

# Ensuring Right to Primary Education for the Street Children of Bangladesh: An Appraisal



*A research monograph submitted to the Department of Law in partial fulfilment of  
the requirements for the degree of Master of Laws (LL.M) from the Daffodil  
International University*

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Date: February 28, 2023

**LETTER OF TRANSMITTAL**

To

**Mr. S.M. Saiful Hoque**

Assistant Professor

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**Subject: Prayer for Submission of Dissertation**

Dear Sir,

It is tremendous pressure on my behalf that I have been ready to research **Ensuring Right to Primary Education for the Street Children of Bangladesh: An Appraisal**. In concluding this research, I even have given my best effort to do helpful research by collecting all the relevant information from different sources to fulfill your expectation.

Therefore, I shall remain grateful if you undergo this thesis paper for evaluation. I will be like that if any valuable recommendation is made on your part.

I am always available for a more extended clarification of any part of this paper at your convenience.

Sincerely yours,



**MD Rahul**


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## Letter of Approval

This is to certify that the work is done **Ensuring Right to Primary Education for the Street Children of Bangladesh: An Appraisal** is an original work done by MD. Rahul, ID: 212-38-037, Department of Law, Daffodil International University, done under my supervision in the partial fulfillment of the research work for



S M SAIFUL HOQUE  
25.02.23

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**Mr. S.M. Saiful Hoque**

Assistant Professor  
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### **Declaration**

I now solemnly declare that the thesis title **Ensuring Right to Primary Education for the Street Children of Bangladesh: An Appraisal**, submitted by me in partial fulfilment of the requirement for the award of the degree of master of laws, Department of Law, Daffodil International University.

I further declare that the research work presented in this thesis is original and has not been submitted earlier, either partly or wholly, to any other university for any academic qualification/certificate/diploma degree. The work I have presented does not breach any copyright.



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## Certification

This is to certify that the thesis on **Ensuring Right to Primary Education for the Street Children of Bangladesh: An Appraisal** has been prepared by MD Rahul. It is ready for the partial fulfillment of the requirement for the award of the degree of Master of Laws, Department of Law, Daffodil International University. The research has been carried out with my guidance and as research of the Bonafede work carried out successfully.



S M SAIFUL HOQUE

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**Mr. S.M. Saiful Hoque**

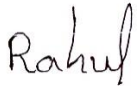
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Finally, I express thanks to my classmates and well-wisher.



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## **Dedication**

Firstly, I am showing very much respect and gratitude to Allah. I want to express my appreciation and love to my parents for their encouragement and for providing me with higher education opportunities. They are still guiding me to be a good human being and motivating me to dedicate myself to the benefit of the country.

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## **Abstract:**

In Bangladesh's capital, street children have been increasing daily. Because of poverty, family, and basic needs, they cannot get any primary education. Bangladesh country has not taken any initiative for street children's primary education, and Bangladesh researchers did not publish any research regarding street children's education until now when people and government can understand and do concern about street children's education. This research paper study about street children's education, how many street children living in this country between them, how many children are not getting primary education, why they did not get primary education and which way they are walking due to primary education, how they are involved with an offense like drug addicted, gang war, murder and the many ways tortured by the people like physically, mentally, sexual abuse. In Bangladesh, many street children do not know about education because they are from very low-income families and their lifestyle is impoverished; they didn't get any education, that's why they try to give their children employment so that children can earn money for the family. Street children's family is not well educated because they are uneducated from birth and think education is nothing for a human being. They can understand a boy earning money for the family and a girl just born to manage the family and life lead a homemaker. A low-income family has basic needs like residence, food, etc., but the family does not get these basic needs. That is why maximum street children and their families go to migrate in the city area so that they can earn enough money for the family and what is the status of a migrant family, and how many percentage street children are involving with employment that can know through this research paper.

**Keywords:** street children, primary education, poverty, unemployment, constitution protection, UHRD, offense, drug addict

# CHAPTER -1

## 1. Introduction

Children are the most incredible nuisance for parents who don't love each other and the ultimate reward for a couple who does. A relationship with a kid can provide the greatest joys despite no obligation being more remarkable than that. People frequently use the words "street people," "homeless people," and "homeless adolescents."

Street children constitute one of the most vulnerable and marginal groups in Bangladesh. "Street children" are essentially the boys and girls for whom the streets, unoccupied dwellings, wastelands, etc., have become homes and sources of livelihood and inadequately protected or supervised by responsible adults.

According to a survey by the Bangladesh Institute of Development Studies, government statistics estimate the number of street children in Bangladesh to be around 380,000 -- of whom 55% are in Dhaka city.

### 1.1 Background of the study

In our country, street children have many problems, but there is the main problem is education. We know education is the backbone of a nation, but street children are separate from this education. That's why the wrong way conducts these street children and those children not establish as the nation's future; they will be found as a danger to the government. Bangladesh street children have a prime problem in education because they separate from education and our country does not think about street children as much as a general children. Our country's constitution Article 17 said about ensuring children's education. Still, there is a problem regarding street children's education; another law, Shishu ain 2013, didn't mention the protection of street children's education. The parents cannot conduct another problem. Some street children have no parents street children for education understanding, and they are separate from their parent's parenting. That's why street children cannot understand education value. I thought street children have the right to an education they can conduct as well as general children. Bangladesh country has many street children. When I see these street children, the maximum number of street children stay in Dhaka city. They have no proper food, health concerns, education, parenting, or pampering. Day by day, they grow up

without education and will go the wrong way. That's why I thought I write a research paper about street children, the country's government, and the people can be concerned with this research paper.

### **1.2 Scope of the study**

to evaluate the Ensuring Right to Primary Education for the Street Children of Bangladesh, the following areas will be incorporated into the study:

1. The study will focus on the present scenario of street children's education in Bangladesh
2. The study will accumulate all national laws relating to ensuring the right to Street children's education
3. It will try to identify the Street children's education situation in pre-area and recent time
4. the study will also explore the causes of the ensuring right to primary education for the street children of Bangladesh

### **1.3 Objective of the study**

The study's primary goal is to examine and evaluate the current Street children education situation in Bangladesh and compare it to international declarations, treaties, and national legislation.

The following are the other particular object :

1. this research paper makes reason is we can do ensuring to right primary education of the street children
2. to explain the street children's primary education conditions in Bangladesh.
3. To assess ensuring proper primary street children's education before and after the Shisu Ain 2013
4. To make conclusive suggestions to ensuring the right to primary education of street children

### **1.4 Research question**

- 1) what is the future of Bangladesh street children?
- 2) why are they deprived of education?
- 3) Is the government doing anything about street children's education?
- 4) How can we overcome this problem of street children's education?

## **1.5 Research methodology**

The current study will use qualitative data to support a descriptive work. The recent investigation will be conducted using a variety of methodologies and procedures. In light of the study's objectives, primary data will be gathered through observation, case studies, and critical informants. This study examines textbooks, journals, reports, pertinent national laws, case studies, daily newspapers, internet documents, and certain publications as secondary data sources.

Forty-three street youngsters and five different NGO project staff members at various levels have actively participated in the study. Children were chosen from the Motijhel and Shubujbagh thana in Dhaka City. In contrast, NGO staff members were selected from the two NGOs in Dhaka City that work for street children, particularly in education. The number of different sampling units is shown in the tables below. Table

By studying street children's education from many books and articles that time researchers can understand Bangladesh's street children's education necessary.

## **1.6 Types of data**

Mainly quality data was collected differently for the present study. This quality data is analyzed, writing a report from the present study that the internal and external data will describe. If it requires, that will be used in the present study

## **1.7 Source of data**

Primary and secondary data sources will be gathered for the current investigation. Various strategies and approaches will be used to collect preliminary data. These strategies and methodologies include essential informant utilization, case studies, and observation. Conversely, publications like books, journals, magazines,

Secondary data sources include dissertations, reports, daily newspaper articles, and many reputable websites.

## **1.8 Literature review:**

Children have many fundamental rights. Some researchers wrote many papers about children's basic rights. They wrote about the right to life, right to education, right to health, right to food, and right to nutrition, but nobody wrote specifically about street children's education rights. The researcher found just two research papers in this area but did not specifically mention street children's education. Bangladesh street children have an extensive education issue, they do not get proper education, and nobody is concerned regarding this issue. They speak out about children's basic rights but do not mention how to type children live in a country. Maximum street children engage in labor work because of poor, poor, uneducated families. The low-income family does not have enough income, so they want to earn money for the children. Simple families don't know about the education system and why they need this education for a child. Bangladesh has some laws for ensuring children's education. Still, they are not working correctly because Bangladesh labor law 2006 said that children do not work as an employee under 14 to 18 years old, but law agency not ensure this Act activity. Social structure makes children grow, but Bangladesh failed to give this social structure for children's growth.

Bangladesh children do not get proper education for the family; there are many crises, low income, and poverty. The family wants children to earn money for the family. In Bangladesh, 13% of children are engaged as child laborers and are denied access to education and other basic rights. Children have occasionally been involved in crimes, including carrying weapons, drugs, and other illicit items. More than 12,000 juveniles under 18 were detained in Bangladesh in 2003. Some had criminal charges against them, some were vagrants, and others had just been reported missing. Due to Bangladesh's low birth registration rate, it is challenging to safeguard children from trafficking, child labor, child marriage, and other forms of child exploitation.

About 30% of the population in Bangladesh is abysmal, and many families struggle to meet even the most basic demands, forcing them to put their kids in dangerous jobs. In Bangladesh, 36% of children have completed primary school, 22% are illiterate, 30% can sign their names, and only 10% have completed secondary school. Approximately 80% of first-grade children complete primary school. Poor teaching and learning practices and high dropout rates in primary schools are significant issues. Roughly half (53%) of females and 46% of boys attend secondary school. In Bangladesh, school abandonment rates for primary and secondary pupils are 50% and 80%, respectively.

Children seldom have the chance to express themselves because of poverty and social systems. Because parents frequently pressure their children to work or study hard, expressing their thoughts or participating in decision-making is typically impossible. Most of them (even those from wealthy families), particularly those who reside in cities, lack the resources to maintain physical fitness by participating in various sports in open spaces. Some of them cannot enjoy numerous traditional festivals.

Although Bangladesh's school system has improved lately, excluding children from the poorest families remains a severe problem. Surveys on school attendance in Bangladesh have only included members of the main ethnic groupings. For ethnic minorities like indigenous children, there is a shortage of data. We surveyed the attendance and dropout rates of indigenous elementary school children in 2004 in northwest Bangladesh to address this problem. The findings showed that only 22% of indigenous students finished a year of elementary school, and another 18% started school but dropped out. Most indigenous children are presumably not enrolled in or finish elementary school, and they most likely do not learn even the most fundamental forms of literacy.

Focus groups with educational experts found that causes contributing to low school attendance rates include poverty, child labor, and other issues like lack of interest in education, language barriers, cultural alienation, and parents' seasonal movement. Immediate intervention is required to stop indigenous children in northwest Bangladesh from being excluded from elementary education.

Regarding education, the ideas of child work and child education are mutually exclusive. Child labor prohibited child education. The normative approach, one of the two economic ideologies, favors child labor, while the positive process supports child schooling. While child labor is a reality, it has also become a drag on every economy. It is a significant issue in every country. The economy will never tolerate child work, and the prevalence of child labor burdens it. All child labor is categorically prohibited by the ILO and is always regarded as a problem of underemployment within the labor market context.

**Authors of David archive, (2002). children's rights :** here said about child protection issues in this textbook-like how Guardians, teachers, NGOs, and school management committee protection the children from much bad work and ensure the children are right, how they play the vital roll in a children life and other thing is how government stop the child marriage, trafficking, child abuse. But the writer did not talk about street children's education firmly.

**Authors of Md. Tuhin Mia, (2022), An analysis of the regulatory framework of child protection in Bangladesh:** researcher here said about children's education and child labor, how a child takes protection from this country's law agency and people and child labor is a prevalent issue in Bangladesh many workplaces. Many children work in many places to reduce their family poverty, and they have no enough basic needs to continue life. That's why they are bound to join in work as laborers and are deprived of all basic needs. That's why the government should ensure children's protection by basic rights. But there is no say about street children's education because a general child has parents, but street children are maximum without parents. That's why the researcher should talk about street children's education

**Author of Monirul islam , (2021) Legal Protection of Street children in bangladesh:** primary, secondary education and child labor also here said about different NGOs like a brace, Asha children in Bangladesh: with References to International and National Laws: here said about children that NGOs work on child education and child labor but how to way an NGO should work and ensure the education, decline the work permit not said in this paper. Another thing is Author should talk about street children and education and mention the performance of NGOs in street children's education because an NGO is just working on children's basic rights, but many children are deprived of family and other facilities

**Author of Mohajan, Haradhan (2014),Child Rights in Bangladesh:** here researcher said about the basic rights of children. Children have many basic rights like rights to life, right to food, right to education, and right to nutrition, but in Bangladesh, and maximum children do not get proper basic

rights. They are involved in labor work because of poverty, uneducated families, and other children with crimes like drugs, drug suppliers, gang fights, and murder. That's why they are deprived of education; if they are deprived of education, one day, they will be a danger to society. Another



thing the Author mentions in his research paper is that in Bangladesh, 13% of children are involved in labor work, and 30% of children live in extremely impoverished families. Families do not fulfill the family's basic needs, but the Author here does not mention street children that children are deprived of family and everything. The Author should discuss street children's education and basic rights in his research paper.

**Author of Claire Salmon, (2016), Child labor in Bangladesh:** researcher said it is a big issue in global business and is commonly used in Bangladesh workplaces. Child work in the RMG sector international labour organization and world trade organization said about this work, and the child cannot work as laborers; that's why many foreign buyers decline to purchase Bangladesh RMG products because those international businesses do not maintain international business law. Another thing author said is that children have some rights like clothing, food, and education that are already deprived of their families and country. But here Author was should talk about street children's primary education because maximum street children work in many places as a labor that's why they can not get primary education

**Author of Sabina Yasmin, (2020), pre-primary education of children rights:** Here Author said the government should ensure pre-primary education for children because many children deprived of pre-primary education, but nobody concerned about this issue; another thing is this Author specifically said about Bangladesh, a state of Sylhet city, there are many problems of children pre-primary education. Young children have no good communication skills that are a big problem. Government should ensure this, and another thing is schools do not have enough facilities for children; there is a lack of infrastructural facilities, funds, number of teachers, and teaching materials in proportion to students to provide lessons properly. So, the government and concerned authorities should reduce problems and increase facilities for a good teaching environment at the pre-primary level.

**Author of Hilary Rodham Clinton , (2013), children's rights :** writer said 1973, Hilary Rodham Clinton wrote about children's rights history book, and she said many things regarding this issue in her textbook. This Author said many people say to ensure children's rights because many lack children's rights; why Author said people just said but not correctly working. Another thing is many treaties, international conventions, the CRC, and the universal declaration of human rights

are already working on this issue, but those organizations do not find a solution. The Author wants to say that if we want to out there, we need a better theory of this issue.

**Author of David Donald, (1994) south children development:** children basic rights and fundamental rights that the government does not ensure and here is the main thing author want to develop the children's basic rights and young communication because children do not adequately get the basic needs from authority and young communication very need for future life. Children often abuse in this society through sexual harassment and physical flogging from other people because of basic needs; if there are ensured basic needs, then children are not abused. Children have many sicknesses like HIV/AIDS etc. society makes this sickness because of basic needs and fundamental rights. So Author mentions everything in this textbook.

**Author of Ryhan Ahamed, (2023) children's education rights :** The Author said children are in many ways deprived of education. The government and other authorities do not ensure children's rights.

The United Kingdom adopted the United Nations Convention on the Rights of the Child (UNCRC) in 1991 and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2009. Children and teenagers are no longer viewed as passive students but as essential participants in decision-making processes. The Author mentions children's education rights in his textbook. Still, the Author does not say street children's primary education rights because if street children do not get primary education, then children go too wrong.

**Author of Sumon Matubbar ,(2022), Child Rights Violation Under the Human Rights of Bangladesh:** here said in his research paper about child injuries, health, and death issues. Because every day, the child has been a disease but not concerned about this issue, day by day, they face many new diseases like asthma, cancer, and accident. Until this, the growth of chronic illnesses and injuries has not been considered a significant health concern. The goals of the work described here are to conceptualize the dynamic changes in child mortality within the health transition context and establish a foundation for future projections of mortality and disability among children in Bangladesh. Bangladesh has undoubtedly made headway in its epidemiological transformation. As the primary causes of child death at this time, chronic illnesses and injuries have surpassed infectious diseases.

Bangladesh is both an impoverished and overpopulated nation in the world. More than 140 million people live there. Fifty-five million of them have a minimum age of 18. The high pace of urban population growth

(above 6% per year for the past 20 years). Urban poverty has increased; of Dhaka's 9.3 million residents, an estimated 5 million live in poverty. 90% of urban poor people reside in very substandard, single-room housing. Four hundred forty-five thousand two hundred twenty-six street children are estimated to be living in Bangladesh, with 53% males and 47% girls, according to UNDP (2001). The general public refers to all types of street children as "rag pickers" or "Tokai," even though they may work in various minor trades.

**Table 1**

Methods of data collection	Boy Children	Girl Children	NGO Personnel	Total
Questionnaire	22	8	–	30
Case Study	2	1	–	3
FGD	10	–	–	10
Key information Informants	–	–	5	5
<b>Total</b>	<b>34</b>	<b>9</b>	<b>5</b>	<b>48</b>

Source: news article

### **1.10 The Rationale of the Study**

According to a survey by the Bangladesh Institute of Development Studies, government statistics estimate the number of street children in Bangladesh to be around 380,000 -- of whom 55% are in Dhaka city. Less than half of them (49.2%) are of the age group. The significant problems of street children are Insecure life; physical and sexual abuse by adults of the immediate community; harassment by law enforcement agencies; no, or inadequate access to educational institutions and healthcare facilities; and lack of decent employment opportunities. The present researcher agrees to review a few pieces of research about this issue, which are not covered in the study's objective. The current study will be a suitable setup and work in this field. The results and recommendations from the present study's conclusion will also be able to educate planners, policymakers, practitioners, and human rights workers.

### **1.11 Limitation of the study**

Research time is bound. Funding is also a limitation of the study. Secondary data is not available in the related field in the Bangladesh context. The researcher didn't find previous research work regarding this issue, but the researcher overcame the limitation of the study easily

### **1.12 Expected Outcome**

This research paper made the reason for any information not mentioned before. Researchers study some research papers about street children. Still, they do not strictly say street children's education. Those research papers do not provide binding street children education by the enforcement law and government concern, people concern of this country. If we regard street children's education situation, they are deprived of the teaching law, and the government is not concerned about children's education, if children separated from education then the children conducted by the wrong way, and these children will be a danger for society and it possible to danger for other children or a nation that's why researcher decided to make a research paper then the government can take the initiative for ensure the children education through this research paper and ensure the basic needs of primary education for street children

## **CHAPTER-2**

### **THE CONCEPT AND BASIC RIGHTS TO EDUCATION IN THE CONSTITUTION**

#### **2.1 Origins of street children**

Bar-On (1907) (cited by children 2004: 472) described the prevalence of poverty in particular areas of a country as "a micro-level catastrophe of poverty" that weakens family situations and forces kids to live on the streets. Children that end up on the roads have one thing in common: they work the streets to support themselves. This occurs because families are unable to give their kids suitable living situations. However, the "runaways" or homeless adolescents found in industrialized countries and the "street children" found in "Third World countries" are poles apart. The causes of street children have been the subject of several theories. Among these is urban poverty,

The second one has to do with dysfunctional families (such as abandonment, abuse, or neglect), while the third one has to do with modernization (Aptekar, 1988b). It has been extensively studied how a child ends up on the streets. Nearly all street kids start on the roads gradually and predictably. They depart from home gradually, initially staying gone for one or two nights before progressively extending their absence (Aptekar, 1988b). The poverty hypothesis is not, however, supported by all investigations. Patel (1990) asserted that familial violence, not poverty, was the leading cause of street children after speaking with 1,000 street kids in Bombay. Although poverty was a significant factor in the youngsters being on the streets, according to another Indian study of child porters (children under 14 working and living without parental support), family strife was the main issue (Subrahmanyam & Sondhi, 1990). Numerous factors are frequently mentioned in

research as the causes of street children. For instance, the same study of Brazilian street children that determined that economic factors accounted for the majority of children living on the streets also discovered that fathers were absent from their homes twice as frequently when compared to the control group of low-income working children (Rasa, de Sousa, & Ebrahim, 1992). Other research has shown the negative impacts of stepfathers who mistreat their stepchildren. An examination of the life experiences of Bangladeshi street children Chapter 2 stepchildren (Holinsteiner & Tacon, 1983; Tacon, 1981 a, 1981 b). De Pineda et al. (1981) concluded that more than a third (36%) of the children left home due to poverty, 27% due to family disintegration, and another 20% due to physical abuse or physical abuse neglect after performing UNICEF-sponsored demographic research of street children in Colombia. The "street children" of the Third World turn to the streets due to neglect or abandonment, as opposed to "runaways," who typically do so in search of adventure, excitement, or independence.

## **2.2 Concept of street children education**

No of the nation's economic situation, street children and homeless children live in cities, towns, and villages worldwide.

According to the UN, up to 150 million street children are thought to exist worldwide. No one knows the precise number since social services, and government agencies are frequently unaware of them.

Children living on the streets often face difficult situations and are particularly susceptible to abuse and exploitation. It's challenging to reach them with essential services like healthcare and education. Less formal methods may be required to engage them in learning since they lose their entitlement to an education because they are focused on providing for themselves or their family.

## **2.3 Who are the street children**

Street children's situations can be complicated, and many distinct factors may contribute to their predicament. Many homeless kids maintain relationships with their perhaps impoverished families and labor the streets to help support them. They can exercise on the roads in the morning and return to their family's house in the evening.

Many other kids have escaped psychological, physical, or sexual abuse by fleeing their homes or institutions. They live in shelters and abandoned structures since they have nowhere else to call home but the streets, and they may migrate about.

Some kids and their families are homeless. They could be relocated for violence, poverty, natural catastrophes, or other reasons. The family will regularly relocate and take their belongings with them. These kids frequently perform street labor with other family members.

Other examples are children with disabilities whose families have left behind, kids who have spent much time apart from their families, and kids who have been infected with or made orphans by HIV/AIDS.

According to the International Day for Street Youngsters in 2016, 75 and 90 per cent of children living on the streets in many nations are males. This may be the case because, in certain cultures, girls are considered more "useful" for domestic tasks like cooking and caring for younger siblings. However, an equal proportion of boys and girls may live on the streets in other nations.

The phrase "street children" might be complex since it can be interpreted negatively. One of the issues these kids face is that they are frequently seen as a threat and a catalyst for criminal activity by the larger society.

**Table-2: Percentage of age limits of the street children**

Age Limits	Boy children (N=34)	Girl Children (N=9)	Total(N=43)
9-11	23.52	11.11	20.93
12-14	50.0	22.22	44.18
15-17	26.48	66.67	30.23
Total	100	100	100

Source: News Article

#### **2.4 Children's education rights in Bangladesh's Constitution:**

Basic rights of Children in Bangladesh:

Children have basic rights like primary education, health, and nutrition, clean water, protection, balance diet, participation, sanitation, hygiene, etc., but day by day, children are deprived of these basic rights, especially street children deprived of these rights, primary education because they have no enough food, enough income that they can send the children to the school that's why street children deprived of the primary education

Constitution Rights:

Bangladesh constitution Article 17 said about the right of the children's education. Children's education is a fundamental right of the Bangladesh constitution. Bangladesh constitution article 17 says any child could receive primary education free. If children are deprived of primary education, then people can ensure primary education for children. Bangladesh's Ministry of Education controls the nation's educational system. Local execution of primary education policy and state-funded institutions of higher learning is the responsibility of the Ministry of Primary and Mass Education. All people of Bangladesh must complete ten years of compulsory education, divided into five years of primary school and five years of high school. Public schools provide primary and secondary education for free, with funding provided by the State. Sustainable Development Goal 4 (SDG 4 or Global Goal 4) is about quality education and is among the 17 Sustainable Development Goals established by the United Nations in September 2015. The full title of SDG 4 is "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all"

## **2.5 Children's education rights in Indian Constitution**

History:

The Act dates back to when the Indian Constitution was written during independence. Still, it is more directly related to the 2002 constitutional amendment that added Article 21A, which declared education a basic right.

However, this modification specified the necessity for a law to outline how it would be implemented, necessitating the creation of a new education bill. It is India's 86th constitutional amendment.

Constitution Rights:

Indian constitution article 21-A said about children's education right. this right is a fundamental right of the Indian Constitution. Article 21-A, which states that all children between the ages of



six and fourteen have the fundamental right to free and compulsory education, was added to the Indian Constitution by the Constitution (Eighty-sixth Amendment) Act of 2002. Every child has the right to a full-time elementary education of satisfactory and equitable quality in a formal school that complies with certain fundamental norms and standards, according to the Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation anticipated under Article 21-A.

## **2.6 Children's education rights in Pakistan constitution:**

### **History:**

Due to a lack of funding for education in the nation and an uneven distribution of Pakistan's educational resources, the State of education has drawn much criticism. Before 1947, when an All Pakistan Education Conference was held and "Universal Primary Education" was declared essential, there was no organization in Pakistan advocating for the rights of those seeking an education.

A Commission on National Education was established in 1959, and its recommendations included making education compulsory for kids and urging Pakistan's educational system to prioritize quality.

The Pakistani Constitution was amended to include Article 37-B in 1973, which states, " State shall abolish illiteracy and offer free and compulsory secondary education within the minimum possible period." The Pakistani Constitution was also drafted in. Article 38-D of it states that "The State shall provide necessities of life, such as food, clothing, housing, education, and medical relief, for all citizens, irrespective of sex, caste, creed, or race, who are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness, or unemployment."

### **Constitution Rights:**

In 2016, the Islamic Republic of Pakistan's population comprised 35% of children, and per cent were enrolled in elementary school. To reach 100% enrollment, the Pakistani government amended the 1973 Constitution in 2010 to grant all children the right to social security.

"The State shall offer free and compulsory education to all children of the age of five to sixteen years in such a way as may be prescribed by legislation," states Article 25A of the Constitution, which addresses the rights of boys and girls. The Right to Free and Compulsory Education Act,

passed by the National Assembly in 2012, strengthened this fundamental clause. This Act states the State's obligation to set up schools and bear the associated expenditures for ensuring that boys and girls have equal access to education. This Act also mandates examining children's medical and dental conditions, allowing the State to keep a closer eye on the well-being of boys and girls across Pakistan.

## 2.7 Basic rights of children according to the UN convention

According to the Convention of children's rights, every child has equal rights, which the country ensures. Every child has the right to protection from abuse and exploitation, and every child has the right to give an opinion and its to be. This Convention is a contract between a country. Many countries sign in this treaty to ensure children's rights, like Bangladesh

### 2.7 Current state of the street children's employment:

The findings of this study indicated that the majority of street boys (29.41%) appeared to be Collis in the train or bus station to survive, and more than one-fourth of the street boys (26.47%) continued to exist by gathering waste, known as "Tokai." The kids collected trash from the streets with used paper and sold it. Another attractive figure is the number of city street kids employed as "Newspaper Hawkers" in the morning. In comparison, female street children made money by selling flowers, collecting "Tokai" waste, and being sexually exploited on the street level.

Working status	Boy children (N=34) %	Girl Children (N=9) %		Total(N=43)
News paper selling/flower	14.72	33.33		18.60
Occasional workers at hotels, restaurants, others	11.76			9.30

Tokai	26.47	33.33		27.90
Workers in informal sectors	17.64	–		13.95
Coolies	29.41	–		23.25

**table-3: Percentage of the profession of the street children**

## CHAPTER -3

### THE LEGAL FRAMEWORK FOR CHILDREN'S EDUCATION

#### 3.1 Basic rights of children:

Children have the fundamental rights to an education, a healthy diet, protection, participation, recreation, access to safe water, sanitation, and hygiene, and other rights. Unfortunately, Bangladesh violates these children's rights. Children's rights are infringed upon due to discrimination, poverty, ignorance, and lack of social awareness. Most kids lack access to food, shelter, decent sanitation, knowledge, and education.

#### Rights to food:

Bangladesh is a globally developing nation. A quarter of its people still make less than one a day or cannot afford to eat enough to get 2,100 kilocalories per day, defined as living below the poverty line. According to a study conducted by the Food and Agriculture Organization (FAO) and World Food Programmer (WFP) in the middle of 2008, natural disasters and rising food prices caused an additional 7.5 million people to fall into the poverty 65 million. Real household income had also decreased by 12%, and one in four households was now food insecure, with female-headed families being the most severely affected (FAO and WFP 2008). Later, the cost of food dropped, but because of anomalies in the school, the kids expelled from the class could not return.

#### Rights to nutrition:

Children who are adequately fed do better academically, develop into healthy adults, and are better able to serve their country than those who are underfed. Compared to urban kids, rural kids are more likely to be undernourished. Malnourished children have poor infection resistance and are likelier to pass away from common childhood illnesses, including diarrhea and severe respiratory infections. In Bangladesh, about half of the children under five are chronically malnourished, and about two-fifths of children under five are underweight. In Bangladesh, 2.2 million children under five are wasting (weighted for height). More than 500,000 of these kids suffer from severe acute malnutrition, increasing their mortality risks. Some affluent youngsters in urban areas of

Bangladesh are overweight due to consuming too much-processed junk food. These kids aren't really in good health. In actual life, Type 2 diabetes and heart attacks are brought on by obesity, a serious condition. The most common cause of preventable mental handicaps and delayed psychomotor development in early infants is iodine deficiency disorder (IDD). Bangladesh's effort to supplement children's diets with vitamin A has succeeded. Vitamin A protects kids from developing night blindness.

#### Rights to health:

People who lack access to clean water, sanitary sanitation, and a sense of personal cleanliness also lack the social and physical resources necessary to escape poverty (The United Nations Children's Fund, UNICEF 2007). Poverty and children's rights are related, according to the National Strategy for Accelerated Poverty Reduction II (Fiscal Year, FY 2009-2011). It acknowledges that "malnutrition, sickness, poverty, illiteracy, abuse, exploitation, and natural disasters continue to jeopardize the life and development of many Bangladeshi children."

Bangladesh has a high vaccination rate, and vaccine-preventable illnesses are not the main causes of infant mortality. Examples of this success from 2005 to 2007 are as follows (UNICEF 2009):

- The percentage of one-year-olds nationwide who had complete vaccination coverage with valid doses of all advised antigens increased from 64 to 75%.
- The percentage of infants who received the measles vaccine, an MDG indicator, increased from 71% to 81%. The most extensive measles campaign in history covered 98% of kids between 9 months and ten years old in 2006. 2007 saw no outbreaks of measles.

2008 saw the official eradication of neonatal tetanus.

- After polio was imported in early 2006, the country restored its polio-free status by year's end and has maintained it ever since.
- A control room was constructed to monitor the cold rooms around the clock electronically, and the capacity of the major cold chain was increased.

Rights to education:

Bangladesh has improved primary enrollment significantly during the previous 20 years. Between 1985 and 2005, the total number of enrollees nearly doubled. According to the National Household Income and Expenditure Surveys (HIES), between 2000 and 2005, net primary enrollment increased from 75% to 80%. Even though school enrollment rates are rising, student dropout is typical in Bangladesh. The dropout rate for Grades 1-4 was roughly 14.5%, and for Grade 5, it was 5.2%. According to official data gathered from schools regarding dropouts, nearly half of the children who enter elementary school do not finish Grade 5. After completing primary school, a youngster can enroll in secondary school. The Multiple Indicators Cluster Survey (MICS) (MICS 2006) reported a transition rate of 89%, contrary to the official estimate of the transfer rate to secondary school in 2006 of 95.5%. Girls consistently experience more transitions than boys do. Girls (41.4%) had significantly more excellent net secondary attendance than boys (36.2%), with the secondary school net attendance ratio being 38.8%. (UNICEF 2009).

### **3.2 Violence of child right**

Child abuse is widespread in Bangladesh, yet it is rarely reported to the appropriate authorities for justice. According to official records and media reports, little is known about the type and scope of child abuse. Although the government makes legislation to say "yes" to the children, Bangladeshi children's likes and dislikes depend on what adults like and detest. The adult behaviours kids hate the most are physical, verbal, humiliating, and intimidating kinds of punishment or discipline. Unfortunately, most kids experience these things, and many forms of child abuse are tolerated in society—even by kids. Because they had no other means of escaping the violence and were adopted as children (UNICEF 2009).

### **3.3 Bangladesh Constitutional protection regarding children's education:**

Having street children in Bangladesh is a social miracle, and it is challenging for them to survive. Street children are already viewed as a wonder, which has imposed enough pressure on Bangladesh. The lives of street children have been portrayed through the coordinated perspective of the street, including being a polisher, tramps, singers on the highway, selling wafers and plastic bags, and even begging for money. There is absolutely no denying that street children in Bangladesh are the most overlooked demographic of children. Street children are frequently bored, abandoned, tortured, and even killed. Due to the economic crisis and the impoverished nation, they spoil and die. If this problem remains, there will be more human rights violations in the future. While several policies and laws have been enacted to protect children's rights, the number of street children and the vulnerability of these teenagers are growing while at the same time, urbanization is going to take place at a frenetic pace. The Social Safety Net must constantly be expanded to ensure the rehabilitation of all disadvantaged and street children, according to National Children Policy section 6.2. Also stressing the urgent need for "education and empowerment" is the National Plan of Action for Children (2005–2010). Education is one of the most necessary needs for street children that have been neglected. There is no doubt about the need for appropriate education to strengthen children, especially those from disadvantaged groups like working or street children. All children, especially those less fortunate, are guaranteed the right to an education under Bangladeshi Constitution Article 17.

According to Article 102 (1), if any citizen's basic rights are not respected, or someone abuses them, the government must intervene and remedy the situation. Our Constitution's articles 44 and 102 (1) give citizens the right to petition the supreme court to enforce their basic rights. Following our Constitution's articles 102 and 44, however, the supreme court is responsible for upholding these basic rights. To protect the basic rights of street children, the government and law enforcement authorities must work together

### **3.4 Child Labor Law**

To safeguard and elevate the status of children, Bangladesh has 25 unique laws and ordinances. However, rules that generally forbid child labor or establish a minimum age for work lack coherence (US Department of Labor, US DOL 1994). To update and harmonize labor regulations, the Gob formed the National Labor Commission in 1993. The Employment of Children Act of 1938, The Factory Act of 1965, the Shops and Establishments Act of 1965, The Children's Act of 1974, and The Children's Rules of 1976 are the current legislation.

The Employment of Children Act of 1938 forbids the employment of children under 12 in factories that produce carpets, cement, matches, and explosives, among other products (US DOL 2002). Children under the age of 14 are not permitted to work in any factories, according to the Factory Act of 1965. According to this law, children can only work five hours daily between 7 am and 7 pm. Article 44(1) of this Act stipulates that violators are subject to a fine of Tk. 1,000. (US DOL 1994). The Children's Act of 1974 forbids the exploitation of children in brothels and the employment of those under 16 in begging (US DOL 2003). Bangladesh's labor law does not mention child labor in the agriculture industry. This industry employs over 65% of all children in Bangladesh. These laws do not apply to household employment or small-scale, informal businesses. Therefore, more than 80% of children's economic activities are not covered by the labor code (Khanam 2006). To adopt labor regulations in these industries, the Gob must take the necessary actions.

### **3.5 International Law regarding children's education:**

Education is a fundamental human right. UNICEF strives to provide children and adolescents with the knowledge and skills they need to flourish in 147 countries worldwide. We emphasize:

Equitable access: No matter who they are or where they live, all children and adolescents should have access to excellent education and skill development. We concentrate on assisting kids refusing entry to school and education because of their gender, language, ethnicity, handicap, or poverty.

Education in emergencies Children who have been impacted by armed conflict, a natural disaster, or displacement immediately need educational support. Children's learning is not only delayed by



crises, but their gains are also undone. Working with UNHCR, WFP, and other partners, UNICEF is frequently the primary humanitarian aid organization that provides educational support.

The United Nations Convention on the Rights of the Child is an essential agreement by countries that have promised to protect children's rights.

The Convention explains who children are, all their rights, and the responsibilities of governments. All rights are connected, equally important, and cannot be taken from children.

#### Article 28

Children have the right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthier countries should help poorer countries achieve this.

#### Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, their cultures, and other cultures

Education has been considered a human right through the Universal Declaration of Human Rights (UDHR) in 1948. Article 26(1) of UDHR proclaims: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all based on merit. Article 13 of the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) provides that the state parties to the present Covenant recognize the right of everyone to education.

## **CHAPTER-4**

### **STREET CHILDREN EDUCATION SYSTEM IN BANGLADESH**

#### **4.1 Street children of Bangladesh**

According to researchers, there are primarily two causes for kids ending up as street kids. The first is poverty, which forces youngsters to leave their homes in the countryside and move to urban areas for work. The second factor is Bangladesh's vast unplanned urbanization.

The 2012 UNICEF assessment of street children defined them as boys and girls under 18 who have made the street their home and/or their primary source of earnings and are not receiving enough protection or supervision. Briefly put, street girls are young women who live, eat, and work on the streets or occasionally work as sex workers. About 10% of Bangladesh's 400,000 estimated street children have been coerced into prostitution to survive. It is reasonable to suppose that many of these street kids are girls. From a human rights standpoint, street girls are entirely denied the benefits of the rights proclaimed to be universal.

In urban regions, many kids labour and live on the streets. Some of them work on the roads but live with their families in slum areas; others have parents who also live on the streets; others are separated from their families and have no one to care for them. Street kids are more prone to violence, sexual abuse, dangerous jobs, legal issues, and trafficking.

In addition, they suffer terrible hygienic and sanitation circumstances, poor health, and restricted access to all forms of education. Because they wear filthy clothes, street children are not allowed to attend school and lack access to education. They experienced various issues, including sexual abuse, sleep deprivation, exposure to mosquitoes, chilly weather in the winter, and moisture during rainstorms—police abuse of street children in all fields of employment results in their removal (UNICEF 2009).

Due to mistreatment or neglect by the general public and employers, street children opt to live on the streets after being abandoned, orphaned, or rejected by their parents. Additionally, they work in the streets since their families depend on their income. One billion children worldwide suffer from a lack of fundamental needs, and street children are rising in emerging nations.

Most homeless kids rely on city begging to make ends meet. Some persons became involved in smuggling or political activities, while others engaged in rag-picking and selling other items. They occasionally experience police abuse or harassment and are required to bribe traffic officers. Many

young women are subjected to sexual assault and exploitation by hoodlums, rickshaw drivers, and law enforcement.

37.50% of homeless youngsters work as flower sellers. They purchase flowers from wholesalers, sell them to onlookers, and profit financially. In addition, 6.25 percent of people work as garment workers, 18.8 percent are prostitutes, 12.50 percent own businesses, and 6.25 percent sell papers.

#### **4.2 Right to education for all students**

All children who live in Bangladesh are guaranteed the right to an education, and other international organizations and conventional wisdom have emphasized the importance of these rights for children worldwide. UN organizations like UNICEF, ILO, and UNESCO aim to educate every kid globally.

The Dakar Framework of Action for the World Education Forum (April 2000) called for international commitment to address the rapid rise in children and youth at risk in the areas of early childhood care, access to primary education for all children (especially girls, children with special needs, and marginalized youth), learning needs and skills development, and prevention of gender disparities in primary and secondary education.

Children must labor to support their parents since they lack the financial means to purchase books, tuition, uniforms, tutoring, etc., for their education. For their parents to be able to work, children assist in caring for their younger siblings. Parents and guardians are unaware of the enrollment procedures. Parents rarely appreciate long-term education's significance and benefits. Parents are unaware of their children's entitlement to formal education. Children lack legal documents (birth certificates, residence permits, etc.). Children cannot keep up with the class's slower or weaker learners without assistance from the school or teachers. According to the government of Bangladesh's commitment to the MGD and its statement of "education for all," every kid in the nation will get a free education, notably.

#### **4.3 Street children's education System in Bangladesh**

Bangladesh is both an impoverished and overpopulated nation in the globe. More than 140 million people live there. Fifty-five million of them have a minimum age of 18. The high pace of urban population increase (above 6% per year over the past 20 years). Urban poverty has increased; of

Dhaka's 9.3 million residents, an estimated 5 million live in poverty. 90% of urban poor people reside in very substandard, single-room housing. Four hundred forty-five thousand two hundred twenty-six street children are projected to be living in Bangladesh, with 53% males and 47% girls, according to UNDP (2001). The general public refers to all types of street children as "rag pickers" or "Tokai," even though they may work in various minor trades.

The daily average for youngsters living on the streets is about USD 0.55. According to another report, there are over 600,000 street children in Bangladesh, with 75% residing in Dhaka, the country's metropolis.

However, according to a recent official study by the Appropriate Resources for Improving Street Children Environment (ARISE-2002), 500,000 children are living on the streets of Bangladesh's major cities, and the study's authors issued a dire warning that this number will only increase as the city's population continues to increase by 9% annually. Misplaced childhood", a study of the RED BARNET, Danish Save the Children revealed

that street child is involved in the following work: Street sex workers, Occasional workers at hotels, restaurants, etc. Transport laborers, Coolies, Workers in informal sectors, Rickshaw Pullers/ Van-driver, etc. Tokai Hawkers and others

Concerned by the rapid increase in child labor, the government, NGOs, and donor organizations are searching for measures to gently and progressively end child labor in Bangladesh.

#### **4.4 Migration status of the street children**

The researcher revealed that many street children arrived in Dhaka with their family members, such as their parents or both, their uncles (mostly maternal uncles and infrequently paternal uncles), and other relatives.

Nearby neighbors, his uncle, and others. Many more people came by themselves.

Children were primarily driven to the streets of Dhaka by factors such as poverty and a lack of opportunities for income-generating activities (IGA), the absence of guardians after the death of parents, stepmother's oppression, the refusal to study, physical abuse by parents, neglect by adult family members, stepfather's oppression, natural calamities like flood, etc., the allure of urban life, the absence of a father and the burden to maintain the family, etc. Each respondent stated that such Therefore, it can be claimed that children are pushed and pulled to migrate from their community to the destination Dhaka for a wanted dredge of a field, rail lines, wayside locations, pond etc., due

to an emotional tie to economic and noneconomic causes. Girls must use public restrooms such as mosques, medical, and the like during the daytime, even if it costs them because doing so beneath the open sky makes discharge essential for their safety and shyness. Some weaker girls occasionally let those go while bathing in the Buriganga River or a pond. The benefited street youngsters frequently utilize drop-in facilities for free bathing and disposal. However, the majority of the girls hang around in open spaces.

#### **4.5 Lifestyle of street children**

The children who live and work on the streets are considered the most vulnerable, according to the FGD. The vulnerable children, according to many, include those involved in criminal activity, drug users, sexually abused individuals, child prostitutes, and Tokais. They are also malnourished, have inadequate food, and lack shelter, education, emotional support, and security. Most respondents stated that children without parents or guardians are the most vulnerable. In a case study, one of the researchers asked, "Amago moto somosai ar keda ase?" (Are there any problems?) Khaite 27ain a, raite ghumer somossa, pulisher gutani ar mainser bokuni khaia konomote baicha asi (Are there others who experience issues similar to ours? We have been struggling to make ends meet (with little access to food, trouble sleeping at night, and even facing police torture and public reprimands and scoldings).

#### **4.6 Educational qualification of parents**

Most kids have stated that they were unaware of their parents' educational backgrounds. Only a tiny percentage of kids know their parents' educational experiences. The SSC was the children's most significant level of schooling among them

## **CHAPTER-5**

### **FINDING AND DISCUSSION**

#### **5.1 Finding**

This research study reason is our country; street children are deprived of primary education, that's why they are involved with many offenses like drug addiction, gang fighting, and murder. this type

of offence effected in society because we know a child is a future light but if this child has no any kind of basic education so how this child will be working for society then it will be destroying the social system and its successfully found out through this research paper. Our country's Constitution says about children's education protection, and Bangladesh has many law agencies about children that are not implemented correctly. Street children did not get proper primary education because of low family income, poverty, lack of knowledge of family about education, drug addiction, being involved in many offenses like gang fights, murder, drug suppliers, working as a laborer, and discrimination between boys and girls. Boy always gets many opportunities better than girls because rural area family always think that a boy can earn money from the job market when he is well educated. A girl is born to go to her husband's family and cooking, managing the husband's family. In many ways, a child is abused by forcing as a sex worker, forcing prostitution. Many rural area families think girls are just born for cooking and management husband family, that's why this type of family is involved with child marriage. Other families have low incomes, so they cannot effort the girls then. They invalid with child marriage for financial benefit, and child marriage is mandatory in Bangladesh, so many girls cannot get primary education for marriage. Child trafficking is a very dangerous crime in our country. Many street children have no family and stay on the street, becoming victims of child trafficking; everything is found out through this research paper.

## **5.2 Discussion:**

Bangladesh has many street children, around 400,000 estimated street children in Bangladesh and the Bangladesh Institute of Development Studies counts the number of street children in Bangladesh to be around 380,000 -- of whom 55% are in Dhaka city. but they have no proper any primary education because of low family income, poverty, lack of education knowledge of family, offensive attitude, involved with a crime like a gang fight, drug addicted, drug supplier, murder, mentally tortured, physically tortured, forced working for living. Bangladesh Dhaka city has 50%

of street children are involved with many crimes and drug addiction. Maximum street children are involved with drugs because many drugs reduce the hunger for food, and full street children have no family. A child cannot survive properly without family because they don't know what is right or wrong. Many street children work as laborers because many families have meager incomes, and they cannot survive beautifully in this society; that's why they try to be forced to work as laborers then they cannot go to school to get primary education. In Bangladesh, many rural area families have low incomes and cannot take family responsibility because of low-income family planning. After. Then, this family is forced children to for working then they can earn money for family maintenance. Many rural area families have no proper education, and after that, they discriminate between a boy child and a girl child. These families just think about a boy, not a girl because they think just a boy can earn money for the family and girls are just born for cooking in the family and maintain the husband family that's why family just give the proper education boy child and deprived the girl of primary education. Many street children get a victim of child trafficking because many street children have no family, and that's why they have no proper guidance to protect them.

### **5.3 Recommendation**

1. Our country's government should take the initiative to work on street children's primary education so that a child not will be deprived of primary education
2. Our country has many NGOs; the government should give proper training to NGO employers so that they can publish about children's primary education to street children family that they can understand why its needed for children

3. Our country has some laws and a Constitution about children's education protection; our country also signs in the international intern Convention about children's education rights that can be implemented; that's why our government should take the initiative.
4. Our country's government should take the initiative to make another law for street children's primary education to ensure that every child is bound to take primary education
5. Every child wants to like take sports and entertainment, so the government should keep this system of children's education besides
6. street children are under NGO NGO must provide education scholarships to street children under the government and give vocational training and arrange the program for scholarship and stipend program
7. Maximum street children are moving to city areas that's why the government should provide food, residence, basic needs
8. Education is suitable for every child that is ensured by the governmental and non-governmental way
9. Government should arrange non-formal education and technical or vocational education for the street children
10. The government primary school, where street children frequently transit, has created an academic program for them by offering secure night shelter.

#### **5.4 Conclusion**

Every child has the right to take primary education, but Bangladesh has many street children who do not get primary education. Bangladesh has constitutional protection for children's education rights and international conventions that are not implemented correctly, as mentioned in this research paper by the prior date and secondary data. Suppose the Bangladesh government protects street children basic needs, foods, residence and protection from physical, mental, and sexual



abuse, drug addiction, and other crimes. In that case, street children can get an education quickly. By offering opportunities to enroll in Bangladesh's mainstream educational system, the accessibility of education for children will become a fundamental component of society. The study's conclusions will assist Bangladeshi policymakers, educators, and NGOs in developing and implementing an education system for street children.

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