

# PROTECTION OF CHILD RIGHTS IN BANGLADESH: AN ANALYSIS OF LAWS AND PRACTICES



A research monograph submitted to the Department of Law in partial fulfillment of the requirements Master of Laws (LL.M.) at Daffodil International University

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DATE: MARCH 3, 2023

## LETTER OF TRANSMITTAL

Date: 03/03/2023

To

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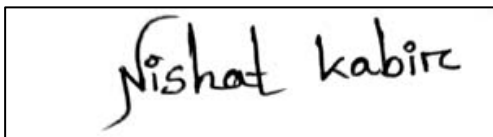
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Sincerely yours

Nishat Kabir

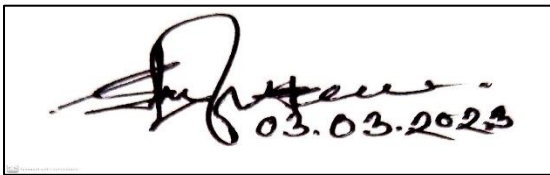
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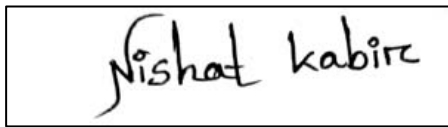
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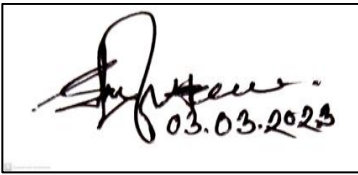
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To vouch for that the research report Protection of Child Rights in Bangladesh: An Analysis of Laws and Practices is an evaluation. In partial fulfillment of degree requirements by Nishat Kabir in Law from Daffodil International University. The research report is done Our guidelines are carried out and carried out as a record of practical work successfully.

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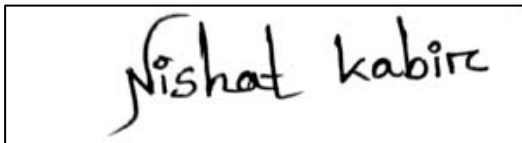
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I'd like to thank my friends and well-wishers once more.

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## ABSTRACT

With a population of over 160 million, Bangladesh is a highly populated country. More than 20 million of Bangladesh's people, who are regarded to be children, are under five years of age, making up close to half of the county's total demography. Children comprise about 73% of the population, whereas 27% live in urban areas. Of these kids, one-third still reside in poverty on a global scale Children's rights are considered abused in Bangladesh. Children have the fundamental human right to education, nutritious food, nutrition, safety, involvement, leisure access to out-of-danger drinking water, cleanliness, sanitation, and water. The majority of Bangladeshi kiddies lack these fundamental rights. The gov has taken action in injuction UNICEF to guarantee that all kids receive an education and also to lessen child labor and other forms of child maltreatment. To make Bangladesh more child-friendly, an effort has been made here to explore many elements of children's rights.

**Keywords:** Street children, Child labor, Violations, Challenges, Laws and Practices, and Recommendations

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## CHAPTER ONE: INTRODUCTORY

### Introduction

Children never cease needing their parents, both mothers and fathers the father of the child is an adult.

The child has rights that cannot be restricted as an adult. The Children never cease needing their parents, both mothers, and fathers. The father of the child is an adult the child has rights that cannot be restricted as an adult. For all intents and purposes, a Child is a person. The child takes in what is going on around them and then imitates it or responds to it. The child is a human being the child should be included in the disciplinary proceedings that are carried out, whether it's at home or at school. If a child's lack of discipline could be documented, verified, and addressed, how could the lack of discipline among adults be discovered and proven? The discipline is learned, not taught. Information is provided in textbooks. Discipline is an attitude, a way of being, a commitment, or a responsibility. The attempt to enforce it would be an external activity, whereas the discipline itself is fundamentally internal. Education and discipline go hand in hand, literally and figuratively. The Majority of a child's education comes from imitation and observation. Their ability to participate depends on how they are developing, which is again influenced by their environment and family. Participation is preceded by information. A child cannot participate in an activity

effectively if he is lacking in information. Such involvement ought to be worthwhile. As the youngster is unable and unwilling to understand how to engage, one must speak in terms of opportunities rather than rights.

## **1.2 Research Object**

The objective is the research:

1. Do you know about the problems of the child in Bangladesh ?
2. Is it essential to be aware of the rights granted to children under national and international laws?
3. How we can solve the issues that street children face?
4. How it compiles all child-related laws and regulations ?

## **1.3 Methodology of the Study**

I have used different types of primary and secondary sources to prepare this research paper. For preparing this research I also depend on the imperial and analytical methodology.

### **Primary Sources**

In the research, area data have been collected from each family using a direct interview questionnaire. The authenticity of the data is tested by in-depth discussion and document study. Data is collected from the research area about the number of family members, age, education, sex, income level, occupation, and legal status.

### **Secondary Sources**

Secondary sources in this research are books, journals, articles, and newspapers, Data Collected from secondary sources are used in building a conceptual framework for the study, and processing the research methods.

## **1.4 Limitations of the study**

Limitations of the research:

The following are the research's flaws:

- (i) The important constraint of the study is the massive lacking information on this issue.
- (ii) The major problem of the study was time limitations.
- (iii) I conducted this research for the first time. Therefore, one of the keys

aspects that made up the study's restriction was inexperience.

### 1.5 Literature Review:

So the research is made qualitative research. In this research, I share many books, Journals, media reports, and different daily newspapers discussing the enforcement of the protection of child rights in Bangladesh. The literature will be critically reviewed to supplement the information. A systematic approach will be used to review the literature. Authentic books, studies, articles, newspaper reports, etc.

### 1.6 Abstracts of the chapter

Bangladesh is a nation with roughly 160 million people. That is heavily populated. More than 20 million of Bangladesh's population, who are regarded to be children, are under the fifth birthday, making up almost half of the nation's population. Children make up about 73% of the population, while 27% live in urban areas.

Of those children, a third still live in poverty on a worldwide scale. The rights of children are considered abused in Bangladesh. Children have the fundamental human rights to education, nutritious food, nourishment, safety, participation, Leisure, and protection of drinking water, hygiene, and sanitation. The majority of Bangladeshi children have these fundamental human rights. The government and UNICEF have taken action to ensure that every child has access to quality education and to reduce child labor and other types of child abuse. In order to make Bangladesh a more child-friendly place, an attempt has been made here to highlight many elements of children's rights.

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## **CHAPTER TWO:**

### **HISTORICAL BACKGROUND**

#### **2.1 Historical Background**

In light of the devastating consequences of the World Wars and the toll they had on children's mental and physical health, the United Nations (UN) recognized the need for specific protection of children's human rights. The rights to food, shelter, clothing, education, and free expression, and the Universal Declaration of Human Rights contained mention of religion, justice, and peace.

which was established during World War I by the League of Nations (later to become the UN). After discovering how the Geneva Declaration on Children's Rights was drafted, the UN resolved to children were particularly vulnerable. This declaration was succinct only five phrases long

but it outlined a variety of obligations for young people who were regarded as vulnerable. The United Nations General Assembly approved the Declaration on the Rights of Children. after the Second World War.

As a result of this declaration, the 1989 approval of the first international agreement to protect children's rights was the Convention on the Rights of the Child. Of children with the force of law.

1. There shouldn't be any prejudice against youngsters (Article 2).
2. All decisions affecting children should always be made with their best interests in mind (Article 3).
3. kids have a right to a safe place to live and develop (Article 6).
4. kids have a right to have their opinions taken into account when making decisions that will affect them (Article 12).

In ancient times, no one thought about enhancing the protection of children. Throughout the Middle Ages, kids were thought of as "little adults." The idea of specifically protecting children first appears in France in the middle of the 19th century, opening the door for the gradual development of "minors' rights." Laws protecting children at work have been in existence since 1841. Since 1881, French law has defended children's right to an education.

Efforts are made to protect children beginning in the early 20th century, including actions in the legal, social, and medical sectors. France is where this method of defense initially emerges, and then it spreads to the rest of Europe. The worldwide community started to make some contributions once The League of Nations (later known as the UN) was established. Giving that concept some thought in 1919, a Committee for child protection was created.

The first international convention relating to children's rights was The Declaration of the Rights of the Child on September 16, 1924, the League of Nations adopts a resolution on human rights. It includes particulars. In five chapters, children's rights and adult duties are discussed. The work of Polish doctor Janusz Korczak served as the foundation for Geneva.

Declaration. As a result of World War II and its casualties, thousands of children are in a dreadful situation.

The UN Fund for Urgency for the Children, subsequently known as UNICEF, was formed as a result in 1947. In 1953, UNICEF received the status of a permanent international organization. Since its beginning, UNICEF has focused especially on providing relief to young World War II casualties, namely looking after youngsters in Europe. However, in 1953, the extent of its duty was expanded to include the entire world. Emerging nations were also subject to interventions. Then UNICEF carries out a range of programs to help kids with their access to food, water, and health care as well as education. Since

10 December 1948, "Motherhood and childhood deserve special attention and support,"

The Universal Declaration of Human Rights states. The UN General Assembly adopted the Declaration of the Rights of the Child in 1959, which addresses children's rights in ten principles. Despite the fact that it does not create a Universal Declaration of Children's Rights. Its principles are only indicative, and not all countries have ratified it. After the passage

The UN aimed to create an enforceable version of the Universal Declaration of Human Rights. All states would be required to uphold it under a Charter of Human Rights. This text was created by There is now the Commission on Human Rights. Two books that added to the Universal the United Nations General Assembly in New York adopted the Declaration of Human Rights. during the Cold War and after protracted negotiations: Under the International Covenant on Economic, Social, and Cultural Rights, the rights to healthcare, education, and protection from economic exploitation are all recognized there. access to a name and In accordance with the Charter of Civil Rights, nationality is defined. 1979 is declared by the UN to be designated to be the year of the child internationally.

1

That year, a huge mindset change had a place. The Human Rights Commission, in Poland, suggested forming a working group for a global charter should be written.

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<sup>1</sup> Khanam, R. (2006). Child labour in Bangladesh : Trends, Patterns and Policy Options, Asian Profile, 34( 6): 593-608.

The UN General Assembly overwhelmingly adopted on November 20, 1989 endorses ratification of the Child Rights Convention. Its 54 articles describe the economic, social, and cultural rights of children.

The Convention on the Rights of the Child has received the most ratifications of any human rights document.

This Agreement was ratified by 20 states and On September 2, 1990, the document is incorporated into an International treaty. The African Charter for the Rights and Welfare of Children is ratified by the United Nations on July 11, 1990. African Unity Organization on June 17, 1999, the Worst Forms of Child Labor Convention is approved. The optional engagement clause in the International Charter of the Rights of the Child is approved in May 2000. of children involved in armed conflict. It went into effect in 2002. The participation of juveniles in armed combat is forbidden by this text. Even though there are some objections about some of the language, as of right now, 190 out of 192 states have ratified the international charter of the rights of the child. Only US and Somalia have signed, but neither nation has ratified.



## **CHAPTER- THREE**

### **CHILD PROTECTION IN BANGLADESH**

#### **3.1 Definition of Child Rights in Bangladesh.**

Bangladeshi laws vary based on the age of the child. With the exception of apprentices, children under the age of 12 really aren't allowed Children under

the age of 14 is not allowed to work in any factory under the Factories Act of 1965, and they are not allowed to engage in ordinary employment under the Employment of Children Act of 1938.

According to the new labor legislation, which has been passed in 2006,

According to several existing regulations, applicants must be 14 to 18 years old. The United Nations Convention on the Rights of the Child (UNCRC) defines a child as a person under the age of 18 children is who are under the age of 16 based on the 1974 Children Act. According to the Anti-women and kids oppression (Amendment) Act of 2003, anyone under the age of 16 is categorized as a child.

Any orphaned kid who has attained the age of 18 is permitted, in accordance with

to either sell or claim the property that they are lawfully entitled to inherit under the Court of Wards

(Amendment) Act of 2006 (Mohajan 2012a). According to national Muslim law, a kid becomes an adult when they reach puberty, which is often defined as 12 or 13 years of whereas boys should be around 15 or 16 years old(Siddiqui2001).

#### **3.2 Definition of Child in International Convention**

The convention's signatories would preferably apply each item to the social, health, legal, and educational services provided in their own state. This is unfortunately not the case. When these signatories fail to enforce children's rights, hundreds of millions of children all over the world lose their dignity, freedom, future, and childhood. According to the International Labor Organization (ILO), There are 218 million children working as laborers worldwide. These youngsters are forced to labor long hours for little pay rather than being given the opportunity to go to school, play with their friends, or receive the right nourishment and care for a healthy and full life. Many Children are exploited by

dangerous jobs that put their physical and mental health a risk workplace. along with additional forms of exploitation like prostitution, drug trafficking, slavery, and the Bangladesh National Women's Lawyers Association (BNWLA) (2008). 81% Girls Fall Victim to eve Teasing: Study: BNWLA, July 2008 armed conflict. These circumstances may breach a child's right to life, safety, and education since they have such a negative influence on their growth and health. African Charter on Human rights. The African

Charter on the Rights and Welfare of the Child, 1990 Article 2: understanding Children by

In order to implement this Charter. A child is any person who is younger than 18 years old. Children's Rights Convention of 1989.

Article: 1(A) children is regarded as any person under 18 years for the purposes of the present Convention unless the child's pertinent laws require that the age of majority be reached earlier. Central African Republic 18 years, the Central African Republic's 1998 initial state report on the Convention on the Rights of the Child, According to Draft Family Code Art. 57, the child is "a person of either sex who has not yet reached the age of 18." (1). Children's Rights Convention (CRC) The CRC and other worldwide treaties that have been approved in Bangladesh do not immediately become a part of Bangladeshi legislation. Treaties must be adopted through implementing legislation in order to be given force, according to the courts, despite the fact that there is no constitutional provision regarding their standing in the national legal system National law is interpreted in a way that is compliant with the CRC and other requirements relating to human rights, but the CRC does not supplant national law.

This is especially the case in relation to the Constitution, which defines people's fundamental rights and freedoms in Part III. Direct incorporation of the CRC into domestic legislation has not yet actually occurred. However, since 1994, the Bangladeshi government has made mention of the CR rules being incorporated into domestic legislation in its National Children Policy.

### **3.3 What is Child Protection Policy in Bangladesh?**

The Child Protection Program works to protect kids from any kind of abuse violence, particularly gender-based violence and child marriage, and exploitation. We also strive to create a safe environment for children who are not receiving necessary, consistent, or quality care from family members or even other caregivers. The purpose of the program for working children is to help gradually remove children from hazardous employment and to enhance working conditions for children who are doing-hazardous jobs. We also give them chances to further their education by becoming skilled workers. The Foundation of all our actions is developing and enhancing systems for child safety.

## **Child Protection**

Programs of child protection are helping some of the most disadvantaged children's groups (e.g., children of sex workers, children with AIDS, trafficked children, and children with disabilities). Their access to social assistance is limited, and they experience prejudice. Children, their parents, caregivers, and the groups that take a stand for them will be given the resources they need to defend their rights. Through family and community-based alternative care; we will help to ensure that underserved children receive the proper care. Guidelines for alternative care will be established with the help of the government. Service providers will be made more conscious of the need to ensure that underprivileged children access services without a discrete nation. Additionally, we'll work with neighbors to develop a safe environment for children. The involvement of children from underprivileged groups in social security programs will be the main focus of the activity at the national level.

### **Protection of Children from Violence:**

The Child Protection Program will enhance the government's monitoring and response system regarding the ban on corporal punishment in schools. We will continue to advocate for the repeal of current laws that permit physical punishment and the enactment of new legislation outlawing physical and humiliating punishment in all contexts in collaboration with child rights organizations. Positive discipline strategies will be taught to parents, schools, and employers to help promote peaceful interactions with children. Interventions for preventing and responding to child sexual abuse will be bolstered. We intend to launch programs to protect children, and we'll help them learn how to defend themselves against violence. Children are against exploitation, abuse, and sexual violence online. In order to decrease child marriage, we intend to create and implement an integrated program. We aim to help make it socially unacceptable that there is violence against children. Protection of children from harmful work: The Child Protection Program will support families by giving them access to options for money generation and by connecting the kids with opportunities for training in education and employment in order to keep them out of the workforce. In order to ensure that children are gradually taken out of dangerous or exploitative jobs, we will collaborate with the government and development an organized. By persuading businesses to implement a code of conduct, the working conditions of children engaged in non-hazardous jobs will continue to be improved. Strengthen the child protection system We will strengthen community-based child protection committees at the local level in accordance with the requirements of the Children Act of 2013, and we will contribute to the strengthening of the national child protection system by giving the required assistance to the

government in developing tools and guidelines and building capacity. The residents of Bangladesh will take measures to protect children, and violence against children will no longer be accepted.

### **3.4 Children's rights are part of human rights.**

Since children are today's human beings, not because they are "the future" or "tomorrow's adults," they must be treated with equality, respect, and decency. All persons are born with certain fundamental liberties and rights.

Children have access to each and every human right, such as the freedom of speech and the right to

Adults and children are therefore equally protected under all human rights laws. However, most communities accord children a low position. For instance, as they are unable to vote, children under the age of 18 are denied political power in almost every nation, and most countries permit parents to hit their kids even though doing so would subject them to an assault charge if they hit an adult. As a result, children have unique protections from threats, exclusions, and prejudice against which they are particularly vulnerable. The Convention on the Rights of the Child (CRC) and its Optional Protocols, one of which forbids the sale of children, child prostitution, and child labor, uphold these rights as fundamental principles of international law. Another forbids the use of children in armed conflict and pornography and a third establishes a global system for filing complaints about violations of children's rights with the UN.

### **3.5 Basic Child Rights**

Children have a basic right to education, healthy food, nutrition, safety, participation, recreation, access to clean water, and good cleanliness. Unfortunately, Bangladesh violates this child's right. Because of poverty, children's rights are being violated. Bigotry, ignorance, and a lack of social conscience. The majority of kids lack access to food, a place to stay, good cleanliness, knowledge, and instruction.

### **3.6 Right to food**

The nation of Bangladesh is one that is still developing. \$1 or less per day, or unable to purchase food with a daily supply of 2,100 kcal) is the poverty level for about 26% of the country's population.

Food and Agriculture Organization (FAO)/World Food 7.5 million more people were poor as a result of natural disasters and rising food prices, according to a World Food Program (WFP) study published in mid-2008. One in four households now experienced food insecurity, with female-headed households suffering the greatest effects. Real household income had also fallen by 12%. (FAO and WFP 2008). Later, the price of food declined, however, due to irregularities at the school, the kids who were expelled from the class were unable to return. A human right is an ability to eat. It is applicable to all

individuals and groups of individuals and is universally recognized at the national, regional, and international levels.

Nevertheless, 852 million people worldwide are currently severely undernourished, including 815 million in developing nations, 28 million people living in developing countries, 9 million in industrialized or wealthy countries, and 28 million in transition

countries nations. A child under ten years old dies from hunger or malnutrition every five seconds, amounting to more than 5 million deaths annually. As a result, it is impossible to imply assign war or natural disasters as the causes of child undernourishment and death from hunger and malnutrition. They are primarily brought on by social injustice, discrimination, and marginalization in politics and the economy. While their right to food is infringed, hundreds of millions of undernourished children experience political and social isolation. Children's rights are their basic human rights, with special emphasis on their right to extra protection and consideration, including access to nourishment. India is among the highest hunger in the world. Children dying from starvation are a common occurrence in India; instances include those from the infamous Kala hand district in Orissa to Baran in Rajasthan.

In August 2004, there was nonstop rain for over a month in the village of Sahara in the district of Baran in southern Rajasthan, making it impossible for the tribal people to continue their custom of harvesting forest products to sell in the surrounding town. There was no work, and there was no money for food. Villagers were going without food, getting sick, and beginning to perish. There were once more allegations of famine deaths in August 2005. A six-person team led by the state advisor to the Supreme Court's commissioners on the right to food visited the Baran district and determined that deaths among the Sahariya tribes were caused by chronic starvation. India as a whole, not just in one region, is experiencing this dilemma. All of these incidents are the result of the human right to food not being implemented properly. The right to food must be implemented in order to stop child hunger-related deaths. In order to prevent these kinds of incidents, it is vital to research how the right to food is being implemented in India.

### **3.7 Right to Nutrition**

International law has long been troubled by the right to food, or more precisely, the right to adequate nutrition. "Each individual has a right to a standard of living that is suitable for their health and wellbeing. Include food for himself and his family, "The 1948 Universal Declaration of Human Rights People's rights. The "basic right of everyone to be free from hunger" is acknowledged in the International

Covenant on Economic, Social, and Cultural Rights, Article 11. The Convention on the Rights of the Child's Article 24 states that "States Parties respect the right of the child. "to the enjoyment of the best possible level of health, and "must take suitable measures "combating disease and malnutrition

measures" by providing access to adequate ate nutritionally foods, clean water to drink and medical attention. However, traditionally, the idea of the right to adequate nutrition has not been taken seriously. Numerous nutrition initiatives have existed both locally and internationally, however, they. Were offered out of generosity rather than as a right. Those who are not served have had no recourse in the legal system. The right has not been used effectively. If it concentrates on children, the concept That the right to nourishment should be more widely acknowledged. Very poor countries may only pledge to help extremely malnourished children under the age of five, but other countries may promise that both children who are mildly and severely malnourished would receive treatments up to the age of 16. The key is to promote the notion that vulnerable children have a legal right to a healthy diet. In order to fulfill children's right to adequate nourishment, it is sufficient to ensure that they receive the nutrition services to which they are entitled; it does not, however, the creation of fresh programs.

In order to eradicate hunger in the world, increasing food production, nutrition education, feeding programs, and all other conventional approaches have significant responsibilities to play, but they have not been sufficient up until now. In order to accomplish the task, it might be helpful to work more directly with the social, legal, and political tools entitled mints, rights, responsibility, and accountability.

Malnutrition can take many distinct forms, such as protein-energy malnutrition and specific micronutrient deficiencies brought on by insufficient amounts of vitamin A, iodine, iron, or other specific minerals. Increasing food production, educating people about nutrition, implementing feeding programs and other conventional measures all have important roles to play, but they haven't been enough up until now.

Working more closely with the social, legal, and political sectors could be beneficial in order to completing the mission. Political instruments for rights, obligations, and accountability. Malnutrition may result in a variety of different manifestations, including protein-energy malnutrition and particular micronutrient deficits including those caused by a lack of vitamin A, iodine, iron, or other nutrients. certain minerals. Innutrition can take many distinct forms, such as protein energy malnutrition and specific micronutrient deficiencies brought on by insufficient amounts of vitamin A, iodine, iron, or other specific minerals. Malnutrition can be caused by a variety of factors, including a poor diet, health issues, and inadequate or subpar care. By evaluating children's heights and weights and comparing them to those of children who are receiving adequate nutrition, protein energy deficiency can be detected. Along with its most severe clinical symptoms, such as kwashiorkor and nutritional marasmus,

this strategy is employed. These data can be used to identify indicators for wasting (low weight for height), stunting (low height for age), and underweight (low weight for age).

It is generally accepted that if a child's weight deviates from normal by more than two standard deviations, the youngster should be considered malnourished. Lower than the benchmark for his or her age. Figure 1 and the data in table 1 demonstrate as follows: The report is titled "Trends in the Prevalence of <sup>2</sup>Underweight Children, 1975-199" the proportion of malnourished children in poor nations has decreased but their overall number has increased in recent decades [1]. 184 million kids worldwide are underweight, at least. South Asia is home to more than half of these kids. Today, there are more malnourished children than ever before on the planet. The tremendous morbidity and mortality of children around the world are caused mainly by malnutrition. Child Labour in Bangladesh, Dhaka: The Bangladesh Institute of Development Studies.

### **3.8 Right to health**

Sanitation and a sense of their own cleanliness also lack the social and physical resources necessary to escape poverty (UNICEF2007; The United Nations Children's Fund, Poverty and children's rights are related, according to the second iteration of the National Strategy for Accelerated Poverty Reduction (fiscal years 2009–2011). 212

March 2014 issue of Journal of Social Welfare and Human Rights, Vol. It acknowledges that "malnutrition, sickness, poverty, illiteracy, abuse, exploitation, and natural disaster still pose serious threats to the growth and survival of servers Bangladeshi children" Bangladesh has made great strides in immunization, and thanks to vaccines, leading causes of child mortality are not vaccine-preventable diseases.

Examples of this success from 2005 to 2007 are as follows (UNICEF 2009): (Nationally, the percentage of one year old who received all prescribed antigens in valid doses climbed from 64 to 75%. An MDG indicator, the percentage of one-year-old kids with measles vaccinations increased from 71% to 81%.

The largest measles campaign in history covered 98% of kids between the ages of 9 months and 10 years old in 2006. 2007 saw no outbreaks of measles. (In 2008, the elimination of neonatal tetanus was proven. After polio was imported in early 2006, the nation was deemed polio to flee by year's end and has remained so ever since. The capacity of the central cold storage was measured, and a control center

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<sup>2</sup> A. Ahmed and M.A Quasem,( 1991) . Child Labour in Bangladesh, Dhaka.The Bangladesh Institute o Development Studiles.

was built to electrically monitor the cold rooms around the clock. The chain was made longer. In order to preserve the best possible health, children require extra attention. This permits kids to develop regularly during their childhood and adolescence. Every movement There are specific requirements and health issues related to a child's physical and mental development. Additionally, a baby is more susceptible to infectious diseases than a young child or teenager is (malnutrition.) Teenager, on the other hand, is<sup>3</sup> exposed to different kinds of threats because of their routines and conduct Substance abuse, sexual health, mental health, etc.

A youngster who receives the right medical attention typically enjoys a better state of health throughout childhood and can grow up to be healthy. A global accord that safeguards children's human rights, the United Nations Convention on the Rights of the Child ("Convention"), was first enacted more than 25 years ago. All children, without exception, are said to, acquire specialist defense and assistance, and have access to programs such. they may fully develop their personalities, abilities, and talents, and they can grow up in a joyful, caring, and environment, are conscious of and actively participate in the process of their legal rights being upheld (UNICEF).<sup>3</sup>Right to Educate More than merely a fundamental right,

education also paves the road for prosperous and fruitful futures. Early childhood education is important for kids' developing brains, and more kids are now participating in it. Early childhood education attendance increased globally from 33% in 1990 to 50% in 2011. 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 also a typical occurrence in Bangladesh. More than merely a fundamental right, education also paves the route for success For grade 14, the dropout rate was roughly 14.5%, and for Grade 5, it was 5.2%.

According to official data gathered from schools regarding dropouts, roughly half of the other children who enter elementary school do not finish Grade 5. After completing primary school, a youngster can simply enroll in secondary school. A transition rate of 89% was reported by the Multiple Indicators Cluster Survey (MICS) (MICS 2006), which contrasts with the official estimate of a 95.5% transfer rate to secondary school in

2006. Girls consistently experience more transitions than boys do. Ibid Larid, Joan and Hartman, Ann (1985).

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<sup>3</sup> [http://jswhr.com/journals/jswhr/vol\\_2\\_No\\_March\\_2016/12.Pdf](http://jswhr.com/journals/jswhr/vol_2_No_March_2016/12.Pdf)



A Handbook of Child Welfare-Context, Knowledge and Practice. New York: The Free Press-A Division of Macmillan, Inc. Girls (41.4%) had significantly greater net secondary attendance than boys (36.2%), with the secondary school net attendance ratio being 38.8% (UNICEF 2009).

## **CHAPTER -FOUR**

### **JUVENILE SYSTEM IN BANGLADESH**

#### **4.1 Child Labor in Bangladesh**

According to the most recent National Child Labor Survey report, published in 2015, 1.2 million kids in Bangladesh are still working as children, despite great progress being made in the fight against it. Imprisoned in its most dire state. The International Labor Organization (ILO) has been striving to since 1994, Bangladesh has been free of child labor thanks to the International Program on Abolishing Child Labor (IPEC). In addition to collaborating with governments, IPEC has also employers, labor unions, academic institutions, and members of civil society as well as numerous NGOs to carry out different projects and activities. About 75,000 The direct beneficiaries of this program were child laborers.

The Government of Bangladesh ratified the ILO Convention on the Worst Forms of Child Labour, 1999 (No. 182) on March 12, 2001, as a result of persistent agitation. The National Law on Risky Child Labor was passed in later changed in 2006, and a list of dangerous child work practices was adopted in 2013. Initiatives from the ILO IPEC have made a substantial contribution to the inclusion of child labor issues in policy texts. These include the 2010 National Child Poverty Report, the 2005 Poverty Reduction Strategy Paper (PRSP), and During the execution of the policy, the National Action Plan for Labor Policy from 2012 and 2016.2015 established a minimum age for domestic employees who are youngsters, clearing the door for the resolution of thousands of children's issues. Does mastic help the nation? ILO IPEC has aided in broadening the body of knowledge about child labor. National sample surveys, baseline surveys, and research since 1995 Studies have been done that serve as the foundation for numerous field- and policy-level interventions.to combat child labor. A National Child Labor Survey report was published in December 2015 with support from the ILO and USDOL. Based on the results of this latest survey, ILO Dhaka has strongly called for immediate action to address this issue. The establishment of a 'Women and Children's Labor Unit in the Ministry of Labor and Employment through a revised organogram in 2015 was a result of an IPEC intervention that launched the unit in the Ministry. "Country Level Engagement and Assistance to Reduce Child Labor" (CLEAR), an ongoing

project supported by the US Department of Labor, aims to improve governments' capacity to reduce child labor. With help from the ILO and USDOL, a National Child Labor Survey report was released in December 2015. The ILO in Dhaka has vehemently asked for quick action to address this issue in light of the findings of this most recent survey. The creation of a "Women's and the Ministry of Labor and Employment's Children's Labor Unit through a revised 2015 saw the launch of an organogram as a consequence of an IPEC intervention that "Country Level Engagement and Assistance to Reduce Child Labor" (CLEAR), an initiative by the Ministry. The US Department of Labor is funding an ongoing study to enhance governments' the ability to decrease child labor even in the harshest versions. The project is intended to directly contribute to a number of the National Action Plan's major areas of intervention, assisting the government in fulfilling its pledge to end the worst types of child labor. ILO continues to press Bangladesh's government to ratify ILO Convention 138, which establishes the criteria for eligibility for work. ILO Dhaka further highlights

the significance of In view of the situation, taking immediate action to stop child labor within a particular time limit goals for sustainable development. Bangladesh improved slightly in its attempts to put an end to 2017's worst forms of child labor. The government has extended the Child Labor National Plan of Action until 2021. Additionally, the Department of Inspection for Factories and Establishments gave the majority of labor inspectors in-depth training and codified the usage of a factory inspection checklist that contains elements related to child labor. However, Some of the harshest forms of child labor, such as forced labor, are practiced in Bangladesh. create dried fish and bricks. Children also engage in dangerous labor in the leather and fabric industries. industries. The labor laws also do not specify the activity or the number of hours of light labor per week that are suitable for kids between the ages of 12 and 13 and do not prohibit young people from working in unregulated industries. In addition, there aren't enough labor inspectors for Bangladesh's workforce, and the penalties for breaking child labor laws aren't severe enough.

## **4.2 Child labors in the World**

Children are exploited through physically and mentally hazardous work all over the world. The worst kinds of child labor, including Education and long-term development, are hampered by slavery, trafficking, sexual exploitation, and hazardous employment that expose children to disease, harm, or death. Children lose their innocence, their potential, and their dignity when they work with kids.

It is risky work that interferes with a child's education and requires more time than is appropriate. Children who work as slaves are at risk of maltreatment, and their families are frequently caught in a cycle of poverty. In extreme circumstances, kids are coerced into labor under the threat of harm or death. Children can get sick and hurt; certain injuries have even resulted in the loss of body parts. Children can be deemed "voluntary participants in work" if they are the right age for the job, receive

fair remuneration, and do it in secure settings. These kids can juggle jobs, school, and play, and they learn the skills they need to make the transition to adulthood. It is dangerous work that takes up more time than is necessary and obstructs a child's education. Slave children are vulnerable to abuse, and their families are typically locked in a cycle of poverty. Children are forced into labor in dire circumstances under the threat of damage or death. Kids can get

sick and injured, and some accidents have even led to the loss of body parts. If a child is old enough to participate in the task, they can be considered "voluntary participants in employment. "job, get paid fairly, and work in a secure environment. These young people can balance work, education, and other obligations. they develop the abilities they need to make the transition to adulthood through play and learning. However, these benefits and rights are routinely denied to kids who work in situations that are inequitable and stunt rather than support their development. Every continent has child exploitation, which manifests itself in different ways depending on local customs and cultures. Girls are sold in South East Asia and the Pacific to prostitution networks or for domestic workers. In addition to just being sold to work in textile industries, many youngsters are also sold to pay off family obligations.

- In Africa, parents frequently exchange their children for animals (generally, the child will be sold for a cow). These youngsters are used for labor in mines, plantations, or as domestic helpers. Children are used as prostitutes in North America and Latin America to satisfy the dark desire of tourists, and drug dealers are increasingly taking advantage of them.

## CHAPTER-FIVE

### Juvenile system in Bangladesh: Child Labor

#### 5.1 Juvenile Crimes

In Bangladesh According to a number of experts and statistical databases, the country is seeing an increase in the recruitment of younger generations into criminal activity, mostly by criminal gangs. According to experts, the bulk of these juvenile offenders is street kids who enter the criminal justice system through drug misuse. "Children living on the streets are frequently involved in criminal activity without even being aware of it. According to Wahida Banu, executive director of Aparajeyo Bangladesh, "there is an organized criminal gang working behind it and mostly driving these children into performing crimes." Between the ages of 5 and 17, there are around 40 million children in Bangladesh, according to the Bangladesh Bureau of Statistics. Around 1.3 million of them, or children, work in dangerous professions, and 70% of them engage in criminal activity as a result of their poverty. From September 29 to October 5, Bangladesh will observe National Child Rights Week 2016. According to Ministry of Home Affairs sources, approximately 44% of the nation's street children are involved in drug dealing, 35% in picketing, 12% in a mugging, 11% in human trafficking, and 21% in other criminal activities. working behind the scenes and primarily motivating these kids to commit crimes. According to the Bangladesh Bureau of Statistics, there are about 40 million children in Bangladesh between the ages of 5 and 17. The y number is about 1.3 million, or Children who labor in hazardous occupations make up 70% of those who commit crimes. due to their lack of wealth. National Day will be observed in Bangladesh from September 29 to October 5 .2016 Child Rights Week Sources from the Ministry of Home Affairs estimate that roughly 44% of35% of the co unity's street youth picket, 12% commit muggings, and 12% are involved in drug peddling.11% of people engage e in human trafficking, and 21% engage in other illegal activity

approximately 550,000 children are drug users, and 30% of them participate in criminal activity to support their addiction, according to the Department of Narcotics Control. The Dhaka Tribune recently paid a visit to a slum in the Karw a Bazar district of the city where kids of all ages have been found doing narcotics, frequently in front of onlookers. The situation is the same in the majority of Dhaka's slums, according to sources, and people get away with it by paying law enforcement officials money. enforcement. Tejgaon police station OC Mazhar Islam, however, denied the claim when asked about it.

"We do not accept any illegal activity, especially the one which involves drugs. A person who has not attained the legal age at which they should be recognized as an adult is referred to as a juvenile. Juvenile refers to Young people who are foolish, not yet grownups, and more like children than grownups. A young person who has committed a crime but is not yet an adult is referred to as a juvenile delinquent.

\*The Penal Code: In Bangladesh, the legal majority age is nine (up from seven) years old (S-82).

\*Contract Act of 1872: Any person under the age of 18 should be treated as a minor or a child.

\*According to the Vagrancy Act of 1943, a person is still a child when they turn 14 years old.

\*According to the Children Act of 2013, anyone under the age of 18 is considered a child under the definition in Section 4 of the law.

\*According to the Convention on the Rights of the Child (CRC) anyone under the age of 18 should be treated as a child According to Article 1 of the Constitution, a child is "any human being below the age of eighteen, unless the age of majority is acquired earlier under the law applicable to the child." We often execute raids on drug sales locations and make arrests, he said. spoke with the Dhaka Tribune. However, the organization that promotes children's rights, Bangladesh According to Shishu Adhikar Forum (BSAF), in 2015,

18 children between the ages of 12 and 17 were detained with firearms, five of them for murder, six for selling drugs, 26 for rape, 18 for robbery and theft, and 33 for engaging in political violence. Additionally, 14 children between the ages of twelve and seventeen were found guilty of sexual harassment by mobile tribunals.

According to sources, seasoned thieves utilize street children as recruits since they are hard to find. One such instance is Deen Islam, 15, who was detained with 25 yaba pills on September 30, 2013, in the Sutikhalpar neighborhood of Jatrabari. When the police brought him before the judge, he was able to obtain bail and was released from custody on October 29 of that year. A man by the name of Abul Malek served as the case's bail guarantor. But soon after receiving the bond, sources claim that Deen and Malek both fled and haven't been found. Although

Dean's permanent address was stated to be in Kischoreganj, the case paperwork identified his Dhaka address as a bari. But it turned out that this information was inaccurate. As according to court authorities, these situations occur frequently since street children rarely have permanent homes and might disappear without being discovered. On October 4 of last year, a juvenile court in Dhaka was

established in an effort to handle situations like these, and drug-related matters are given top priority there. 140 of the 428 cases now being heard by the court include drugs, acc, or ding to sources. Since the majority of the accused are street kids, it can be challenging to contact them once they receive bail. The juvenile court's associate public prosecutor, Md Shahabuddi Miah, explained that finding witnesses in these instances is also challenging. He told the Dhaka Tribune, "But we are making every effort to get the verdicts out. "Because they are homeless and grow up in poverty, street kids commit crimes. To prevent these kids from becoming criminals, the government must provide them with housing and education, according to BSAF Director AS Mahmood. State Minister of Women.

## **5.2 Juvenile Crimes in the World**

Criminal activity perpetrated by young people is referred to as juvenile delinquency. Juveniles are capable of committing significant crimes, but because they are still considered to be children under the law, they cannot be treated the same as fully grown adults in society. Accountable for their own behavior. The majority of legal systems specify certain methods for handling such as juvenile correctional facilities and dealing with minors. There are attempts to find possible young ages of offenders in order to offer preventative care. Although this has an issue because these young people are classified as criminals despite having committed no crimes crime. The typical strategy for dealing with adolescent offenders is to focus more on reformation than punishment. Probation or suspended penalties are therefore frequently used. However, the state orders a heavier punishment when the perpetrator doesn't follow the set standards or norms. The regime is frequently in a place that could be referred to as a "reform school." Young people, it is hoped, can be recovered prior to adulthood, becoming productive contributors to society. Unfortunately, <sup>4</sup>success is not a given, and many develop more abnormal behaviors to live an adult criminal lifestyle. Discipline alone won't ensure that all young people receive a successful education the law;

It necessitates the love of parents or other adults who can assume financial, social, and spiritual responsibility for the child. Without the nurturing care and direction of loving parents, everyone is in

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<sup>4</sup> Oxford Advance Learner's Dictionary, page no. 840

Section 82 of The Penal Code-1860

Section 4 of the Children Act 2013

some way a juvenile offender who never completely develops into a contributing member of society. where people achieve their personal goals and give their skills and talents in favor of others. Juvenile delinquency usually referred to as "juvenile delinquency," is the act of committing a crime while a minor (a juvenile, i.e. a person under the statutory age of majority). Most legal systems outline specific procedures, such as juvenile detention centers and courts, for addressing minors. A juvenile offender in the United States is a person who commits a crime that would typically be punished as an adult criminal but is instead typically younger than 18 (17 in Georgia, New York, Michigan, Missouri, North Carolina, Texas, Wisconsin, and Hampshire). Depending on the crime's nature and seriousness. It is conceivable for anyone under the age of 18 to be charged with crimes and given adult treatment. Of late Compared to previous years, a higher percentage of young people have been arrested in their early 20s.

although According to some academics, this might indicate a more aggressive Criminal punishment and zero-tolerance guidelines are preferred to behavioral reforms in young people. Juvenile Crimes might be status offenses (like underage drinking and smoking) or property offenses. And brutal crimes. Youth violence in the United States has decreased to roughly 12% of all crimes. Statistics from the US government show that juvenile crime peaked in 1993, indicating that most juvenile crime is nonviolent.

### **5.3 Attempts to Establish Child Rights in Bangladesh**

The government of Bangladesh and UNICEF have collaborated to enhance children's rights ever since that country's independence in 1971. The administration is now creating a five-year plan in accordance with a long-term vision of economic growth, poverty reduction, and a more inclusive and equitable society. The government offers a number of social safety net programs that cater to the unique requirements of women and their children in terms of gender. The Vulnerable Group Development Program (VGD) is being undertaken to guarantee Providing a social safety net for highly vulnerable women in poverty. This program offers food assistance to extremely impoverished and troubled mothers at the rate of 25 kg of fortified wheat or 30 kg of rice per woman. Women participate in microcredit initiatives that support their growth as independent contractors (CDRRAP 2010, Children and Disaster Risk Reduction in the Asia-Pacific). The aforementioned actions give the kids of these households the chance to pursue an education and avoid taking up dangerous jobs. The government is also watchful over the kids in assisted families. To create a healthy nation, free supplies of iron folate, zinc, worm-killing tablets, and vitamin A are given to mothers and children in Bangladesh. More than 8,000 kids between the ages of 6 and 12 and 200 teenagers have benefited from this initiative since June 2009. The following services are provided to children, teenagers, pregnant women, and nursing mothers in CFSs (CDR AP, 2010): access to clean drinking water, two meals per day—one hot and one

cold— recreation, medical and psychological treatment, and hygienic latrines. birth records of all present CFSs. Make sure the afflicted kids start studying again in the classroom. Training in psychology for teachers does not subject the kids to child labor. CFSs provide a secure environment for children to play, learn, and interact with others by offering hot meals, clean drinking water access, medical and psychosocial care, and hygienic restrooms. It has facilitated bringing the community back to order and improving the psychosocial wellness of children who have suffered short-term effects of natural disasters. Additionally, it has enabled parents to while their children are enjoying fun, they should concentrate on restoring their homes and starting new careers. entertainment and education in a safe setting.

## **CHAPTER SIX**

### **LEGAL FRAMEWORK OF ACCESS TO JUSTICE IN JUVENILE SYSTEM.**

#### **6.1 Juvenile justice: Bangladesh perspective**

When reforming its laws and juvenile justice system, Bangladesh has not completely taken into account the CRC's principles and international agreements on juvenile justice. Organization of the Convention on the According Rights of the Child, the juvenile justice system in Bangladesh "insufficiently addresses" children's rights. This includes every aspect of juvenile justice, including the laws, rules, guidelines, institutions, and age nicest that deal with children who break the law. The Children Act of 2013 is the main children's law in Bangladesh, and it deals with both children who require protection and those who are in dispute with the law, frequently without making a distinction between the two.

#### **6.2 Causes of juvenile Delinquency in Bangladesh**

The majority of the nation is extremely impoverished. According to the real poverty index, they are below the poverty level. Parents are unable to afford to send their children to school or support their pursuit of a good education or career because of the state of the economy. Parents prefer that their kids



assist them at work rather than attend school. Sometimes parents find themselves unable to give their kids everything they need, particularly food and clothing. Poor kids then start engaging in criminal activity. Children are unable to distinguish between halal and non-halal behaviors. They require employment that will enable them to buy food and clothing. Organized gangs use the economic disadvantage of these kids to recruit them into their illegal enterprises. According to statistics, many underage underprivileged youngsters in Jessore and Khulna are involved in transporting Phencyclidine and other illegal substances. Some underprivileged kids join gangs of pickpockets and small-time criminals. Troubled families are an important cause of adolescent deviance. The major signs of a dysfunctional family include the absence of a father or mother due to death or divorce, a lack of parental supervision, a lack of domestic discipline, a strained relationship between a father and a mother, and the presence of delinquents among the family members. Because of these issues, the child's Mental development proceeds at an unusual rate. In the slum, adult men and women frequently get married areas. Both their first and second marriages have given them children. These kids are typically not looked after.

These abandoned kids went on to become well-known criminals in numerous gangs. Teenagers from wealthy households whose father travels frequently had their lives disrupted by the father's lack of parental guidance. Their father provides them with a sizable sum of money. Success and the lack of a parent cause the teenager to get trapped in a vicious cycle. poverty, and the loss of land. Many individuals also are migrating from various parts of the country owing to river erosion and unemployment. From the nation to other cities, such as Dhaka from the 1980s, large-scale rural-to-urban migration began. Many rural women came to cities and began to work in clothing manufacturing. The social equilibrium of Dhaka was thrown off by this massive exodus, which had a deplorable impact on city life.

Chittagong as well as a few more large cities. Villagers typically seek refuge in slum areas, walkways, and roadways. They lack access to life's necessities and necessities. Family fathers and mothers leave their homes early in the day to earn money without taking care of their children and Teenagers should avoid the danger zones of slums, trafficking hubs, and crime-ridden places. Teenagers that grow up in these neighborhoods are exposed to criminal patterns and learn criminal techniques, which makes them infamous criminals. Teenagers' minds are negatively impacted by action and sex movies. The Teenagers visit brothels and get involved in them as a result of the violence and sexuality depicted in movies in violent behavior.

### **6.3 The Children Act 2013**

The Children Act of 2013 was approved by the National Parliament on June 16, 2013, published in the official Gazette on June 20, and went into force on August 21. The Children Act of 1974 was superseded by the new law, which has 100 parts and 11 chapters that are linked with the CRC.

#### **6.4 Definition of children and age of criminal responsibilities**

The definition of children in the laws of Bangladesh is not uniform. Different laws have defined children in different ways. According to the Majority Act, of 1875, a person below 18 years is a minor; The Prevention of Child Marriage Act of 1939 states that marriage of a man below 21 years of age and marriage of a woman below 18 years of age is called child marriage. The National Child Policy of 1994 defines a child up to 14 years of age and the Labor Code of 2006 defines workers below 14 years of age as child laborers. Earlier the Children Act, of 1974 defined a child below the age of 16 years. The New Children Act, 2013 recognizes any individual under the age of eighteen The Penal Code states that anything done by a youngster under the age of nine is not a crime. 2 Once more, a child who is older than 9 but less than 12 and has not developed judgment yet the nature and effects of his actions. Free from criminal liability.

BLAST and ASK vs. Bangladesh and others [‘Children in Fetters’ Case]

Writ Petition No. 1676 of 2003

Facts: BLAST and Ain o Salish Kendra (ASK) filed a writ petition on 9.2.2003 based on a news report published in the Daily Prothom Alo on 04.01.2003 More than 400 children and juveniles are allegedly detained in Dhaka Central Jail and 1200 children in 65 prisons in Bangladesh in total disregard of the provisions of the Children Act, 1974. Based on the report, the High Court had earlier issued a suo motu rule. These children were arrested ahead of strikes and other political events and alleged involvement in cases filed under the Arms Act, 1878, Narcotics Control Act, 1990, or the Explosive Substances Act, 1908, without mentioning their age in the First Information Report. Due to the delay in filing the age report of the minor accused, they were kept in jail indefinitely with adult inmates. The Attorney General repeatedly appeared on the issue and submitted that a high-powered committee called "Juvenile Criminal Justice System Monitoring Cell" has been constituted to normalize the situation and the Ministry of Home Affairs, Ministry of Social Welfare and Law, Ministry of Justice and Parliamentary Affairs to take favorable steps towards this end. It has been said. The petitioners argued that the detention of children in prisons in inhumane conditions with adults is a violation of the provisions of the Children Act, 1974; Section 7 of the Prisons Act, 1986; The constitutionally guaranteed right to be treated in accordance with the law and to be free from cruel, inhuman and

degrading treatment under Article 37(a) and Articles 31 and 35(5) of the Convention on the Rights of the Child. Constitution.

## **6.5 Juvenile court**

Children's Courts Section 16 of the Children's Act, 2013 states that each district headquarters and the major city shall have at least one children's court. The Additional Sessions Judges shall be the Presiding Judges of those Courts and shall be determined by publication in the Official Gazette, the Government In cases where an Additional Sessions Judge is not appointed, The functions of the District and Sessions Judges are Juvenile Court. Any issue involving children must be tried in the Juvenile Court, which has sole authority. A child who has run afoul of the law or who has come into contact with the law in any way. age of the child's gender, physical and mental health, education level, and social, cultural, and ethnic background, his family's socioeconomic situation. lifestyle factors for committing a crime, gang-related information, general background, and environment, opinion of the child, social inquiry report, and any other relevant Reasons which are expedient or in the child's best interests and need to be considered for correction.

## **6.6 Detention and Bail of juvenile Delinquent**

The Act forbids the arrest or imprisonment of children under the age of nine. Additionally, it forbids the arrest or imprisonment of any kid in accordance with any law governing preventative detention. A child who has been detained cannot either have a rope tied around his waist or be handcuffed. The officer who makes an arrest of a kid must first ascertain the child's age and immediately notify the CAPO (Child Affairs Police Officer) of the reason for the arrest, the location, and the specifics of the allegations made against him. If there is no place of safety in the police station, the arrested child shall be taken to a place of safety until produced in court and shall not be kept with adults or convicted child offenders or any child in contact with the law. 6 After arrest, if a child is not released or cited for diversion or is not immediately brought before a court, the CAPO may release the child on bail without conditions or bail, in the custody of the child's parents, or, in their absence, under foster care. or legal guardian or member of his extended family, or probation officer. The nature of the accusations against him, the circumstances surrounding his arrest, and the location. The youngster who has been arrested must be transported to a location of safety if there isn't one available at the police station until they can be shown in court and cannot be kept with grownups, juvenile criminals with convictions, or any other youngster in contact with the youngster is arrested and not promptly released, cited for diversion, or When a kid is brought before a court, the CAPO may release the child on bail with or without

conditions, depending on the child's parents custody or, in the event of their absence, in foster care. or legal guardian or probation officer or a relative from his extended family. The CAPO shall not take into account whether the alleged crime is bailable or not when granting bail. If the accused offense is grave or horrific or goes against the kid's best interests, the youngster cannot be released on bail baby to be released on bail or if there is apprehension that the child may come in contact with any person after being released on bail. Can be notorious criminals who cheated. In case of moral hazard, or failure of justice The CAPO will take action to bring the youngster before the closest juvenile court within 24 hours if the child is not released on bail. If the youngster appears before the Juvenile Court, the judge will either order his release on bond or his detention in detention or confinement at a Shishu Development Center or Safe Home. Md. Shahidul Islam and Ms. Musabbir Chowdhury (2013). Bangladesh's NGO

### **6.7 Trial procedure for juvenile Delinquent**

When a child is involved in an offense with an adult, there will be a separate charge sheet for the child and the child will be tried separately. The evidence in the case of children shall be taken separately from the testimony gathered in the adult case in a different session on the same day continuously till the close of the examination. Juvenile court sessions must be held at a location or space used for adult trials are held and on days and times other than regular court sessions. And when a child is on trial, he will sit in a common witness box and a podium wrapped in red cloth is absent from the room. Sit as close to Wim as you can with the child's parents, or in their absence, the foster parent, guardian, members of the child's extended family, the probation officer, and his attorney. No professional official uniform may be worn by the attorney during a child's trial. Any officer in the court, including the police. The trial of a child shall be recorded on camera and The kid, the parents or, in their absence, the foster carer or legal guardian, or, appropriate, members of the extended family, officers, and staff of the court, parties to the action or case, and the child are all permitted to be present in court. The CAPO, the concerned attorney, or anybody else who is directly involved in the case or proceedings including any individual specifically invited by the court to attend, the probation officer, or attend. Whenever a youngster is asked to testify as a witness in a lawsuit involving an indecent act or morals, the court may order anyone in the child's best interests to leave the officers or employees of any court, excluding the appointed attorney, probation officer, or other courts. The purpose of this type of informal justice is to keep the young offender out of the court environment which may have a negative impact on him. The new statute sets a deadline for wrapping up the trial.

Within 360 days of the child's initial court appearance, the Children's Court must conclude the trial. If the trial is delayed for any justifiable or practical reason, if it cannot be finished within that time, the Juvenile Court may prolong it by an additional 60 days. Daily proceedings will begin when the trial is

in the courthouse till it is over, Children's Court. If the trial is not finished in the allotted amount of time or If the charge is for a minor offense, the youngster shall be found not guilty within the extra time. Does not involve any severe or significant crimes like murder, rape, robbery, drug selling, etc. Crime, however, if an adult and a youngster are involved together, the adult will be judged. Previously, the Children Act 1974 was silent prosecution of a defendant who was a minor when the crime was committed but was an adult at the time of the trial. The new law makes it clear that the date the incident was committed will be used to determine the child's age. 16 and will be judged accordingly. That is, if the offender is under 18 years of age at the time of committing the crime, he will be tried in the Juvenile Court and the Juvenile Act will apply to him.

## **6.8 Punishment of Juvenile Delinquents**

In accordance with Section 33 of According to the Children Act of 2013, no Child shall be sentenced to death, life in prison, or imprisonment unless the court finds that the offense was so serious that the sanction provided by the law is insufficient, the child is too disruptive or has such a depraved nature that he cannot be sent to a licensed institution, or there are no other available alternatives. Alternatives to execution by lethal injection, life in prison, or incarceration. The length of the sentence, however, cannot be longer than the maximum period to which a child may be subjected. He may be ordered to be held in a licensed facility rather than a prison until he turns 18 When a young person receives a prison sentence, they are not permitted to interact with any. Child labor and victimization: An Empirical Study in Tongi, Gazipur by Mohammad Ashraful Alam and Iqbal Hossain ([http://academia.edu/7570305/Child labor and victimization](http://academia.edu/7570305/Child_labor_and_victimization)) adult incarcerated If a kid is found guilty of a crime that carries a death sentence or a life sentence, the Child Court may mandate that the child spend some time in a child development center. Lasting between three and ten years, maximum. However, if a young person is found guilty of a crime.

He could be given a detention order for a child if the crime is not punishable by death or life in prison. for up to three years, a development center. offense, the court is not permitted to use the words "illegal", "Words like "guilty person," "found guilty," or "ordered on finding"; "convicted" or "sentenced" guilty "or alternative words should be used in their place. 18 Under no circumstances may a child's conviction prevent them from running for office, employment, or election.

In the State vs. Oyshee Rahman [Death Reference No. 99 of 2015/Criminal Appeal No. 10281 of 2015] High Court Division (HCD)

Oishee was a drug-addicted girl. She killed his parents and she was punished based on the Child Act. Oishee Rahman was sentenced to death for killing his father police officer Mahfuzur Rahman and his mother Swapna. But Aishee was under 18 years old so the death sentence was waived and she was given life. A bench of Justice Jahangir Rahman Salim and Justice Jahangir Hossain gave the verdict. They said Oishi was mentally ill and addicted to drugs. And his parents neglected him and because he was underage he was sentenced to life with the death penalty spared.

## **CHAPTER SEVEN**

### **CHILDREN'S FRAMEWORK IN BANGLADESH**

#### **7.1 Street Children of Bangladesh ( Tokai)**

The director of Pareto Bangladesh (AB), Ahmed Ishtiaque, claims that there are two key causes for why kids end up living on the streets. The first is poverty, which forces youngsters to leave their homes in the countryside and move to urban areas in a sea rich with work. The second factor is Bangladesh's vast unplanned urbanization. The 2012 UNICEF assessment of street children classified Boys and girls under the age of 18 who live on the streets are referred to as street children/or their primary source of income and who are not given enough protection or supervision. In a nutshell, street girls are young women who live, eat, and work on the streets, or who occasionally work as sex workers. About 10% of Bangladesh's 400,000 estimated street children have been coerced into prostitution in order to survive. It is reasonable to suppose that many Most of these street children are female. Street girls are fully denied access to legally recognized universal human rights, according to the human rights perspective (Mozdalifa 2012). Several children in metropolitan areas Street people work and live there. Despite working on the streets, some of them reside with their family in More reside in slum regions, while still others are separated from their parents and live on the streets are separated from their families and have no one to look after them. Street children are especially victims of violence and sexual abuse. They also suffer from hazardous work, conflicts with the law and trafficking, substandard sanitation and hygiene conditions, poor health, and limited access to any form of education. Street children have no education and are not allowed to wear dirty clothes to school. They faced various problems such as water c weather, getting wet during rains, lack of sleep, exposure to mosquitoes, theft while sleeping, and sexual abuse. In all workplaces, street children are subjected to police harassment and expulsion (UNICEF street children are abandoned, orphaned, or rejected by their parents and choose to live in street homes to mistreat people and employers on new lines. They live on the streets because of the

income they need for their families (Mordalifa 201 Street children in developing countries are 2003 ng) and when we were deprived of belle deprivation Ganone N. 2008)

## **7.2 Violence of Child Rights in Bangladesh**

In Bangladesh, child abuse is a common event, yet it is rarely reported to the appropriate authorities for justice. There is minimal information available about the type and severity of child abuse according to official statistics and media reports. 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 behaviors that kids detest the most are physical, verbal, humiliating, and frightening kinds of punishment or discipline. Unfortunately, the majority of kids experience these things, and many forms of child abuse are tolerated in society—even by kids. Due to the fact that they were adopted as children and without any other means of escaping this violence (UNICEF 2009).

## **7.3 Child Trafficking in Bangladesh**

According to the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, "Trafficking in Persons" is defined as "the recruitment, transportation, transfer, harboring g, or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to obtain the consent of a person having A minimum standard for what constitutes exploitation <sup>5</sup>is the use of another person for prostitution or other forms of sexual exploitation, forced labor, slavery-like behaviors, servitude, or organ harvesting. The recruitment, transit, transfer, harboring, or receiving of people through the threat or actual use of force or coercion is referred to as "trafficking in persons" in the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons. Means of coercion, kidnapping, fraud, deception, misuse of power or a position of auto horrify vulnerability, or of paying someone or receiving something in exchange for their permission person with the use of another is a minimum requirement for what defines exploitation. Individuals for forced labor, slavery-like conditions, prostitution, or other forms of sexual exploitation. Whether by actions, enslavement, or organ harvesting. The Dhaka Metropolitan Police's Section 76In accordance with the law and Section 509 of the Penal Code of 1860, any act, conduct, or Eve teasing is a form of abuse that is prohibited by law and is used to d grade girls and

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<sup>5</sup> "Violence against Children: The Scenario in Bangladesh", (2001) ([http://www.bsafchild.org/save/violance\\_achildren](http://www.bsafchild.org/save/violance_achildren). last visited 22 Nov. 2019

Even though eve teasing is illegal, law enforcement has not been able to stop it to safeguard girls and women from eve teasing. Against Eve, the government needs to be harsh. teasing by enforcing the law, apprehending the offenders, and prosecuting them. The Bangladesh Ministry of Education has declared June 13 to be "Eve Teasing Protection Day" (Mohajan 2012a). Other actions have been made by the government and various social organizations. Nevertheless, these are insufficient to stop eve-teasing. The partners of UNICE are striving to raise awareness by forming and assisting regional teen organizations named. The "Kishore Clubs". The clubs' purpose is to offer a secure setting where boys and girls can interact and s socialize in a healthy way. The club members are given the tools to be change agents by participating in various events and informational workshops. There are approximately In Bangladesh, there are around 30 districts with 3,0 00 Kishon clubs (Mohajan 2012)



## CHAPTER -Eight

### RECOMMENDATIONS AND CONCLUSION

#### 8.1 Findings

Child abuse is largely caused by poverty. The child has to work to make money because of poverty. The exploitation of children at work by employers and coworkers. Conditions in the family environment play a major consider child abuse. Family characteristics have an impact on a child's cognition, which is linked to child affliction, physical harm, emotional instability, drug addiction, crime, and delinquency. Extra-marital affairs: The increasing rate of extra-marital affairs leads to child abuse. Children are victims of extramarital affairs of parents. To conceal her extramarital involvement with another son, the mother in some instances even assisted in the death of her own child. Retaliation: Another motive for child maltreatment is retaliation. When family members or neighbors are unable to exact revenge on the primary offender, they can sometimes turn their attention to the youngster and portray them as a weak members of the family. A boy named Takki in Narayanganj, whose father asserted that Takki was murdered in order to steal retaliation from him. Residence: A key component of child abuse is residence.

Most instances of Child abuse occur in locations that are very crowded. A child's lifestyle includes where they reside, when they go out, which school they attend, and where that school is located. The way of life of a child plays a big role in victimization. For instance, a young girl who ventures outside at night or while at work faces greater risks than a girl youngster who ventures outside during the day. Association: The problem of child association is crucial. The strongest factor affecting a child's behavior is association. Associations can lead to juvenile delinquency, drug addiction, and other crimes in youth. More recently, a YouTube video posted by the Concerns regarding how youngsters may be harmed by their use of the name "Ami Zunyed Bolchi" has raised, gangs. Social security is the most crucial issue, and it is lacking. One of the biggest reasons why children are abused is a lack of social security.

## 8.2 Recommendations

The rights of children must be considered by the government and social groups. The following would be the most crucial integrative child rights measures take action to eliminate child labor. Improve basic education (Uddin et al. 2009).

Create a parallel system of non formal education that takes into account the unique conditions of poor households. provide stipends to the low-income of families. Accelerate the large-scale food for the educational program. In regions where it is known that child laborers reside and work and improve the health services available to youngsters.

Enhance the medical care offered at rural health centers and Create mobile medical teams that can visit and care for child employees on the job. The need for free study materials improvements to school infrastructure and educational quality, flexibility in class schedules. The adult literacy campaigns raise awareness of children's rights in society. Compulsory schooling for children, food security for children, poor school performance and school eminence also contribute to this awareness (Khanam 2006). Strengthening the security patrol in border regions providing specialized training and motivation to the police punishing child traffickers rural medical facilities and Organizing mobile medical teams to visit and attend to young workers. while they are on the job. Free study materials are required school infrastructure and instructional quality must be improved and class times must be flexible.

Efforts for adult literacy also bring attention to children's rights in society. Compulsory children's education their access to food their academic failure and their attendance at school Eminence also has a role in this aloofness (Khanam 2006). enhancing the security force's specialized instruction, inspiration and sanctions for police in border zones to child smugglers. to the highest standards are all necessary measures to prevent child trafficking. (Mohajan 2012a). While gender violence must be eliminated from the family and societ. Employment options must be developed so that no parent feels compelled to abandon their children to send them to school. Governments must make sure that children are shielded from all kinds of exploitation, discrimination, assault and torture by ensuring education for all through reparations initiatives and subsidizing those street children. (Mozdalifa 2012).

It establishes a setting that is safe for children's well-being, including vulnerable kids. For both adults and children who have been victims, it also carries out rehabilitation and reintegration into a society of mistreatment, brutality, prejudice, and exploitation. It lists and discusses significant instances of susceptibility of children. which results in sexual abuse, violence against people of color and

exploitation and develops and employs preventive measures. (National Action Plan for Children 2005). Employers shouldn't put youngsters in dangerous jobs. They must be aware of all laws and regulations pertaining to child labor. Additionally, They must appreciate and value child workers. provide them a reasonable wage, uphold all agreements made with them, ensure that the work they do is safe and appropriate for their ages and abilities, ensure that they have access to education, and provide them with future-focused vocational training (UNICEF 2009).

### **8.3 Conclusion**

Bangladesh, a developing nation with 160 million people, has a large population. that is densely populated. The majority of its people are illiterate. In Bangladesh, child abuse is a frequent occurrence, but neither children nor parents are aware of the rights of children. Children in Bangladesh are not allowed to exercise their basic rights to education, wholesome nutrition, protection, participation, recreation, access to clean water, sanitary conditions, and hygiene. Discrimination, poverty, ignorance, and a lack of social awareness all violate children's rights. Child protection laws and regulations are frequently broken, including those pertaining to child labor, corporal punishment, violence against girls, sexual exploitation, co-incarceration of children and adults, trafficking, child marriage, and other issues. most of the time because they are ignorant of the law, people accept these violent acts as usual. Street child is They are more vulnerable because they pay for their own housing, food, and clothing. They receive none when they inquire, the government and local, national, and international NGOs have provided treatment. A variety of measures to protect children include free basic education, financial transfers for kids, nutrition, the recording of births, etc. The advantages of educating girls include preventing early marriage lowered fertility rates, lower baby and maternal deaths, better nutrition and health, and more political and economic engagement. To give them more clout in society, the government has taken a number of actions.

## References

### Statutes:

- 1.Rahman, M.R .(2007). The Bangladesh Labour Code,2006.Dhaka: Sojoni Art Publications.
- 2.Kabir,L .(2016).Juvenile Justice Act, 2015.Dhaka: Laws books.
- 3.Ahmad, Imtiaz.(2016). The Penal Code,1860. Dhaka:sufi prokashoni.
- 4.kabir,L, Dr.(2019). Lectures on the Penal Code With Leading Cases. Dhaka: Ain prokashan.
- 5.Haque, Mujibul.(2014).The Children Act, 2013. Dhaka:Sufi prokashoni.
- 6.The Child Labor (Prohibition and Regulation) Act, 1986.
- 7.The Constitution of Bangladesh

### Books

1. AntonellaInvernizzi Jane Williams, Suases University, Wales, UK, The Human Rights of Children from Vision to implementation.
2. Ehsan, (2001). Children and Education in ShishuAdhikarSangjog (ed.) Child Rights: Reality and Challenges. Dhaka: Bangladesh British Council).
3. Khair, (2005). Child Labor in Bangladesh. Dhaka: A Forward-Looking Policy Study, Geneva, Switzerland: International Labor Office, April.
4. Khanam, (2006). Child Labor in Bangladesh. Dhaka: Trends, Patterns and Policy Options, Asian Profile. PP. 34(6):593, 608.
5. Robert Fellmeth, Child Rights and Remedies.

### Websites

- 1.Sarkerp.C and Pandey, P.K(2006). Trafficking in women and children in Bangladesh, a national issue in a global perspective, Asian journal of social policy.
- 2.<https://www.interpol.int/Crime-areas/Crimes-against-children/Crimes-against-children>