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Child Welfare Practices in Organizational and Institutional Context of Bangladesh

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Introduction

Over 60 million children in Bangladesh face hazardous conditions and are deprived of their basic needs. Half of these children continue to live below the international poverty line despite the increasingly stable and growing economy in Bangladesh (UNICEF 2012). Each year, approximately 54,000 children are dying due to malnutrition in Bangladesh

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(Daily Amader Somoy 2014). Furthermore, it is difficult to protect children from trafficking, child labor and child marriage as it has the lowest rates of birth registration in the world. A huge number of children are denied of their basic human rights due to the lack of governance; poverty; political instability; poor coordination among child welfare agencies and the lack of human, financial and targeted resources for childrens welfare. Programs and policies toward child welfare in Bangladesh are also lacking due to the lack of comprehensive national plans, independent monitoring and evaluation of such programs (UNICEF 2009a). Children are severely vulnerable in Bangladesh due to the absence of traditional values, absence of social and community awareness, ignorance of parents, death/disability of family breadwinner, parents' divorce or separation, the lack of educational opportunity for children, migration, social injustice, crime and natural disasters. Due to these complex issues, establishing an appropriate policy and programs formulation and vigorous implementation of the objectives set out in policy requires the highest level of coordination between government and civil society, including NGOs and other agencies involved in the planning and implementation process (UNICEF 2009a). While the government is committed to protect the child, the implementation of childrens development activities still lacks understanding and consistent planning. Moreover, it is not surprising that the laws in place against child welfare are hardly being implemented at both policy and implementation levels in Bangladesh.

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Children in Bangladesh: Demographic and Socio-Economic Status and Problems

In Bangladesh, there are 66 million children below the age of 18 years. This makes up 45% of the aggregate population of the country. In this regard, children aged 5–17 (42.4 million) make up nearly one-third of the country's populations. In Bangladesh, 26.5 million out of 63 million children are living under the national poverty line in terms of Cost Basic Needs (CBN). Furthermore, 46% of the children consume less than the prescribed Direct Calorie Intake (DCL), and more than half of all households (51%) with children are considered as poor as they living under the international poverty line and earn below the USD1 Purchasing Power Parity (PPP) threshold in Bangladesh (UNICEF 2009b). Around, 58% of the children in Bangladesh do not have access to one basic need such as education, healthcare, pure drinking water, shelter, information and sanitation, while nearly 20% of the children severely deprived at least two basic needs. Moreover, 59% are deprived of basic information, 64% of sanitation services, 41% of adequate shelter and 57% of sufficient nutrition (underweight) (UNICEF 2009b). It is projected that one million children aged between 10 and 14 years are engaged in labor and more than 1.4 million children cannot attend schools due to severe poverty in Bangladesh. Moreover, nearly 3.8 million girl children are married off before the age of 18 years and 1.3 million are married before they reach the age of 15 years in Bangladesh. Consequently, the lack of child-centered policy, absence of proper birth registration, poor education, limited access or healthcare services and limited coordination with child welfare agencies and civil society have increased the probability of sexual exploitation and violations against children. These scenarios obviously show that the country has not been able to address the crucial issue of child rights violation and welfare in an effective manner despite Bangladesh's remarkable progress in achieving most of the Millennium Development Goals (MDGs). Hence, there is a need for a juvenile justice system that could empower children's rights in Bangladesh.

Material and Methods

Data for this study are derived from secondary information and secondary sources, specifically previously published research used for the literature review and for analyzing the findings. The systematic review is important for understanding some of the main philosophies debated and the underlying issues, which makes the study more significant. The secondary sources included various websites, newspaper articles, books, government reports, scientific articles, scholarly journals, United Nations International Children's Emergency Fund (UNICEF), United Nations Development Programme (UNDP), World Bank and International Labour Organization (ILO) published reports. They are used to contribute to the knowledge on child welfare practices in the local context of Bangladesh.

Review Results

Child Welfare in Constitutions and Legislations

The Bangladesh Constitution is the principal actor to protect the basic rights of the citizens, ensure equality of laws, protect liberty, give freedom from torture and ensure the protection of the law and exclusion from enforced labor (Sengupta and Hossain 2006). The provisions for fundamental rights of all citizens of Bangladesh including the children are included in the Constitution of the Peoples' Republic of Bangladesh. The Constitution of Bangladesh includes some fundamental principles as shown here:

- Liberty from any kind of abuse (Article 14);
- Supporting the fundamental necessities of citizens life that comprising shelter, food, clothing, health care and universal education, leisure and recreation, rights to rest and rights to social protection by social safety nets and in case of government assistance due to unemployment, ill health, or disability or hazards by an orphan (Article 15);

- To establish a unique, universal and people-oriented education system and extended obligatory and free of cost education for children defined by law (Article 17);
- Increasing the education level and developing health care (Article 18);
- No deprivation in term of race, religion, caste, sex of birth places (Article 28);
- Equal chances and assenting action in issues for children (Article 29);
- Ban any types of compulsory labor (Article 34) (Sengupta and Hossain 2006).

In Bangladesh, there are more than 35 laws established to safeguard children from abuse and exploitation, brutality and negligence to extend their rights and welfare (Sengupta and Hossain 2006).

The Children Act, 1974 and the Children Rules, 1976 are the two main legislations in Bangladesh that deal with children involved in authorized actions. These two legislations are shown here:

The Children Act, 1974: The Children Act of 1974 is the main law for children protection, special care and health care of children, either as the accused or as victims. The ultimate goals of the act are the empowerment of the children, to ensure the protection of children and the medical care of children (Sengupta and Hossain 2006). This act enforces several roles and responsibilities to the state that are implemented by a special court (Juvenile Courts), to be established by the safeguard of all children (accused and victims) (section, 3, Chapters 4 & 6). The trial system in the Juvenile Court is separated from the ordinary court (section, 7) and trials are conducted differently for children and adults (section, 6). Additionally, there is a need to maintain high confidentiality (section, 9, 10, 17), considered age of children, personality and report from probation officer's (section, 15), and not to execute imprisonment and penalty of death except for special incidents (section, 51). If required, juvenile offenders will be send to an authorized correctional home for their development (section, 52); releasing them on probation under the supervision of parents, guardians or probation officers (section, 53); and to protect children at danger under the jurisdiction of authorized institutions and supervision (section, 32.3–32.6) (Sengupta and Hossain 2006). The police is liable for taking care of children in a harmless location

(section, 49), to approve bail to children (section, 48), inform parents (section, 13.2), rescue them from harmful situations (section, 32) and other role and responsibilities of Probation Officers (section, 50) (Sengupta and Hossain 2006). Meanwhile, the Probation Officer is responsible for conducting a social investigation (section, 15.50), sending the report to the court (section, 31.3.c), supervising children during probation (section, 53) and assisting for rehabilitation (section, 31.3.d). Saving children from dangerous conditions and sending them to the Juvenile Court are well-mentioned (section, 32) (Sengupta and Hossain 2006).

The Penal Code, 1860 mentions that a child less than the age of nine years is not responsible for the crime (section, 82) and children age of 9–12 years are nor accountable for offence due to not achieved ample psychological development (section, 83). This Penal Code clearly added a few elements of dealing with selling (section, 372) and buying of children (section, 373) for the aims of prostitution child only. Additionally, kidnapping, criminal bullying and offence of rape are mentioned (section, 366, 375 and 509) and anyone who encourages or forces a girl below 18 years of age into illegal sexual interaction will also be penalized under the code.

Women and Children Repression Prevention (Special Provision) Act, 2000 (Amended in 2003)

The revised act outlines the punishments for the crime of violence against children and women, including the death penalty or life sentence with hard detention and cash fine of not more than Bangladesh Taka (BDT) 100,000 (US\$1250) due to any injury by acid burning (section, 4) (Halder 2015). Meanwhile, those guilty of child trafficking (section, 5) will be subject to lifetime detention or the death penalty or detention not less than 10 years and not above 20 years and payment of additional cash fine for (Halder 2015). Additionally, for child abduction, and sexual harassment and assault, the offender might face a death penalty or detention not less than 14 years with a payment of a cash fine, and severe detention (section, 7) (Halder 2015).

The Bangladesh Labour Act, 2006

The Bangladesh Labour Act, 2006 has substituted The Children Act, 1933, Factories Act, 1965 and The Employment of Children Act, 1938. This law banned the involvement of adolescents (14 years and not more than 18 years) and children (not beyond 14 years) in any organizations or occupation (section, 34). However, adolescents may join in an institutions or job if they could provide certificate from authorized practitioners concerning their ability to perform the particular task (section, 34); an adolescent cannot be involved in lubricating, cleaning or processing any device when machine is working (section, 39) (Halder 2015); and an adolescent cannot operate any machine without proper knowledge and precautions (section, 40). In addition, the act also stated about the exclusion of adolescents from engagement in water activities and deep soil (section, 42). In this regard, while children are not to be involved with any job or organization, however, they may be engaged in some light work at the age of 12 years that is not harmful to their health and physiological growth and does not interfere with their school education (section, 44). In these circumstances, their working hours might not interfere with their schooling hours (Halder 2015).

Child Welfare in Policy/Plan/Programs in Bangladesh

As a member state of the United Nations (UN), Bangladesh has signed the “Convention on the Rights of the Child”, which is adopted by the UN General Assembly. Bangladesh’s implementation of children’s rights is based on its long implementation of various welfare-oriented programs for the wellbeing of children and their mothers. Even during the British regime in Bengali, an act titled “Penal Code” (Act No-XLV of 1860) was enacted for the first time for ensuring the rights and position of children. This is followed by “The Divorce Act, 1869” (Act No IV of 1869) to prevent sexual harassments and repression of children, and to curb in child marriage. Furthermore, through the Contract Act, 1872 (Act No

IX of 1872), and the Evidence Act, 1872 (Act No I of 1872), the government has paid the importance of eligibility of children to make contracts and as a witness. In 1875, in the Majority Act (Act No IX of 1875), a minimum age has been fixed to be an adult and the Guardians and Wards Act, 1890 (Act No VIII of 1890) was enacted for the protection of property rights of children below the age of 18.

The government also enacted an act that allows children to be relieved from attending the court for prosecuting purposes until maturity. The Act is “The Limitation Act, 1908” (Act No IX of 1908). The Mine Act, 1923 (Act No IV of 1923) forbids child labor in the mining industry. To ensure child rights, child marriage had been prohibited after the enactment of “The Child Marriage Restraint Act, 1929” (Act No XIX of 1929). The government enacted “The Suppression of Immoral Traffic Act, 1933” (Act VI of 1933) and “The Children (Pledging of Labour) Act, 1933” (Act No II of 1933) for the protection of children’s rights. In these acts, the detention of any female under the age of 18 for prostitution against her will, and the making of agreements to pledge the labors of children below the age of 15 years have been treated as punishable offences. According to the Payment of Wages Act, 1936, the right of imposing compensation on child below the age 15 years has been prohibited. In the Employment of Children Act, 1938 (Act No XXVI of 1938), labor of child below the age of 12 years has been prohibited in the risk-prone areas. Moreover, The Dissolution of Muslim Marriage Act, 1939 (Act No VIII of 1939) provides that women are entitled to obtain a decree for the dissolution of her marriage arranged by her father or other guardians before she reaches the age of 15. According to the “Vagrancy Act, 1943”, especial arrangement had been made for displaced children.

The Bangladesh Abandoned Children (special provision) Order, 1972 (P.O No 124 of 1972) provide provisions of guardianship for abandoned children and through “The Children Act, 1974 (Act No XXXIX of 1974)”, the government has empowered to set up child courts and established the Juvenile Courts and other institutions for care and protection of destitute and neglected children. Later, in 1994, the government adopted a National Child Policy and constituted a “National Council for

Children” in 1995 for making policies, rules and regulations for the protection of rights of children. The government also adopted a “National Plan for Action 1997–2002”. The government also adopted “Women and Children Oppression Prevention Act, 2000,” under the observation of the “Child Decade from 2001–2010” for the welfare and protection of the rights of the children. The first National Child Policy was established in 1994. The significance of the National Child Policy should be considered in all national planning, development policies, budgeting and program implementation in Bangladesh. The National Child Policy shall be applicable to all children citizens of Bangladesh without any discrimination.

National Child Policy, 2011

The National Child Policy (NCP), 2011 has been introduced to implement the principal and provision of the Convention of the Rights of Children (CRC). The principal philosophies of the NCP have been identified as respecting childrens thoughts and confirming the participation of children, non-discrimination and transparency and accountability should be ensured by institutions, individuals for understanding of child rights. Special emphasis has given to education, birth registration and identity, children’s right on health care, leisure and cultural activities and child protection. In addition, special rights of ethnic and minority children, rights of the adolescents and children with disabilities and their development are mentioned in this policy.

National Child Labour Elimination Policy, 2010

The National Child Labour Elimination Policy (NCLEP), 2010 has been implemented under the supervision of the Ministry of Labour and Employment (MoLE) to avert and reduce child labor, specifically, any dangerous forms of child labor. The objectives of the NCLEP are to retreating children from any form of dangerous work, labor and profession and engaging parents of working children in earning activities to

move out of the vicious circle of poverty. In addition, offering scholarship for working children to continue study, special program for the children suffering due to natural calamities and given distinct attention children with disabilities and ethnic minority. In addition, it strengthens the institutional capacity for the enforcement of the laws in enacting pragmatic laws and planning and implementing sustainable strategies and programs to reduce various forms of child labor by 2015 in Bangladesh.

National Education Policy, 2010

The National Education Policy (NEP), 2010 was established under the leadership of the Ministry of Education (MOE) for the first time in Bangladesh to ensure quality education for all children. This policy set the target for 100% school admissions for children, and for them to continue studying at primary and high school levels. Extending the obligatory primary education up to grade eight and the introduction of the technical education is the greatest significant feature of the new NEP. The National Technical and Vocational Education Policy 2011 was introduced by the MOE to acknowledge the significance of technical teaching for human resources development in Bangladesh. Currently, to evaluate and modified the vocational education system, MOE is collaborating with ILO. The draft of Early Childhood and Care Development Policy has been completed and is waiting for approval from the Cabinet. The initial learning and development draft has been framed and shared with appropriate stakeholders. In this regard, this policy has recommended to reform number of issues—National Child Protection Policy, National HIV/AIDS Policy, Draft National Anti-Trafficking Strategies Plan Action (NATSPA) and Children's Code.

Child Welfare Plan in Bangladesh

The main theme of the Sixth Five Year Plan (SFYP) 2011–2015 is to highlight the significance rights and advancement of children. The SFYP

mentioned that Bangladesh has made substantial the improvement in the field of child rights promotion. Nevertheless, the development of children is required to develop the future due to numerous Bangladeshi children are still endangered by ill health, illiteracy, exploitation, abuse, poverty, malnutrition and natural calamities. "A World Fit for Children" is the goal for children rights empowerment. These goals should be achieved by supporting medical care, assuring children's advancement and rights in the public policies and legislations, guaranteeing for food and nutrition that children need, and entrance to female education, development and training facilities. Additionally, engagement with education, cultural functions and sports should be confirmed for rural poor children and to provide safeguard commencing all kind of ferocity, exploitation and abuse. Further, to ensure healthy sanitation, environment and safe water, confirming assistance of caregivers and parents and extensive government assistance for survival and empowerment of children.

The recommended plans considered aspects like medical care for child, education, food and nourishment, entrance to water and sanitation, empowerment of child, birth registration, child abuse, child labor and protection for child. The NPA (2005–2010) was implemented to ensure the protection of children welfare in the context of National Poverty Reduction Strategy Papers (PRSP) and achieve MDGs. In addition, a National Strategy Paper for Bangladesh on Prevention of all forms Violence Against Children (VAC), 2011 has been prepared based on the guidelines of the country-level action points, by Ministry of Women and Child Affairs (MoWCA). The review procedures are presented by non-government organizations (NGOs), government organizations (GOs) and local team to map design for a way forward. Additionally, policies, laws and organizations have been reviewed to recognize policy, legal and intuitional plan. It also outlines the goals and strategies to curb violence against children in Bangladesh.

Institutional Child Welfare: Government and Non-Government Services

Government Sector

Shishu Sadan/Shishu Paribar (Children's Family)

These institutions were established to protect destitute children especially orphans. The concept was developed by government initiatives or social generous people and is now known as *Shishu Sadan/Shishu Paribar* (Children's Family). These institutions arrange necessary programs for education, training, recreation, food and so on. These institutions were later transformed into *Shishu Paribar* (Children's Family) to allow children to be brought up with the motherly environment in a homely atmosphere. Generally, children aged 5–9 years are admitted through an admission committee and they will reside in these institutions until they reach 18 years old. There were 12,000 children placed at 74 institutions in 2013. Meanwhile, there are a total of 10,141 children who were saved from employment, 9389 from child marriage and 30,100 from different jobs from 2009 to 2013. It is to be noted here that throughout the 2012–2013 fiscal year, apart from government *Shishu Sadan* (Children's Family), there are 5457 non-government orphanages where a total of 40,333 children reside.

Chhotomoni Nibas (Baby Homes)

The *Chhotomoni Nibas* (Baby Homes) were established by the government in 1962 for displaced children aged up to seven years and to provide them with motherly affections. Most children in these homes are abandoned and have no relatives to look after them. The first *Chhotomoni Nibas* is a 25-bed accommodation in *Azimpur* in Dhaka (Rana 1997). Presently, there are six centers at six towns providing 825 accommodations. The children of these centers will be transferred to *Shishu Sadan* and *Shishu Paribar* after reaching a certain age. A total of 2889 children benefited from these studies from 2009 to 2013.

Dibakalin Shishu Jotno Kendro (Day Care Centre)

This center was established for the children aged five to nine years within motherly environment, whose mothers engage services; the government established a *Dibakalin Shishu Jotno Kendro* (Day Care Centre) at *Azimpur* in 1962. At present, there are 50 seats at the Centre. Eight thousand children have been benefited from its inception.

Training and Rehabilitation Centre for Destitute Children

The center provides basic education, training and rehabilitation for children from the age of 6 to 14 years old. There are three centers with 750 places. A total of 7570 children were kept here until 2013.

Juvenile Development Centre

Children under 18 years old who are involved in different types of crimes due to trafficking; family disturbance; and abandonment from their parents, divorce, poverty, religious conflicts and illegal drugs and fire arms are placed in Juvenile Development Centres. In 2002, the first juvenile development center for females was set up at *Konabari* of Gazipur district. The children here are provided with the technical education and training along with general education for their rehabilitation. A total of 15,254 juveniles were placed in these institutions from 2009 to 2013.

Institution for Mentally Disabled

This institution was set up at *Raufabad* of Chittagong city in 1995 and provides care, education, technical training and rehabilitation to the mentally disabled children. A total of 5000 mentally disabled children are attending technical education and training in addition to basic education.

Employment Rehabilitation Centre for the Physically Handicapped, Tongi (ERPH)

The ERPH center was established in 1981 with a capacity of training 105 physically handicapped per year. The different types of rehabilitative and protective services provided to the disabled at the center are mechanical workshop training, training in handicraft, duck and poultry farming, nursery training, mobility training, music training, games, sports and physical training, rehabilitation grant, industrial production unit, hearing centers, Braille press, health clinic, hostel accommodation and many others (Bhuiyan and Hossain 2003). A total of 8855 disabled children benefited from this institute from 2009–2013.

School for Blind and Deaf-Dump

There are a total of five schools in Dhaka, Chittagong, Khulna, Rajshahi and Barisal that provide training and education for the visual-disabled children. The students in these schools are provided with special education and are taught Braille or sign language.

National Special Educational Activities

The government has organized different types of programs for visually impaired, hearing impaired and mentally disabled children to mold them into independent human capitals and elevate the burden of the society. There are separate schools and hostels for visually impaired, hearing impaired and mentally disabled children.

Protection of Child at Risk (PCAR) Project

The project titled “Appropriate Resources for Improving Street Children’s Environment (ARISE)” started in 1999, with the financial support of UNDP. The project aims to provide education, physical and mental health care, accommodation facilities and skill development for street

children. Under this project, training programs, psychological counseling and legal help are provided to the street children through a “Drop-in Centre”. A total of 40,500 street children were benefited from this program between 2012 and 2013.

Maternity and Child Welfare Centre

To ensure the health of pregnant mothers, a total of 64 centers have been set up at towns throughout the country. These facilities provide medical care for pregnant mothers until they deliver their baby, by providing them regular medical checkups and post-natal care for newborn baby and mothers.

Poverty Alleviation, Capacity Building and Sustainable Livelihood for the Socially Disadvantaged Women and Their Children

This program helps socially disadvantaged women and their children to change the social stigma and include them in the mainstream. Providing basic education, pre-formal education, non-formal education, aiding admits local schools, accommodation facilities, technical training, health care and arrangement of employment are the major program of this project. About 70,970 disadvantaged women and children were benefited from 2009–2013

Bangladesh *Shishu* (Children) Academy

Academy was set up in November 1976 to encourage the growth of physical, mental, cultural and latent talents of *Shishu* (children) in Bangladesh. Different competitions are arranged nationally every year, which involved children from rural and urban areas. The academy also held activities in lieu with festivals, such as National Day, as well as cultural and training programs, including *Shishu Mela*, (children’s fair), seasonal competition, international painting competition, children films presentation, books

exhibitions, opening a children's library and museum, publishing books on children and arrangement of the study tour.

National Child Council

The National Child Council was introduced in Bangladesh to protect the interest and rights of children. The council is the highest authority for making any decisions and regulations in regard to the rights of children. The council is also responsible to look after the implementation of the CRC.

Non-Government Sector

Several international, national and local organizations are working closely for the care and protection of children in Bangladesh. Some of these organizations are discussed here:

United Nations International Children's Emergency Fund

UNICEF has been working to protect the rights of children and encourage the development of their latent talent. It provides funds and advices regarding children and maternal health, formal and non-formal education and responsibility of parents to their child. Besides, it provides supports to encourage immunization, breastfeeding and the intake of nutritional food. UNICEF has established maternity and child welfare centers in different parts of the country, empowering rural health workers and nutrition surveys, setting up tube-well for supplying pure drinking water, and distributing biscuits and milk, textbooks and other educational materials, such as sewing and retail training for women. It also publishes many research works on the protection of children.

United Nations Educational Scientific and Cultural Organization

United Nations Educational Scientific and Cultural Organization (UNESCO) is a sister organization of the UN and is working in the child education sector in Bangladesh. The organization provides financial supports and technical assistance to implement the “Education for All” program in Bangladesh.

World Health Organization

In Bangladesh, World Health Organization (WHO) works particularly in the field of Expanded Program on Immunization (EPI), Polio Free Bangladesh, providing health care for mother and children and their nutrition, family planning, monitoring of standard of medicine and assistance in research in the field of health.

International Labour Organization

Established in 1919, ILO has been working to protect the rights of labors. It is working to prevent child labor cases in developing countries. ILO is working in Bangladesh to prevent child labor with the financial support from UNDP. Besides, it is working to protect the rights of women workers, which subsequently, help children indirectly.

Food and Agricultural Organization

Bangladesh became a member of Food and Agricultural Organization (FAO) in 1974. Since then, FAO Bangladesh has been working to increase nutritional intakes among children and mothers, food production, modernization of agricultural activities, preservation of food and living standard of people in Bangladesh.

Red Crescent Society

The society was established to provide relief for war-affected people who were the victims of the war in Italy and Austria in 1859. It offers health services on regular basis for 50,000 children across 21 maternity and child welfare Centers in Bangladesh.

SOS-*Shishu Palli* (Children's Family)

Since 1949, this establishment has been working for the destitute, orphaned, abandoned, stateless, undocumented and street children. They are brought up with motherly affection. The organization opened its door after the Liberation War of Bangladesh in 1971. At present, it has brought up more than 1080 children.

Save the Children

It is a leading independent organization creating lasting change in the lives of children in need in more than 110 countries of the world. In Bangladesh, it started in 1972 in Bangladesh and focuses on child education and health activities. It runs two core programs, early childhood development and primary education. The early childhood development program is conducted under the Home-Based Early Learning Opportunity Centre (HBELO) and Home-Based Pre-schools (HBPS). On the other hand, the primary education program caters to school children aged 6–15 years. The School Health and Nutrition program of Save the Children targets school-going children to improve their health and nutrition status. For this purpose, health education on sanitation, hygienic behavior, nutrition and reproductive health issues are provided to schoolchildren.

World Vision of Bangladesh

World Vision's project in Bangladesh started in 1973 to provide care and ensure the welfare of children. World vision works to improve primary education and health care and to provide micro-credit for improving the living standards of children and their mothers. It also provides informal education for school dropouts. World Vision provides financial supports to build a new school building, repair old school building and supply educational materials among the remote localities. Under this, basic education, training and rehabilitation programs are operated for street children. World Vision also organizes workshops, recreational activities, training and education, and establishes centers for dealing with juvenile's delinquencies (Islam 2005).

Underprivileged Children Educational Programs (UCEP)

The institution has been working since 1970 to distribute relief for the people who were affected by the cyclone and other natural disasters. It encourages educational activities among the destitute and disadvantaged children and aims to provide education, training and rehabilitation for destitute children.

Discussion

Children in Bangladesh are suffering due to poverty, lower societal and financial positions, higher dependency and living in slums. The country is also facing issues over the conflicting jurisdiction between the existing laws related to child welfare. According to these laws, only orphaned and abandoned children can be admitted into government institutions; however, some disadvantaged and poor parents sometimes feel reluctant to enroll their children as they do not have the required documentations. Furthermore, bribery and bureaucracy have denied some access to these facilities (Islam 2012). These children are not protected by the legal system, are unable to access their rights and have fear of being caught

without identification documents. Juvenile offenders are also denied of independent legal counsel because of weak government institutions, fragmented NGO response, lack of legal protection and poor governance. The insufficient knowledge on child rights, specifically on protection and participation is proven by the absence of discussion on main policy, deficiency of child rights strategies, ignorance of senior management and the lack of staff members to safeguard childrens rights (Harper et al. 2010). Many children are denied the right to access education due to their socio-economic conditions, sex, language and disability, despite the establishment of CRC. Parents in the rural area are not able to send their children to schools because of transportation issues, while those living in poverty are not able to afford tuition costs, books and other related expenses (Islam 2012).

In this light, awareness-raising campaigns have been successful in bringing change in social thinking but still these are not satisfactory (WHO 2013). Therefore, children with lower economic opportunities and poor education are also more at risk. There is a need for an efficient plan to reduce poverty and creating employment opportunity for the family to reduce financial functions by children. The protection of children in Bangladesh should be ensured by social welfare (Khair 2005).

Bangladesh is implementing several development policies and programs to improve the condition of child welfare, but these policies and projects do not cover all children of the country. Moreover, it is very difficult for the government to collaborate with different international child and national agencies to operate child welfare programs and projects separately for ensuring child welfare (Nawaz 2011). The children rights treatise is not capable to solve the issue of power relations affecting children and the real needs of children in Bangladesh (Fernando 2001). The major barriers of Bangladeshi children include high mortality and morbidity, severe malnutrition, child labor, violation and child exploitation, abuse, lack of medical care, as well as access to education and nurture and care (Harper and Jones 2009).

Law-enforcement agencies and the corrective/prison staff are unable to work with the context of child rights or understand proper juvenile justice system due to insufficient wealth and training in Bangladesh. According to CRC, persons below at the age of 18 years are called

children in Bangladesh. The National Child Policy and *Nari O Shisu Nirjaton Ain*, 2000 defined a child to be at or less than 14 years, while the Children Act 1974 defines a child as aged less than 16 years. The lowest age of criminally liable for nine years mentioned by the Penal Code of 1860 is the youngest around the world. Furthermore, under the marriage laws, a girl has to be at least 18 years old and a boy 21, in order to marry in Bangladesh. In majority cases, the girl and guardians are not aware of the law and most of the times, young girls are forced to marry. This has proved that the law is rather loose at the execution level.

Bangladeshi ratified the Labour Act in 2006 that added a section on child labor. This current law banned the dangerous forms of child labor below the age of 18 years and employment of children aged less than 14 years old. Nevertheless, children at the age of 12 or above can involve in some light works, providing that it does not hamper their education, physical and mental improvement. It does not deliver a robust implementation tool for the provisions of child labor, and the constitution of Bangladesh does not also ban the child labor. These laws indicated some standard for the employment of children rather than banned the child labor. Meanwhile, the present domestic laws do not cover children who are engaged in household services like agricultural sector or domestic workers (Aktar and Abdullah 2013).

In Bangladesh, NEP, 2010 and National Child Act, 2011 have given more emphasis on child education. In addition, more importance is given in the government budget in term of education entrance of each child with school-age by “Education for All” campaign and indorsing ILO resolutions. Further, the government increases attention to the technical education to empower the risk children to eliminate child labor but street children still remain socially excluded and have less rights protection (Nawaz 2011). The Bangladesh National Development Plans appealed for high establishment services for vulnerable children but do not clearly mentioned approached for children like child workers (Khair 2005). Moreover, the laws are frequently misunderstood and tainted by law-enforcing agencies due to poor awareness and corruption in Bangladesh. In this light, the current legal systems emphasize merely polio victims,

and the mentally sick children with additional infirmities are completely ignored (Ahuja and Ibrahim 2004).

Provisions for safeguarding the interests of children, subjected to torture and violence have been clearly mentioned in the Bangladesh Penal Code, other ordinances and laws and the Children Act of 1974. The offence for cruelty to children, guardians and parents are also liable. Nevertheless, a male child is not protected from beating under the Children Act of 1974 (Ahuja and Ibrahim 2004). There is a lack of trials and laws for rehabilitations and rescue of child from sexual exploitation. The child victims or children at risk of commercial sexual exploitation are not supported by law-implementing agencies even though they can do so under legislative power (CRGA 2012). The Committee on the Rights of the Child of United Nations has raised anxiety regarding the procedures of juvenile legal system in Bangladesh and given commendations to continue juvenile justice in the light of CRC. While it has been reviewed several times and modified and currently adopted by the Cabinet, it is not implemented under the Children Act, 1974 (PRI 2014). Bangladesh has taken several steps for the amendment of the legal framework regarding the Children Act and frequently submitted the report of the Committee on the Rights of Child. However, Bangladesh has not yet contracted the International Covenant on Civil and Political Rights (ICCPR), the Teenage Engineering (OPI) and Optional Protocol to the Convention against Torture (OPCAT), and there is a lack of coordination between the Bangladesh government and international human rights organizations (PRI 2014). Since its inception, the law of Constitutions of Bangladesh has focused on childrens protection similar to other countries in the world. There is no positive legislation or children justice law having facilities for moral, intellectual and physical improvement of children in Bangladesh. In addition, the law has not been changed to protect children after 42 years of liberty of Bangladesh. There is a frequent lack of cooperation regarding the national child protection systems in the region among local levels, district levels, departments and the ministry.

The people of this region consider that child security as a minor issue. Hence, a systematic approach for the national child protection system needs to be effectively implemented due to the lack of technical expertise, financial resources and trained staff. Qualified and experienced social

workers are required for effective delivery of child protection services in Bangladesh. Social work courses are offered in higher education but only few institutions offer courses in child protection. Consequently, there is a lack of psychosocial counselor experts to handle the children who are victims of violence, exploitation and abuse. Child labor is a burgeoning problem in Bangladesh and the national legislation has prohibited child labor to some extent. An emphasis on special provisions for children should be given in the field of healthcare, nutrition, education, strategies, policies, social security and law by the policies, programs, plans and the Acts of Parliament in Bangladesh. However, the implementation of all these policies, strategies and programs has yet to be effectively due to the lack of monitoring and valuation (UNICEF 2009a). In Bangladesh, there are few laws regarding child labor and there is contradiction among the definition of a child. Safeguard children from child labor, abuse, neglect and other forms of vulnerabilities still remains a challenge despite the constitutional provisions and enactments including the Children Act. Moreover, children from the poorest families of Bangladesh are still being trafficked despite the existing laws to Pakistan, India and the Middle East for slave labor, camel riding, organ transfers and prostitution (Ahuja and Ibrahim 2004). A scenario of current skills in planning and implementation has been provided by an extensive review of all pertinent policies and programs in Bangladesh. Although, the policy and skills at the local levels are progressing, application abilities gap behind at all levels. Hence, the results of strategies policies do not reflect “hoped-for results” for child welfare in Bangladesh.

Policy Implication, Suggestions and Conclusion

The children laws should be executed properly by amending the guidelines of CRC. The age of criminal responsibility for all children should be increased from 9 to at least 12 years. The benefit of the doubt should be given to the child, where a child claims to be under the age of 9/16/18 years old in Bangladesh (in contradictory situations), (PRI 2014). However, there is no clear plan regarding how government will meet up the targets to ensure the child welfare due to the government’s ineffective

policies for child welfare. To ensure child welfare, the government should improve the anti-child labor laws, national development plan, birth registration, adoption policies and guardianship, as well as increase the efficiency of juvenile justice procedures in Bangladesh. Birth registration should be encouraged to help proper age determination procedures.

To further improve child welfare policies, Bangladesh should work toward bringing the relevant organizational and judicial modifications, advocating for the rights of the children, particularly those who are vulnerable and participating in capability development of child security amenities and piloting child safeguard systems (UNICEF 2012). A widespread child safety policy should be developed and action plans on child labor, child marriage and street children should be established to ensure preventive and protective measures for child welfare in Bangladesh (UNICEF 2009a).

It is important for the government to examine poverty-connected issue for child neglect, and other social issues and make desire improvement to the support of family income, reasonable housing and medical facility to protect child welfare in Bangladesh. The government is committed to protect the child, but it lacks depth of understanding and consistent planning. A multi-sectoral and multi-disciplinary approach requires child welfare, including an extensive range stakeholders, including multilateral agencies, communities, government, caregivers and families. The short-fall of the current government in Bangladesh has created additional anxiety for child welfare. In addition, police, executives, lawmakers, probation officers and judges remain insensitive to children's rights and fail to provide security, special care and treatment. It is recognized that legislation alone is not enough to address the complexities of child welfare in Bangladesh. The public and donor agencies should be given priority on resources mobilization, training to social workers, capacity builders, caregivers, counselors, police officers, lawmakers, teacher, judges, youth workers and healthcare professionals. Moreover, attention should be given on immigrations and humanitarian workers, detention facilities, childcare institutions and public policy makers/officials to confirm that the government has the ability to implement national plans in Bangladesh. To address issues of poverty and inequality that are often the root of the problem, it is equally essential to develop social and economic measures

simultaneously. In this respect, it is crucial for policy for poverty reduction and empowerment at the community level not only to ensure fair delivery of wealth and delivery of basic needs for the poor but also to seek sufficient investment in safeguarding and increasing human capability, particularly for children and young people in Bangladesh.

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