

4th cycle of Universal Periodic Review (UPR)

Child Labour

September 2018-June 2023



Issues Covered

Child Labour, Hazardous Works, Impact of COVID-19, Inadequate Penalties, Monitoring and Enforcement, Ambiguities in the Laws, Domestic Workers' Rights.

Recommending States

Recommendation Nos. 147.150 (Chile); 149.13 (Spain)

Situation Analysis

Bangladesh ratified the ILO's Minimum Age Convention (No. 138) (22 Mar 2022, *Newage.bd*). The Ministry of Labour and Employment (MoLE) has updated and gazetted the list of hazardous works and included five new sectors, including dry fish, street children, the informal garment sector, Brick production and stone lifting, and waste and garbage collection. The National Plan of Action on Child Labour 2021-2025 has been revised to achieve the SDG 8.7 target by 2025. The government is committed to eliminating all hazardous work by children by 2025 and completing the elimination of child labour by 2030.



Challenges

Prevalence of child labour in Bangladesh

Impact of COVID-19 on child labour

Ambiguities in the definition of a child

Impact

According to the National Child Labour Survey 2013 (31 Aug 2022, *The Daily Star*), the country has 3.4 million child workers, of whom 1.2 million are involved in hazardous work.

The Bangladesh Bureau of Educational Information and Statistics (12 Jun 2023, *The Business Standard*) data shows the dropout rate in primary education was 14.15% in 2021, while secondary schools and madrassas lost 35.66% of their students, possibly because of the pandemic. The Directorate of Secondary and Higher Education estimated that the same year, among the secondary level students who dropped out, more than 78,000 became child labourers.

There are inconsistencies in the definition of a child in Bangladesh. Section 4 of the Children Act 2013 defines a child as someone under 18 years old, while Section 2(63) of the Bangladesh Labour Act 2006 (BLA) defines a child as someone below 14 years old. The BLA further categorises individuals aged 14 to 18 as 'adolescents,' creating a distinction that allows employment of those under 14. This discrepancy in definitions leads to an artificial separation between children and adolescents, with implications for child labor.

Inadequate penalties

Under Section 284 of the BLA 2006, the punishment for employing a child or adolescent in contravention of the law is only a nominal fine up to 5,000 taka (\$46). Such a minimal penalty with no prison sentence for this severe offence is itself feeding the growth of the offence of child labour and is an ineffective deterrent.

Lack of monitoring and enforcement of laws

The absence of oversight and enforcement of existing laws is one of the significant challenges. The tragic fire incident at the Hashem Food factory in 2021 serves as a poignant example, as it resulted in the loss of 17 children's lives (8 Oct 2021, *The Daily Star*). This incident highlights the fragility of the enforcement measures designed to safeguard children from child labour.

Socio-economic factors

Poverty, limited awareness, entrenched traditions, parental insecurities, and lack of education contribute significantly to the prevailing child labour situation in Bangladesh.

Non-recognition of domestic workers

Domestic work is not recognised as hazardous. Despite the policy being approved in 2015, the government has not yet adopted the Domestic Workers Protection and Welfare Act.

Questions

What strategy has the government taken to eliminate child labour in the country, especially in the COVID-19 context?

How has the government been ensuring effective enforcement of existing laws and policies?

When will the government ratify ILO Convention No. 189?

What steps has the government taken to protect the rights of domestic workers?

Recommendations

1. Allocate a specific budget provision for eliminating all forms of child labour by 2025.
2. Ensure effective measures are taken by the MoLE on child labour considering the COVID-19 context.
3. Strengthen monitoring of hazardous work for children as per the list and take a multi-sectoral approach to tackle hazardous child labour by developing a rehabilitation strategy.
4. Hold perpetrators of violence against working children accountable.
5. Ensure proper monitoring and effective enforcement of existing laws and policies.
6. Strengthen national and community-based child protection mechanisms.
7. Ratify ILO Convention No. 189 (Convention on Domestic Workers) and enact the Domestic Workers Protection and Welfare Act.
8. Amend labor law to include the informal sector to protect 95% of the child laborers engaged in the informal sector.
9. Strengthen effective collaboration between government and NGOs to avoid overlapping services and ensure that working children have access to basic services, such as education, health, and recreation.

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