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From Paper to Practice: Why Child Labor Laws Fail in Bangladesh

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Abstract: Although the government has promised to follow international norms to fix the problem, child labor is still a challenge in Bangladesh. Millions of kids face dangerous and unfair occupations especially in the informal economy, e.g., farms, housework, and small companies. Bangladesh Labour Act of 2006 and the National Child Labour Elimination Policy of 2010 are both significant pieces of legislation but these are not enforced properly due to scarcity of resources, corruption, and entrenched social norms. Current study analyzes the prevalence of child labor despite presence of legal framework. Governance laws will never achieve their effect until they deal with the confluence of extreme poverty, poor governance, lack of education, and complex global supply chains. The study highlights the importance of a multi-stakeholder approach to address the root causes of child labor, enhance enforcement and develop viable alternatives to child labor.

Keywords: child labor; Bangladesh Labour Act 2006; child rights; national child labor elimination Policy

1. Introduction

Child labor is a key social and legal problem globally affecting thousands of children working in unsafe and unfair situations. Child labor violates children's rights, and slows down their personal and national growth. As per International Labour Organization (ILO), hiring children is a violation of basic human rights and an impediment to improving socioeconomic situations. Being a signatory to ILO Conventions 138 (Minimum Age)[1] and 182 (Worst Forms of Child labor) the country has adopted the same in domestic legislation, mainly in Bangladesh Labour Act of 2006 (amended in 2018).[2,3] This legislation forbids the use of children aged below 14, working conditions of adolescents (14-18) and clearly prohibits working conditions of children below 18 (younger). This protective framework is further reinforced by the National Children Policy 2011[4] and the Children Act 2013.[5]

National Child Labour Survey (NCLS) 2022, the survey that was developed with the support of the Bangladesh Bureau of Statistics (BBS) and as a result of which 1.78 million children of working age (between 5 and 17) engaged in child labor, states that 1.07 million of them are child labor in the most atrocious forms (BBS and ILO 2023). Such a contradictory existence of progressive legislation and rampant needs critical analysis of disconnect between legal assertions and actual reality. The ongoing child labor indicates that laws to prevent the same may not have been applied in the appropriate manner. Hence, a sizeable number of children are employed in fields that are not subject to regulation and fall under the purview of the law. Poverty, institutional impediments, lack of supervision, and the social and cultural acceptance of child labor has worsened the problem. Accordingly, the predicted results of child labor laws are substantially different from practical outcomes indicating that the legal and institutional frameworks are not adequate on their own to safeguard children from child labor.

The Bangladesh Labour Act 2006, amended in 2018, does not allow children to work in the legal economy. Children labor happens in the illegal economy. People who live in low-income communities depend on their children to pay for food, housing, and other basic requirements. This makes it challenging for children to learn and grow over time. Children from impoverished homes are more likely to work in dangerous places including stores, brick kilns, small apparel businesses,

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1. ILO Convention No 138 concerning Minimum Age for Admission to Employment (adopted 26 June 1973, entered into force 19 June 1976)
2. ILO Convention No 182 on the Worst Forms of Child Labour (adopted 17 June 1999, entered into force 19 November 2000)
3. Bangladesh Labour Act 2006 (as amended 2018).
4. http://childsocialprotection.gov.bd/public/upload/policy_files/202105240620National%20Children%20Policy%202011%20English.pdf
5. https://www.unicef.org/bangladesh/sites/unicef.org.bangladesh/files/2018-07/Children%20Act%202013%20English.pdf

and housekeeping. In many rural and urban communities across Bangladesh, children's work is a natural part of socialization, skill-building, and preparation for adulthood. This cultural acceptance often dilutes the impact of awareness campaigns and undermines formal laws.

To a huge majority of the population living below the subsistence level, the instant economic value of a child is not an option but a necessity to support the household. Laws that make this a criminal offense without bringing compensating economic help to the affected families are seen as punitive and irrelevant by the affected families. Poverty is one of the factors that breed on itself as the loss of the contribution of the child threatens the immediate well-being, cancelling the long-term advantages of education as envisaged by the law (Basu and Pham 1999; Edmonds 2005).

Current study aims to explore the ongoing exploitation of children by an in-depth investigation of the existing laws, means to enforce these laws, and the socioeconomic factors that are at play. Improved monitoring systems, policy implementation, and integrated social interventions in line with the requirements of the law and the existing circumstances will help eliminate the child labor in Bangladesh.

2. Key Reasons of Child Labor

The state is crippled in its capability of enforcing its laws. The department of Inspection of factories and establishments (DIFE) is constantly understaffed and underfunded. Millions of businesses across the country can hardly be checked regularly and effectively because there are a few hundred inspectors (Uddin and Kazi 2019). The informal sector that includes domestic labor, small shops, street peddling, agriculture and rural home industries where majority of child laborers work greatly intensifies this issue and which largely cannot be controlled using official mechanisms.

Enforcement is weakened further by corruption, political favor towards businesspeople and absence of digitized and transparent monitoring systems. When violations are spotted, the punishment is in most times not deterring, and the level of justice is slow. The enforcement mechanism is thus not only weak but it is also selective; at times it is targeted at the export-oriented formal sector that is under international scrutiny but it leaves the informal sphere where child labor is most common to itself.

The law presupposes that school is the second type of natural substitute to workplace. In the case of poor families, school education becomes less appealing due to the low payback perception (Hossain 2021). In the case of children belonging to ethnic minorities (in the Chittagong Hill Tracts), to the populations of refugees (Rohingya), and to the less privileged areas of the country (coastal areas, chars), additional impediments to education and social services exist. These intersectional vulnerabilities are inadequately considered by the laws and are implemented without differentiated and context-sensitive implementation strategies.

Some types of child labor especially in the family setting (e.g. on the family farm or in family businesses) is culturally acceptable and not considered as work that is harmful to the child but is instead thought to be training or a family responsibility. This cultural framing serves as a mild obstacle to policing in the sense that such views are usually shared by the inspectors and local authorities. Gender norms also make the situation more complicated: girls employed in the domestic labor, most of the time having to work long hours in the home settings are virtually unseen by the law and society; their labor is compared to the household chores or upbringing to new roles (Blanchet 1996). Such social condoning of the seemingly non-dangerous work thwarts the mass determination on the categorical bans of the legislation.

The export industry, especially the Readymade Garment (RMG) sector has gone exceptional mileage in eliminating visible child labor in major Tier-1 contract manufacturer due to hard and tight buyer codes of conduct and the global pressure that followed the Rana Plaza collapse. But this has resulted in such a practice as subcontracting risk. Work that is labor-intensive and low-margin is usually given away to smaller and unregistered subcontractors or home-based locations where little or no control is applied. These darker parts of the supply chain are easily hired out to children e.g. sewing, embroidery, beadwork which cannot be detected by either corporate audit or national labor inspection (Barrett et al. 2020). Therefore, the legislation does not regulate the decentralized and opaque character of the contemporary production networks.

Although there is a commitment on the rights of children, it is still a fact that a consistent political will is usually missing to offer the required resources and political priority to ensure an effective fight on child labor. This poses a natural conflict between the model of developing the country and the human rights requirements. Despite the fact that the National Child Labour Survey 2022 is a rather significant step towards improvement, the situation with the data in order to support the evidence-based policy is rather tattered. It does not have regular, high-frequency, and disaggregated data which could facilitate tracking of trends in real-time, the effectiveness of interventions and the early detection of new hotspots of child labor (e.g. in the digital platform sector or the recycling industry).

3. Methods

This study utilized a qualitative research technique to investigate the prevalence of child Labour in Bangladesh.

4. Results and Discussions

The leather business is on fire although several tanneries have been relocated to Savar. Children are still being used in the supplier companies, collecting animal hides or in small workshops with the new poisonous chemicals such as chromium. Child labor is also tolerated by the fact that the environmental and safety regulations have been poorly enforced in this industry (Human Rights Watch 2019). In Bangladesh, it is estimated that 420,000 children mostly girls are domestic servants (BBS and ILO 2023). They tend to stay secluded in the houses of those who hire them, with no connections with the rest of the world and highly exposed to violence, both physical, mental, and sexual.

Due to the congested camps of the Rohingya, an informal economy has emerged where child labor is rampant. Children carry out hectic physical work gathering wood, bear heavy loads or make up shops. Such a precarious legal position of the refugees, along with absolute poverty and lack of educational prospects, imposes a perfect storm in the child labor, and the current national legislation and assistance programs are unprepared to address it.

5. Recommendations

This can be done by creating high, cross-departmental task force to align strategies between Ministries of Labour, Education, Social Welfare and Finance so as to provide direct, unconditional financial transfers to households that take their children off the streets and enroll them in school to soften the income shock. Legal tools that are accessible, e.g., the so-called Child labor Courts could be specialized in all the districts to provide child friendly procedures to deal with criminal prosecution of the employer as well as civil claims to compensation and rehabilitation.

6. Conclusions

Child labor is still common in Bangladesh. This is not only a sign of how poor the country is, but also of a bigger problem with the way things are set up, due to weak laws, poor enforcement, and strong social views. National Child Labour Elimination Policy 2010 and the Labour Act 2006 haven't yet been fully implemented. Child labor policies in Bangladesh do not fail due to technical reasons, but rather due to political-economic reasons. It demonstrates a major contradiction regarding competitive low wages and informal flexibility of the development model within the state, and legal norms which undercut this model at the same time. Until child labor is structurally eradicated in the economic fabric of the country, laws will only have a cosmetic effect over the issue instead of eradicating it. It takes more than enactment of better legislation or more effective inspections to effect real change. It demands a social contract where the well-being of children is taken into consideration instead of short-term economic benefits. The responsible companies, the civil society and the international donors have to combine the pressure and support to go through this transformation with Bangladesh. The other is not just the further deprivation of the right of children but also the degradation of future of human development and social integrity of the country. Making paper meet practice is, therefore, not merely a civilizational, but also a legal task.

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