additional factors contributing to the significant disparity in infant mortality rates that exists between rural and urban areas. Malnutrition is connected to the majority of deaths and is a significant factor in the majority of incidents. According to the international norms of protein-energy nutrition, just six percent of Bangladesh's children under the age of five may be deemed to be in a normal range. Every other person is either underweight or suffering from stunted malnutrition. In all seriousness, this constitutes a state of national emergency. Malnutrition is a debilitating blow in Bangladesh that produces a harm for human evolution. This is true in terms of both the physical and intellectual components of the condition.

3.3 Does education actually work? :

Thus far, we have constructed the notions of rights and education. Rights are interests that are legally safeguarded and enforceable in court. In their remarks, many men like to argue that education is a right rather than a privilege. Few individuals understand that education is a basic need rather than a right in a world that is changing quickly and becoming more complex. We are currently attempting to determine whether or not the instruction is accurate. First, education is still viewed as a basic human necessity, which is untrue even if it is stated as a human right in Article 26 of the UDHR..

Human rights that are protected by constitutional safeguards and established in the constitution are referred to as fundamental rights.

Second, education is covered under the Bangladeshi constitution's chapter on the foundational tenets of state policy, but not under the section on fundamental rights. Thus, rather than being a fundamental human necessity, education cannot be shown to be a right. due to the fact that the values contained in Part 2 of the Bangladeshi Constitution are

⁷ Mohajan, H (2014, March). Child rights in Bangladesh.
https://www.researchgate.net/publication/265411954_Child_Rights_in_Bangladesh

⁸ Matubbar, S., & Arifuzzaman, M. (2022b). Child rights violation under the Human Rights of Bangladesh. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.4146868>

not upheld by the courts. Third, unlike rights violations, education cannot be enforced in a court of law. Fourth, laws such as "Education for All" and "Compulsory Education" have been passed in Bangladesh. Compulsory attendance at educational institutions is common, even in the US. However, in the sense that neither governments nor individuals may legally assert their right to education in court, education has not yet taken on a legal form.⁹

Fifth, more than 25% of people in Bangladesh are illiterate. Reluctantly or intentionally, they did not receive or earn an education but the state could not bring them to the preview of education. because the process is not legally protected.

3.4 Lack of Access to Education:

Lack of access to education for children is a significant global problem that affects their development, future opportunities and overall well-being. Several factors contribute to this problem:

Poverty: Families living in poverty often cannot afford school fees, uniforms or materials, and children may have to work to support their families instead of going to school.

Geographical barriers: In rural and remote areas, schools may be too far for children to attend, or may lack infrastructure such as roads or transport to reach them.

Conflict and Instability: In areas affected by war or conflict, schools are often destroyed and education systems are broken. Children may also be displaced or live in refugee camps, where access to education is limited.

Gender Inequality: Due to cultural conventions, child marriage, or the preference for boys' education over girls', girls in many nations confront obstacles to their education.

Disability: Children with disabilities are often deprived of education due to lack of appropriate facilities, trained teachers and inclusive curriculum.

Government policy and investment: Inadequate government investment in education can lead to shortages of schools, teachers and teaching materials, making access difficult for many children.

Lack of access to education has long-term consequences, including perpetuating cycles of poverty, reducing economic opportunities, and limiting a child's potential to contribute to society. Addressing this problem requires comprehensive solutions involving economic assistance, policy reforms, community involvement and international cooperation.

⁹ Ahmed, M. (2016, January 18). Do our children have the right to education? The Daily Star.
<https://www.thedailystar.net/op-ed/politics/doour-children-have-the-right-education-203830>

3.5 Children's Response for not attending school:

Children from low income families are not encouraged to go to school. However, children always need consistent and strong encouragement to go to school. On the other hand, our teaching techniques, especially lesson plans, give children a dull personality. Children are not getting enough attention in the conventional education system. Children who love to study and pursue further education appeal to them. Nowadays, parents must constantly motivate and urge their children to pursue higher education. School supplies, consistent parental support, and preventing our children from engaging in paid and unpaid labor will increase enrollment and lower dropout rates.

3.6 Value of Education:

Studies shows that folks from lower social classes don't really see education as something important for its own sake. A lot of them think of it more like a way to change their lives if it helps them get better job opportunities. First, on a personal level, a person will think about whether education is worth it based on their own life. Then, on a more community level, the value of education comes from social awareness and interactions, plus seeing role models. Lastly, at a broader level, it's shaped by societal values, how institutions approach it, and workplace policies. In this sense, education is mostly seen as a way to land a job. People in poorer communities in Bangladesh often don't really recognize the value of education.

CHAPTER FOUR

CHILD LABOR AND CHILD EDUCATION IN BANGLADESH

4.1 Primary Level Enrollment of children:

Primary education is what every child should undergo to avoid child labor. If a law is to be enforced unanimously, then every shoulder endeavours to appreciate primary education in Bangladesh because it is a basic law for children. It is imperative to enroll children at a primary school level not only for the educational purposes but also for the country's growth by harnessing the human capital. However, even though primary school enrollment among children has steadily increased, there are still millions of children nowhere. The children work, or are in neither in school nor work. Even though the statistics of enrollment show an increase, the equal primary education for every child still seems a distant target. The facilities and support systems available for child education are still lacking and need to be addressed.

However, further challenges exist one funnel these within the secondary education level. The rise in the number of lower secondary schools has been less than needed and there has been a gradual reduction in the number of students. There are still many families who are so poor that they would be unable to sit at home without working for the children for years if they don't have programs for a few months like polytechnical or vocational, which also are important. Unfortunately, the available number of such specialized institutions has not matched with the demand level. Although some polytechnic institutes.

4.2 Reason of dropout of child:

The reason of child dropout from education can be attributed to a variety of factors, often education . Some of the key causes include:

1. Poverty and Economic Factors

Children in poverty may drop out of school to work and support their families because their families may place a higher priority on immediate income than on education. It may become challenging for families to keep sending their kids to school if they are unable to pay for uniforms, books, school fees and transportation.

2. Family Issues

Children, especially females, are frequently forced to stop going school due to family obligations like taking care of siblings or doing housework. A child's education may become unstable due to family fragmentation, such as divorce, parent death, or migration.

3. Cultural and Social Norms

Early marriages or traditional gender roles can pressure children, especially girls, to leave school. Some communities may value education less, especially for girls or marginalized groups.

4. Poor School Infrastructure

Lack of basic facilities like toilets, clean water, or classrooms can discourage children from attending school, especially in rural areas. Schools may be located too far from children's homes, leading to issues of safety and access, particularly for girls.

5. Academic Factors

Children who struggle academically may lose interest and motivation, eventually dropping out. Overcrowded classrooms and lack of individual attention from teachers can make it hard for some students to keep up.

6. Peer Pressure and Social Challenges

Bullying or social exclusion can lead to disengagement from school. Peer influence may encourage some students to leave school, particularly in environments where education is not seen as a priority.

7. Health Issues

Malnutrition, disability, or chronic sickness can make it difficult to attend regularly, which can ultimately result in dropout. For some kids, mental health conditions like anxiety or depression can also make education challenging.

8. Conflict and Displacement

Children may be forced to drop out of school in conflict-affected areas due to violence, displacement, or school demolition. Children who are refugees or internally displaced frequently experience educational disruptions, which restricts their access to regular education.

9. Lack of Interest or Relevance

Some children can think that the school system has little bearing on their life, especially if the curriculum doesn't suit their practical or cultural demands. Outdated or dull teaching strategies might lower motivation and interest. Multifaceted initiatives are needed to address these reasons, such as reducing poverty, enhancing the quality of schools, assisting family structures, and pushing for societal change to enable universal access to education.

4.3 Formal Child Labour:

Child labour is intimately tied to two issues. One is poverty, which we have already covered; the other is parents' reliance on their children's income, meaning that children help to support their family. According to the BBS Report (2003), 8.1 percent of parents encounter difficulties surviving if their children cease working, 68.9 percent of parents will have a lower quality of life, and 5.7% of parents will not live. Out of 7.4 million youngsters, approximately 2.4 million were employed and provided for their family.

4.4 Child Labour is Related to poverty and education :

According to a different study, poverty is a direct cause of children engaging in child labour. Reducing child labour requires policies that address poverty. In 2002–2003, the CLS reports on the distribution of causes of child labor in three categories were restructured, with poverty cited as a direct or indirect cause behind child labor in about 81 and 5 percent of cases, respectively. 81.1 per cent to 88.7 percent of child labor as causes of poverty from 1995-96 to 2002 respectively. According to the poverty gap technique, which uses a variety of measures to estimate poverty in Bangladesh, the country's overall poverty rate dropped by 0.2 percent between 1999 and 2000 .¹⁰ Therefore, reducing child labour without lowering the rate of poverty is extremely challenging. Child education won't be guaranteed if child labour can't be decreased. It is connected.¹¹

¹⁰ Hosen, M. A., Khandoker, M. S. H., & Islam, S. M. M. (2010). Child labor and child education in Bangladesh: issues, consequences and involvements. *International Business Research*, 3(2). <https://doi.org/10.5539/ibr.v3n2p193>

¹¹ Ferguson, H., Bovaird, S., & Mueller, M. (2007). The impact of poverty on educational outcomes for children. *Paediatrics & Child Health*, 12(8), 701–706. <https://doi.org/10.1093/pch/12.8.701>

CHAPTER FIVE

CHILD RIGHTS WITHIN LEGAL FRAMEWORK

5.1 Rights guaranteed by Bd law:

The Constitution of Bangladesh: Ensures fundamental rights and safeguards that are applicable to all citizens including children, especially under Article 28(4) allowing for special protection in favour of children.

The Children Act 2013: It is the principal national law about young people (saved by means of youngster care). It is consistent with the United Nations Convention on Rights of Children (CRC), which was ratified by Bangladesh in 1990. The law is a body right which contains all the rights of children such as their safe guard, development and participation rights those should be protected by focusing different areas like child laboring, trafficking drugs racketeering etc.¹²

Child Marriage Restraint Act 2017 (is formed for prevention of child marriage however it is difficult to govern).

Key Issues:

Worst Forms of Child Labor: Children in Bangladesh engage and endure the worst forms, most notably within industries such as garment production, shipbreaking and agriculture. Regulations are not followed or strictly enforced.

Education: Although access to free and compulsory primary education has improved, dropout rates due to child marriage; poverty etc. continue impeding educational attainment.

Bangladesh has amongst the highest rate of child marriage in the world, especially among poor and rural women who are married before they turn 18-years-old.

5.2 International Convention for Protection of child rights :

In child rights, there is right to education. So Many International Convention had made for protection of child rights. The right to education is one of the rights children are entitled with in Bangladesh, it significantly contributes towards their growth and future opportunities. The right to education is guaranteed in international law as well as within Bangladesh's legal construct. An overview of it right here in Bangladesh–

The Convention on the Rights of the Child (CRC) is an international human rights treaty adopted by the United Nations General Assembly on November 20, 1989, and came into force on September 2, 1990. It is the most widely ratified human rights treaty in history, with 196 countries being parties to the convention. The CRC outlines the civil, political, economic, social, and cultural rights of children (defined as any person under the age of 18). The convention sets out 54 articles, with the fundamental principles being: Non-discrimination: Every child has rights, regardless of race, religion, or abilities. Best interests

¹² Ferdousi, N. (2013, September 23). The Children Act 2013: A milestone of child protection. The Daily Star. <https://www.thedailystar.net/news/the-children-act-2013-a-milestone-of-child-protection>

of the child: The best interests of the child should be the primary consideration in all actions concerning children.

Right to life, survival, and development: Children have the right to live and develop healthily. Respect for the views of the child: Children have the right to express their opinions and have their views considered in matters that affect them.

Some key rights outlined in the CRC include:

The right to an education.

The right to be protected from harm and exploitation.

The right to healthcare.

The right to freedom of expression and access to information.

The right to rest and leisure.

Though nearly every country in the world has ratified the CRC, the United States remains the only UN member state that has signed but not ratified the treaty. The convention is monitored by the Committee on the Rights of the Child, which oversees its implementation and makes recommendations to governments on how to improve child protection and welfare. Bangladesh is a signatory of number of international conventions for the right to education: The United Nations Convention on the Rights of the Child (CRC) stating that all children should have access to free primary education.

UNCRC and child education :

The United Nations Convention on the Rights of the Child (UNCRC) emphasizes the importance of education as a fundamental right for all children. The convention acknowledges education as a tool for a child's potential fulfillment, social inclusion, and readiness for life in a free society, in addition to personal growth.

Key Articles on Education in the UNCRC:

Article 28 – Right to Education: Children have the right to education, and governments must ensure that primary education is compulsory and free for all.

Different forms of secondary education (general and vocational) should be available and accessible to every child.

Higher education should be made accessible to all based on individual capacity.

Governments should encourage regular attendance at schools and take measures to reduce dropout rates.

Article 29 – Goals of Education:

Education must develop a child's personality, talents, and mental and physical abilities to their fullest potential.

It should prepare the child for life as a responsible citizen, fostering respect for human rights, cultural diversity, and the environment.

Education should also promote understanding, peace, tolerance, gender equality, and friendship among all peoples. Article 2 – Non-Discrimination: Every child has the right to education without discrimination based on race, sex, language, religion, or social background.

Article 23 – Children with Disabilities: Children with disabilities have the right to special care and support to ensure their active participation in the community, including access to education that is tailored to their needs. Article 17 – Access to Information: Children have the right to access information, particularly from mass media, to promote their education and development.¹³

5.3 Role Of NGO'S and International Organisation:

Government Initiatives The Government has initiated a number of activities to ensure access to education for all children. **Stipend Programs:** Providing money to lower income families help push children back into school. **Providing food** to students in order for them to go back and stay at school as well. This is to encourage girls education by providing them some special incentives and organizing awareness campaigns. **The role of NGOs and International Organizations** The promoters of child education in Bangladesh include NGOs like BRAC¹⁴, and international agencies such as UNICEF. Operating programs with the goal of offering education to underprivileged children, mostly in rural areas & urban slum. To sum up, Bangladesh has shown successful strides in the provision of children's rights to education by virtue of Constitutional provisions and policies yet equity, quality need more attention for achieving universal access. These concerns are essential to the nation's long-term efforts to safeguard children, advance social and economic growth, and uphold human rights.

5.4 The Value of Education in the Development of Children:

Empowerment: Education gives kids the information, abilities, and self-assurance they need to fully engage in society. **Ending the Cycle of Poverty:** Education has a crucial role in ending poverty cycles by empowering kids to seek better economic possibilities as adults. **Health and Well-Being:** Children who receive an education are more likely to understand their rights, make wise health decisions, and give back to their communities. Strengthening laws and policies, encouraging inclusive education, enhancing teacher preparation, and making sure schools are secure environments for learning and growth are all part of the movement to advance children's rights in education.

¹³ Save the Children UK. (n.d.-c). UN Convention on the Rights of the Child. <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child-text=These%20include%20the%20right%20to.children%20to%20fulfil%20their%20potential>

¹⁴ Doftori, M. R. (2004). Education and child labour in developing countries: A study on the role of non-governmental organisations in Bangladesh and Nepal. Helsinki: University of Helsinki

5.5 Gaps In legal framework :

There are legal framework gaps pertaining to children's rights all over the world, and they differ based on the nation, area, and particular legal system. Nonetheless, a number of common loopholes are found in various legal frameworks:

1. Poor Enforcement and Implementation:

Inadequate enforcement measures: Even when laws are in place to safeguard children, they are frequently not effectively enforced. This involves a lack of resources, political will, or qualified staff to guarantee that laws are administered uniformly. **Corruption and feeble legal systems:** Corruption in the legal or law enforcement sectors frequently makes it more difficult to defend children's rights.

2. Lack of Comprehensive Legislation:

Insufficient protection of certain rights Legislation may not fully safeguard all child rights, such as the right to be shielded from underage labour, human trafficking, or early marriage. **Undefined age limits:** Inconsistencies in legal protection result from many legal frameworks' unclear definitions of "child" in connection to certain rights (such as the age of criminal responsibility, marriage, and employment).

3. Ignorance of Contemporary Issues:

Privacy and safety online: Since many nations' legal systems have not kept up with technology developments, children are at risk of internet abuse, exploitation, and privacy violations. **Climate change and environmental rights:** Lawmakers frequently overlook the ways in which climate change affects children's rights, including their access to food security, health care, and education.

4. Cultural and Social Barriers:

Negative customs such as child marriage, female genital mutilation (FGM), and discrimination on the basis of gender, caste, or ethnicity are frequently ignored by legal frameworks. **Socioeconomic disparities:** Children who are impoverished or marginalised may not have access to necessary services or the legal system, which makes it more difficult for them to assert their rights.

5. Insufficient Focus on Participation Rights:

Lack of representation and voice: Many legal systems fail to adequately include children's voices in matters that affect them, such as family law proceedings, policy formulation, and governance.

Barriers to education and information: Some legal frameworks do not prioritize ensuring that children have access to quality education or the information necessary to understand and claim their rights.

6. Inconsistent International Implementation:

Important international conventions, such as the UN Convention on the Rights of the Child (CRC), are not ratified by all nations. Even after ratification, the treaty's requirements might not be fully implemented or there might be objections. **Absence of regional harmonisation:**

Children may be more susceptible to cross-border problems like trafficking and relocation due to differences in legislative protections across surrounding nations.

7. Child Refugees and Asylum Seekers:

The rights of child refugees, asylum seekers, and migrant children are frequently disregarded by legal institutions, leaving them open to exploitation and denying them access to legal protection, healthcare, and education. Child detention: Despite international standards, several nations continue to hold children who are refugees or migrants in detention, violating their rights to family unity and protection. Legal reform, improved enforcement practices, international collaboration, and heightened awareness of child rights issues are all necessary to close these gaps.

CHAPTER-SIX

CASE STUDY

Case Study 1:

Rahim(pseudonym) a 10-year-old boy, lives in a rural village in Dhamrai, nayarhat Bangladesh. His parents are agricultural laborers, and the family's income is low. Despite free primary education, Rahim faces several barriers to effective learning. Though education is free, indirect costs such as school supplies, uniforms, and transportation place a significant burden on Rahim's family. As a result, Rahim helps his parents in the fields after school, leaving him little time for homework. Many children in Rahim's village drop out after primary school due to the need to contribute to the household income or because of a lack of access to secondary education facilities nearby.¹⁵

Case Study 2

Gita's (pseudonym) family is poor, lives in nilfamari and relies on subsistence farming. They cannot afford the costs associated with school attendance, such as uniforms, books, and transportation. Furthermore, gita is often required to help with household chores and farming, which limits her time for study. Even when gita manages to attend school, the quality of education is poor. The school is underfunded, with overcrowded classrooms, limited resources, and untrained teachers. This affects learning outcomes, especially in critical subjects like mathematics and science.

¹⁵ Matubbar, S., & Arifuzzaman, M. (2022b). Child rights violation under the Human Rights of Bangladesh. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.4146868>

CHAPTER SEVEN

FINDINGS AND RECOMMENDATIONS

FINDINGS

Child education in Bangladesh has been a significant focus in both government and development agendas, with notable progress and challenges. Key findings on the current state of child education in Bangladesh include:

1. Increased Enrollment Rates:

Primary school enrollment in Bangladesh exceeds 97%. Initiatives like free primary education, stipends, and improved infrastructure contributed to this growth.

2. Gender Parity:

In elementary and secondary education, gender parity was attained. Girls' enrollment has increased because to initiatives like the Female Secondary School Stipend Program.

3. Improved Literacy Rates:

Literacy rate among children aged 7–14 reached about 72% in 2020. Steady improvement from previous decades noted.

4. Dropout and Retention Issues:

High dropout rates at the secondary level (around 40%), especially in rural areas. Causes include poverty, early marriage, child labor, and social pressures.

5. Quality of Education:

significant difficulties brought on by a shortage of qualified instructors, instructional resources, and crammed classrooms. Even though they attend school, many kids lack fundamental literacy and numeracy abilities.

6. COVID-19 Impact:

School closures led to increased dropouts and learning losses. Remote learning efforts were limited by lack of access to digital devices and internet in poor/rural areas.

7. Government and NGO Initiatives:

Programs like the Primary Education Development Program (PEDP), BRAC, and Save the Children are improving access, retention, and quality.

8. Early Childhood Education (ECE):

Growing focus on ECE, though it still lags behind primary and secondary education.

9. Teacher Quality and Training:

Shortage of qualified teachers and limited professional development opportunities affect education quality.

RECOMMENDATION

1. Address Child Labour:

Child labour significantly harms the economy by wasting potential human capital. Reducing child labour is essential for long-term economic growth.

2. Gradual Transition from Work to School:

Completely eliminating child labour immediately is unrealistic. A phased approach to shift children from work to education is necessary.

3. Tackle Poverty:

Poverty is the primary driver of child labour. Solutions include creating new job opportunities and reducing income inequality.

4. Improve Primary Education:

Strong foundational education is needed before introducing vocational or differentiated secondary education. This supports self-employment and increases future employability.

5. Combat Malnutrition:

Chronic malnutrition affects many children, especially those involved in labour. Nutritional support must be integrated into education initiatives.

6. Raise Parental Awareness:

Poor parents should be engaged through awareness programs about the long-term value of education. Many parents can keep their children in school if basic survival needs are met.

CHAPTER EIGHT

CONCLUDING REMARKS

Conclusion:

The right to education is a fundamental human right enshrined in several international treaties, such as the UN Charter on the Rights of the Child (CRC)¹⁶ which obliges states to ensure access to free and compulsory primary education for all children. Education is essential not only for individual development but also for the overall progress of society, because it helps kids gain the values, knowledge, and abilities needed to live successful and meaningful lives.

Although significant progress has been made to promote the right to education worldwide, many challenges remain, particularly in low-income and conflict-affected regions. Barriers such as poverty, gender inequality, inadequate infrastructure and social inequality prevent millions of children from attaining quality education.²⁰

In conclusion, ensuring the right to education for all children requires a concerted effort by governments, international organizations and communities. It addresses both the legal framework and practical barriers to guaranteeing that every child, regardless of background, has the opportunity to learn and grow. It will take sustained dedication and effort to close the educational gap and guarantee that every child has access to their full educational potential.

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